

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE SPECIAL MEETING
November 18, 2014**

CALL TO ORDER

Mayor Evans called the meeting to order at approximately 4:00 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, and Council Member John Wilson.

ABSENT: Council Member Richard Croy.

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, and Silvia Smith - Town Clerk.

OTHERS PRESENT: Tracie Bailey - Chief Deputy Town Clerk and Chris Higgins - Council Member Elect.

PURPOSE OF MEETING

1. **Election Canvass:**
 - A. Presentation of canvass of Election Returns for the Town of Payson, General Election of November 4, 2014
 - B. **Resolution No. 2810.** Mayor Evans opened discussion/Possible Action re: Resolution No. 2810 captioned as follows:- A RESOLUTION OF THE MAYOR AND PAYSON TOWN COUNCIL, DECLARING AND ADOPTING THE NOVEMBER 4, 2014 GENERAL ELECTION RESULTS AND DECLARING AN EMERGENCY.

Silvia Smith, Town Clerk, noted the final election results were attached to the resolution.

Motion: to Approve Resolution No. 2810 captioned as follows:- A RESOLUTION OF THE MAYOR AND PAYSON TOWN COUNCIL, DECLARING AND ADOPTING THE NOVEMBER 4, 2014 GENERAL ELECTION RESULTS AND DECLARING AN EMERGENCY.
Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

Vote: Motion carried 6 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, and Council Member John Wilson.

Absent: Council Member Richard Croy.

2. **Consideration of a motion to recess to executive session** for the purpose of discussion or consideration of employment/appointment of a Town Attorney. Such discussion will include, but not be limited to, consideration of applications in the current recruitment, discussion of re-advertising the position, and /or utilizing outside counsel.

Motion: to recess to executive session for the purpose of discussion or consideration of employment/appointment of a Town Attorney. Such discussion will include, but not be limited to, consideration of applications in the current recruitment, discussion of re-advertising the position, and /or utilizing outside counsel.

Moved by Vice-Mayor Michael Hughes, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, and Council Member John Wilson.

Absent: Council Member Richard Croy.

All Council Members, except Council Member Croy, recessed to Executive Session at approximately 4:03 p.m.

Mayor Evans reconvened all Council Members, except Council Member Croy, to the special meeting at approximately 4:26 p.m.

3. **Discussion/possible action re:** the employment/appointment of a Town Attorney, including but not limited to consideration of applications in the current recruitment, discussion of re-advertising the position, and /or utilizing outside counsel.

Tim Wright, Town Attorney, gave a brief background on the offer of employment to James Mannato and why Mr. Mannato had declined the offer. Mr. Mannato had accepted an employment offer to be the Public Defender for Pinal County. Mr. Wright asked the Council if they would like Staff to consider the other individual interviewed or look at the other applications or start the entire process over or use an outside firm. Mayor Evans asked Mr. Wright to explain why staff was pushing this through. Mr. Wright explained he had less than 40 days left until he would swear in as a

judge and he would like to work with the new attorney before his employment with the Town ended.

Council Member Blair preferred to go back to the candidates that originally applied to see if any of them could be interviewed. Council Member Carpenter asked Mr. Wright to explain how outside counsel would work. Mr. Wright replied there were various ways to do it. The Town could contract with an individual firm or with the County. Mr. Wright explained he would have to research how that was abstracted and noted with an inhouse attorney Staff would have better service. Council Member Carpenter noted Staff might not always be able to get ahold of an outside attorney. Mr. Wright believed an outside firm would be very responsive and get back to Staff in approximately an hour.

Vice-Mayor Hughes was concerned about the time frame associated with going with an outside firm. Council Member Carpenter noted that would limit Mr. Wright's time to bring someone up to date. Mr. Wright replied that was true and it would affect his staff. Council Member Connell asked if Mr. Romney would have time to train with Mr. Wright. Mr. Wright responded Mr. Romney had indicated that he would be able to start in December. Mr. Romney's boss, Mr. Bailey, would like sufficient notice. Mr. Wright noted Mr. Romney may be able to take a vacation day from Glendale and come to Payson to train. Council Member Carpenter noted on January 1, 2015 Mr. Wright would be unable to assist the new attorney. Council Member Blair preferred an internal attorney that was hired for this job only and asked if a firm helped write the agenda and memos. Council Member Blair asked how long Diane Stoyer, Legal Department Office Manager, has worked for the Legal Department. Mr. Wright replied close to 20 years. Council Member Blair believed Ms. Stoyer would be a real asset to the new attorney.

Council Member Connell noted they were both Arizona attorneys and had all of the credentials needed and asked if the people who had put in applications would still be available. Mr. Wright believed there may be a couple of applications to take a second look at. The initial interview team felt there was a big drop off after the top five, but Staff could go back between now and Friday and see if that was a possibility.

Vice-Mayor Hughes noted there were some applicants who were municipal employees. Mayor Evans asked why those applicants had not made the cut the first time. Mr. Wright explained he had asked the people on the interview team to pick a top five; three of the same applicants were picked by the entire team. Mr. Wright noted he would have to go back and contact the other applicants and see if they were still interested. Mayor Evans asked if the people reviewing those applications were available. Mr. Wright responded Vice-Mayor Hughes and some staff members could go over applications tomorrow morning. Mayor Evans suggested the team bring back two candidates and Mr. Romney. Mr. Wright noted the team would look at all fourteen applications. Council Member Blair believed it was more

important to get a right person more so than being pressured by a time constraint. Council Member Wilson suggested the Council schedule another special meeting to review the information. Mr. Wright felt the fastest Staff could review applications would be Thursday and Council could have a special meeting on December 2, 2014 to meet the candidates. Mayor Evans noted timing was not an issue to have Ms. Stoyer there; it was an issue to have Mr. Wright there to train the new attorney. Mr. Wright suggested the interview team make calls this week to see when applicants could interview and when they could start. Council Member Blair and Council Member Carpenter both noted they could look at applications on Friday. Mayor Evans noted he was not available on Friday. Mr. Wright suggested Staff and Vice-Mayor Hughes at least make the calls. Mayor Evans felt there was not time to contact applicants in time for a special meeting on Thursday. Mr. Wright responded he and Vice-Mayor Hughes would talk to applicants tomorrow and add language to the November 20, 2014 Council agenda. It was Council consensus to have Mr. Wright and Vice-Mayor Hughes call some applicants and see if they could get three applicants to interview on Thursday in an Executive Session. Council Member Blair noted if two or three candidates were found he would like to see their applications. Council Member Carpenter noted he definitely wanted to be here, but asked if Staff could word the agenda for him to be present telephonically. Council Member Carpenter could come back for an Executive Session. Mr. Wright replied Staff would amend the agenda. Mayor Evans asked if Council Member Carpenter could be present telephonically for an Executive Session. Mr. Wright replied yes.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 4:48 p.m.

APPROVED:

_____ Date: _____

Kenny J. Evans, Mayor

ATTEST:

Silvia Smith, Town Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Payson held on this day the 18 of November, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2014.

Tracie Bailey, Chief Deputy Town Clerk