

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL STUDY SESSION MINUTES
TUESDAY, JULY 23, 2013, 2:00 P.M.**

A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JULY 23, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:00 p.m.

2. **Roll Call.**

2.1. Town Council. Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present. Councilmember Sonya Williams-Rowe was absent.

3. **Study Agenda.** No legal action to be taken.

3.1. Potential Purchase of a used dump truck. Council acknowledgment of purchasing a used dump truck immediately.

Councilmember Wright spoke on not needing to bring these issues to the Council when they have been approved specifically in the budget. Town Manager Kimball responded that what she hears is that Council has no problem with them proceeding with the purchase of the used dump truck. Council agreed.

Public Works Supervisor, Ed Hanks was asked what he felt was the next large piece of equipment needed for the town. He responded, "A water wagon".

3.2. Code of Conduct Review and Modifications (Sections 3.1 Preamble through 3.5 Conflict of Interest). Continuation of May 14th and June 11th council meetings discussion; council review of all members' submissions on individual revision and direction on next steps.

Councilmember Alen spoke on how she added a "**Citizen Participation Guide**" ahead of the Preamble to make it easier to understand and to provide a process to facilitate compliance. There was discussion on this. They agreed to include it in the draft Code of Conduct and include definitions and acronyms.

Council reviewed Vice Mayor Repan's version of modifications to the document regarding the "**Preamble**". Minor word change in Preamble will be to change "city" council to "town" council. Council agreed to include VM Repan's version in the draft Code of Conduct.

Council reviewed Vice Mayor Repan's version of modifications to the document regarding the "**Responsibility of Public Office**", **Section I**. Council seemed satisfied with this version at this time with the option of going back and editing some of it. Any ARS or Code referenced will be included as a definition so it is contained within the document.

Council reviewed VM Repan's version of "**Conflict of Interest**", **Section II**. Councilmember McBrady spoke on his concerns about Conflict of Interest with regard to enforcement. There was discussion on this being an "aspirational" document rather than "law", not being able to remove an elected official but having a procedure in place to deal with an ethical problem, to include a process for a complaint and recourse for the person accused. There was consensus that they liked this section, how it was written.

Council reviewed VM Repan's version of "**Conduct in Public Office**", **Section III**. Councilmember Wright spoke on the attorney's opinion regarding ARS 38-481, (May not vote on appointment or hiring of a relative). There was discussion on nepotism policies and how they relate to a small town.

Councilmember McBrady questioned the wording, "respecting the rights, privileges and opinions of fellow officials", and his concerns for codifying it instead of having it only as a policy.

There was more discussion on whether to leave in or take out the sentence, "No relative of a sitting council member, sitting advisory board/commission member may be hired by the town." Consensus was to leave it in for now.

Councilmember Wright brought up a suggestion by legal counsel to add, "in the future" to the last paragraph of this section, first sentence, "may appear in the future before the Council..."

Council reviewed VM Repan's version of "**Compliance and Enforcement with the Dewey-Humboldt Code of Ethics**", **Section IV**. There was discussion on who reviews the nature of the violation. CM Alen spoke on her recommendation of putting the Process for a complaint of violation before Compliance and Enforcement. There was discussion on sanctions and censure.

Mayor Nolan recommended they move on to the next agenda item, due to the late time of the day. Councilmember Hamilton asked CM Alen to write what she would like to see on this section and include it in the document for review at the next meeting this will be before them. Councilmember Alen agreed.

3.3. Continuation of May 21st discussion of "requiring any individual or business entity in which the Town enters into a contractual agreement, to be in "Good Standing" prior to executing the contract or agreement". Review of the Town Attorney opinion and direction to staff.

There was discussion on the current contract verbiage being adequate, legally, but if there is a known formal complaint on the contractor or they are out of compliance the council should be made aware of it prior to entering into a contract. After more discussion council reached consensus that the current verbiage and process is fine the way it is.

3.4. Council review of Development Fee (SB1525) issue and direction on how to proceed.

There was discussion on whether fees collected would outweigh the cost to the town to collect the fees. Town Manager Kimball stated she would continue to monitor (development) growth and keep the council updated, and this will be put on a regular agenda for council action whether to approve to dissolve impact fees starting August 1, 2014.

4. Special Session. Legal Action can be taken.

4.1. To have the Town organize a work party to assist the uninsured people in Yarnell or to donate \$1 per capita to help the uninsured in Yarnell, to be distributed by the Fire Department. [CAARF requested by Mayor Nolan]

Mayor Nolan spoke on his reasons for organizing a work party to help with the clean-up of the Yarnell Hill fire. Council discussed whether to do anything additional to help

Town Council Special Study Session Minutes for July 23, 2013
(accept donations, organize another work party, make a donation, etc.). It was decided the Council can't donate Town money, there are already many organizations accepting and distributing donations, and there are plenty of people working to clean up the Yarnell area. There was discussion of Council as individuals being charitable but charity is not a Town function.

5. Comments from the Public.

None.

6. Adjourn.

The meeting was adjourned at 4:29 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk