

**Minutes
SPECIAL SESSION
MAYOR and COMMON COUNCIL
Of the
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street #106
Wednesday, July 30, 2008
6:00 p.m.**

APPROVED

1. **Call to Order**

2. **Roll Call**

Members Present: Mayor Gioia, Vice Mayor Hauser, Councilors German, Kovacovich, Councilor Elmer, Garrison, and Smith.

Also Present: Town Manager Michael Scannell, Attorney Bill Sims and Recording Secretary Virginia Jones.

3. **Discussion, consideration, and possible direction to staff and/or possible approval of Resolution 2008-751, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2003-568 and adopting the Town of Camp Verde Code of Conduct for Elected and Appointed Officials.** This item may include discussion, consideration, and/or direction to staff relative to the proposed Code of Conduct.

This item was not discussed.

Councilor Garrison requested Council move this item down to the end of the Meeting. Council agreed.

4. **Discussion, consideration, and possible direction to staff and/or possible approval of the proposed changes to the Town Code.** This item may include discussion of items relative to the Town Code, including, but not limited to correction of typographical errors, administrative duties, business licenses, Roberts Rules of Order, term limits, travel restrictions, per diem and travel rates and a review of local and state regulations concerning procurement and restricted payments to Council members.

Mayor Gioia read the agenda item, Councilor Smith ask for a point of clarification and notified the public that Council would not be making any decisions or announcements regarding the previous 5:00 Special Session, that had adjourned into Executive Session.

Council made the following motions regarding Chapter 4 of the Town Code:

On a motion by Smith, seconded by Garrison, Council approved Article 4-2B. to read ...the chairperson '*will determine whether he/she, staff liaison, or designee*', will provide a written report to the Mayor and Council summarizing the board or commission activities during the prior quarter, identifying upcoming activities and reviewing any problems, concerns or proposals. Such reports are to be submitted to the Town Clerk for distribution to the Council. Meetings may be scheduled with Council as needed and/or on a regular quarterly basis. In addition, the chairperson shall sign all minutes and resolutions of the board or commission.

Council discussed Article 4-2.5 regarding Abstentions/Conflict of interest. Attorney Sims stated he would like to advise Council in Executive Session regarding this matter.

On a motion by Smith, seconded by Garrison Council agreed to NOT make changes to Article 4-3.5 regarding Abstentions/Conflict of interest.

Article 4-3 Meetings.

Attorney Sims stated he would like to discuss this item with Council in Executive Session.

C. Term limitations; 2-2-1 (Term Limits)

Attorney Sims stated he would like to discuss this item with Council in Executive Session

PUBLIC INPUT:

Sheri Wischmeyer: Stated she has been involved in politics, she indicated that the suggestion that the public cannot make a decision is insulting. She stated the public has the right to make that decision every two years for Mayor and every 4 years for Council. Wischmeyer stated term limits may work well in high levels of government but that is not the case in Camp Verde.

Vera Peters: Stated she agreed with Ms. Wischmeyer. She stated we can select who we want to keep in office. Ms Peters added she would like to see the Mayor position as a four year term.

Josh Driver: questioned who proposed this change and stated 4 people to decide term limits is not good enough, and for especially some that comes from the Dickinson era with antagonism and you should have stayed resigned. Point of order was called (Mayor Gioia stopped the conversation).

Jim Ash: Stated he was opposed to term limitations and questioned if the Council had the authority, he felt it should be a vote of the people. Questioned why it was not a ballot question.

Attorney Sims noted if the Town was a Charter City form of government, term limits would be allowed and the voters could impose the term limits. He stated he would speak to Council in Executive Session regarding this item. The Citizens could do a referendum if they did not agree with the vote of the Council.

Bob Johnson: Stated he agreed with the women, and would like to see the Mayor term be four years.

Jackie Baker: Stated Cheri Wischmeyer put it very well. Ms. Baker stated she is against term limits and the citizens should make the choices, she stated she would also like to see the Vice Mayor appointed for two-year periods to give continuity.

2-2-2 Vice Mayor

On a motion by Ron Smith, seconded by Bob Kovacovich change the code to read: The Council shall select in June, a Vice Mayor, striking the rest of the paragraph.

Jim Nash questioned why the Council was not making decisions on previous items and it was explained that the attorney would be advising Council in Executive Session on those items.

2-2-4 Power & Duties of the Mayor

2-2-4A

Attorney Sims stated he would like to address this item in Executive Session

Public Input:

Nancy Floyd stated she agreed with Mr. Smith definition of a CEO, and the Mayor may only be around for a two-year term. You cannot give the Manager responsibility, without authority.

Hank Hoover stated he had several issues; certain members that go off on there own, would like to see Mayor oversee and not be an executive office. Majority rules, and stated if you go for property tax get a bullet proof vest

Jackie Baker stated she agreed with the job description. The Manager has the experience, be confident in your own decisions, you hired him for the administrative duties of the town.

Sheri Wischmeyer informed the Council, you are the board of directors, and you have plenty of checks and balances in place.

2-2-4B

Council discussed at length the possibility of operating the meeting under strict Roberts Rules of Order and whether to ask the Mayor to relinquish the chair and turn the bench over to the Vice Mayor if he wished to vote or make a motion on any item.

Public Input:

Robert Johnson commented the Mayor missed what Mrs. Garrison was saying, and stated she said the Mayor made a mistake and he should apologize.

Jim Ash commented none of the discussion had to do with the item, when he voted for the mayor he voted for the individual who had the ability to run a meeting, he stated he placed the Mayor in a little higher status than the rest of council.

Sheri Wischmeyer explained that she voted and elected for seven members, to not allow the mayor to speak or vote on an item, not exactly the way I feel it should be handled.

Jackie Baker stated in behalf of the Mayor, he wants to do to much. She stated the Mayor needs to learn how to turn loose and let the Council do their job. She stated the Mayor is a workaholic and pointed out the several times Charlie German had his hand up, and the Mayor responded to Councilor Garrison.

Vera Peters informed Council they were starting to sound like grade school children, and stated you have to be careful and not go way off base, she stated Councilor Garrison was way off base, and the Mayor should be able to make motions, second and vote.

Nancy Floyd stated that Ms. Garrison was responding to the Mayor, and she would like to see the real facts on who makes the motions.

On a motion by Hauser, seconded by Elmer Council voted to go into Executive Session at 7:45 p.m. for discussion with the Town Attorney.

Mayor Gioia Called the Special Session back to order at 8:09 p.m.

Attorney Sims stated that Council would not add provisions to the Town Code regarding term limits in section 2-2. There will be no change to 2-2-1C. Regarding 2-2-4 limitation of the Mayor's duties, Arizona State Statue states that the Mayor must be the Chief Executive Officer, and acknowledges the Council/Manager form of government. The Manager has the ultimate responsibility, and is the chief administrative officer of the Town. Sims stated that under Council/Manager form of government, neither the Council nor any member can direct staff. Sims stated his recommendation to Council would be the Mayor is the Elected Official who is the Chief Executive Officer of the Town except as the administrative duties that are delegated to the Town Manager.

Public Input:

Vera Peters read from Roberts Rules of Order 'Under no circumstances should undo strickness be allowed.

On a motion by Hauser, seconded by Garrison Council voted unanimously to undelete the changes in 2-2-4E and include the insertion ...duties required as the *Elected Official who is Chief Executive Officer...*and accepted the insertion of 2-2-4F but remove the verbiage *..as the Town's Chief Elected Official.*

On a motion by Hauser, seconded by Kovacovich Council voted unanimously to change the language in section 2-2-4A to read 'The Mayor shall be the Elected Official who is the Chief Executive Officer of the Town; except as to the administrative duties delegated by Section 3-2-1 to the Manager, or other department heads, and in accordance with the procedures set forth in the code and applicable portions of any personnel manual adopted by the Town.

Motion by Smith: 2-2-4A the Mayor shall not make motions, shall not take part in discussion and the mayor shall vote only in the case of a tie vote unless he or she relinquishes the Chair for that item, failed for a lack of a second.

On a motion by Hauser, seconded by German the Council voted 4-3 to leave 2-2-4A as written with no changes: no votes from Smith, Garrison and Elmer. Motion passed.

2-2-4F

On a motion by Hauser, seconded by Garrison Council voted to have F read 'At the first meeting in January of each year, Council shall adopt a Policy Statement that authorizes the Mayor, to support or oppose bills introduced during Legislative Sessions when they adversely affect the Town's interest and require an immediate response.

Public Input:

Nancy Floyd questioned if the numbering was correct, Council noted that A had a strikethrough on their copy.

Jackie Baker questioned if issues come up, most of those issues come in the Legislative Bulletin.

2-3-6 Council agreed to insert the letter 'A'

2-3-7E Call to the Public time limit for speakers.

Council noted the timer has not been being used, and requested everyone be limited to three minutes, except for staff and Council information reports. Presentations should only be 10 minutes.

On a motion by Hauser, seconded by Garrison Council voted to accept the insertion of 2-3-7.1 'Management of Meetings' with the removal of 'F' and include on the agenda that all presentations are limited to ten (10) minutes for the presentation and discussion period.

On a motion by German, seconded by Hauser Council voted to amend the motion to include item 2-3-7.1B the word 'should' will replace the word 'will' conclude at 10:00 p.m.

2-3-7E

On a motion by German, seconded by Smith Council voted to accept 2-3-7E as presented with 3 minutes instead of 5 and deleting the verbiage 'unless the Mayor grants additional time.

Public Input:

Bea Richmond recommended time limits not be for Council and should only be for public.

Nancy Floyd recommended the Council not limit themselves, only limit the public comments.

2-3-8

On a motion by Hauser, seconded by Smith Council agreed to not make any changes to the current code for Section 2-3-8.

Councilor Garrison stated she had a concern regarding staff direction and requested Council make more motions instead of direction to staff.

Public Input:

Jackie Baker stated not sure when it is your job to direct staff, direction goes to the Town Manager and the Clerk's Office gives you a list of what you have done, that is how you track item and if you have a question you can bring it back or talk to the manager.

3-2-1 D

On a motion by Hauser seconded by German Council voted to delete 'Chief Executive Officer and'.

3-2-3D3

On a motion by Garrison, seconded by Elmer, Council voted to leave 'except' and strike through 'Finance Director'.

Council Garrison requested Council go back to item 2-3-3.

2-3-3 Posting of Notices

On a motion by Garrison, seconded by Gioia Council voted to change the verbiage, removing the word 'may' and replacing it with 'shall' be posted on the Town's website

3-2-1.7

On a motion by Smith, seconded by Hauser, Council voted to remove the verbiage 'in consultation with the Finance Director'.

3-2-1.9

On a motion by Hauser, seconded by Garrison, Council voted to remove the verbiage 'in consultation with the Finance Director' as presented.

Councilor Smith requested Council review Section 3-3-12 regarding purchases from Mayor or Council Members. Councilor Smith stated that pursuant to ARS 38-503C purchases shall not exceed three hundred dollars in cost in any single transaction or a total of one thousand dollars annually. Smith noted that in the past three years we have paid Hauser and Hauser Farms in excess of \$300.

Hauser stated the only compensation she receives is in the form of a salary only.

Attorney Sims noted, if the member has no financial interest or has no more than 3% ownership, there would not be a conflict. Sims stated if there is no financial interest in the company and the fact that Vice Mayor Hauser is only an employee of the company, the statute would not apply. Sims stated he does not feel there is a conflict.

Chapter 9 –Business License

On a motion by German, seconded by Elmer Council voted to have the penalty in Chapter 9 consistent with Section 1-8.

Council directed staff to bring back information regarding selling items at the Farmers Market and the sell of agriculture products because it is not addressed in the Town Code.

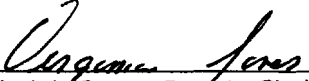
Council agreed to schedule a Special Session on Tuesday, August 5, 2006 to continue the items from this agenda.

5. **Discussion, consideration, and possible approval of Resolution 2008-753, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting fees for Town Services.**

This item was not discussed.

6. Adjournment


On a motion by German, seconded by Elmer, Council adjourned the meeting at 10:12 p.m.


Virginia Jones, Deputy Clerk

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 the 30th day of July, 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2 day of Sept 2008


Deborah Barber, Town Clerk