

**MINUTES OF THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, JANUARY 14, 2020 AT 7:00 P.M. IN SHOW LOW CITY HALL, DEUCE OF CLUBS ROOM, 180 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

1. Call to Order.

Mayor Seymore called the meeting to order at 8:24 p.m.

2. Roll Call.

**COUNCIL MEMBERS PRESENT:** Mayor Daryl Seymore, Vice Mayor Mike Allsop, and Council members Brent Hatch, John Leech, Jr., Gene Kelley, and Connie Kakavas.

**COUNCIL MEMBERS ABSENT:** None.

**STAFF PRESENT:** Ed Muder, City Manager; F. Morgan Brown, City Attorney; Brad Provost, Police Commander; and Tamra Reidhead, City Clerk.

**GUESTS:** None.

3. Discussion Regarding Replacing a City Council Member.

Mayor Seymore said since 1985 there had been various selection processes used when there were Council vacancies to fill. In most instances, the Council interviewed people who were interested in serving, but some were vacancies filled by appointing individuals who were serving on the Planning and Zoning Commission (Commission).

Councilman Kelley said he was on the Commission and was interviewed when he was chosen to serve on the Council.

Mayor Seymore asked for discussion regarding filling Councilman Crittenden's seat. This vacancy was slightly different than previous ones because the City was just getting into the election cycle. People had begun taking out candidate packets to run for a Council seat.

Councilman Leech said he was running for the mayor's seat this year, but he still had two years remaining on his Council term. He was required to resign his Council seat to run for mayor, which he was willing to do. He was in line to be appointed to fill the Chairman's seat on the Northern Arizona Council of Governments (NACOG) in June, but that would only happen if he was still on the Council. His hope was that the Council would appoint him to serve the remainder of Councilman Crittenden's term so that he wouldn't have to resign from the Council to run for mayor. The Council would then have to appoint

someone to fill the remainder of Councilman Leech's term, which didn't expire until December 2022. He was planning to resign his seat in April when he turned in his nomination papers so that he could run for mayor unless the Council was willing to appoint him to serve out the remainder of Councilman Crittenden's seat. His desire was to continue on the Council so that he could serve as chairman of the NACOG Executive Committee. He was only one of two from this part of Arizona who served on the NACOG Executive Committee.

Mr. Brown said it was legal for the Council to appoint Councilman Leech to serve the remainder of Councilman Crittenden's seat. Councilman Leech's seat would then be vacant and need to be filled.

Councilman Leech said if he was elected as mayor, he would be able to finish his obligation to NACOG as chairman of their Executive Committee

Mayor Seymore asked what benefits the City would have with Councilman Leech as the NACOG Chairman. Councilman Leech said he would be a voice to speak for some of the grants that could be available for this area. There were others from the area who served on NACOG's Regional Council but not on the Executive Committee. The Executive Committee was who made most of the decisions about awarding grants, etc.

Mr. Muder said NACOG's funds were shared equally by population, and the Executive Committee determined how that was done.

Councilman Leech said the Town of Pinetop-Lakeside wasn't real active in NACOG a few years ago, and when grants became available, they weren't really considered for the grant funding since they didn't participate in NACOG. The Executive Committee usually allocated funds to the communities who were actively involved in NACOG.

Councilman Kelley asked about appointing someone to fill Councilman Leech's term if he was appointed to fill Councilman Crittenden's term. Mr. Brown said the Arizona Revised Statutes said the procedure to fill a vacancy depended on when the vacancy occurred. If a vacancy occurred more than 30 days before nomination petitions were due, which was April 6, then the vacancy would have to be filled by election for a two-year term. If the vacancy occurred less than 30 days before nomination petitions were due, then the Council could appoint someone to fill the seat for the remainder of the term.

Vice Mayor Allsop said having Councilman Leech continue to serve on the NACOG Executive Committee would benefit Show Low. He said he was not running for mayor this year but planned to run four years from now. If he had chosen to resign to run this year, it would have opened up another vacancy that would have to be filled by the Council.

Mayor Seymore said there was value to be gained by having Councilman Leech on the NACOG Executive Community representing Show Low. He felt the decision to appoint Councilman Leech to fill Councilman Crittenden's seat could be justified if that was the consensus of the Council.

Councilman Leech asked if a sitting Council member whose term expired in December could be appointed to fill a vacated seat, which would extend their term by two years. Mr. Brown said yes, it was legal to do that but there was some worry expressed by the League of Arizona Cities and Towns' attorney that it would be circumventing the vote of the people since it would be extending someone's term even though it wasn't illegal to do so.

Councilwoman Kakavas asked if it would make a difference when Councilman Leech was resigned or was appointed to fill Councilman Crittenden's seat. Mr. Brown explained that if Councilman Leech's seat was vacant before March 6, there would have to be a two-year seat added to the Primary election ballot in August. There would also have to be completely different nomination petitions to make it clear to petition signers that the seat was for a two-year seat. If Councilman Leech resigned after March 6, the Council could simply appoint someone to fill his seat, which expired in December 2022.

Mr. Muder said if there was a two-year seat on the ballot, the person who was elected to fill that seat would be considered elected immediately following the canvassing of the vote.

Councilman Kelley said in 2014, instead of running for a four-year term, he chose to run for the two-year term to fill the remainder of Councilman Gerry Whipple's seat who passed away in 2012. Councilman Hatch said he was serving on the Planning and Zoning Commission when he was appointed until the next election to replace Councilman Whipple on the Council. He subsequently ran in the 2014 election and won a four-year term on the Council.

Mr. Brown explained that there were strict laws regarding petitions, and if there was a two-year term, the petitions had to clearly state "two-year term" across the top of the petition. Those who were already collecting signatures for the 2020 election were collecting signatures for a four-year term.

Mayor Seymore asked when would be the best time for Councilman Leech to resign. Mr. Brown said it would be best if his resignation took place after March 6.

Vice Mayor Allsop asked if the City should go through the process of looking for citizens who might be interested in being appointed to fill Councilman Leech's seat. Mr. Muder said Councilman Leech had not yet resigned his seat, so there was no vacancy for his term. If the Council chose to appoint Councilman Leech

to fill Councilman Crittenden's seat, Councilman Leech would have to resign immediately upon appointment.

Councilwoman Kakavas asked if there was a time constraint of when the Council needed to appoint someone. Mr. Brown said there was no time criterion of when to appoint someone to fill Councilman Crittenden's term.

Mr. Muder said if Councilman Leech resigned before March 6, whoever was appointed to fill Councilman Crittenden's seat would only serve until this year's election because that two-year seat would be placed on the ballot. If Councilman Leech resigned after March 6, whoever was appointed to fill Councilman Leech's seat would serve the remainder of his term, which was about 2 1/2 years.

Councilman Leech asked if he would have to resign at a Council meeting. Mr. Brown said no, it would not have to be done at a Council meeting, but the Council would have to vote to accept his resignation at a Council meeting.

Resident Dawn Wilson asked for more information about the two-year term. Mr. Brown said Councilman Leech had to resign to run for mayor because his term on the Council didn't expire until December 2022, and the mayor's term would begin in December 2020. If he resigned 30 days prior to the nomination petition filing deadline, which was March 6, the remainder of his term would be added to the ballot as a two-year term.

Resident Brandt Clark said there could be people currently gathering signatures who might have a desire to be appointed to fill the remainder of Councilman Leech's seat if the Council chose to appoint him to fill Councilman Crittenden's seat. If that was the case, those individuals probably wouldn't turn in their petition signatures.

Mayor Seymore felt it would be in the best interest of Show Low's citizens to have a voice on the NACOG Executive Committee.

Mr. Brown asked if the Council wanted to ask for applicants to fill the vacant seat, Mr. Muder said in the past, the City had asked for letters of interest.

Mayor Seymore suggested getting letters of interest for Councilman Leech's seat from those who had already taken out candidate packets and from those on the Planning and Zoning Commission who might have an interest in being appointed to the Council.

Mayor Seymore asked if it was the consensus of the Council to appoint Councilman Leech to fill Councilman Crittenden's seat and if the Council could appoint someone now to take Councilman Leech's seat. Mr. Brown said the Council could not appoint someone based on a future resignation. Councilman Leech said he would wait until after March 6 to submit his resignation.

Mr. Brown said it would be best to wait until Councilman Leech officially resigned to take any kind of action. However, the Council could discuss the best way to address the vacancy for the remaining two years of Councilman Leech's seat.

Councilman Leech said he liked how in the past the Council had appointed people from the Planning and Zoning Commission to fill Council vacancies and not necessarily hold interviews. That would be his preference. Councilman Kelley said if letters of interest were submitted, it was possible that no one from Planning and Zoning Commission would submit a letter.

Councilman Leech agreed it would make more sense for the Council to wait until he resigned to take any action. Then the Council could decide whether to appoint him to fill Councilman Crittenden's term.

Mr. Brown again explained that if Councilman Leech resigned today, his seat would then be open, which would then require a two-year seat be placed on the upcoming election ballot. If the Council chose to appoint him to fill Councilman Crittenden's seat after his resignation (after March 6), the Council would have then to appoint someone to fill Councilman Leech's term, which ended in December 2022.

**COUNCILWOMAN KAKAVAS MOVED TO CONTINUE THIS MATTER UNTIL A FUTURE DATE; SECONDED BY VICE MAYOR ALLSOP; MOTION PASSED 6 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS HATCH, LEECH, KAKAVAS, AND KELLY VOTING IN FAVOR.**

4. Adjournment.

There being no further business to be brought before the Council, **MAYOR SEYMORE ADJOURNED THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL OF JANUARY 14, 2020 AT 9:05 P.M.**

ATTEST:

APPROVED:

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Tamra Reidhead, City Clerk

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Daryl Seymore, Mayor

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **SPECIAL MEETING** of the City Council of Show Low held on January 14, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

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Tamra Reidhead, City Clerk