



TOWN COUNCIL MEETING MINUTES

February 2, 2011 - 7 pm

Taylor Town Hall

425 Paper Mill Road, Taylor, AZ 85939

REGULAR TOWN COUNCIL MEETING

CALL TO ORDER: The meeting was called to order by Vice Mayor Jordy Fuentes at 7:00

ROLL CALL: Council present: Vice Mayor Jordy Fuentes, Councilman Mark Reed, Councilwoman Jane Lee, Councilman Jay Whipple and Councilman Jared Hatch

Council absent: Mayor Debbie Tuckfield and Councilman Robin Palmer

PLEDGE OF ALLEGIANCE: Led by Councilman Jared Hatch

INVOCATION: Offered by Councilwoman Jane Lee

STAFF PRESENT: Manager Eric Duthie, Clerk Kelly Jones, Finance Director Gus Lundberg, Sergeant Brian Gardner,

ATTORNEY: Sterling Solomon present

VISITORS PRESENT: "See List"

CONSENT AGENDA

- A. Approve minutes of the January 5, 2011 Town Council meeting
- B. Provisions of a 60 day notice, as required by statute, to the Town Council of planned agenda discussions concerning fees adjustments and/or creation, relating to Town services, facilities and utilities.

A motion was made by Councilman Jay Whipple, seconded by Councilman Jared Hatch
To approve the consent agenda

The vote was unanimous (5-0)

ACTION ITEMS

1. Discussion/Action: Discuss and provide staff direction concerning Navajo County Ordinance 08-10, Jail Usage Fees.
Town Manager Duthie Assistant County Manager Parsons

Navajo County Assistant Manager Dusty Parsons was present to inform the Council of an Ordinance, #08-10 titled the Navajo County Jail Usage Fees that was recently passed by the Navajo County Board of Supervisors. The ordinance applies to all incorporated cities and towns in Navajo County and was passed with the stipulation that the County negotiate with these municipalities for jail fees for those arrested, for misdemeanor offenses, by municipal police in their corporate limits. The cost includes booking, daily housing and daily non-routine medical service fees - all of which the County has paid in the past. Mr. Parsons said this pertains to misdemeanor offenses only that have been charged in municipal courts and incarcerated in the Navajo County Jail. The County has discussed this at length and recently met with the Town Managers regarding this issue. The proposal states that for the first three fiscal years the municipalities pay 50% of the amount of incarceration fees. Starting the fourth year they would be required to pay 100%.

Mr. Parsons cited an example to make the point of the type of non-routine medical costs incurred by

the jail when a prisoner is delivered to the jail, unconscious. The County is required to take the individual to the hospital and the County must assume all financial responsibility. All inmates, upon intake, are subject to an examination from the staff nurse. These costs add up along with the daily routine costs, meals and the administrative hours of booking. Acknowledging the difficult times with the economy, Mr. Parsons said the County is in a situation where they can no longer absorb these costs and are petitioning municipalities for financial help to defray costs.

Mr. Parsons further explained that the Navajo County jail is allowed to accept up to 100 Federal Bureau of Prison (FBOP) inmates and charge the federal government for these inmates, which helps pay indebtedness on the jail. The rate charged to municipalities is based on the formula used for the FBOP rates. The County is currently negotiating the rate but will, in all probability, go up. Mr. Parsons said the jail cost seven (7) million dollars annually to operate. He said this is not a good situation but we all need to work together as a team since this is a service they have to provide.

In response to questions about what the County has already done to reduce costs, Mr. Parsons said County staff has taken a 2.5% reduction in pay; reduced their annual budget from forty (40) million dollars to thirty (30) million dollars; they have been good partners with the cities and towns and provided good service.

The Council discussed this issue at length. Concerns included:

Double Taxation: The issue was summarized with a question posed and summarized as follows: Why does a resident of Taylor have to pay the double fee, when a resident of Heber - an unincorporated area - does not, even though both pay the required property tax to Navajo County to fund jail operations? Why are they asking city and town residents to pay twice, but not unincorporated area residents? It was expressed that this is a way of taxing municipal residents without taxing non-municipal residents. Taylor's position is that the jail is not a free service as it is being paid for with our taxes. The town is experiencing the same financial reduction problems and is struggling to provide basic services to residents.

Mr. Parsons responded by using the analogy of water service delivery. He said that Navajo County is a town water user and pays for each gallon of water it uses from the Town. He expressed that the jail fees are the same, since it is also a user fee. He said if we do not want to pay the fee, we should not use the service, just as the County would not be required to pay for the use of town water, if it did not use any.

Vice Mayor Fuentes responded to that analogy by identifying that the jail fee was not a user fee, as water service is. The town only charges a water use fee, not a separate dedicated tax to anyone to operate the system. Taylor residents pay a property tax specifically for jail operations. Navajo County does not pay any tax to Taylor for the operation of the water system. If the County wants to only charge for the use, residents would not be required to pay the imposed property tax under the analogy provided by Mr. Parsons. Mr. Parsons apologized for the use of a poor analogy.

What are the consequences, without an Intergovernmental Governmental Agreement, if the Town of Taylor does not pay the fees? The issue was summarized with a question posed and summarized as follows: If Taylor refused to pay the invoice for jail fees, what would be the

consequences?

Mr. Parsons said this is up to the Sheriff and he will not speak for him on this matter.

What are the benefits and cons of a Jail District Assistance Tax? This was briefly discussed with no determinations made.

What has the jail done to lower costs? Mr. Parsons explained that Navajo County has not asked municipalities to pay in the past. Along with the reductions in pay they do have the least expensive food service in the State. He said that when the number of inmates drops the costs will also drop. The County has met with Justices of the Peace and the courts and has asked Judges to allow inmates to cut days in jail by doing some work which will help cut back on fees.

Fire service provision: Taylor historically responds to requests for fire service to residents in unincorporated areas of Navajo County surrounding Taylor. What would happen if we discontinued this service?

Mr. Parsons stated the County will not respond and is not required to provide this service.

Eric commended Sheriff Clark for the cost cutting actions he has identified and taken, such as contacting Judges to allow work programs, credit to inmates for accelerated release and the extradition of fugitives. Sterling said he talked to the court about restricting distances for extradition and they are willing to work on this, which will, in turn, reduce costs to the jail and the courts. Eric said each community in Navajo County has the same concerns and are, to varying degrees, contemplating other options to paying the fees.

In closing, Eric noted that the town is not “knocking” Navajo County, staff or the jail. We are pleased with the improvements we have seen in the jail.

**2. Discussion/Action: Approve/Deny conducting a joint special meeting of the Taylor and Snowflake Town Councils at 6 pm on February 15, 2011 in Snowflake to receive and review the first draft of the area transportation plan.
Town Manager Duthie**

Eric informed the Council of the Taylor-Snowflake Special Joint Council’s Work Session to be held on February 15th at the Taylor Fire Station. This meeting will be held to provide an update of White Mountain Partnership activities and to review the first draft of the Snowflake-Taylor Multijurisdictional Transportation Plan. The transportation plan portion of the meeting was at the request of our Consultant Wilson & Company and the Arizona Department of Transportation. At the conclusion of this meeting the Taylor Town Council will convene at the Taylor Town Hall for a Public Hearing regarding the first reading of Ordinance O-2011-01 “Medical Marijuana Dispensaries and Cultivation” within the town limits.

A motion was made by Councilman Mark Reed, seconded by Councilwoman Jane Lee To approve the Special meeting of the Taylor-Snowflake Joint Council’s and the following meeting of the Taylor Town Council regarding a Public Hearing for the first reading of Ordinance O-2011-01, Medical Marijuana Dispensaries and Cultivation to be held on February 15, 2011.

<p>The vote was unanimous (5-0)</p>	
<p>3. Discussion/Action: Approve/Deny a special Town Council meeting at 8pm February 15, 2011, for discussion and first reading of Town of Taylor # 0-2011-01 “Medical Marijuana Dispensaries and Cultivation”. Town Manager Duthie</p> <p>Eric advised the Council that the Public Hearing scheduled for February 15, 2011 after the Joint Work Session is necessary to meet the timeframe to get the Medical Marijuana Ordinance established and in place by March. The second reading of the Ordinance will be on the March 2, 2011 Council agenda. Eric said the rules have changed some and more information will be provided to the Council prior to the meeting.</p> <p>A motion was made by Vice Mayor Jordy Fuentes, seconded by Councilman Mark Reed To approve the Special Meeting of the Taylor Town Council scheduled for February 15, 2011 for the first reading of Ordinance O-2011-01 regarding Medical Marijuana Dispensaries and Cultivation</p> <p>The vote was unanimous (5-0)</p>	
<p>4. Discussion/Action: Discussion/Action: Approve/Deny Ordinance 2011-01 designating and establishing the Public Right of Way/Easement to be known as East Center Street in the area beyond 1,000 East, and approval of the document entitled “Grant of Public Easement” for the same. Town Attorney Solomon</p> <p>Sterling reported that there is an immediate need as far as transport and growth in Taylor and the issue with East Center street has been a big topic for some time. We are at a point to establish a right of way with the Gayle Perkins family. This ordinance will be the first ordinance for the public right of ways. The Ordinance was posted as O-2011-01 but is Ordinance O-2011-02. It will create a public right of way continuation of East Center Street to allow for future growth which is something the Town of Taylor wants to manage and make sure it is done in an organized way. Everything is in order except a few legal discretions on and map that will be corrected by the second reading. Sterling noted that the first reading can be done contingent on these changes.</p> <p>Ordinance O-2011-02 was read by title only for the first time by Vice Mayor Jordy Fuentes.</p>	
<p>FUTURE AGENDA ITEMS Council may direct staff to include items on future agendas for discussion/action.</p>	

ADJOURNMENT:

A motion was made by Councilwoman Jane Lee, seconded by Councilman Jared Hatch

To adjourn the meeting

The vote was unanimous (8:37)

I hereby certify that the foregoing minutes are a true and correct copy of the Taylor Town Council meeting held on the 2nd day of February, 2011. I further certify that the meeting was duly called to order and that a quorum was present.

Dated this 3rd day of February, 2011

Kelly Jones
Town Clerk
Town of Taylor