

**TOWN COUNCIL OF DEWEY-HUMBOLDT
SPECIAL MEETING & STUDY SESSION NOTICE**

Tuesday, September 11, 2018, 2:00 P.M.

SPECIAL MEETING & STUDY SESSION

COUNCIL CHAMBERS, TOWN HALL

2735 S. HWY 69, SUITE 10

DEWEY-HUMBOLDT, ARIZONA

AGENDA SUMMARY

1. **Call To Order.** Mayor Nolan called the meeting to order at 2:04 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Doug Treadway, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan. Council Member Amy Timmons was absent.
3. **Special Meeting.** Legal action may be taken.

Mayor Nolan moved Agenda Item C ahead of Agenda Item A.

Mayor Nolan talked about the anniversary of the 911 attacks that happened 17 years ago. He said we honor the innocent lives lost, the heroes who saved others, those who continue to serve our country and our veterans.

C. Suicide Prevention Month Proclamation Official

Mayor Nolan gave the yearly statistics on suicide. Mayor Nolan proclaimed the month of September 2018 as Suicide Prevention Month.

John Schuderer, retired mental health and substance abuse counselor, Chairperson of Yavapai County Suicide Prevention Coalition and a survivor of suicide spoke about suicide. Dewey-Humboldt had four suicides last year. The coalition is working in conjunction with Yavapai County Community Health Services and they would love to work more closely with our Town. The more eyes and ears we have on each other, the safer our community will be. Mr. Schuderer stated the Coalition is available for presentations for churches, clubs, HOAs, etc. He said our proclamation helps support what they are doing.

A. Executive Session

Council may vote to hold an Executive Session for the purpose of obtaining legal advice from the Town's attorney on any matter listed on the agenda pursuant to A.R.S. § 38.431.03(A)(3).

The Mayor and Council did not adjourn into Executive Session.

Vote to recess to Executive Session

1. **An Executive Session pursuant to A.R.S. §38-431.03(A)(1) for discussion or consideration of the resignation of Magistrate Judge Catherine Kelley pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding options for providing Magistrate Court services including Judge Kelley's proposed Court transition plan; and pursuant to A.R.S. §38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract with the Justice of the Peace related to the provision of Magistrate Court services**

Close Executive Session/Reconvene Special Meeting

B. Discussion and possible action regarding the resignation of Magistrate Judge Catherine Kelley and her proposed Court transition plan and/or the reorganization of the Town Magistrate Court or its merger with the Justice of Peace Court, and/or give direction to Staff

Magistrate Judge Kelley addressed the Mayor and Town Council regarding her resignation and her proposed Court transition plan or merger with the Justice of Peace Court in Mayer, AZ. Judge Kelley presented different options on what actions could be taken.

Councilmember Hamilton asked if money for fines would go to Mayer if the Court was moved there. Judge Kelley stated it depends on what jurisdiction box is checked on the ticket.

Councilmember Treadway asked where can we get the best service for our community. He stated the cost and space issues at the Mayer location concerned him and wanted to know how Town Court Supervisor Christopher felt about the transition. TCS Christopher stated she believed the citizens of Dewey-Humboldt would be better served if the Court stayed here. She felt the Town could hire a Judge that would care about the citizens and they need the convenience of the Court being here. Some walk here and can't afford to travel to Mayer. They know her, and Town Staff is good with them. She also felt that the Mayer Court is very busy.

Vice Mayor Hughes stated it would be more of an inconvenience for the citizens if it were moved to Mayer. TCS Christopher agreed, and stated the Court recently installed a payment lock box. Those payments would need to be picked up every day because our system automatically defaults late payments, resulting in citizens losing their driver's license and a warrant being issued for their arrest.

Councilmember Wendt asked if the IGA numbers that were presented where the exact numbers. Judge Kelley stated we are not certain of those numbers because they need to be specific to the Town. CM Wendt thanked Judge Kelley for her service to the community.

CM Hamilton stated the Court needed to stay here, even if it costs more. In addition, TCS Christopher works for the Council and we wouldn't be able to manage her in Mayer.

There was further discussion with Judge Kelley and the Council regarding an option of having Judge Rummer from the Mayer Court coming here.

Councilmember McBrady stated he appreciated Judge Kelley's presentation and he does not want the Court to go to Mayer. Citizens should be able to come to the Court here for help. If Judge Rummer wants to come here, we can explore this option. Judge Kelley suggested having a conversation with Judge Rummer.

CM Wendt reiterated her support of keeping the Court here based on everything presented today.

CM Treadway agreed with the other Councilmembers to keep the Court here.

Mayor Nolan stated we can advertise the position of Town Magistrate.

Public Comment

Jerry Brady stated Judge Kelley has done a reasonable job and the Council should review the numbers as presented.

CM Hamilton made a motion to keep the Court in Dewey-Humboldt, seconded by CM Wendt.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – absent; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – aye; Mayor Nolan – nay. The motion passed 5-1.

CM Hamilton made a motion that the Town of Dewey-Humboldt will appoint a Town Magistrate Pro-Tem from the same panel as Yavapai County, seconded by Vice Mayor Hughes.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – absent; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – aye; Mayor Nolan – aye. The motion passed 6-0.

CM McBrady made a motion to allow Town Staff to advertise the position, seconded by Vice Mayor Hughes.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – absent; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – aye; Mayor Nolan – aye. The motion passed 6-0.

Mayor Nolan recessed the meeting for 10 minutes at 3:17 p.m.

D. Canvass of Primary Election (August 28, 2018) Results (Acceptance of the Canvass of results from Yavapai County Election Department)

Town Clerk Gibson gave a recap of the Election Results. Mayor Nolan and all of the Councilmembers received a majority of the vote for their seats, therefore, according to our Town Ordinance § 30.046 all are declared elected to the office for which they were a candidate, no further election shall be held.

CM Hamilton made a motion to approve the candidacy and the vote, seconded by Vice Mayor Hughes.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – absent; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – aye; Mayor Nolan – aye. The motion passed 6-0.

E. Discussion regarding 2018 Holiday Schedule

Town Manager Wilson discussed with the Council the 2018 Holiday schedule and requested closing Monday, December 24, and Monday, December 31, thus giving the Staff two additional days for the 2018 Holiday schedule.

CM Wendt made a motion to approve adding two additional days to the 2018 Holiday schedule, seconded by CM Treadway.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – absent; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – aye; Mayor Nolan – aye. The motion passed 6-0.

F. Adjourn Special Meeting

Vice Mayor Hughes made a motion to adjourn the Special Meeting, seconded by CM Hamilton.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – absent; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – aye; Mayor Nolan – aye. The motion passed 6-0.

Special Session adjourned at 3:35 p.m.

4. Study Session. No legal action to be taken

A. Review and discussion of an ordinance, amending Dewey-Humboldt Town Code, Title III Administration, Chapter 30 Town Council and Officials, Council Meetings, §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets, Subsection (A), related to council meetings and agendas (As directed by Council 5/1/18)

TM Wilson discussed with the Council the composition of the Agenda Committee meeting. The Agenda Committee recommended adding an additional clause that the Mayor may cancel or reschedule an Agenda Committee meeting. The rest of the ordinance would remain unchanged. He recommended this be addressed on the next Regular Session meeting.

Public Comment

Lynn Collins stated she would like to see all Agenda Meetings recorded, and discussed when and where public comment can be added to a Town Council Agenda. TM Wilson stated State law requires that there be non-agendized public comment on every Regular Agenda and it requires the public be allowed to speak under Public Comment on every item that is on the Agenda. Study Sessions also allow public comment on Study Session items. This could be added to a Regular Session for adoption. Any item on a Consent Agenda may be pulled at the Council's discretion.

B. Discussion regarding the delegation of the authority to approve Special Event Liquor License approvals

There was discussion with the Council and Town Attorney Goodwin regarding who has the authority to approve a Special Event Liquor License when there is a time-constraint. TA Goodwin stated she could add appropriate language for a Special Event Liquor License clarifying who has approval authority. TM Wilson stated we will draft a recommendation for the Council which can be addressed on the next Regular Session meeting.

5. Adjourn.

Mayor Nolan adjourned the meeting at 3:52 p.m.