



MINUTES OF SPECIAL MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, June 11, 2009, TOWN HALL CONFERENCE ROOM, 12030 CLUBHOUSE SQUARE

1. **Call to Order** Mayor LeVault called the meeting to order at 6:05 p.m.
2. **Roll Call** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby, Susan MacKay and Judy Johnson
Staff present: Town Manager Lloyce Robinson, Town Attorneys Michelle Swann and Susan Goodwin
3. **Pledge of Allegiance and Invocation** Pledge led by Police Officer Randy French. Invocation offered by Police Chaplain Charles Ring.
4. **Business**

A. Discussion and/or Action Re: Approval of Resolution 09-13, Providing Support for Governor Brewer's FY 2009-10 Statewide Budget Proposal.

Mayor LeVault spoke to:

- Governor's budget containing a Five Point Plan
- Grave problems with the State budget
- Legislature is getting ready to send bills to the Governor that could result in a sweeping of municipal and county funds from vehicle license tax and others
- AZ League of Cities & Towns are involved to protect the interests of the cities & towns
- League has obtained a legal opinion that states it is illegal to sweep these funds
- Town Manager has been requested to explore all avenues to protect Youngtown's revenue funds.

Discussion ensued with input from Councilmembers regarding the State's deficit and doing what Council doing as they were elected to take action in the best interest of the Town.

Jim Mann, Executive Director, Fraternal Order of Police, noted:

- Spending much time at the Capitol looking at the budget concerns
- This is taking on a grassroots effort
- Cities have been fiscally responsible
- Encourages the Council to take the recommended action.

Dr. Kathryn French noted:

- It is encouraging to put this 1% sales tax before the voters and if approved, it is the people's choice.

Councilmember Oglesby-Motion To Approve Resolution 09-13, Providing Support For Governor Brewer's FY 2009-10 Statewide Budget Proposal; 2nd Vice Mayor Duran; Roll Call Vote- Unanimous 7-0

5. **Recess Special Meeting and Convene in Executive Session Pursuant(6:20 p.m.) to:**
Executive Session pursuant to A.R.S. Sections 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4) for discussion or consultation for legal advice with the Town Attorney related to an appropriate independent review, evaluation and processing of complaints filed by members of the Town Police Department involving the Chief of Police, and discussion or potential legal liabilities related to the operation of the Police Department.
6. **Adjourn Executive Session and reconvene Special Meeting at 7:05 p.m.**

7. Business:

A. Discussion and/or Action Re: Approval of Memorandum of Understanding with Dr. Terry Eisenberg for Youngtown Police Department Review and Recommendation, in an amount not to exceed \$15,000 extending from the date of execution until July 15, 2009.

- Mayor LeVault asked Town Manager Robinson to offer background through process to recommendation of Dr. Eisenberg's firm.
 - Took almost 3 weeks to locate a resource that would handle a non-criminal issue-police agencies will investigate only if suspected criminal activity is involved. Contacted:
 - AZ. Dept. of Public Safety-Would handle only if criminal issue (Delay of 1 week)
 - AZ. POST-Handle only certification questions, much like a medical board to physicians.
 - Town of Marana-Appointed a citizen/business committee-result was not positive.
 - Attorney General's Office-Does not allow moonlighting of any personnel; would have to be a claim through AG Terry Goodard.
 - City Manager of Cincinnati, Ohio (Manager Dohoney) due to his Police Dept. issues-he referred me to ICMA Division that handles Public Safety issues. (Took over 1 week for call back)
 - CALEA-Not relevant to their certification of Police Dept. activities
 - Upon suggestion of Officer Randy French, contacted company that performed El Mirage's audit of both Fire and Police some years ago; firm is Carroll Buracker & Associates
 - Buracker & Associates-Recent death of principal left company unable to do public safety audits or reports, but would refer request to Dr. Eisenberg (who performed the human relations-management portion of audits)-delay of 4 days. Dr. Eisenberg called 2 days later.

- Resident June Miller- What do you expect to accomplish?

Mayor LeVault -Review goes where it goes. We are trying to achieve the best and most effective Police Department for the Town. We have some great officers and can have a better Department.

- Resident Dr. Kathryn French-There is underlying tension and strife from public comments; my experience with was different than the police blog; needs additional attention after the report from last fall (Oct. 2008).
Mayor LeVault-We are going out for an independent, professional review and will not politicize the Police Department.

- Executive Director (FOP) Jim Mann-Disappointed with first report (Traaen & Associates); FOP feels did not serve the Town well; certain procedures should be in place to protect the officers; last few months have been difficult; blog is not endorsed by the FOP or the Youngtown Officers, but could be an employee no longer working with the Town; we are asking to have involvement for fairness; asking Dr. Eisenberg not to build his report on the Traaen Report; haven't had an opportunity to speak with the Officers to advise them.

Mayor LeVault-Council is not politicizing the Police Dept. and Council will make their decision based on input from Dr. Eisenberg's report.

Vice Mayor Duran-Has a lot of respect for you (Mr. Mann) and for the Police Officers. Council is trying to make it work for the Town.

Councilmember Mello-Sees that this gentlemen's (Dr. Eisenberg) background has extensive police experience.

Director Mann-Dr. Eisenberg's credentials are not in question, but hiring a consultant will mean the consultant will do what is asked; there is some apprehension based on the past few months after the Traaen Report.

Attorney Goodwin-The Town Manager and Attorney will take all steps to ensure fairness and that no illegal retaliation will be tolerated.

Dr. French-Apprehension yes, but we hope to find some answers to the problems.

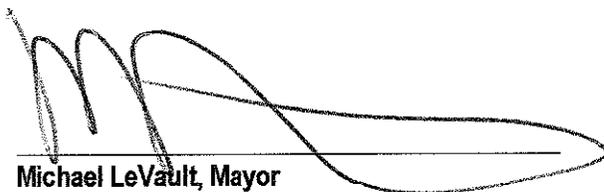
Mayor LeVault, Vice Mayor Duran, Councilmembers Chittenden and Johnson commented: Give the Police Department tools and resources to do their job; we want a good work environment also; safety is also important; respect the Officers and hope that this will resolve all issues.

Councilmember Chittenden-Motion To Approve Memorandum Of Understanding With Dr. Terry Eisenberg For Youngtown Police Department Review And Recommendation, In An Amount Not To exceed \$15,000 Extending Form The Date Of Execution Until July 15, 2009 And Authorizing The Town Manager To Finalize The Contract And Scope Of Work; 2nd Vice Mayor Duran; Roll Call Vote: Unanimous 7-0.

8. Citizens Comments/Apearances from the floor:
No citizen comments.

Adjournment.

Motion to adjourn – Councilmember Mello
Second – Vice Mayor Duran
Voice Vote-Unanimous
Meeting adjourned at 7:45 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the June 25, 2009 Special Meeting.