



TOWN OF MAMMOTH
MINUTES OF A SPECIAL/REGULAR MEETING
OF THE MAMMOTH TOWN COUNCIL
HELD ON
DECEMBER 10, 2020

These are the Minutes of a Regular Meeting held by the Mammoth Town Council
On December 10, 2020 pursuant to the notice required by Law.

Due to the COVID-19 Virus and our efforts to slow the spread, and to keep all members
and attendees safe in this time of crisis. We require that all those in attendance are Masked
and adhering to Social Distancing Measures.

- 1. CALL TO ORDER - This meeting was called to order at 6:00 PM Mayor Armenta
2. PLEDGE OF ALLEGIANCE Tony Armenta
3. ROLL CALL

PRESENT MEMBERS
Mayor Armenta
Vice Mayor Martinez
Councilman Anaya
Councilman Bustamante
Councilman Martinez
Councilman Adams
Councilman Brewer

PRESENT STAFF
Attorney S Cooper
Town Manager J. Schempf
Town Recorder S Christiansen
Police Chief R Lujan

ABSENT MEMBERS

- 4. PRESENTATION TO RILEY STEWART-Mayor Armenta and Vice Mayor Martinez Presenting-
Riley Stewart is a 17-year-old resident of Mammoth who has been on the Swim Team for a number
of years. This year he was named Division 2 Swimmer of the Year, he took first place in the Arizona
State Championship 200 Individual Medley with a time of 1minute 54.54 seconds, which was a full 4
seconds ahead of the next swimmer. Placed 4th in the 100 Freestyle, he also placed in the 200 and 400
Freestyle. The Town of Mammoth would like to recognize your achievements both athletic and
academic. You have done a wonderful job representing the Town of Mammoth and we would like to
show our appreciation by honoring you with this Certificate of Recognition and a Gift Certificate to
The Tortilla Factory (Mi Pueblito) There will be a plaque to commemorate this achievement and a
soon as it arrives either the Mayor and/or Vice Mayor will present that to you. Again, Thank you and
Congratulations from all of us. **Mayor Armenta made the Presentation while Vice Mayor Martinez
recounted the achievements**
5. THE CURRENT COUNCIL WILL BE IN RECESS TO CUNDUCY BUSINESS RELATED TO
THE TOWN OF MAMMOTH MUNICIPAL PROPERTY CORPORATION

MEETING OF THE TOWN OF MAMMOTH MUNICIPAL PROPERTY CORPORATION

- 1. CALL TO ORDER AT 6:04pm
2. ROLL CALL
Ms. Armenta Ms. Martinez Mr. Anaya Mr. Bustamante Mr. Adams
Mr. Martinez Mr. Brewer
3. NEW BUSINESS
A. APPOINTMENT OF NEW DIRECTORS FOR MMPC
1. Remaining Directors- Mr. Anaya, Mr. Bustamante, Mr. Martinez, Ms. Martinez
2. New Directors- Ms. Armenta, Mr. Brewer, Mr. Adams

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

Motion by: Ms. Martinez Second by: Mr. Martinez
Motion Passed 7-0

B. APPOINTMENT OF NEW OFFICERS FOR MMPC

1. President	Ms. Armenta	Motion Ms. Martinez	Second Mr. Martine	Pass 7-0
2. Vice President	Ms. Martinez	Motion Ms. Armenta	Second Mr. Adams	Pass 7-0
3. Secretary-	Mr. Martinez	Motion Ms. Martinez	Second Ms. Armenta	Pass 7-0
4. Treasurer-	Mr. Brewer	Motion Ms. Martinez	Second Mr. Martinez	Pass 7-0
5. Chief Operating Ofc.	Mr. Schempf	Motion Ms. Armenta	Second Ms. Martinez	Pass 7-0

C. Consideration and Approval of Resolution 2020-12-10 Bank of the West Signers

Ms. Armenta, Ms. Martinez, Mr. Martinez, and Mr. Schempf
Motion by Ms. Martinez Second by Mr. Martinez
Motion Passed 7-0

4. Adjourn the meeting at 6:13PM

Motion by Ms. Martinez Second by Ms. Armenta
Motion Passed 7-0

6. THE TOWN OF MAMMOTH COUNCIL WILL RESUME THE MEETING OF THE TOWN COUNCIL

Vice Mayor Martinez has requested that the Public Works Report be pulled for Oral Presentation

Motion by Vice Mayor Martinez Second by Mayor Armenta
Motion Passed 7-0

7. CALL TO THE PUBLIC – NO PUBLIC CALLS

8. CONSENT AGENDA

A. Staff Recommendations and Reports

- ~~a. Public Works Report~~
- b. Library Report
- c. Planning and Zoning Report

B. Approve Accounts Payable for Payment and Filing

C. APPROVAL OF MEETING MINUTES

- a. Regular Meeting November 19, 2020
- b. Special Meeting November 24, 2020

Motion by: Vice Mayor Martinez Second by: Mayor Armenta
Motion Passed Vote 7-0

Motion is to approve Consent Agenda for December 10, 2020

Motion by: Vice Mayor Martinez Second by: Mayor Armenta
Motion Passed Vote 7-0

9. ORAL STAFF REPORTS

A. PUBLIC WORKS REPORT-Bill Hernandez-

Councilman Brewer asked for an Executive Session Prior to this Report—Mr. Cooper detailed the Needs for an Executive Session—Mr. Brewer stated the general purpose of his request, it was discovered that this item is appropriate for an agenda item list later in this agenda--Mr. Brewer withdrew his request.

Public Works Report Continues: Mr. Hernandez introduced himself to the Council and began his report.

We lost an aerator which has been replaced and is back online. November 19th Public Works helped Mammoth PD get 100 toys from Dollar General for Children in Mammoth this Christmas Season. We had several water leaks including two that were abandoned homes. Which we have since shut off. One of those homes caught fire this week. We shut off the water to these because if left on they would have caused the Town to be caught with the lost water service to these homes. According to neighbors these homes have been vacant for several months. On the 5th of this month, we had an employee test positive for the COVID-19 19. Both employees that worked closely together have been in isolation. They will be able to retest on the 15th and a decision will be made for their return to work. Today all the rest of Public Works was tested at the San Manuel Clinic. If anyone should test positive, we will be notified on Monday, if we do not hear anything on Monday, we are all cleared. We have a big project coming up reference Tank #2. We have already begun work on it. We have set all the forms, and just received the pumps yesterday. We have an electrician on standby. We are just waiting for the ok and we can complete that job. There are a couple of issues I would like to bring up, one is getting a tool kit for each employee. This would be a basic tool set for each employee, they would be responsible for the tools and would need to replace any lost items personally. Another item that is needed is Rubber Boots for the employees, working in wet boots all day is not good. We have asked them to bring an extra set of clothes to change into dry clothing after working in deep trenches filled with water, but it is hard to have an extra pair of boots as well.

Vice Mayor Martinez asked about below or above the knee boots and for how many employees are we speaking of for boots and tools. Also, about what dollar amount are you projecting? Do the employees have uniforms?

Hernandez stated that it would be for about 7 employees and that they would prefer the above the knee rubber boots. As far as cost at this point it is unknown, but we do not want cheap and breakable, we are looking for good quality that will last. We are looking at a good set of wrenches, pipe wrenches and sockets, just the basic tools for these types of jobs. Also, public works has found a locker that was not being used and employees can lock up their tools each night, providing their own locks to limit loss. Tools will be monitored for loss by the Foreman daily. Each employee has received 3 shirts with Town emblems.

Vice Mayor Martinez on behalf of the entire Council-We would like to thank you for taking the time to come and give this oral report, it means a lot when we can hear directly from you. We appreciate your taking time to come in and address this Council.

Motion to Approve Public Works Report

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed 7-0

B. Town Treasurer Report (Oral by Town Recorder) November 1 – November 30, 2020

Beginning Balance \$355,871.13 Revenues/Credits \$173,528.06

Expenses/Debits \$163,549.03 Ending Balance \$365,850.16

This was a POSITIVE MONTH OF \$9, 979.03

Please note that the \$41,000.00 at the bottom of the page showing as Excise Tax is actually Property Tax for a stale dated check from 10/2019 and for this year 10/2020.

Motion to Accept Treasure Report

Motion by: Mayor Armenta

Second by: Vice Mayor Martinez

Motion Passed Vote 7-0

C. Police Report (Oral by Chief Lujan)—Began with a Statistical Report for the month of November 2020.

We just received 4 PBT's Preliminary Breath Test Units. These are usually about \$500.00 each. Also received 2 radar units which will help with citations, and 2 tens meters that we got free from Apache Junction. I am sad to report that we have had one shift that is not covered, the mayor is aware of this. I have made arrangements for these shifts for Pinal County to cover. However, they will only cover

for life threatening emergencies. I myself have picked up and covered some of these shifts. We are currently completing an application and background check on an applicant. Hopefully, we will not need Pinal County coverage very much. (Example given for why Pinal County only comes for Life Emergencies, a gentleman is walking his dog and a complaint is called in because his walking up and down the street is causing other dogs to bark excessively. Pinal County is in Oracle or further and must come here 15 or more miles and the situation has already resolved itself.) We have one applicant that we are interviewing and completing background checks. We are also getting Three (3) AED Heart Defibrillators. These are required by the state, they would cost over \$8,000 but with Sgt. Green working on it, we will be receiving these through the 100 CLUB. One will be located in the Town Hall, One for the Officer Patrol Car on Duty, and one in the Police Department. On June 22, 2020 there was a Mayor Proclamation to require masks to be worn in public areas. You gave us the power to cite them. However, there is no ordinance to give us a citation number. We can ask them to put it on, educate them on why it is needed. But, if challenged or refusal to put on a mask is there, we cannot cite the individual. Asking the Council what their recommendation is to remedy this situation. Council will discuss an ordinance at the next meeting. Subjects will include medical issues and concealed weapons. Both of which may require you not to wear a mask.

Comment notes: Circle K Corp has instructed personnel not to enforce masks, Dollar General is happy with police presence and mask control, Meat Market requires Masks to enter.

Council has instructed Attorney to draft an Ordinance with general criteria discussed for next meeting.

Councilman Adams disagrees with the rest of the Council in this matter. His comments include the fact the Pima county (Tucson) has issued a 10pm-5am curfew and the Corona Virus does not know there is a curfew. How far are we going to go, are we going to lock down and say, you can't go out of your house? You have to be vaccinated whether you want to or not. The whole mask mandate is bogus. If you want to wear a mask, go ahead and wear one, but if you don't want to wear one you shouldn't have to. It is unconstitutional for you to tell me I have to wear a mask to make you feel better, why don't you not wear one and make me feel better.

Councilman Brewer gives an example of reason to wear mask...I am standing in line, the guy behind me is not wearing a mask and is coughing on the back of my neck. I go home and wash/sanitize my hands and give my grandchild a hug, they reach up to hug me and put their hand around my neck. Now the virus could be on their hands and then they wipe their face or touch mine and it is spread. Wearing a mask protects everyone.

Council asked Manager to prepare an educational flyer on the wearing of masks.

Motion is to Accept Police Report

Motion by: Vice Mayor Martinez

Second by: Mayor Armenta

Motion Passed Vote 7-0

- D. Town Managers Report (Oral by John Schempf)** — Starting with some good news, I was on the phone today with the Pinal County Public Health Department, they report that the Covid-19 vaccines will be available by the end of December at the latest mid-January. It is not the Pfizer, it is Moderna which is easier to transport and does not need to be kept as cold. Priority for issuing vaccine is first 1A, Healthcare workers and long-term residents (Nursing Homes) second 1B, Emergency and First Responders which also includes Educators, Utility workers, Agriculture and Transportation Workers. They did not go any further than this and stated that they expect to have enough vaccine to vaccinate all these groups by April. The Governor put out new guidelines and one change that I noted was that the Council may now approve of gatherings of more than 50 persons. But whatever governing body that approves this must commit to observing all protocols. So, you must require police presence to ensure that all are masked and adhere to social distancing. You have already heard about COVID-19 in our staff, and we want to thank the Mayor for the information on a Cleaning Company. The came today and completed all areas used by those employees. (it was asked if this cleaning included the vehicles) Yes, they were also done. We are also working on Health Insurance for all employees. We are at a point now where each employee is working individually with the insurance agents, so far everyone likes what they are hearing. I was looking at the minutes from another town meeting and wanted to bring this to your attention: I would suggest that at the January Meeting we address the Recreational Marijuana issue. What I discovered is that even if you don't have one, but if your zoning

permits a medical marijuana facility, and I believe ours does, This would mean that somebody could start a medical marijuana facility and then a recreational marijuana could move in with them and we could not stop them. So, we ought to decide, and it is coming up quick, that is why I thought January we should revisit that. We can change the zoning or at least be aware of it. There are arguments on both sides, there is some money to be made. We are on a highway that has a lot of traffic. On the other hand, there will be others available too. But it is something we should look at. The financial records, we have completed the preparations for the audit and the audit should take place in January. Today I went over to the Courthouse to talk to the Magistrate and get the information the Vice Mayor Martinez requested. But before I got there, I heard a rumor that the Courthouse would be closed. So, I went to visit with the County Employees, and they were convinced they were going to be closed by the 23rd of December. When I got back to the office, I called the County Manager. He acknowledged that there are some rumors floating around. The new Supervisors Board has not been seated yet; they seat in January. The rumors are because they campaigned on changing things. He also acknowledged that nothing has been planned or approved. I did make a note that the Court Room over there would make a great Council Room if they decide to get rid of the building. I handed out a bunch of stuff tonight and I want to apologize to you. The packet with the little clip on it, that is for the meeting on Monday. You also will receive by email, the whole contract. Which is 63 pages. You can view it online. I would suggest strongly that you read this Detailed Scope of Services, it is only a couple of pages. That will help you prepare questions; they will be coming down at 1:00 on Monday. There will be a couple people from Rural Development, the Project Manager and the Design Engineer. He wants to have it freewheeling with lots of questions. He wants a lot of interaction, he wants to leave feeling that you all understand how big, or in some cases, how small this project really is. At the end of that presentation, we will have a short meeting to approve the contract. The other things I handed out are the items Vice Mayor Martinez requested. They are information on the restaurants in town concerning their water bills and questions concerning the bills. I have got all the information except for one, which I will have tomorrow. If you have any questions on these, let me know.

Vice Mayor Martinez- Were you able to locate the rent amounts paid? Town Manager Response was- Yes, the Restaurant is \$1,000.00 and the Meat Market is \$800.00.

I have a question that maybe you can answer. Do you know if there is any room in the budget to bring us online with Spillman? The reason, for those who did not attend the event with Sheriff Lamb, when Pinal County Sheriff provide coverage for Mammoth, the can does not hear our calls. So, they are going off whatever information is being verbally relayed to their dispatchers by the caller or our dispatchers. Our system is very outdated. Spillman is top of the line, it is what all the bigger cities are using. It basically interlocks all the agencies together. If someone is arrested here, Chief can easily log in to Spillman and see that they have a warrant out of San Manuel. It will also allow them to see our calls in real time. We had a theft over the weekend when Pinal county was covering, they would not respond because it was not life threatening. Had they been able to see the call, the probably would have responded with an officer. Without that technology in place, we may never know. I know Pinal County said they would let us piggyback off their license, so the cost should be minimal as far as the licensing. I believe it is just a software program, so the expense should not be too high. So, do you know if we have some money in the budget so we could look at updating that? Town Managers Response-We will look into that. We have to replace our antenna anyways. So, yes, I will try and come up with some suggestions.

Motion to Accept Town Managers Report

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

10. MAYOR AND COUNCIL COMMENTS

- a. **Councilman Brewer:** I sat on the Council a few years back. As you know, I took an awful lot of abuse. I could have sued people, but to save the town money, I did not do that. (Councilman Brewer gave an example of previous abuse) I'm here to tell you that I will not take anymore abuse. One more thing I want to bring up, (Councilman Brewer holds up a clear bag with scale chips from the recycled water of his cooler. He also spoke of a third well that is not in use, with a deep aquafer, that would not only provide clear water, but could serve as a third or back up well if

needed.) The Town Manager requested that Councilman Brewer bring this up at the Water Meeting on Monday to the Project Designers.

Councilman Adams-I would like to see going forward that when any citizen or councilman puts in an agenda action form in and it is not going to be placed on that month's agenda, they should send something to the house and put something in the Council Packet as to why it was not placed on the current month's agenda. I would also like to thank the Town Manager on a personal note—for getting someone to check the water pressure at my house. It was 60psi, so I have other problems and I do appreciate that.

Councilman Bustamante- A lot of people talk about their rights, and that's good. Everyone has the right to speak, it is like the guy in the theater that yells fire, he has the right to speak, but we all need to learn when to use that right to speak. It's like, who won the election, we know who won the election, and what this president is doing is terrible. To everyone on the Council, I say Thank you and hang in there. We need to work on priorities right now and the priority is this water issue.

Vice Mayor Martinez-I have a couple of things to address. First, we need to revisit our attendance policies. We just heard from Councilmembers, that they can not hear us. Sometimes the people in the audience and us have trouble hearing them. (Discussing those members appearing by phone) Yes, we are in a pandemic, but as everyone here has seen, we are all wearing masks and adhering to all social distancing requirements. You are an elected official to do a job and I think you need to be here to do it. If you have a medical condition that keeps you from coming like Councilman Anaya, that can't actually be here in person. I understand that. Obviously, we make arrangements for that and we take that into consideration. I think staying home because you don't want to go out is not a good enough excuse for your not being here. With that being said, you miss a lot of what is being said, you miss a lot of the underlying tone and inflection that other councilmembers are adding in their statements. It is easy to get laxed sometimes in what you think, and you have Council Members screaming point of order, and they don't even really know what is being said. So, personally, I would like to see this go on an agenda. Possibly January's Agenda to be able to discuss and revisit this. Right now, we have an absentee policy that if you're not here for (3) three consecutive meetings then you're done. Maybe we ought to modify that, if you're not here for three (3) UNEXCUSED ABSENES, and a telephone absence can be dealt with the same way. Then whether it is excused would be by the will of the council based on the circumstances that are preventing that person from showing up. The second thing I want to discuss is, there are a few businesses and some of the other Council may remember, is signage. We had discussed the ADOT SIGNAGE on Highway 77 coming in from both ends. These signs would tell them what services we have, restaurants, gas, and other business and it would be nice to have that advertisement. This would help our businesses out. The idea that was proposed to me is, some cities have a Chamber of Commerce, and they have Business Associations where the Council works one on one with businesses to help them get what they need. It would be nice if we could develop something like that in Mammoth to help our businesses out. Especially right now when a lot of our businesses are really hurting. When we got the Cares money, I said to use some that money and put it back into the community. Whether that was helping some business or doing testing with it and use some of the funds for COVID-19. We didn't do that, we ended up paying bills. But that brings me to the other items that John gave you concerning the Water Charges for our 4 Restaurants and the Meat Market. Maybe what we can do, and I'm just throwing this out there, Marias, Las Michoacán and the Meat Market are being hit the hardest. La Casitas is doing a pretty good business, they usually have a pretty good crowd up there. Mi Paublitos has the tortilla factory to help keep them afloat when things get slow. Maybe we could give them a one-month reprieve on their water bills to try and help them out, or maybe crediting our local business for one month's water. I am not worried about Circle K and Dollar General they are Corporations with deep pockets. But our small business owners are struggling. They have all had to make some hard decisions about their employees and business. In efforts for them to help us, we need to try and help them. Just to let them know they are not in this alone. We as a Council need to think out of the box for ways to help all our businesses throughout these hard times. Maybe we can do a study session and seek out ways to help build our local businesses. Thank you.

Mayor Armenta-The reason these businesses do not qualify for the CARES ACT is because we are incorporated. They are going to advertise for it again, but it will only be for unincorporated

areas. I sat in on a phone call with Senator Sinema a couple days ago and she stated that financing is on track for issues such as PPE, Schools, Hospitals, HealthCare, and Rest Homes. What she is really trying to do right now is get help for the Small Businesses. She stated that Arizona would receive 383,000 doses of the vaccine. But this is divided into 2 doses each so only 191,500 persons will be vaccinated. You have already heard the order for the vaccines. She stressed to continue wearing masks and social distancing. Are there any questions?

The Mayor acknowledged Jose Frisby from the audience-Stated he wished to discuss Smoking Policies-Mayor and Vice Mayor both point out that Smoking Policies will be addressed further down the agenda.

11. OLD BUSINESS

- A. Consideration and Possible Approval of revisiting Opening of Town Hall to the public. Staff Recommendation is to resend previous approved motion and replace with secured measures until such time as the Pandemic has stabilized or a vaccine is in place for distribution to our area.**
Mayor Armenta began by stating that the public was so happy to see that the Town Hall had opened and the very disappointed to see that it had closed back down. Understanding the issue and the quarantine of staff for the 15 days. It needs to be open. Vice Mayor Martinez is in agreement. Councilman Martinez states he has not heard this from the public. He has heard no one complain about opening the Town Hall. Vice Mayor Martinez states that she has a problem with it being closed now. I understand that the offices were cleaned and sprayed today, and it takes about 12 hours to dry then it is good for about 2 weeks. Sharon Christiansen requested that during the time that she is filling in at the Town Hall if it could remain closed to the public.

Motion is to Reopen Town Hall on December 17, 2020 pending Negative Test Results from Staff on the 15th. One person in the Lobby at a time and Mask must be worn at all times.

There is some minor discussion on mask wearing and the need for the opening of Town Hall by other Council Members.

Motion by: Vice Mayor Martinez		Second by: Councilman Adams		
Roll Call Vote	Councilman Brewer	Yes	Councilman Martinez	No
	Councilman Adams	Yes	Councilman Bustamante	No
	Councilman Anaya	No	Vice Mayor Martinez	Yes
	Mayor Armenta	Yes		

Motion Passed Vote 4-3

- B. Consideration and Possible Approval of Opening the Community Center Based Council Meetings to the Public with only the first 25 persons admitted. Masks must be worn, and social distancing will be in place.**

Motion is to Open the Community Center Based Council Meetings to the Public with only the first 25 persons admitted. Masks must be worn, and social distancing will be in place.

Motion by: Vice Mayor Martinez **Second by: Councilman Adams**

Motion Passed 7-0

12. NEW BUSINESS

- A. Consideration and Approval of Resolution 2020-10 Wells Fargo Bank Signers**
Mr. Schempf stated that this would be adding Mayor Armenta and Vice Mayor Martinez in addition to Councilman Anaya and himself, who are already signers on the account.

Motion is to accept signers Mayor Armenta, Councilman Martinez, Councilman Brewer, and Mr. Schempf. Dismissing Councilman Anaya due to Health-Related issues.

Motion by: Vice Mayor Martinez **Second by: Councilman Martinez**

Motion Passed Vote 7-0

B Consideration and Possible Approval of Town of Mammoth Smoking Policies

Mr. Schempf began stating that these policies were taken from Pinal County, there are slight differences between the County and the State. We have chosen to go with Pinal County and should have done this along time ago. Mayor Armenta asked what the difference was between State and County. The Answer was the distance from buildings is 12 feet for State and 20 feet for County.

Vice Mayor Martinez asked Mr. Hernandez about smoking policies at Public Works? Mr. Hernandez stated that there is no smoking in the buildings or in the vehicles. Mr. Frisby (Public Works Employee) stated that the employees do not listen to Mr. Hernandez. Mayor Armenta states that these policies must be followed, and that smoking must be at a minimum of 20 feet from the building. Mr. Frisby spoke of working in the Cemetery and having other workers smoking near him.

After a few Council Comments concerning the need to adhere to the Policies, Mr. Hernandez asked for clarification. Stating that he is not a babysitter and has informed all his crew of the policies. The cemetery is out in the open, where do we draw the line. Do I give him a job on his own or find another nonsmoker for him to work with?

Vice Mayor Martinez states that maybe they should strengthen this ordinance a bit. Maybe you could designate 10-minute smoke breaks every two hours in a designated area. It is very unprofessional for a town employee, wearing town uniform, representing the Town of mammoth, to be smoking in the cemetery at all. This also does not go as far as to what will happen if they violate this ordinance.

Mr. Hernandez asked if what the Council is saying is that at every jobsite, he must designate a smoking area. The response by Vice Mayor Martinez was yes. Vice Mayor Martinez went on to discuss the unprofessionalism of representing the Town of Mammoth to those who are visiting their loved one's graves. The Cemetery should be considered a Public No Smoking Zone for Employees. All smoking should be at a minimum of 20 feet from any public building and/or jobsite.

Mr. Frisby requests that all smokers are told to stay 20 feet from him when smoking and would like to know what happens tomorrow when a worker does not listen.

Mr. Hernandez came back to the fact that this is all discussion and not policy at this time. Give him a policy with guidelines and consequences and he shall enforce it to the letter.

Motion is to Accept Adoption of Pinal County Smoking Ordinance with a note to revisit this at the January Meeting to be more encompassing, in order to facilitate a safe workplace for all. With an addendum that states the will be no smoking within 20 feet of a non-smoker in the workplace.

Motion by: Vice Mayor Martinez

Second by: Councilman Adams

Motion Passed Vote 7-0

C Consideration and Possible Approval to Advertise for a Town of Mammoth Building Inspector, Salaries to be negotiated

Vice Mayor Martinez-this is on the agenda because Planning and Zoning is in need of a Building Inspector. Right now we are losing a lot of money in fees for those who are building homes and remodeling or expanding. These require a building inspector and we do not have one so we have to pass it to Pinal County to process permits for these, costing us revenue. There are a couple people in town who have stated they have licenses and certifications needed and would be willing to serve the town on a case by case basis. So I would like to check locally and keep as much money as we can in Mammoth. But also there is another reason for a building inspector. A few months back we discussed a structure by the food back that needed torn down. We did not have an inspector who could come in and condemn the building. Our Fire Chief went over and declared it a Health and Safety Issue. The Town needs a Building Inspector, but we will not know what is out there until we advertise for it.

Mr. Schempf stated that this would also be a positive in Cleaning Up the Town. Vice Mayor Martinez suggested advertising on the Mammoth Website and with the League of Cities and Towns.

Motion is to begin advertising for a building inspector using the Town Website and the League of Cities and Towns

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Roll Call Vote
Councilman Brewer Yes
Councilman Adams Yes

Councilman Martinez Yes
Councilman Bustamante Yes

Councilman Anaya	No	Vice Mayor Martinez	Yes
Mayor Armenta	Yes		

Motion Passed Vote 6-1

D Consideration and Possible Approval of Increasing the Maximum Dimensions of Head Stones at the Valley View Cemetery

This is to increase the dimensions on the head stones placed in the Valley View Cemetery from 16 inches high to 18 inches high as well as slightly larger widths for both standard and oversized by variance headstones. Standard Military is 18" high by a width of 28".

Motion is to table this item until January to discuss sizes to be even larger than suggested

Motion by: Councilman Brewer

Second by: Vice Mayor Martinez

Motion is Tabled Vote 7-0

E Discussion on Council Commissioners Responsibilities and Duties

Mr. Schempf-I asked that this be set for this agenda because Councilman Brewer and I have disagreements on the duties of Commissioners. Which at this time I will state that I am not clear as to the duties of the Commissioners. I have taken the Council Handbook and outlined some of the parts that I believe address this topic, and I believe are pretty straight forward. The Commissioners are not to take over a department. They are there to support the department and their needs. They are to work with me to come to you with those needs. Councilman Brewer wanted employment records to see who was qualified and I do not believe this what a commissioner is for. I am willing to learn but I suspect that once you read the Council/Manager form of government, you will find what I believe you are referring to. As the Attorney mentioned to me in a case where employees are limited there may be a need for the commissioner to take an active role. However, we are not in that type of situation and there is very little written concerning commissioners. I hear we have always done it that way, but I do not know what that way is. So I would like some clarification on the Duties of the Commissioners as well.

Councilman Brewer-Council should have access to the applications of all employees, If I am going to be working with them I have the right to know what kind of people they are, what their abilities are, what they know how to operate. I do have that right.

Mr. Schempf- but Sir, you are not working with those people. That has nothing to do with being a commissioner. We would have to redact all the personal information. But, I suppose if order, we can do that.

Councilman Brewer-what does State Law say about Commissioners and what they can or cannot do?

Mr. Cooper-There is general Arizona State Law that talks about various concerns. When Mammoth first began it was a Commissioner Based Government, in 2010 an ordinance was passed that changed this to a Council/Manager form of Government. Which lays out the guidelines for how the interactions will take place. As far as employment or applications the state law does make that information available with the redaction of all personal and confidential information. This is information such as date of birth, social security, driver's license, personal address, etc... If so requested we could do that. Even I as you town attorney do not have the right to that information, in the case of the town only the Town Manager has that authority. I could make a written request for that information and he would redact all personal and/or confidential information prior to completing the request.

Councilman Brewer-the Council could request that the commissioners do certain actions, so if the council asked I should be able to look at the applications, lines of promotion, pay scale, vacation time, comp time, etc.. What is wrong with that?

Mr. Schempf- Because you have a Town Manager who does that Sir. You have a completely different form of government.

Vice Mayor Martinez- If I may, I was at the meeting when this was passed. Having Commissioners is not something you should fear. They are not another boss, they are not another town manager breathing down your necks. We do not have that authority. The thought behind was to give another advocate for your departments. Like I am the police commissioner, and I could meet with the Chief a couple times a month to discuss if they need something they are not getting and how I might be able to help that department through the Council. This would be something we could do as commissioners. Once that meeting occurs all that information would be then relayed back to the Town Manager and ultimately back to the Council in order

to facilitate the correction of those needs. As far as public works goes it could be something like those tools you need, your commissioner could come in and see what you have and what you need. He may also find that not only do you need those 7 sets of tools but you have equipment that is out of date or in need of upgrades or renewed equipment. He may do some of the foot work for you in getting cost estimates from various vendors and such. He can make those recommendations to the Town Manager and to the Council. A commissioner is just another advocate for your departments. I am by no means going to tell Chief Lujan who to hire and how to run his department, I do not have that authority.

Mr. Hernandez-My fear is that if I have Councilman Brewer on a job site and he is hurt, then I am liable for his injuries. I am liable for the crew I have and if he is also there then I am also liable for him. I do not have need for going to him for anything at this point, the chain of command allows for me to go directly to the Town Manager and work with him for our needs.

Vice Mayor Martinez-I am not saying to go to your commissioner first, what I am saying is that it is good for us on the council to be aware of everything that is going on, because ultimately we are the ones making the decisions and the decisions we make impact this town. So it is good for your commissioners to be involved. A Commissioner is just another advocate for your department, and I can understand you not wanting them on a jobsite. However, you could set a meeting every so often to just discuss matters that they may be helpful in getting what you need. Joe has been around for a very long time and has served as a public works commissioner in the past, he has good ideas. You may not always agree with them, but again this is not another boss, just another advocate to assist your department.

(After several more general statements concerning this matter, Mr. Cooper states some legal information concerning this matter as well.)

Councilman Adams-Could we set this for a future meeting to work out the conflicting language in this matter.

Vice Mayor Martinez-We will be having a work session in January for this purpose. This entire policy book needs to be updated.

F Discussion of Town Manager Role, Duties, and Authorities

Vice Mayor Martinez-First of all I want to say that you are doing a good job. The Town Manager's role is to assist the council in getting things done. To that end I think you're doing a good job. In the future you're going to have a lot more duties than you have now. I just want to make sure that we all understand what those duties are right now. I think part of what happened between you and Councilman Brewer could have been avoided. I now when I met with you, you believed you were the Public Works Director.

Mr. Schempf- I still am. I have it right here, and you're the one who said it and my quote, "We should start right where we could afford and we can factor in the public works position. At some point we will need to separate these positions to have a town manager and a public works director." It is clear with that statement that I am both.

Vice Mayor Martinez-If you look at what was actually made in the motion you were hired as the Interim Town Manager on August 20th and on the 27th we set your salary arraignment. You were hired as Town Manager/Town Clerk it says nothing about public works. The Council felt it was not a good idea to have all three tied together. With that being said it is our understanding that we do not have a Public Works Director. Traditionally in the Town of Mammoth when you do not have a department head, the Commissioner would take that role. I think that is where some of the confusion came from. Your understanding is that you are the public director, our understanding is that we do not have a public works director. Bill Hernandez is a foreman not a director. So having no one in place, you would rely on your commissioner for that help in getting things done. So let's make sure we are all on the same page here. With this large water project coming up, you will have a lot to do in public works, but as of now, you are not the Public Works Director.

Mr. Schempf-Then let us fix that right now, you cannot afford a public works director right now and I can do the job. I have already established a pretty good relationship and although I am not down in the trenches like Don was and I don't intend to be. But, it is a fairly common situation that you will find in many small towns. I do have some public works knowledge and I would make use of Councilman Brewer's experience.

Councilman Brewer-I disagree with the statement that we do not have enough money for a Public Works Director

Vice Mayor Martinez-I know it was not budgeted into this year's budget cycle, but Pat Walker did say that there is enough money to move around if needed. My fear is by giving you more and/or multiple

duties and job roles that you may be taking on too much and you're going to be overwhelmed. That is why it is not good to have one person over multiple departments.

Mr. Schempf- Hiring a Town Clerk would help much more. I think we could find someone here locally.

Vice Mayor Martinez- If you want to be considered for the Public Works Director we can discuss that. We cannot take action on this item tonight. This is all something that Councilman Bustamante and I will take a look at as we consider your contract.

(There was some minor discussion to wrap up this conversation)

13. EXECUTIVE SESSION-Not needed during this meeting

14. Adjourn

Motion is to adjourn meeting at 8:50 PM

Motion by: Councilman Martinez Second by: Vice Mayor Martinez

Motion Passed Vote 7-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held December 10, 2020. I further certify that the meeting was duly called and held.

John Schempf, Interim Town Manager