

**MINUTES
WORK SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, OCTOBER 30, 2013 at 5:00 p.m.**

Minutes are a summary of the discussion. They are not verbatim.
Public input is placed after Council discussion to facilitate future research.

1. Call to Order

Mayor called the meeting to order and immediately recessed the meeting to wait for a quorum. The Mayor called the meeting to order at 5:06 p.m.

2. Roll Call

Mayor German, Vice Mayor Baker, and Councilors George, German, Gordon, Jones, and Whatley were present.

Also Present

Russ Martin, Marshal Nancy Garner, Commander Bruce Gimt, Judge Harry Cipriano, Library Director Kathy Hellman, Town Clerk Deborah Barber and Recording Secretary Saepyo Warren.

3. Pledge of Allegiance

Councilor Whatley led the pledge.

4. Correction of meeting date for the Manager's Annual Review from November 1, 2013 to November 8, 2013 at 9:00 a.m. Staff Resource: Russ Martin

Martin explained that there was an error in setting the meeting for November 1 and asked to reschedule the meeting so that all Council members could be present. He suggested holding the meeting on November 13 or the following Friday morning on November 15. Council agreed to have the review on November 15 at 9:00 a.m.

5. Discussion and update regarding Intergovernmental Agreement between the State of Arizona and Yavapai Apache Nation, Yavapai County, City of Cottonwood, City of Sedona, Town of Camp Verde, Town of Clarkdale and the Town of Jerome. Staff Resource: Russ Martin.

Martin explained that Section 6 of the IGA is the focus which outlines where the intersection access points will be located. After we approve this, the other entities will review and add their changes. If their changes do not reflect Council's intentions, we will have another work session. All entities must agree with everything that is in the IGA. It will be brought to the communities in December for adoption. This will give ADOT the go ahead to begin the design. This is a valley-wide agreement that gives the design team the authority to move ahead without interference from Councils. This is the latest IGA that all entities have. He hopes that nothing counters the principles that Council wanted. Section 8 speaks to the YAN, while 9 & 10 apply to all. Martin asked if Council has input. In answer to questions, Martin advised that it had not yet gone to the attorney, but will do so when the other entities agree. Martin said that he would keep Council up to date as the item progresses.

Ayers noted that the process went remarkably well, with the only objection being with intersections 4 & 5. However, this would have not met the agreed upon 1 mile separation. He commended Council for their actions and support of this process.

There was no public input.

6. Discussion, consideration, and possible direction to staff relative to the Personnel Manual. Note: This item is carried over from the October 9, 2013 Work Session. Staff Resource: Russ Martin

Council suggested leaving out Section 4-10-3.e or allowing only additional vacation hours for department heads. There was concern about extra hours being commensurate with experience. The language should not force the Town Manager to authorize hours that would not be appropriate to give. Council voiced no objections.

Martin explained Section 4-12-4, State Retirement and the Public Safety Retirement System (PSRS). In the past, public safety received PSRS and the Town was required to provide a 17% alternate retirement plan. Martin would

like Council to consider adding an alternative that would allow the Town to contribute 3% to a 457 Plan for those employees that are not receiving the 17%. There are currently four public safety employees who are retired and get the benefit of not having to pay full retirement or full wages. We have to pay 17% into an alternate plan. He recommends having an alternative that allows the Town to offer an additional 3% contribution with a 3% match to attract quality personnel.

Council clarified that there would be a total of 20% contributed toward retirement. Martin noted that we would be able to hire them for less than we ordinarily would. He would like the Town to be able to compete in the market. Council noted that some employees chose to retire, collect retirement, and not have to match the retirement. Martin replied that this type of offer would attract people with experience and allow the Town to hire skilled employees, while starting them at the lower end of the pay scale.

Council affirmed the benefit of hiring new people, quoting a saying, "When you're green you grow, when you're not, you rot". Martin emphasized that 3% was a reasonable amount to offer, noting that the employee could choose not to contribute at all.

Martin said this was an introduction to the idea, and that he would provide more data as far as true cost at a later date for Council to review. Martin noted that the employee does not receive the 17%, but that it goes to the State.

On section 5-1-1, Martin recommended that Department Heads, in conjunction with the Town Manager, have the authority to set flexible schedules, which would be especially beneficial to departments that work in shifts and provide around-the-clock public services, such as in streets, sewer, and public safety. He explained that currently the requirement is for a 40-hour work week with someone on-call. Council expressed some concern that this may excuse departments from maintaining regular business hours and the need to maintain quality control on this issue.

Council asked about drug alcohol testing procedures in section 7-5-6.A.2, noting that the formatting needed to be corrected to lettered instead of enumerated points. There was some concern over the provision for medical marijuana cards. Martin explained that the language protected the employee from potentially false accusations of impairment, and prevented automatic discipline. He and Cheri Wischmeyer affirmed the privacy protection of employees surrounding medical issues and prescribed medications, to included medical marijuana. Employers can only address issues of job performance. Positive tests are reviewed against legitimate prescriptions, which can then be deemed as negative results, accordingly. This protects the employee's privacy and prevents employers from knowing what prescribed medications their employees are on.

On the Appeals section of the manual, Staff and Council affirmed that a Hearing Officer should be retained as a necessary fail-safe.

7. Discussion, consideration, and possible direction to staff relative to the Town's various complaint procedures. Note: This item is carried over from the October 9, 2013 Work Session. Staff Resource: Russ Martin

Martin explained the three types of complaint procedures: 1) personnel issues, 2) community development complaints for zoning and nuisance, and 3) citizen complaint procedures filed at the Marshal's Office. Each type of complaint has a separate form filed with different departments, and has a different timeline and procedure. All forms ask for a signature and date, although some citizens prefer to file complaints anonymously. Anonymous complaints, however, make it difficult to take proper action due to inadequate information, and make it impossible to follow-up or communicate results. It is often the anonymous filer, however, who expresses discontent with the complaint process. Although citizens may file anonymously, Staff recommends sharing contact information in the complaint process, in order to facilitate an improved rate of customer satisfaction.

There was no public input.

Vice Mayor Baker and Councilor Bruce George are co-sponsoring the following item:

8. Discussion, consideration, and possible direction to staff relative to clarifying residency requirements in

the Town Code. The Code currently addresses residency requirements in Sections 3-1-1, 3-2-1.C, and 3-2-4.A.

The Manager and three Councilors expressed that the Town residency requirements: 1) prevent the Town from attracting quality employees, 2) need to adjust with the times, 3) convey "big government" by getting involved with the personal lives of employees, 4) have no bearing on job performance—which should be the main concern, and 5) do not account for modern technology, which makes immediate accessibility possible, and that 5) Council should heed the recommendations of the Town Manager and Judge.

Council presented data in support deleting the Town residency requirement for the Town Manager and Marshal, based on findings that some states such as MI, MN, and OH have declared the requirement unconstitutional, that Camp Verde itself has changed the requirement at least three times, that the Code is an evolving instrument, and that the goal of Council is to make Camp Verde the best place possible to live and work.

On the other side of the debate, public safety and Town loyalty are the main issues: 1) Other cities within the state, such as Glendale and Safford maintain the same requirement, showing that Camp Verde is not antiquated or out-of-line to require residence for two of the top leaders of the Town. 2) Requiring the Town Manager and Marshal to reside in Town coincides not only with their on-call responsibilities, but also with the same philosophy that requires elected council members to be residents. 3) Camp Verde gets responses for job opening from all over the country, so quality options are not an issue; and lastly, 4) It is the Council's job to protect the community and this residency requirement is one way of ensuring such.

The possible options for amending the Code are as follows:

- 1) Omit the residency requirement for the Town Manager and Marshal, or at the other extreme,
- 2) Require all department heads to meet Town residency requirements. No one was in favor of this latter option.
- 3) Specify a mileage or commuting-time requirement to ensure acceptable emergency response times. This option poses a potential safety issue by encouraging speed over safe driving in order to maintain compliance.
- 4) Specify parameters for granting waivers for residency. This option could potentially invite accusations of showing favoritism to particular applicants. At least half of the Council desired further discussion and exploration of this option.
- 5) Draft employment contracts for the Manager and Marshal that specify residency requirements, in order to bypass any potential legality issues, offers flexibility, and eliminates the need to amend the Town Code. One response from Council was that the Town Code is already the binding contract in effect.
- 6) Keep the Code, AS IS. No one was in favor of this option.

Council agreed to resolve this issue during the next appropriate session by choosing one of these options and specifying the exact terms.

There was disagreement on whether or not there has been an infraction to the Town Code. One opinion is that there is no infraction as long as the Code makes provision for a possible waiver. The other opinion is that there is an infraction as long as a waiver has not been granted. The current wording of the requirement allows for this variance of interpretation.

Public input consisted of Commander Bruce Girt and Judge Harry Cipriano supporting the omission of the requirement, and Cheri Wischmeyer who advocated its retention and clarifying the terms of the waiver. Commander Girt shared an example of how this current unresolved debate about the requirement has turned away at least one highly qualified applicant for the Marshal's office, due to fear of future Council decisions widening the residency requirement. Judge Cipriano, though speaking as a citizen, appealed to his 43 years of government experience, and called for progress, open-minded look to the future.

Cheri Wischmeyer expressed that residency requirements based on public safety and emergency response reasons are legitimate, constitutional, and not an infringement on civil liberties. She recommended including the Town Code as part of New Hire packet, placing the residency requirement in the Marshal's posted work rules, and requiring signatures of acknowledgement during the hiring process. She emphasized that when it comes to

emergency services and major crises, technology cannot take the place of having the Town's chief Safety Officer physically present to manage the event.

Adjournment

On a motion by Jones, seconded by Baker, Council voted unanimously to adjourn the meeting at 7:50 p.m.



Charles German, Mayor



Saepjol Warren, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Work Session of the Town Council of Camp Verde, Arizona, held on October 30, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 22 day of November, 2013.



Debbie Barber, Town Clerk