



**TOWN OF MAMMOTH
MINUTES OF A WORK SESSION
OF THE MAMMOTH TOWN COUNCIL
NOVEMBER 16, 2021**

**These are the Minutes of a Work Session held by the Mammoth Town Council
On November 16, 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 4:13 PM Mayor Armenta.**
- 2. PLEDGE OF ALLEGIANCE John Schempf**
- 3. ROLL CALL**

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Martinez (by phone)
Councilman Ponce
Councilman Bustamante
Councilman Brewer

PRESENT STAFF

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

ABSENT MEMBERS

Councilman Bustamante
Councilman Adams

4. WORK SESSION AGENDA

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

Code of Ethics

Mayor Armenta began by reviewing the Code of Ethics

The Town Clerk, Angela Sanchez explained the requested changes and asked the council if they were in agreement. The changes were as follows:

#2 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." All agreed to the change.

#7- Remove “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.” **Councilman Brewer** stated he thought it should be retained, because council members should not be campaigning for or against those running for council. The **Town Manager, John Schempf** asked **Steve Cooper, Town Attorney** to give his opinion as to whether it should remain or be removed. **Steve Cooper, Town Attorney** stated that since it was a study session no decision will be made at this time. Once we review the changes and receive input from the council, on Thursday you can still make changes if the majority wants it removed, we can remove it. From a legal standpoint you have first amendment rights which would trump any of these types of activities. However, from a policy standpoint at the end of the day a town is only as good as its council. If we can disagree and not be disagreeable it helps the community. Under Arizona Law the council cannot use its position as a council to support a candidate for the legislature or a bond issue for a school. It is against Arizona Law to use town resources to further a political interest. Individually you are free to do what you want but be careful what hat you are wearing and state you are speaking a resident not a council member.

Steve Cooper, Town Attorney suggested to remove the first sentence and leave the second sentence, “Refrain from participation in the election of members of the legislative body?” He also stated that Arizona Law prohibits a council from using their position to further an election cause.

Vice Mayor Martinez stated she does not agree because 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 the town attorney 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 now. 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 be agreed 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 early 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:

1. Form of Government **Town Clerk** suggests to fix typo Manager/Clerk form of government. Everyone agreed to the change.

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. Everyone agreed to the change.

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.” It will read as follows: “The Council shall fill by appointment, for the remainder of the unexpired term or until the next election whichever occurs first, for any vacancy that may occur as required by state law. All efforts will be made to bring council back into accordance with regular election schedule.” Everyone agreed to the change.

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.

2.1.8.2- 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. They don't have to be appointed just notified. Councilman Ponce wanted, "All candidates would be considered for appointment" added. Councilman Brewer suggested that the title "qualified candidate be struck." Vice Mayor Martinez stated that his was not to give preference it just to notify those who ran in the election that there is an opening.

Town Manager asked for clarification. **Vice Mayor Martinez** explained and suggested that "Must have been an official candidate. He suggested that it say "all persons who ran in the last election" in the place of "qualified candidates." Everyone agreed to the change.

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** stated it 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)

5.1.3- **Councilman Brewer** suggested that all appointments shall be made by the council in November and reviewed annually. **Vice Mayor Martinez** stated she disagrees because the Vice Mayor and Commissioners are already reviewed every two years. This would not allow for staggering of terms. Council was not in agreement.

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

5.6.1-change residents to “property owner” and change from 4- 2-year term. **Vice Mayor Martinez** suggested changing it to “residents or property owner.” **Town Attorney Cooper** suggested a 5.6.2 and add a waiver for those who are not residents but have knowledge or experience that would benefit the commissions or boards. He also provided a waiver for to the clerk. Everyone was in agreement.

6.1 and 6.2- Change Council Chambers at Town Hall to Council Meeting place.

6.5- Struck in accordance with Resolution 279. **Mr. Cooper legal counsel** suggested removing.

6.5.1- Change to read “Any council member may suggest an agenda item for the next regular council meeting and the item shall be placed on the agenda by the Mayor or three council members.”

6.5.2-add “with an exception for emergencies.”

6.5.4- “Three council members may call for a Special Meeting or Work Session.”

Vice Mayor Martinez mentioned that penalties were discussed at the last meeting and it was agreed that it would be discussed at this meeting. She suggested that it should be placed after conduct. The Town Clerk suggested that 3.7 be added for Penalties for Violation of Policy. Vice Mayor Martinez stated that there are no real penalties stated in the police for a major violation in 3.6. The Town Clerk read through section 3.6. Vice Mayor Martinez stated that a council member violated the council policies it was reported to the Town Attorney and Town Manger and the Mammoth Police Department and a file was created, but nothing was done. There needs to be a policy stating what the penalties are for such violations of any of these policies. **Mr. Cooper legal counsel** stated he sent a copy of what another city does and the council can review it prior to the next meeting.

Town Clerk asked if there was anything in the Eloy Policy that should be included there were none. Town clerk stated she would make the changes and they would be brought back to the council to discuss the outstanding issues.

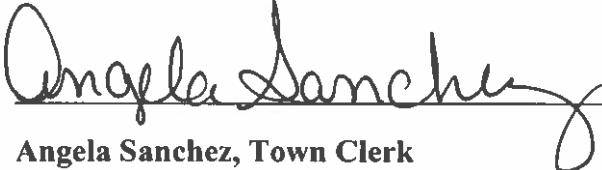
The mayor stated she would like to move the Town Clerks evaluation to the next meeting due to time constraints.

10. Adjourn

Motion to adjourn by Councilman Martinez and seconded by Councilman Brewer.

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 November 14, 2021. I further certify that the meeting was duly called and held.

A handwritten signature in black ink that reads "Angela Sanchez". The signature is written in a cursive style and is positioned above a horizontal line.

Angela Sanchez, Town Clerk