

**DRAFT MINUTES
SPECIAL SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS - 473 S. MAIN STREET, ROOM #106
WEDNESDAY, JULY 15, 2015 AT 6:00 P.M.**

Minutes are a summary of the discussion. They are not verbatim.
Public input is placed after Council discussion to facilitate future research.

1. **Call to Order**
Mayor German called the meeting to order at 6:00 p.m.

2. **Roll Call**
Mayor German, Vice Mayor Bruce George, and Councilors, Carol German, Brad Gordon, Robin Whatley, Jackie Baker and Jessie Jones are present.
Also Present
Town Manager Russ Martin, Finance Director Mike Showers, Community Development Director Mike Jenkins, CVMO Dispatch Supervisor Mary Newton, Town Clerk Virginia Jones and Recording Secretary Lynn Riordan.

3. **Pledge of Allegiance**
Mayor German led the pledge

Public Hearing for comments on the proposed FY 2015/16 Budget

- **Staff report**
Town Manager Russ Martin addressed the Mayor and Council expressing thanks to the Council and Staff for continued interest and hard work in considering and preparing the Fiscal Budget. Finance Director Mike Showers stated this budget has involved more discussion and continuous work than any other budget in recent years. Mr. Showers explained that the budget must make consideration for "potential" revenue, including revenue from sales tax and grants, and expenditures accordingly. Mr. Showers requested that the Council, and the public, keep in mind that if the revenue is not present, the expenditures will be cut accordingly.

- **Public hearing open for comments**
Patricia George addressed the Mayor and Council thanking them for their continuous service to the community, expressing support for the proposed Fiscal Budget 2015-16. Ms. George expressed distain for the residents that continuously complain, spawn discontent and fail to support the community.

Barbara Goetting addressed the Mayor and Council requesting her permit be approved to allow her to open for business (which supports the Town tax base).

David Higgins addressed the Mayor and Council thanking them for their service to the community and expressing support for the CVMO purchase of Spillman CAD standalone system.

Sherri Wischmeyer addressed the Mayor and Council questioning the line item in the budget showing Court anticipated revenue of \$250,000, when the actual revenue (as provided by the State website) consistently shows a decline and remains at below \$200,000 (\$110,000 for 2014, \$168,000 for 2013, \$172,000 for 2012). Ms. Wischmeyer also expressed support for the Council allocating additional and continuous funding for the Senior Center and Meals on Wheels.

Leah Robbins addressed the Mayor and Council stating support for community events and marketing, requesting the Town continue to tie together events, business and family. Ms. Robbins made suggestions for increasing Parks and Recreation programs and activities.

Irene People addressed the Mayor and Council thanking them for their continuous service to the community. Ms. People stated concerns that the 2015-16 budget is proposed with an increase of over \$333,000 in salaries alone, but expressing approval of the CIP proposed budget to accomplish some needed things for the Town and its resident. Ms. People also stated support for the Town allocating additional and continuous funding for the Senior Center and Meals on Wheels.

Tom Pitts addressed the Mayor and Council stating he had attended several regional and state meeting, and stating support for marketing, increasing tourism and economic development. Mr. Pitts stated concern that the budget did not include money for advertising and marketing of Camp Verde.

Kathy Davis addressed the Mayor and Council thanking the Council for their service to the community and thanked the residents for attending the council meeting tonight and showing interest in the community. Ms. Davis stated support for the cost of living increase proposed for staff stating the staff has provided continuous quality service to the Town even during the "lean" years when no increases were available. Ms. Davis also stated support for the sales tax increase and believes the Council has, and continues to, serve and act in the best interest of the Town and its residents.

- Response from Mayor, Council or Staff: Vice Mayor Baker stated she did not support the \$20,000 Contract Attorney Services for CVMO, referencing the letter from Sheila Polk, Yavapai County Attorney. Mayor German stated support for the \$20,000 expenditure for the CVMO Contract Attorney Services and referred to a series of letters to/from the Mayor and Mr. Bast. These letters are attached hereto as part of the record (Minutes). Mayor German addressed the public's concerns regarding additional funding and support of the Senior Center and Meals on Wheels, stating the Council can and will revisit additional support in the future, however, all requests for statistical information regarding actual services and needs from the Senior Center has not been available, the operations of the Senior Center and Meals on Wheels are not transparent.

Recess proclaimed at 6:31 p.m. to allow the Mayor to Call to Order the Regular Session of the Common Council of the Town of Camp Verde.

Regular Session having been declared at recess, the Special Session resumed.

Dave Boily addressed the Mayor and Council stating he does not support 1) salary increases or cost of living increases for CVMO as the Council and public were misled last year creating wage increases across the board within CVMO of 4.5%, and no COLA increases for Town Staff, 2) \$20,000 for an attorney contract for CVMO when they should be utilizing the services of the County Attorney (free of charge).

Steve Goetting addressed the Mayor and Council-expressing disappointment with the Town's lack of marketing stating the Town has spent \$7,200 establishing a web site that still is inoperable, expenditure of \$60,000 for grant writing program that has produced no revenue, and spent \$21,000 on attorney fees for the Council. Mr. Goetting expressed support for marketing and signage on I-17 stating the Town needs to focus on creating revenue and providing services to the residents, families, the elderly and the young, not give out wage increases to Department Heads and Supervisors whose wages already exceed the area average.

- Response from Mike Showers: Mr. Showers acknowledged the Court struggles to meet its anticipated revenue, but the revenue stated for 2015 is only through April 2015, and is not an accurate figure. The numbers shown for the Court revenue is always in arrears. Taking in consideration the Court's revenue does not always meet the anticipated revenue; the Court adjusts its budgeted expenditures accordingly.
- **Public hearing closed**

4. **Discussion, consideration and possible approval of the FY 2015-16 Budget.** Staff Resource: Mike Showers
On a Motion by Vice Mayor George, Seconded by Councilor Gordon, the Mayor and Council passed the proposed (Council version) of the FY 2015-16 Budget, with Councilor Baker and Councilor German voting "nay".

Mayor German stated support for the proposed FY 2015-16 Budget stating the Council has worked very hard to balance this budget and obtain the greatest benefit for the community from the potential revenue that may/will be available. The Mayor addressed the Council and public stating the proposed budget includes all sources of anticipated revenue, and that the Town will adjust expenditures according to actual revenue to continue operating within the limits of the actual revenue and grant money. Mayor German stated support for the expenditure of \$20,000 for attorney services for CVMO, as this expenditure may save the Town thousands in potential litigation.

Councilor Jones stated support for the proposed FY 2015-16 Budget. Councilor Jones spoke passionately and eloquently about her dedication and support, and the Council's continued dedication and support of the Town and its residents. Councilor Jones stated that every line item in the budget this year has been reviewed and considered, which has been difficult and time consuming. Councilor Jones stated support for staff, including CVMO, cost of living increases. Councilor Jones stated the budget is tight again this year, and cannot be reduced any more without eliminating services. Councilor Jones stated she would like to see an increase in services and recreation, however an increase in services requires more revenue and additional staff. Councilor Jones encourages the public, the residents, to join the Mayor and Council in investing in, and supporting their community.

Councilor German stated support in most areas of the proposed FY 2015-16, however she could not support passing the proposed FY 2015-16 budget as presented tonight. Councilor German advised the Town employees received 6% increase in wages over the past three years. Councilor German stated she also would like to see an increase in services and recreation, acknowledging that this requires additional funding and staff. Councilor German supports having all letters with respect to attorney services for CVMO be made part of the record. Councilor German applauded the Library Director for providing so many services with so few increases in budget requests, stating the Library is open 6 days a week, and the Library continues to apply for and receive a variety of grants and utilizing a wonderful volunteer staff.

Councilor Whatley stated support for the proposed FY 2015-16 Budget. Councilor Whatley objects to having all letters become part of the record (Minutes), as the letter(s) from Mr. Bast do not have any address, and she feels that Mr. Bast should present himself before the Council, not stand on a letter. Councilor Whatley supports having CVMO rely on the County Attorney for legal services, not pay \$20,000 for a contract attorney. Councilor Whatley stated support for CVMO and cost of living increases for Town Staff, including CVMO. Councilor Whatley stated support for the expenditure of sewer sleeves along the 260 corridor, which will save thousands of dollars in the future to have this completed while the "trenches are open" and be available as infrastructure to market the Town for potential investors and businesses. Councilor Whatley would also like to see an increase in services and recreation, stating the Town currently has 118-acre parcel designated for a park, but currently is lacking the funding to develop the property and construct a road into the area.

Councilor Baker stated support in most areas, but not all areas, of the proposed FY 2015-16, stating support for cost of living increases for all Town employees as they stayed loyal, and continued to provide excellent service during the "lean" years. Councilor Baker said the budget process was easy and services were abundant when times were good, but now things are tight and the Council is doing the very best they can with the revenue available. Councilor Baker stated concern regarding the amount of money spent on staff and the reduction of services to the residents stating the Town provided more services with less staff and less budget years ago, and the Town should strive to regain that philosophy, rather than spending more on attorneys and additional staff.

Councilor Gordon stated support for the proposed FY 2015-16 Budget. Councilor Gordon advised the residents that this Budget process started months ago, and the Council, Manager and staff have been working diligently

and meeting weekly (sometimes twice weekly) to resolve all **issues**. Councilor Gordon stated he was pleased to see so many residents appearing and being involved tonight, and encouraged all residents to participate in **next** year's budget process, which generally begins in the spring. Councilor Gordon stated support for the \$20,000 expenditure for CVMO attorney services.

Vice Mayor George stated support for the proposed FY 2015-16 Budget. Vice Mayor George commented that the new sales tax increase goes into the general fund, however, the Council (per the proposed budget) has allocated all of the increased revenue for CIP projects for the benefit of the Town and its residents; expenditures, per the proposed budget, will be adjusted according to the actual revenue received.

Adjournment

Mayor German pronounced Adjournment of the Special Session at 7:23 p.m.

Charles German, Mayor

Lynn Riordan, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Special Session of the Town Council of Camp Verde, Arizona, held on July 15, 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2015.

Virginia Jones, Town Clerk



Town of Camp Verde

Gateway to the Verde Valley

◆ 473 S. Main Street, Suite 102 ◆ Camp Verde, Arizona 86322 ◆

◆ Telephone: 928.554.0000 ◆ Fax: 928.567.9061 ◆

◆ www.campverde.az.gov ◆

handed out in meeting 7-15-2015

July 14, 2015

Thomas A Bast
360 W Finnie Flat Rd Apt 16
Camp Verde, AZ 86322

RE: Legal Counselor

Dear Mr. Bast:

Thank you for your letter to me and Council. Please find listed below some of my particular reasons and deliberations for voting to have a contracted attorney to render legal advice for the Marshal's Office.

1. There were three (3) or more ongoing active litigations with the Marshal's Office upon Marshal Gardner's arrival.
2. She was hired to bring up the level of service and professionalism of the Marshal's Department among other things.
3. She was given a budget and a reasonable expectation to prioritize her needs for the department and to meet her mission.
4. I do understand our Town Attorney represents the Town of Camp Verde. Mr. Bill Sims was contacted for his opinion as to whether to hire Eric Edwards and Bev Ginn and he stated he did feel that was a good idea. Mr. Sims is the Town Attorney, however he does not specialize in many areas of police work such as "when to kick a door in," "when to make an arrest," "how to process a crime scene," "custodial issues," or even "domestic violence situations," just to name a few. Although the Town Attorney can be called at any time, he is rarely immediately available while officers are on a traffic stop or during other critical scenes, and then the officer must leave a message. Obviously, the scene will not wait for such a delayed response.
5. Through the current Marshal's leadership and training standards for the department, including the use of current legal advisor, there have been no litigations involving improper application of the law by sworn officers of the Marshal's Department.
6. In a response to my letter requesting what services were specifically covered by the County Attorney's Office, they indicated they do not offer legal advice. Also one area which was reoccurring with the Marshal's Office was whether to impound vehicles (or not) at the scene. This required legal advice to which the County Attorney's Office would not provide.



Handicap Relay: 711 or Voice: 1-800-842-4681 TTD: 1-800-367-8939





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7. Documented judgments against the Town of Camp Verde's Risk Management Insurance Pool for such kind of incidents included one which \$250,000 against the Town which included an improper impound of a vehicle.
8. The Marshal's Office works closely with the County Attorney's Office on cases that will potentially go to trial (such as homicides, fatal accident's involving impairment etc.), The County Attorney's Office can be a very real help to officers in their preparation to take their incidents to trial.
9. Just having any attorney available to respond to officer's questions 24/7 would not necessarily provide any different legal advice beyond what the County Attorney's Office could or would provide. However, what can and does provide is tremendous assistance by an attorney with exceptional experience and background in being a police officer.
10. Additionally, one more individual reason for my voting to have a special contracted attorney for the Marshal's Office is because as a professional enforcement officer, Marshal Gardner has deem it essential to improve her department's effectiveness, professionalism and most likely reduce the number of legal claims against the Town. Furthermore, this contracted attorney and associates come with numerous years of police and law enforcement experience. This specific attorney comes with over 26 years' experience as an officer. That is the crucial difference between services we have under contract and what the Town Attorney or the County Attorney's Office can or would provide. Eric Edwards and Bev Ginn currently contract with 19 other agencies – they also expect Sedona and Cottonwood to soon be part of that list. Unfortunately in some agencies they cannot afford a full time legal advisor and that is where Eric Edwards and Bev Ginn are beneficial as part time contracted legal advice. County Attorney Sheila Polk confirmed this through a letter to me, explaining that the County Attorney's Office cannot provide legal counsel nor advice about certain other issues.
11. For me it is about making wise decisions and planning ahead so we work to ensure officers have the tools to make good decisions, ultimately saving the Town money (from litigations) and our making better business decisions about such services.
12. The level of training provided under this contract is geared to the specific needs of this department and is highly interactive with our officers. It should also be noted that this contract attorney incorporates the latest changes in Arizona State Statutes as they occur and how that will affect our officers. Yes, additional education may be sought through other means which would be an additional cost. However, having the very attorney who provides legal advice to officers providing the training, brings with him the history of this department and the officers with whom he has already interacted during their contacts with him for legal advice. Mr. Edwards also brings the educational sessions directly to the Camp Verde Department.

Finally, although I cannot speak for the other four (4) Council Members who voted in favor of this budget, we all spent a lot of time and effort to make this the very best operational budget we could present for adoption. To think of imply by anyone that this Council merely adopts what the Manager recommends, nor investigates the merits of all aspects of the budget, really



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has not paid close attention to the Council Session or actions we have taken. We have taken an oath to "faithfully execute the duties of our office," I take that very seriously.

Thank you for your concern and opinions, I hope this helped to clarify the need for a legal advisor for the Marshal's Office and why I voted in favor of the entire budget which included this item.

Respectfully,

Charles C. German
Mayor

CC: Council



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10 July 2015

*Requested by Carol German
to be included w/ minutes
7-15-2015*

TO: Mayor Charles German, Town Council Members., and Mr. Russ Martin.

FROM: Tom Bast, Camp Verde Citizen

SUBJ: Legal Counselor

An Advisor. One whose profession is to give advice in Law.

1. The Town Attorney is Mr. William Sims.

- He has an outstanding reputation in our Town.
- He is available for attendance at all important Town Meetings.
- It is understood that all Town Legal issues are reviewed by Mr. Sims.

2. Yavapai County Attorney (928 771 3344)

- A Yavapai County Lawyer is "On Call" **Twenty-four/Seven**. He is especially available for law enforcement officers.
- All other Towns in Yavapai County utilize this County Attorney for legal advice after hours.
- Yavapai County Deputy Attorney shared that he and his colleagues even assist with Search Warrant issues and technicalities.

3. Edwards & Ginn

- Appears to be an Advisor from a Home Business in TUCSON.
- Advises.
- Offered Continuing Education is a positive. Continuing Education is available from other agencies. Doctors, Nurses, Firefighters, and other Professionals are required to obtain X number of hours of Continuing Education annually. Continuing Ed for Police Officers is also available elsewhere.

THEREFORE, Why the added expenditure of \$20 K when we have Mr. William Sims - a Rhodes Scholar Oxford U, '76-'81, and an Air Force Academy Graduate; PLUS a Yavapai County Attorney Available 24/7 ?

There are so so many needs in our Community, let us spend wisely.

Thank You ,

Tom Bast



Yavapai County Attorney

255 East Gurley Street
Prescott, AZ 86301
(928) 771-3344 (Criminal & Civil)
Facsimile (928) 771-3110

hand out in meeting 7/10/15

*Special by
Bruce Jones*

SHEILA POLK
Yavapai County Attorney

April 21, 2014

Nancy Gardner
Camp Verde Town Marshal
646 South 1st Street
Camp Verde, Arizona 86322

Dear Marshal Gardner,

I write to clarify the role of the office of the Yavapai County Attorney in providing legal advice your officers. As explained below, this office works with law enforcement officers within the scope of particular cases which have been charged for prosecution or are pending a charging decision. We also work hand-in-hand with law enforcement as we prepare a case for trial. Additionally, we have a prosecutor on call 24/7 to answer questions on a particular case from law enforcement as they do their work.

The scope of the legal advice we give to law enforcement is limited to the issue immediately at hand, to cases being prepared for submittal, or to cases currently being prosecuted by our office. We are not authorized by statute to provide general legal advice to law enforcement agencies, other than the Yavapai County Sheriff's Office, indeed, in providing advice beyond the prosecutors' role, my office would lose our absolute immunity and be subject to lawsuits based on our advice.

I am aware that police departments and officers face a myriad of legal issues that far exceed the scope of the legal advice this office provides. Calls that deal with civil matters, public records, landlord tenant, child custody, liens, towing and impound issues, best practices in police operations, employment issues, internal investigations, use of force, pursuits, and emergency driving are all examples of calls beyond the scope of our legal advice. When a prosecutor receives such a call, he or she will simply advise the officer to contact their legal counsel for advice.

I appreciate the positive working relationship between your office and mine, and the efforts you have made since your appointment as Marshal to improve the quality of your department's criminal investigations and reports. Working together, we produce good quality cases for prosecution that hold up in court.

Very truly yours,

Sheila Sullivan Polk
Yavapai County Attorney



Yavapai County Attorney

255 East Gurley Street
Prescott, AZ 86301
(928) 771-3344 (Criminal & Civil)
Facsimile (928) 771-3110

SHEILA POLK
Yavapai County Attorney

May 15, 2014

Charles German, Mayor
Town of Camp Verde
473 S. Main Street, Suite 102
Camp Verde, Arizona 86322

Dear Mayor German,

I write to respond to your letter dated May 13, 2014, wherein you seek clarification of my letter of April 21, 2014. Specifically, you ask the following two questions:

1) Is legal counsel available from my office at 2:30 a.m. if an officer at the scene of an incident has a legal question relating to the incident before the case has been charged and assigned to a prosecutor?

ANSWER: "Legal counsel" is not available but "legal advice." The Yavapai County Attorney is never the legal counsel for local police agencies but we do work hand-in-hand with police officers at crime scenes in order to secure a strong case that will hold up in court. A deputy county attorney is on "duty" 24/7 to answer questions from officers that relate to a specific crime scene even if the case has not yet been charged or assigned. There are some limitations with the scope of our advice. For example, we will not provide advice on whether to arrest a suspect, how to execute search warrants, we cannot answer questions about towing a vehicle at the scene of a DUI, or questions pertaining to the custody of children inside the vehicle. During daytime hours, there may be some delay in our response to calls depending on whether the prosecutor is in court or otherwise unavailable due to work demands.

2) Does the County attorney's Office provide training to local law enforcement departments relating to reoccurring incidents that have caused litigation and loss due to inadequate training or policies?

ANSWER: No. My office does not provide any training to local law enforcement departments outside of the Sheriff's Office (our client) relating to officer conduct, civil litigation, police policies, or training.

If you have further questions or wish to discuss this matter with me via telephone, please feel free to call me at (928) 777-7352.

Very truly yours,

Sheila Sullivan Polk
Yavapai County Attorney