

**TOWN OF MAMMOTH
MINUTES OF REGULAR MEETING
OF THE
MAMMOTH TOWN COUNCIL
NOVEMBER 29, 2012**

Minutes of the Regular Council Meeting for the Mammoth Town Council held November 29, 2012, pursuant to the notice required by law.

1. Call to Order

Mayor Barcelo called the meeting to order at 6:02 p.m.

2. Pledge of Allegiance

Mayor Barcelo led the Pledge of Allegiance

3. Roll Call

Council Members Present

Vice Mayor Wickham
Councilman Barcelo
Mayor Barcelo
Councilman Brewer
Councilman Romero (arrived at 7:30 p.m.)
Councilwoman Medina

Staff Present

Patsy Large, Town Clerk
David Garcia, PW Director
Stephen Cooper, Attorney

Staff Absent

Marty McIntosh, Interim Police Chief

4. Call to Public

David Garcia, Public Works Director, read the following statement:

"On or about November 8, 2012 Councilman Joe Brewer demanded a copy of my Employment Application from the Mammoth Town Hall. This is a Direct Violation of my Right to Privacy. The Town

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth at (520) 487-2331 (V/TDD)

of Mammoth Personnel Policy, page 26, Section B, Paragraph 2 states the following: "The Mammoth Town Council collectively or any member of the Council acting at the direction of the Council collectively for employment related reasons". I asked all Council Members after the November 8th Meeting if Councilman Joe Brewer was acting collectively or at the direction of other Council Members. All Council Members told me that they were not involved with Councilman Brewer's actions. In fact Councilman Erik Romero was emphatic that Councilman Joe Brewer did so without his knowledge or consent. Town of Mammoth Personnel Policy page 27 Section D 1-4 states the limited information available without the Employee's Notarized Authorization. 1) "Verification of Employment and date of employment" 2) Employee's Classification Title, 3) Pay range for the Employee's Classification, 4) Employee's home address and work site (to be given only to Commissioned Law Enforcement Officers on Official Duty whether in person or over the telephone after verification of requesting parties identification."

I request that the Mayor, Vice Mayor and esteemed Council Members conduct an investigation into my allegations that Councilman Brewer violated my right to privacy. I further request that the Council direct Town Attorney, Mr. Stephen Cooper to research and submit a written legal opinion concerning any violations of Town, County, State or Federal Laws/ Statutes that Councilman Joe Brewer violated. I request that the Council hold Councilman Brewer accountable to the full measure of disciplinary action available. If Councilman Brewer violated any laws, I request that it be reported to the appropriate law enforcement agency.

5. Consent Agenda

A. Approval of Minutes

1. Minutes of October 18, 2012 Regular Meeting
2. Minutes of October 25, 2012 Special Meeting
3. Minutes of November 8, 2012 Special Meeting

B. Approval of Staff Recommendations and Reports

1. Town Clerk/Treasurer's Report
2. Police Report
3. Magistrate Report
4. Public Works Report
5. Library Report
6. Attorney's Report
7. Senior's Report

C. Approve Accounts Payable for Payment and Filing

Councilman Barcelo motioned to approve the Consent Agenda. Seconded by Councilwoman Medina.

Vice Mayor Wickham to allow the Craft Boutique on December 8th and December 15th, stating that this would tie into the senior's bake sale. Seconded by Councilman Barcelo. Motion passed.

H. Open and award (or Reject) Bids for the Surplus Vehicles- Council

Bids:

Rafael Aguilar -1980 Toyota ½ ton pick-up (Item #10) -\$180.00 (Approved by Council)

Charles Morelan – 1987 GMC ½ ton (Item #8) \$150.00 (Approved by Council)

Theodore Clark – 1992 Lincoln Continental (Item #11) \$100.00 (Rejected by Council)

Raphael Aguilar-Ford Tractor (Item #4) \$280.00 (No longer available per Council)

Francisca Burruel- 2002 Crown Victoria (Item #7) \$500.00 (Approved by Council)

Ruffo Frisby -1977 GMC ½ ton Sierra (Item #9) \$250.00 (Approved by Council)

Ruffo Frisby – 2001 Crown Victoria (Item #4) \$350.00 (Approved by Council)

Gail Harrington- 2001 Crown Victoria (Item #4) \$100.00 (Rejected by Council)

I. Proclamation for Headstart-Tanya Renteria

Ms. Renteria asked the Mayor and Council to proclaim October Headstart Month from 2012-14.

Mayor Barcelo proclaimed October Headstart Month from 2012-14.

J. Open Engineering Proposals and Award Contract-Mayor Barcelo

Mayor Barcelo announced that only one proposal had been submitted. NCS Engineering Firm was the only submittal for proposals.

Vice Mayor Wickham motioned to accept NCS's proposal and award the engineering contract to their firm. Seconded by Councilwoman Medina. Motion passed.

8. Discussed at the beginning of the meeting

9. Council Comments

Councilman Brewer stated that he did not "demand" to see David Garcia's application and he had the right to see it under the "freedom of information act".

Vice Mayor Wickham wanted to honor Councilman Tamayo for all the years of service he had given the Town, she stated that she wanted the family to know that the Town appreciated him serving on the Council.

Vice Mayor Wickham announced that the Senior Citizens would be having potluck on Wednesday, December 5, at 11:00 a.m. at the Community Center.

Councilman Barcelo motioned to approve the contract renewal with Pitney-Bowes. Seconded by Councilwoman Medina. Motion passed.

B. Proposed Library Hours beginning January 1, 2012-Diana Stirling

Patsy Large, Town Clerk, stated that Librarian Diana Stirling submitted the hours for information only.

No action taken.

C. Information only-Notification of Holiday Closure for the Library-Diana Stirling

Patsy Large, Town Clerk, stated that Librarian Diana Stirling had submitted vacation request and the library would be closed for two or three days during the Christmas Holidays. Notification was for information only.

No action taken.

D. Permit to sell Beer at the New Year's Eve Party- Blessed Sacrament Church –Leann Garcia

Councilman Barcelo motioned to allow the Blessed Sacrament Church sell beer at the upcoming New Year's Eve Party. Seconded by Councilman Brewer. Motion passed.

E. Work Boots for the Public Works Department – David Garcia

Councilman Barcelo motioned to reimburse employees of the Public Works Department a maximum up to \$100 for work boots and must be brought back to the Council for future reimbursements on boots. Seconded by Councilman Romero. Motion passed.

F. Town of Mammoth Employees Holiday Party-Patsy Large

Patsy Large, Town Clerk, asked the Council for approval to have the Town's Christmas Party on December 22, 2012 (Saturday) at 6:00 p.m. Would like to have the party at the Community Center and have the food catered and also have beer and liquor.

Vice Mayor Wickham motion to approve the Christmas Party at the Community Center on December 22, 2012 at 6:00 p.m., and have the food catered and have beer and liquor. Seconded by Councilwoman Medina. Motion passed.

G. Craft Boutique- Beverly Howell

Beverly Howell requested permission from the Council to have a craft boutique at the Miner's Memorial on December 8th and 15th from 10:00 a.m. to 4:00 p.m. Mrs. Howell stated that she would advertise for the boutique and post notices around Town.

Councilman Brewer stated that he did not receive copies of the minutes in his packet. Town Clerk, Patsy Large retrieved copies for Councilman Brewer. Upon receiving copies of the minutes Councilman Brewer stated, "Its plain to see that there's no way I can read these or postpone the meeting so just go ahead.

Roll Call Vote:

Vice Mayor Wickham –Yes, Councilman Barcelo-Yes, Mayor Barcelo-Yes, Councilman Brewer-No, Councilwoman Medina-Yes. (Councilman Romero had not arrived at this time)

4-Yes votes to 1-No vote, Motion passed.

Vice Mayor Wickham motioned to move Item #8. – Executive Session to discuss the Pay rates for library personnel. Seconded by Councilman Barcelo. Motion passed.

(Item)8. Executive Session 38-431.03.3

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body.

Vice Mayor Wickham motioned for the Council to go into Executive Session with the Attorney, Public Works Director and Town Clerk. Seconded by Councilman Barcelo. Motion passed.

The Council, Attorney, Public Works Director and Town Clerk went into Executive Session at 7:10 p.m.

Vice Mayor Wickham motioned to go back into Regular Session. Seconded by Councilwoman Medina. Motion passed.

7:25 p.m., Mayor Barcelo called the Regular Session to order.

- 6. Old Business – Discussion and/or action on the following:

- A. New Pay Rates for Library Personnel
- B. Approve Amended Resolution 2012-05 Salaries and Job Classifications –Patsy Large

Vice Mayor Wickham motioned to table items (6) A and B until further discussion. Seconded by Councilman Barcelo. Motion passed.

- 7. New Business –Discussion and/or action on the following:

- A. Renew contract with Pitney-Bowes (Postage Machine) – Patsy Large

Town Clerk, Patsy Large requested approval from the Council to renew the contract with Pitney-Bowes, the Town needs the postage meter.

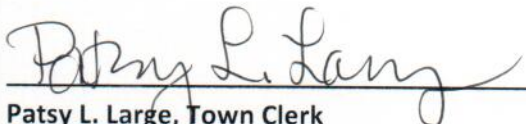
Mayor Barcelo stated that he would like to see activities for the youth in Mammoth maybe in the library.

10. Adjourn

Councilman Barcelo motioned for adjournment. Seconded by Councilwoman Medina. Motion passed.

8:20 p.m. the meeting adjourned.

I certify that the preceding are a true and correct copy of the minutes of the Mammoth Town Council Meeting held November 29, 2012. I further certify that the meeting was duly called and held.

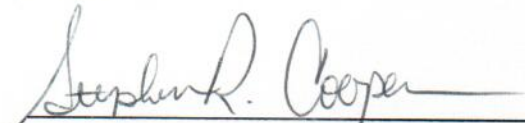


Patsy L. Large, Town Clerk



Alvaro Barcelo, Mayor

ATTEST:



Stephen Cooper, Town Attorney