

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE SPECIAL MEETING
December 11, 2014**

CALL TO ORDER

Mayor Evans called the meeting to order at approximately 4:00 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, and Silvia Smith - Town Clerk.

OTHERS PRESENT: Tracie Bailey - Chief Deputy Town Clerk.

Council Member Croy arrived at approximately 4:03 p.m.

PURPOSE OF MEETING

1. **Discussion/possible action re:** the recruitment/appointment of a Town Attorney, including, but not limited to consideration of using the firm Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. on an interim basis.

Mayor Evans explained the purpose of the special meeting

Tim Wright, Town Attorney, noted he has been recruiting for a replacement for himself and has not found a replacement. Staff recommended using the Firm Curtis, Goodwin, Sullivan, Udall & Schwab, P. L. C. on an interim basis. The Firm had been Gilbert's Town Attorney for a long time and had also represented other towns. They had provided a proposal with hourly billing. Staff would be working with Attorney Kelly Schwab or Patricia Ronan. The Firm would be appointed interim Town Attorney for nine months. The Town Legal Staff would report to the Town Manager. The Legal Department Staff would draft ordinances and resolutions. Mr. Wright noted there was a draft plan in place and there was money in the budget to have them come up and work with him before his last day with the Town.

Council Member Carpenter asked if the Council would meet the attorneys before they started. Mr. Wright replied he could ask them to come up early for the January meeting to meet the Council. If they would be in Payson before that Mr. Wright would e-mail the Council. Mayor Evans

recommended that Mr. Wright clear it with Silvia Smith, Town Clerk, so there would not be a quorum. Council Member Blair asked if they traveled would the Town have to pay for it by the hour or by the mileage. Mr. Wright responded they had provided a draft agreement and there were no additional charges for travel. If they had to represent the Town in other places than Payson there was a charge. Council Member Carpenter asked if a cost comparison of Mr. Wright's services and the Firm's had been done. Mr. Wright believed if staff was careful this should be similar. Mr. Wright explained staff would be careful when they put the plan together. Council Member Carpenter asked if the plan would include which staff members could contact the legal counsel. Mr. Wright replied yes and that would be sent to all staff members.

Motion: to (1) Appoint the firm Curtis, Goodwin, Sullivan, Udall & Schwab, to act as the Payson Town Attorney, as of January 1, 2015, in a temporary capacity not to exceed 9 months;

(2) Authorize the Mayor to execute any documents necessary for the appointment of Curtis, Goodwin, Sullivan, Udall & Schwab;

(3) Direct staff by May 15th of 2015 to make a recommendation to Council on the selection process for the Town's next Town Attorney.

(4) During the period in which an outside firm is appointed as the Town Attorney, the remaining in house legal staff will report to the Town Manager; and

(5) Direct Town Staff to prepare a written plan for the flow of legal work and for the management of the in house legal staff.

Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

Council Member Carpenter noted he had worked with Kelly Schawb and was familiar with the Firm. Council Member Carpenter stated he would second the motion with the change, May 15th, 2015, in the motion. Council Member Blair asked how he came up with May 15th. Mayor Evans explained it was because of the budget process starting and it would be built into the budget. Council Member Connell noted if Council could not find a new attorney it would give the Council time to go another route. Mayor Evans called for the vote.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 4:10 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 11 of December, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2014.

Tracie Bailey, Chief Deputy Town Clerk