

**TOWN COUNCIL OF DEWEY-HUMBOLDT  
SPECIAL MEETING NOTICE**

**Friday, July 7, 2017, 8:00 A.M.**

**COUNCIL SPECIAL MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

**AGENDA SUMMARY**

1. **Call To Order.** Mayor Nolan called the meeting to order at 8:01 a.m.
2. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady; and Mayor Terry Nolan were present.
3. **Special Session:** Legal action to be taken. Public Comments on agenda item can be taken.

**3.1 Review and possible authorization of signing a retainer letter to retain Interim Public Management, LLC to submit qualified candidates to the Town for consideration of an Interim Manager.**

Town Manager Kimball informed Council that she provided a handout of detailed payment information from the previous IPM contract. Town Manager Kimball referred to Town Attorney Goodwin for more information regarding the current IPM contract.

Town Attorney Goodwin informed Council that she spoke with Mr. Pickering regarding the first bullet and he agreed to the revision of "two to three confidential resumes of qualified interim Town Managers with significant Arizona experience will be provided no later than 15 business days from the date of the signature of this letter in order to meet your preferred start date. If the Council finds that none of the resumes provided are acceptable, IPM will provide additional resumes within the \$1,500 cost". She noted these two changes that were requested by Council were incorporated into the first bullet. She also discussed the exact termination provisions. If the Town signs a contract, there would be a 30-day termination period, but if he provides a Town Manager that does not work out, he would do his best to replace this individual before the Town terminated the contract staff. This would be an additional option available. Town Attorney Goodwin reviewed a relatively recent IPM contract and she did not anticipate that the Town would be able to stay within the \$6,500 range. She is sure he would try, but she was not sure that he would be able to meet this figure.

Councilmember Hamilton spoke of being naïve in regard to headhunters at the last meeting. He has done further research and believes that an interim through an agency would probably be more like a minimum of \$15,000 per month. He feels the Town cannot afford this and it is not reasonable.

Councilmember Hamilton made a motion that Council not sign the contract with IPM.

Councilmember Treadway spoke of having run some numbers and he estimated that they previously paid approximately \$9,600 per month or roughly \$115,000 per year. He believes that Council can do better than this.

Councilmember Treadway seconded Councilmember Hamilton's motion.

Public Comment

Jerry Brady spoke of Congress changing the way of accountability for state funding February 2017 and this will become effective in September with monies being disbursed in October 2017. Mayor

Nolan noted that this was not on the topic of discussion. Mr. Brady noted that Council was talking about an Interim Town Manager who would be assuming a lot of duties.

Mayor Nolan spoke in support of IPM, although it is a lot of money, it could be six months before they find a permanent Town Manager.

Mayor Nolan called the vote on the motion. The motion passed by a 4-3 margin with Councilmember Timmons; Vice Mayor McBrady and Mayor Nolan voting against the motion.

Mayor Nolan noted that IPM was out of the question now. The ad would be placed in the newspaper for an Interim Town Manager.

### **3.2 Discussion and direction to staff regarding steps to repeal the Council-Manager form of government and adopt a Mayor-Council form of government on a temporary basis.** [CAARF by Mayor Nolan]

Mayor Nolan noted that he submitted this CAARF because this would be the quickest way to get somebody in charge.

Councilmember Hamilton indicated that he had questions for the Town Attorney. He noted that when the Town incorporated it was a Council-Manager form of government that was implemented. He inquired if a vote of the people would be required to change this? Town Attorney Goodwin indicated needing to look at the Articles of Incorporation. Assuming that the Council-Manager was adopted by Ordinance in the first code and not voted on by the public, it could be changed by an Ordinance of the Council. If it was adopted by a vote of the people, then it would take the vote of the people to change it. She spoke of a code provision that is intended to address this temporary situation. During the time that the Town has no interim or permanent Manager the Council may act in a limited capacity until the permanent Town Manager is hired and on board at Town Hall. The duties of the Council would be to receive information via mail or email; answer any questions coming in by phone, that are normally handled by the Town Manager; and to relay any information, without opinion, to the Council. She noted this as a limited way to get by while there is no Manager.

Councilmember Hamilton asked if the Town has the right to suspend Town Code or Law? Town Attorney Goodwin answered “no”, but indicated that they could use a “sunset clause”, which could be in effect until a set date. Councilmember Hamilton clarified that they have the right to enact, change or repeal. The current law would have to be repealed to make this work. Town Attorney Goodwin confirmed that she believed they would need a date.

Mayor Nolan asked for other comment. There was none.

Councilmember Hamilton spoke of being against the Mayor-Council form of government and indicated this is the wrong way to go. The Town is not into a strong Mayor form of government. As the Attorney said, Council as a whole can govern. He indicated that he would be turning in a CAARF to change the way the Council handles interim situations. You should be able to appoint directly and not have to go out for candidates. Going out for candidates should apply to permanent positions only. He does not support this action and thinks it will lead to trouble.

Councilmember Treadway feels the people’s original intention should be honored as to the Council-Manager to government. He does not support this CAARF.

Councilmember Wendt inquired as to how the Council would take over the responsibilities of Town Manager. Town Attorney Goodwin explained a possible process of Council acting in the Town Manager’s stead. Councilmember Wendt asked if they did as the CAARF suggested and they

changed the ordinance, would the Mayor step in and run the Town as if he were the Town Manager. Town Attorney Goodwin replied that she has not written the ordinance yet, but if that were the intent, that is how it would be written. Basically, the Council or Mayor would have to make the day-to-day decisions. She reminded Council that this is just to keep the Town going until you get an Interim Town Manager.

Councilmember Treadway spoke of things quickly becoming a mess, if you had seven Council Members trying to direct staff what to do. He would rather see a couple people doing this rather than the Council as a whole. He feels there needs to be an Office Manager on an interim basis and then put the resources into hiring a full-time Town Manager.

Councilmember Wendt disagreed with Councilmember Treadway and said there needs to be one person in charge. She said the Mayor is the Chief Executive Officer of this Town and he needs to be making the decisions.

Councilmember Hamilton spoke of changing the policy so that Council could appoint an interim, they could choose anyone they want. If you want to choose the Mayor, then he can resign as Mayor and be temporary Town Manager. It is a conflict for him to do both jobs. That is why they have the separation between what the Town Manager can do and the Council can do.

Town Attorney Goodwin reminded Council that there is still a Town manager still in place. The goal is to get an interim in place before she leaves. Council is not in crisis mode today.

Councilmember Hamilton spoke of this setting up something that he does not approve of. This would not take effect for 30 days, even if it were approved. He spoke of filing a referendum on this because he feels this strongly that it is not what the Town wants or needs. This would be going against what the people of the Town want.

Councilmember Timmons inquired, if they were to approve this proposal, would the Mayor take over Town Manager's Kimball's duties Monday through Thursday from 8 a.m. to 6 p.m. Mayor Nolan confirmed this.

Councilmember Hughes spoke of Council rolling along at 300 mph and they do not need to be. They need to slow down. He spoke of the ad not being out yet. Give the ad a chance that was voted on two days ago. Let it have 30 days to see the results. He again recommended slowing down. He spoke of another meeting coming up, letting this pan out. Ms. Kimball is still here and has expressed that she will do what the Town needs until August 18. He recommended taking this one step at a time.

Councilmember Wendt agrees with Councilmember Hughes that there is time. Council needs to look at the applications that will come in.

Councilmember Treadway also agreed that Council needs to slow down and see what response they get to the ads.

Vice Mayor McBrady clarified that the ad was for the Interim Town Manager, not the permanent Manager. Councilmember Hughes confirmed understanding this clarification.

Councilmember Hamilton spoke again of changing the Town policy so that they could appoint an interim. He also spoke of understanding why the Mayor filed this CAARF due to time constraints, although he is still not in agreement with it.

Town Attorney Goodwin pointed out that whatever they decided to do, an alternative to making a change to the entire form of government would be to change the section, that she previously read to them, reorganizing how this works during a period of time without a Town Manager. She

cited this would be less drastic and would handle the problem. She noted that changing the form of government is a serious thing, and she believes this would make Dewey-Humboldt the only community in Arizona with that type of government.

Councilmember Hughes spoke of the Mayor doing a great job. His point was that in the next week, Council should see some resumes and they would still be within a good time frame.

Mayor Nolan noted that in the past when they did not have a Town Manager, he was doing everything to keep things afloat. This was simply a suggestion.

#### Public Comment

Jerry Brady spoke of each perspective presented as having some merit. He pointed out that the Town Manager position is a full-time position and the Council Members would need to be willing to dedicate 15% to doing the Manager's job, as well as their own jobs. Mr. Brady spoke of the Mayor's attendance at the 25 year Planning Session with ADOT. He does not feel Council has addressed this 25-year plan funding issue, as of yet. There are additional issues with the way Congress is accounting for public funds, which will add to Council's burden.

Councilmember Wendt asked if there were any applications received. Town Manager Kimball indicated one has been received.

4. **Adjourn.** The meeting was adjourned at 8:35 a.m.