

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MEETING MINUTES
FEBRUARY 10, 2015, 2:00 P.M.**

A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, FEBRUARY 10, 2015, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 2:02 p.m.
2. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
3. **Study Session. No legal action to be taken.**

3.1. Council discussion of the procedure and possible modifications under which the council conducts the meetings. (Directed at the December 9, 2014 Study Session)

Vice Mayor Hamilton reviewed his suggested changes to Town Code Section 30.109 Protocol at meetings (3) Procedures, which was submitted and placed in the packet. He spoke specifically on who can raise a point of order, avoiding back and forth dialogue with the public. There was a discussion on the need to follow the procedure when it is established despite disagreements.

Councilmember Alen asked about item #7 in VM Hamilton's write-up which states, "... A council member can not abstain from voting unless it is a conflict of interest". She said she disagreed with it. There was some discussion about "abstention". Attorney Goodwin stated that other agencies have abstention rules and it is normally considered a "no" vote when a member abstains.

Councilmember Repan asked about "calling the question", the ability for council debate, and the issue of each CM being able to talk uninterrupted. Council had a discussion related to these. Sections of Robert's Rules of Order (RRO) were cited. Attorney Goodwin stated that RRO is not efficient for small assemblies and many cities do adopt their own list of rules. She also explained that it requires a 2/3 vote to end or extend a council debate. She suggested procedures are good under a separate procedural manual. There was also a discussion between council members about allowing the public to speak during meetings.

Public Comment was taken.

Jerry Brady spoke on RRO history, open meeting law and state law.

Karen Brooks spoke in favor of continuing to follow RRO which allows speaking for someone else. She also spoke on abstention and believed it is a valid vote and should be allowed. She then spoke in favor of allowing additional public comment when something is coming up before a vote is taken.

Council had a continued discussion on taking public comments during the meeting and who can make a point of order. Attorney Goodwin explained that only the public body can make a point of order. The consensus is to move the procedure suggested by VM Hamilton forward to a regular agenda with a change to #7 regarding “abstention”.

Attorney Goodwin will come back with an ordinance amending 30.109.

3.2. Public body Code of Ethics Complaint Process. (Continued from January 14, 2015 meeting)

Council discussed the “Ethics Complaint/Violation Hearing Process” drafted by CM Alen for the November 14, 2014 meeting. The document was included in the meeting packet. CM Wright reminded the Council that it was in the packet because Council directed such. CM Alen added that the document was out of date and needs modification. She pointed out one missing piece was to address the right to appeal. Mayor Nolan spoke about the need to send all complaints to an independent Hearing Officer.

There was a brief discussion of the process of having a Hearing Officer involved. There was then a discussion of the wording of “public hearing” used in the proposed procedure. Attorney Goodwin explained that they are not legally required public hearings and public comments are not required.

Council then discussed whether the Council should review the complaints and decide on the merit of the complaint before sending the complaint to a hearing officer. Council also discussed whether to include an “appeal” process. Attorney Goodwin explained that there would be no one to hear the appeal; if someone believes rights are in violation then the recourse occurs in courts. She explained that there is no need to address the appeal process. There were questions about the hearing officer’s role. Attorney Goodwin also explained that the hearing officer determines if there is a violation then it comes back to the council to discuss sanctions.

After some discussion, the consensus is to send the complaints directly to a hearing officer. The Town Attorney said she will prepare an ordinance to reflect this decision.

Public comments were taken.

Jerry Brady spoke on certain types of ethical issues that would be handled differently, how the gift clause came to be and other precedence in Maricopa County on an ethics complaint that went federal.

Karen Brooks commended the Council for giving it to a hearing officer and away from the council, which would benefit the town and its citizens.

4. Special Session. Legal action can be taken.

- 4.1. Whether to hold additional special session(s) this month. This is an established agenda item for Council’s discussion on whether to add an additional special study session and if so, to set the date.**

Council recalled that the February 24th special meeting is scheduled for the following up Economic Development Visioning session with Mr. Bowen.

5. Comments from the Public.

Jerry Brady spoke on the reason for the gallery and continued with the history of Abraham Lincoln's ethics complaints.

6. Adjourn. The meeting was adjourned at 4:04 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk