



**TOWN OF MAMMOTH
MINUTES OF A SPECIAL MEETING
OF THE MAMMOTH TOWN COUNCIL
HELD ON
NOVEMBER 27, 2018**

These are the Minutes of a Special Meeting held by the Mammoth Town Council on NOVEMBER 27, 2018 pursuant to the notice required by Law.

1. **CALL TO ORDER** – This meeting was called to order at 7:00 PM by Mayor Dietz
2. **PLEDGE OF ALLEGIANCE** Councilwoman Amparano
3. **ROLL CALL**

PRESENT MEMBERS

Councilman Sloan
Councilwoman Medina
Councilman Bustamante
Mayor Dietz
Vice Mayor Anaya
Councilwoman Amparano
Councilman Martinez

PRESENT STAFF

Attorney S Cooper
Town Manager D Jones
Town Recorder S Christiansen
Police Chief R. Lujan

ABSENT MEMBERS

There will be no need to discuss any excused absence as we have a full Council.

4. **CALL TO THE PUBLIC**

- a. **JOE BREWER**-Tonights Agenda show a motion to approve a contract for Don Jones, the town has never signed a contract for town manager, I feel this is a bad move. There is over 270,000 per year being spent on Administration Costs. This town has never spent this kind of money. I hope you reconsider this item. Another is that according to town ordinance we always install new members at the beginning of a meeting. On tonights agenda they will be installed at the end of the meeting. They were elected and should be installed at the beginning of the meeting as they were elected to do. I hope you will listen to what I have said. Thank you.
- b. **ANNIE MARTINEZ**- (Handed out documents to council, first is a complaint against acting manager Don Jones, second is a packet containing the last ten years of minutes when a council has been seated. We have always installed our new council members at the beginning of the meeting in the month they were elected. Each one of you sitting there were sworn in at the beginning of the meeting and did not wait till the end of the meeting to be sworn in. You also have in front of you the complaint which you may read. I hope you will act on this complaint as I have many concerns about the contract you are about to sign. He has not performed his duties, one is to insure that we are advised of all meeting and to be sure that we receive our council packets. Each one of you received a phone call saying we are having a meeting and your packets are ready you can pick them up at the police station. I feel I was purposely left out of this. There were two agendas, first I was in the middle of the meeting to be sworn in and then it was revised to show an Item concerning Wendy Gort and I was pushed to the end of the meeting. The Don Jones Contract and the Swimming Pool were two deciding issues of the past election, and for you to deprive me of my chance to be the voice of those who elected me on these matters is not only unethical and immoral but it is illegal. I have faith in this council and the fact that you will do the right thing and that you will handle this in house as it should be. I urge you to think about this contract, first of all we always advertise this position. You did not complete this process for this position. The wording is an issue for me. Thank you.

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

Councilwoman Amparano stated that a contract was issued because Mr. Jones was already doing this job and the Council felt he was doing a good job and we are extending that service and therefore did not ask for the advertisement of the position.

- c. Ernest Bustamante-A short rebuttal: The Council has always maintained the authority and been the overseer and the final say so will always be the Council, and to my knowledge the Council has always reserved that right.
- d. Bob Sloan-I feel that Mr. Jones has done a great job. He has brought us out of a big hole and we now have a reserve.

(CLOSE CALL TO THE PUBLIC)

MAYOR DIETZ HAS ASKED FOR AN EXECUTIVE SESSION TO LAST NOT MORE THAN 15 MINUTES.

MOTION TO ENTER EXECUTIVE SESSION BY COUNCILWOMAN AMPARANO SECOND BY COUNCILMAN SLOAN.

ROLL CALL VOTE:

Councilman Sloan	YES	Councilwoman Medina	YES
Councilman Bustamante	YES	Mayor Dietz	YES
Vice Mayor Anaya	YES	Councilwoman Amparano	YES
Councilman Martinez	YES		

ENTERING EXECUTIVE SESSION AT 7:13pm FOR 15 MINUTES
REGULAR SESSION RECONVIENES AT 7:24PM

5. APPROVAL OF MINUTES

- a. Minutes of November 1, 2018 Special

Sharon Christiansen asked that this item be tabled until the next meeting
Motion to Table

Motion by: Councilman Bustamante Second By: Councilman Martinez
Item is Tabled Vote 7-0

6. MAYOR AND COUNCIL COMMENTS

- a. Councilman Bustamante-Concerning the AG Letter Dated 10/19 dealing with excise tax and other matters. It directs policy and procedures as well as consideration of a transportation study, identify and prioritize projects needed, and the headway we are making on reaching compliance with HURF. We are making efforts to get this paid back and are in good standing with this at this time. This shows that we are working our way back.

(NOTE TO MINUTES)

7. CONSENT AGENDA

- a. Staff Recommendations and Reports

- i. Town Clerk/Treasure Report
- ii. Police Report
- iii. Public Works Report
- iv. Library Report
- v. Planning and Zoning Report
- vi. Town Managers Report

- b. Account Payable for Payment and Filing

Item 7ii to be pulled and placed directly after the consent agenda motion.

Motion is to Accept Consent Agenda less item 7ii

Motion by: Councilwoman Amparano Second by: Councilman Martinez

Vote Roll Call

Councilman Sloan (did not participate in vote)			
Councilwoman Medina	YES	Councilman Bustamante	YES
Mayor Dietz	YES	Vice Mayor Anaya	YES
Councilwoman Amparano	YES	Councilman Martinez	YES

Motion is Passes Vote 6 -0

Police Report – Chief Lujan – Gave statistical report first – Comments-We were able to get 4 new tires for the Police Car that was in great need. We need to replace a console modem at a cost of \$900.00 needed by December 17th. I was contacted by a person needing Community Service who was a floor installer and will benefit the town in the installation of the new flooring in the dispatch office. We have had another dispatcher quit due to better pay elsewhere. It was discussed at the last meeting that we would discuss raises for dispatchers at this meeting but it did not make the agenda, I hope we can still discuss this issue. If there is a complaint concerning myself or my officers please direct all comments and complaints to me and I will address them and bring the results of the actions to you. This will keep my officers and myself working as a team to correct any issues that may be presented.

Sharon Christiansen Thanked the Chief for all their help with Planning and Zoning, it was a big help having the officers get the addresses for some of the properties in violation. Chief stated he would like to take credit but it was the initiative of his officers that brought that assistance. Again he commented on the great team work within the Police Department. Mayor Dietz and several Councilmembers also shared their Thanks to the Police Department for their commitment to the Town of Mammoth.

Motion to Accept Police Report

Motion by: Councilwoman Medina Second by: Councilman Martinez
(Councilman Sloan was absent from this vote)

Motion Passes Vote 6-0

Mayor Dietz has asked that Item 9E be moved to reflect placement on the Agenda

Motion by: Councilman Martinez Second by: Councilwoman Amparano

Motion Passes 6-0

Item 9E Administer Oath of Office for Newly Elected Council Members Annie Martinez and Gina Medina
This Oath was administered by Attorney S. Cooper

Roll Call of the Newly Seated Council

Councilwoman Martinez-Present

Councilman Bustamante-Present

Vice Mayor Anaya-Present

Councilman Martinez-Present

Councilwoman Medina-Present

Mayor Dietz-Present

Councilwoman Amparano-Present

New Council is seated and Meeting resumes with Old Business Item 8A

8. NEW BUSINESS

a. **Consideration and Possible Approval of Employment Agreement for Don Jones Town Manager.**

Motion is to Table Contract for Don Jones as Town Manager

Motion By: Councilwoman Medina

Second by: Councilwoman Martinez

Roll Call Vote:

Councilwoman Martinez Yes

Councilwoman Medina Yes

Councilman Bustamante NO

Mayor Dietz NO

Vice Mayor Anaya NO

Councilwoman Amparano NO

Councilman Martinez Yes

This motion has been defeated by a vote of 4 NO to 3 Yes

Attorney Cooper addressed the Council: At the previous meeting you had assigned 3 members to discuss the terms of this contract with Don Jones as Town Manager. The term of this contract would be for a period of six (6) months should you accept the contract. If accepted and then termination is decided his severance pay would equal 30 day salary. This contract is based on a 40 hour work week at \$38.50 per hour (6 mos or 26 weeks approx. amount is \$40,040.) There are no additional benefits and he would serve at the pleasure of the council. There would be no vacation time, days off paid, no retirement, and no health insurance. The town would cover liability as it does for all town employees. Should you accept the contract and at some point hire a new town manager, Mr. Jones would be willing

to stay on for an additional 30 days to help with the transition. This contract would expire on June 30, 2019. If you indeed would like to advertise that is your right, however you do not need to do so, you currently have a town manager in Mr. Jones.

Councilman Bustamante states that advertising is important and he appreciates the additional clarification of the contract. Suggestion is that the council should spend a little more time in discussion of these matters to make sure all are clear on the subject matter. Just take some time and slow down and discuss these matters thoroughly.

Councilwoman Martinez- Mr. Jones would be considered an at will employee?

Mr. Cooper- Yes subject to this contract.

Councilwoman Martinez- This would mean that just cause would constitute NO Severance Pay.

Mr. Cooper- Yes Just cause would mean you pay no severance, should you just decide to terminate then there would be a severance of the 30 days.

Mayor Dietz- Would we have to call a meeting to terminate if needed?

Mr. Cooper- Yes, you would give the employee 24 hours notice of the intended meeting to terminate and at the meeting if the vote is to terminate without just cause you would then be required to start the 30 days salary severance at that time.

Mr. Cooper- Mayor and Council Members we are now entering the Holiday Season, you certainly have the prerogative to hire a new manager if you so desire. You may find that it is hard to locate applicants during this time. You may want to ask Mr. Jones what projects are in progress at this time. Bottom line is you really do need a town manager at this time, with the amount of issues on the plate right now. If council does want to make a transition this contract is only through the end of this fiscal year. Somewhere down the line you can have that important discussion.

Councilman Bustamante- Thank you for that clarification it is very helpful, I do agree that we need to advertise and have that option available to us in the future (having something in the hopper so to speak). I am trying to bring a little harmony to this discussion. I do see some sense in advertising not just for this position but for all town positions is necessary. Maybe advertise the position is upcoming and we could have some application on file. We would be taking a proactive approach to the hiring process in the town.

Councilwoman Martinez- This contract does not discuss the additional employments that Mr. Jones is paid for such as Public Works Director and Town Clerk. This town has never paid a town manager the amount of money we are paying him. This is a concern with the Hurf fund payback and the police needing increases. So if we are to be paying an additional salary I do have concerns with that. I agree that Mr. Jones has done a lot of good for the town and has volunteered a lot of his time as well, I am not taking from any of that but we need to look at all aspects of this employment.

Mr. Cooper- Mr. Jones does carry title of the clerk because we needed a clerk at the time and he filled that position as well as the public works director. However, correct me if I am wrong thru the check registers, but he does not receive a check for those services. This contract is for Town Manager and no one has requested that I come back with a contract for other services. It is my understanding that this is it. This is the matter before you and it is for the position of Town Manager.

Councilwoman Martinez- I still believe we should advertise.

(There is multiple discussions on the total pay vs the historic amount paid for this position)

Mr. Cooper- as stated previously, the terms were given to me, the dollar amount was given and I was instructed to present a contract based on those employment terms. I drafted the contract based on that criteria and made no negotiations of any kind.

(There are multiple discussions concerning the finer points of the contract and the pros and cons of hiring a new manager at this time)

Motion is to Table this Item at this time for further considerations of the contract and terms, convene a committee to negotiate, the terms, pay, and conditions of this contract and re address this matter in 30 days.

Motion by: Councilwoman Martinez Second by: Councilman Martinez

Roll Call Vote:

Councilwoman Martinez	Yes	Councilwoman Medina	Yes
Councilman Bustamante	Yes	Mayor Dietz	NO
Vice Mayor Anaya	Yes	Councilwoman Amparano	Yes
Councilman Martinez	Yes		

Motion Passes 6-1 Item is Tabled

- b. Consideration and Possible Approval of Ordinance 199.01 Amending Mammoth Town Code Section 2.04.030.

(This in effect will change the wording from missing 3 consecutive meetings to missing 3 meeting in 12 month period, this does not affect those meeting that are excused.)

Motion is to accept the change in wording to reflect 3 unexcused meetings in a 12 month period resulting in termination of position.

Motion By: Councilwoman Martinez Second by: Councilman Martinez

Motion passes 7-0

- c. Discussion on Status of Town Leasing Mammoth Justice Courts

No Action Taken this was for discussion only Mr. Cooper made a small presentation and a short discussion presued.

9. NEW BUSINESS

- a. Consideration and Possible Approval of Cancellation of December Regular Meeting
No Action taken on this Item at this time.

- b. Consideration and Possible Approval of Resolution No. 2018-08 Declaring a Public Record "Pinal County Community Wildfire Protection Plan"

Motion is to Table Resolution 2018-08 declaring a Public Record "Pinal County Community Wildfire Protection Plan"

Motion by: Councilman Martinez Second by Councilwoman Amparano

Motion Passes 7-0 Item is Tabled

- c. Consideration and Possible Approval of Resolution No. 2018-09 Adoption of Pinal County Community Wildfire Protection Plan.

Motion is to Table Resolution 2018-09 Adoption of Pinal County Community Wildfire Protection Plan.

Motion by: Councilwoman Martinez Second by: Councilman Martinez

Motion Passes 7-0 Item is Tabled

- d. Consideration and Possible Approval of Agreement for Wendy Gort for Operator of Swimming Pool and use of the Pool for Swim Team.

Motion is to Accept the Agreement for Wendy Gort for Operator of Swimming Pool and use of the Pool for Swim Team

Motion by: Councilwoman Amparano Second by: Councilman Martinez

Roll Call Vote:

Councilwoman Martinez	NO	Councilwoman Medina	NO
Councilman Bustamante	YES	Mayor Dietz	YES
Vice Mayor Anaya	Yes	Councilwoman Amparano	Yes
Councilman Martinez	Yes		

Motion Passes vote 5-2 to Accept

10. Possible Executive Session- NONE

11. ADJOURN

Motion is to Adjourn this meeting at 9:53 pm

Motion By: Councilwoman Martinez

Second By: Councilman Martinez

Meeting is Adjourned at 9:53 PM

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held November 27, 2018. I further certify that the meeting was duly called and held.

Don Jones, Town Manager