



MINUTES OF WORK SESSION OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, May 7, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor LeVault called the meeting to order at 6:12 p.m.
2. **Roll Call** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Lucille Rethford, Margaret Chittenden, Dorena Mello, Shirley Oglesby, and Susan MacKay.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Police Chief Kimberly Johnson, Public Works Manager Mark Hannah, Finance Officer Jackie Hoffman, Library Assistant Nancy Lewis, and Town Clerk/Treasurer Letty Goldberg.
3. **Business**
 - A. Discussion Re: Approval of Ordinance 09-02 amending the code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, by amending Sections 2.12.010 Officers, and 2.12.130 Town Manager, all related to retention and supervision of job duties for town clerk and town manager; providing by repeal of conflicting ordinance; and providing for severability (ROBINSON).
Town Manager Robinson
 - At the request of Councilmember Chittenden we have created two organization charts, one showing the current organization, the second showing the proposed organization. Also in your materials are comments from the Town Clerk/Treasurer, an expanded survey report that includes the Town Clerk/Treasurer's previous survey information, a copy of the proposed ordinance change, the Town Clerk/Treasurer's probation objectives, and materials from prior Council work session. When I met recently with Councilmember Rethford she asked me if there was animosity between me and the Town Clerk and I answered "No" but told her I could call the Clerk in to answer for herself.Mayor LeVault
 - I appreciate the comments from the League but we look to the Town Manager for the operations of the Town. However this change is a fundamental shift in the balance of power.Councilmember Mello
 - In my business we all vote on who we hire. This is a balance of control. Employees are often hired by one person and supervised by someone else. Why isn't the Police Chief a direct hire of the Council? Why change something that is working?Town Manager Robinson
 - I'm seeking a change to the ordinance to reflect what is happening in Town administration. It is not in code but is how my predecessor handled the position. It isn't right and it isn't clear. I believe it is leftover from the Council/Commissioner form of government, and when the Town went to Council/Manager government the Town Clerk/Treasurer should have been placed under the Town Manager for hire/fire and discipline. When the Council was responsible for Town operations they needed to control the Town Clerk/Treasurer position, but when changed to Council/Town Manager government, Town Manager was responsible for operations and Council continued as policymaker.Mayor LeVault
 - I am unconvinced of the need for change. The Clerk should be close to the people.Town Attorney Swann
 - The Council controls the human resources responsibilities for the Town Clerk/Treasurer. The Town Manager is not allowed to discipline the Town Clerk/Treasurer only to recommend disciplinary actions to the Council.Mayor LeVault
 - What if we take out discipline and Council keeps hiring and firing.

Town Attorney Swann

- That would make the Town Clerk/Treasurer the only officer disciplined by the Town Manager. The other officers (Town Attorney, Town Magistrate, Town Prosecutor, and Town Manager) have contracts. If Council is unhappy with the other officers they can terminate the contract.

Councilmember Rethford

- I want to point out that in Town Code, Council is the policy maker and Town Manager is responsible for operations. I have seen the Town operations under many Town Clerks supervised by the Council.
- The best Town Clerk was Eleanor Romaine. In the formative stages of the town we needed someone who knew government and worked well with people and the Council.
- Other Clerks were too political. Mary Cato and Pat Olmoth would dictate what could and couldn't be done.
- I appreciate the org chart. We never had that until now. It shows responsibilities. The chart is flawed. The Clerk has nothing to do with the balance of power. We hired the Town Manager to oversee operations.

Councilmember Chittenden

- I agree with you. Council has enough to do besides disciplining the Clerk.

Councilmember Rethford

- I think we are courting a political problem if we remove the Clerk from operational.

Vice Mayor Duran

- I'd like to hear from the Town Clerk.

Town Clerk Goldberg

- I did some additional research, but it isn't scientific. Clerk responsibilities vary from state to state and city to town. In some places clerks have a residency requirement, especially if they are elected, as required in some states. State laws may describe the types of employees they can hire to accomplish their statutory responsibilities. When there is a Town Manager it makes sense for the Town Clerk to report to the Town Manager for a smooth flow of operations. I know it can be difficult to separate people from the positions but we need to look at how the organization functions. It would be good to make the change when there is no conflict between the parties involved.

Mayor LeVault

- We sit up here at the behest of the people. The debt I owe is accountability. There has to be a better way to clean up this ordinance.

Councilmember Oglesby

- The Town Manager is hired to handle Town operations. Hiring and firing should be given to her. The Magistrate, Town Attorney and Prosecutor are a different situation.

Councilmember MacKay

- If discipline is removed from the Council, we still have half of the human resources responsibility. This could create discord.

Mayor LeVault

- Consensus is to bring this item back to Council on the May 21 Regular Meeting Agenda.

4. Public Comments

None.

Regular Council Meeting: Thursday, May 7, 2009 immediately following Work Session.

Adjournment.

Motion to adjourn – Councilmember MacKay

Second – Councilmember Oglesby

Meeting adjourned at 7:07 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the May 21, 2009 Regular Meeting.



TOWN MANAGER REPORT JANUARY 2009 - APRIL 2009

MEETINGS:

- **Mayor and Council Members**-monthly one-on-one (as scheduled). Budget FY 2009-10 Pre-Briefing Sessions (4) were held during March and April. Dept. Heads presented their budgets to gain Council's input.
- **Dept. Heads**- The meetings have been reformatted to include Dept. Heads and direct reports to the Town Manager. This encompasses all persons who are responsible for vital functions of Town operations.
- Meetings have concentrated on keeping the FY 2008-09 budget expenditures under the revenues. Planning discussions for FY 2009-10 budget have resulted in final figures for the tentative budget. Keeping abreast of contracts for renewal, planning events, and various personnel issues have been met with discussion then resolve.
- **Changes to Town representation at MAG Committees:**
 1. Regional Council, Mayor LeVault (unchanged)
 2. Management, LRobinson (unchanged)
 3. Air Quality, MHannah (unchanged)
 4. Street Committee and Transportation Review Committee, Grant Anderson, Town Engineer
Adding the Town Engineer, Mr. Anderson, to Youngtown's representation is expected to give better involvement and chance to get funding through MAG's transportation process. These committees are staffed with persons that have engineering degrees or work in the technical side of the transportation projects. Mark and I have staffed these meetings and time has been a challenge for us to keep involved, understand all the technical aspects and build a repore' with these colleagues. Grant Anderson has years of experience and relationships throughout the State, especially in Maricopa County, and we are going to try this approach as a positive move.
- **Economic Development**-Meetings and telephone contacts regarding shovel ready, 6 acres along Olive Avenue with Wal-Mart, Dunkin Donuts, and 99 Cent Stores. No positive results on development. The property owners plan to lease a portion of the acreage for a billboard sign (double-sided).
- **Business Community**-Held a Business Forum in February co-sponsored by the Surprise Regional Chamber of Commerce and Youngtown Council. Contracted with Consultant (former City Manager of Surprise, Jim Rumpeltes) as the project manager to create a YT Business Core Group, which is a result of this Forum. Meetings have been held with 8 participating YT business owners. They seem to have a common bond to improve their businesses. Rumpeltes' contract ends June 30, 2009 and a report is due to Council.
- **Grand Avenue Widening**-Feb. 12th Mark Hannah, ADOT and I met with businesses that are directly affected by this project. Their concerns on timeline, night-time work (impacting "sleeping" motel guests), utility line abandonment, sale of row and coordination of intersection improvements. I assured the businesses that the Town will partner with them to make this a

positive experience and advocate their concerns to ADOT. The Town's stake is \$\$ by their tax payments and no one can afford to lose any of this local revenue. We plan to do a positive marketing blitz and include other businesses.

NEW PROJECTS-ACTIVITIES-ISSUES:

- **YES (Youngtown Event Specialists)** executed a successful **YOUNGTOWN COMMUNITY CULTURAL FAIRS** (formerly Spring Fling) event on April 4, 2009, 10a.m. to 1p.m.
- **Police - Police Policy and Procedures Manual** completed and awaiting final approval from Town Attorney. Old one is 10 years old.
- **Police- Community P.R.I.D.E.** started March 2009 and formally presented at April 4th Community Cultural Affair. Town is divided in zones and assigned to officers, who are responsible to interact directly with residents and businesses through personal contact, attending HOA meetings, etc.
- **Administration - January 2009-First Annual Town Report** complete (Jan. 2008-Dec. 2008)
- **Administration - Personnel Code-Final review** by Town Attorney and expected to be accepted prior to July 1, 2009.
- **Public Works - Repairs to Municipal Facilities-Historical building:** Replace roof and made repairs to the logs; **Town Hall:** Repaired vacated door in Finance Office and repair to opposite wall; repaired Finance Officer's wall by removing a door that was unusable.
- **Census 2010-** Diane Cordova, Vol. Coordinator, has been assigned as the Liaison re Census. She is forming a Hispanic Core Group to help count them for Census, which is a vital action for the Town's future funding and population figures. July 2008 updates on Group Quarters (assisted/independent living) reflect an increase over 2007 of 192 residents. That means an increase in our population for future monetary federal and state distributions.
- **Library-Continued increase in patrons** to @ 125 per day or @ 600 patrons per week. Library Volunteers have decreased, but Nancy Lewis, Library Assistant, and part-time Library Clerk, Twila Lampe, have filled the vacant positions.

FINANCES:

- As of March 2009 financial reports-LGIP funds are realizing very little earned interest, but the LGIP-General Fund is **\$1,415,866**, representing an increase of **\$633,787** over March 2008.
- Revenues are below estimated amounts, but expenses are staying below actual revenues. The Local Taxes continue to maintain a higher percentage. We can all thank the businesses and the landlords who are paying their monthly rent taxes.

PERSONNEL CHANGES:

- Police Officer James Russ, hired February 2009

ANNOUNCEMENTS:

- June 27th, 6-9a.m.-Free Rabies Clinic for Youngtown Residents, sponsored by Maricopa County Animal Care and Control.