

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE SPECIAL MEETING
September 18, 2008**

The special meeting was called to order at approximately 4:30 p.m. at the Town Hall Council Chambers, 303 N. Beeline Highway, Payson, Arizona.

PRESENT: Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Rick Croy, Council Member Michael Hughes, and Council Member John Wilson.

ABSENT: Council Member Mike Vogel.

STAFF PRESENT: Town Manager Deborah Galbraith, Town Clerk Silvia Smith, Town Attorney Sam Streichman, and Deputy Town Attorney Tim Wright.

OTHERS PRESENT: Gaye Stidham, Deputy Town Clerk

PURPOSE OF MEETING

1. Motion to recess to executive session for:
 - A. Discussion or consultation for legal advice with the attorneys for the Town of Payson regarding Gila County Cause No. CV 20080003, McMorine vs. Town of Payson, et al, pursuant to A.R.S. §38431.03(A)(3); and
 - B. Discussion or consultation with the attorneys for the Town of Payson in order to consider its position and instruct its attorneys regarding the Town's position regarding pending litigation, or in settlement discussions conducted in order to resolve litigation, wit: Gila County Cause No. CV 2008-0003, McMorine vs. Town of Payson, et al, pursuant to A.R.S. §38-431.03 (A)(4).

Motion: to Approve recessing to executive session for discussion or consultation for legal advice with the attorneys for the Town of Payson regarding Gila County Cause No. CV 20080003, McMorine vs. Town of Payson, et al, pursuant to A.R.S. §38431.03(A)(3); and discussion or consultation with the attorneys for the Town of Payson in order to consider its position and instruct its attorneys regarding the Town's position regarding pending litigation, or in settlement discussions conducted in order to resolve litigation, wit: Gila County Cause No. CV 2008-0003, McMorine vs. Town of Payson, et al, pursuant to A.R.S. §38-431.03 (A)(4).
Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

Vote: Motion carried 5 - 0

*Corrected 10-10-08 OCT 16 2008 E. I **

Yes: Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Rick Croy, Council Member Michael Hughes, and Council Member John Wilson.

Clmn. Vogel arrived at approximately 4:32 and joined the Council in Executive Session.

The Council returned from executive at approximately 4:45 p.m.

PRESENT: Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Rick Croy, Council Member Michael Hughes, Council Member John Wilson, and Council Member Mike Vogel.

STAFF PRESENT: Town Manager Deborah Galbraith, Town Clerk Silvia Smith, Town Attorney Sam Streichman, and Deputy Town Attorney Tim Wright.

2. Discussion/possible action re: Gila County Cause No. CV 2008-0003, McMorine vs. Town of Payson, et al.

Motion: to approve (1)the settlement in McMorine v. Payson, Gila County Superior Court case CV2008-0003 in the amount of \$75,000; (2) authorize the Mayor to sign the settlement agreement; and (3) direct saff to issue a check in the amount of \$10,000, which is the Town's portion.
Moved by Council Member John Wilson, seconded by Council Member Mike Vogel.

The special meeting adjourned at approximately 4:47 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 September, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2008.

Gaye Stidham, Deputy Town Clerk