



**TOWN OF MAMMOTH  
MINUTES OF A WORK SESSION  
OF THE MAMMOTH TOWN COUNCIL  
SEPTEMBER 14, 2021**

**These are the Minutes of a Work Session held by the Mammoth Town Council  
On September 14, 2021 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 4:00 PM Mayor Armenta.**
- 2. PLEDGE OF ALLEGIANCE John Schempf**
- 3. ROLL CALL**

**PRESENT MEMBERS**

Mayor Armenta  
Vice Mayor Martinez  
Councilman Ponce  
Councilman Bustamante  
Councilman Adams  
Councilman Brewer

**PRESENT STAFF**

Attorney S Cooper  
Town Manager, J. Schempf  
Town Clerk A. Sanchez

**ABSENT MEMBERS**

Councilman Martinez

**4. WORK SESSION AGENDA**

**A. Review, Update, Modify and/or Change Town of Mammoth Council Rules Policies Procedures and Code of Ethics**

**Councilman Ponce** asked if the Rules, Policies and Procedures were passed by the council and if they take the place of the town policies? The Town Clerk explained that the Council Rules Policies and Procedures were approved through town Ordinance 193 on December 16, 2021 and that Ordinances supersede policies.

**Code of Ethics**

**Mayor Armenta** asked each council member and staff take turns reading the Code of Ethics aloud to review and determine if any changes should be made. Town Manager suggested that item #2 should be changed to correct a typo and should read: "Affirm the dignity and worth of the *services* rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and deep sense of social responsibility as a trusted public servant."

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**Councilman Bustamante** asked for clarification regarding item number 7, "Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body." Town Attorney Cooper explained that this was intended to prevent council members from being involved in council elections where you are supporting one council member over another.

**Vice Mayor Martinez** stated that council members are citizens first, it is wrong to bar council from campaigning. In four years, all of the members of this board will be up for reelection and to not allow to campaign for one candidate over another is hampering the democratic process. We should be able to support whomever we want as long as we do it as an individual not as a council member.

**Mayor Armenta** asked counsel for some suggestions as to how to revise item number 7. Town Attorney Cooper explained they could strike the sentence all together. He explained that this is a study session so we are not taking action. You could revise it to say refrain from participation in the election of members of the Town Council. Yes, you have a right as an individual but when you are out in public it is hard to take off your elected official hat. Even though you are saying I'm doing it individually they are still going to be looking at you as a council member. It is up to the council.

**Vice Mayor Martinez** suggested that item number 7 should be removed in its entirety. If we are not allowed to engage in any political activity, how are we supposed to campaign for ourselves when we run for office? However, I think town employees this is good practice. In the last election we had our town manager campaigning on the public's time while being paid. This should not be allowed.

**Councilman Brewer** stated he agrees council members should be allowed to campaign and put-up signs in their own home. However, any statement you make in a meeting has to agree upon by the entire council.

**Town Attorney Cooper** explained that the entire statement says "Refrain from all political activities which undermine public confidence in professional administrators" which mean you can't campaign by saying if you elect me, I will fire the lawyer.

**Town Manager** suggested that we start with the example that was provided from the Town of Eloy and add in anything we think is missing because theirs is a lot simpler and we don't need a nineteen-page document.

**Town Clerk** suggested we keep some language in that prevents council members from presenting their opinion as that of the town as they campaign.

**Vice Mayor Martinez** suggested we strike item 7 and use 2.1.5 No Special Powers. All agreed to remove item 7 from the Code of Ethics. No other changes to Code of Ethics.

**Mayor Armenta** asked to move the Town Clerks evaluation to the next meeting because Vice Mayor Martinez has to leave at 5:15 PM and it was agreed.

**Councilman Brewer** stated that there needs to be something in this document that states that if a member knowingly violates these rules they should be removed from office.

## **Town Council Rules and Procedures**

Mayor Armenta asked if there are any suggested changes:

Page 3 – 1. Form of Government **Town Clerk** suggests to fix typo **Manager/Clerk** form of government.

Page 4- 2.1.7- Assumption of Office-**Vice Mayor Martinez** suggested that we should appoint new council members at the beginning of the meeting in November rather than waiting until the end.

2.1.8.2- Application- **Vice Mayor Martinez** suggested to amend so that “if a Council seat is vacant within the first year after the election the council will invite all qualified candidates to apply for the vacancy before any outside candidates are considered. The people who ran must submit a letter of interest based on the number of votes received. The people have already voted. If none of those candidates are interested then we should accept letters of interest or nominations. Just for the first year after an election.

2.1.8- Council Vacancies- The **Town Manager** suggested that this be amended because it does not comply with state law which is that the appointment should be for the remainder of the unexpired term or next election which ever occurs first. **Vice Mayor Martinez** suggested to add “all efforts will be made to bring the council back into accordance with the regular election schedule.”

**Councilman Brewer** stated that the council passed an ordinance, but never put the election of the mayor seat on the ballot for the people to vote on it. This needs to be resolved. **Vice Mayor Martinez** stated that the council has addressed this issue and it will go on the ballot for the 2022 election. There was discussion back and forth for clarification for other council members. **Councilman Bustamante** explained the history involving preclearance.

2.1.8.3- **Town Manager** asked for clarification. **Vice Mayor Martinez** explained and suggested that “Must have been an official candidate. Legal counsel suggested that it should say “qualified candidates.”

2.3.2- Regarding Council Minutes- **Vice Mayor Martinez** asked that this item be changed to continue as we have been which is a generalization of what was discussed. Legal counsel stated that if someone wants to be on the record, they must ask for their statements to be added which is Roberts Rules of Order.

2.3.4- **Vice Mayor** asked that this section should be removed because it is redundant with 6.5.1 & 6.5.4. Also, section 6.5.1 and 6.5.4 should be amended to state that the mayor and/or three council members will call for a special meeting and/or suggest an item.

**Councilman Brewer** 2.3.4 should state “shall” in place of may. Legal council recommended that this item be removed and addressed in section 6. **Councilman Bustamante** expressed concerns about open meeting law violations. **Vice Mayor Martinez** suggested adding 6.5.1 a and b. Item a.as written and b the mayor or three council members will call for a special meeting or the mayor, or three council members will put an item on the agenda.

3.2- insert Code of Ethics in place of Personal Code of Conduct per **Town Manager and Vice Mayor Martinez**.

**Vice Mayor Martinez** suggested we add language that would remove someone from office who violates the Code of Ethics as a penalty. Legal counsel suggested this discussion take place after the revision is complete. **Vice Mayor Martinez** suggested that Public Interest be moved to 3.4 and Conduct be moved to 3.3.

3.5-Conflict of Interest- 3.5.3 changed to read “nor use such information” per **Town Manger**.

3.4.7-**Vice Mayor Martinez** suggested commissioners be exempt from this, **Councilman Brewer** stated this is understood that is why we have commissioners.

Vice Mayor Martinez stated she does not think councilmembers should be charged for information or copies. Town Clerk explained that councilmembers have made requests that were extreme and it took a large amount of staff time and resources. Councilman Bustamante stated that if a request take more than 1 man hour must be approved by the council.

**Vice Mayor Martinez** suggested that 3.6.1 be incorporated into the penalty section.

4.6.4-**Councilman Bustamante** expressed concern of "majority position" that he would not be able to make a political statement that is his own personal opinion. "If the council is divided the member may make a personal statement not that of the council." (word smith)

5.2.5- **Vice Mayor Martinez** suggested they should be held to our Town Personnel Policy as well.

5.6-change residents to "property owner" and change from 4- 2-year term.

**Vice Mayor Martinez** suggested changing town hall and meeting place through out policy.

**Mayor Armenta** suggested that work session should be as needed rather than before meeting. **Councilman Brewer** stated he like having study sessions before the regular meeting.

6.5- **Mr. Cooper legal counsel** suggested removing the rest of the sentence after action form.

6.5.2-add a sentence for emergencies. Change time limit to no later than 9PM. **Town Clerk** asked if there was anything in the Eloy Policy that should be included. The **Town manager** asked about the length of the Vice Mayor term. Do we want to limit to one year or two?

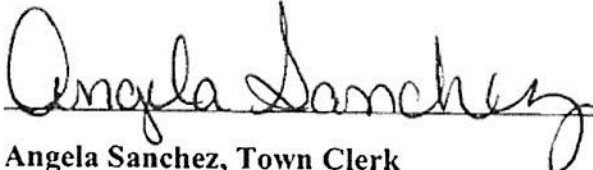
**Councilman Brewer** stated that it should appoint the Vice Mayor. **Mr. Cooper legal counsel** stated that right now the vice mayor stays until someone decides to consider it. It could be 3 months or 3 years. The mayor asked about Commissioners? **Mr. Cooper legal counsel** stated that commissioners are about 2 years.

**B. A.R.S. 38-431.03(A)(1) AND (3) Discussion and/or Consideration of Performance Evaluation, of a Public Officer, Town Clerk, of a . Body Including Possible Legal Advice**

The mayor stated she would move the Town Clerks evaluation to the next meeting due to time constraints.

**10. Adjourn**  
**Meet adjourn at 5:40 PM**

**I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held September 14, 2021. I further certify that the meeting was duly called and held.**

  
Angela Sanchez, Town Clerk