

**DOUGLAS CITY COUNCIL
SPECIAL MEETING MINUTES
MAY 19, 2010**

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, May 19, 2010, at 4:00 p.m. in the Council Chamber of City Hall – 425 Tenth Street. The Honorable Mayor Gomez called the meeting to order and proceeded to ask for roll call.

1. CALL TO ORDER/ROLL CALL

	PRESENT	ABSENT
MAYOR, DR. MICHAEL GOMEZ	X	
COUNCIL MEMBER MARGARET MORALES-WARD ONE	X	
COUNCIL MEMBER MITCH LINDEMANN-WARD TWO	X	
COUNCIL MEMBER BOB FERNANDEZ - WARD THREE	X	
COUNCIL MEMBER RAY SHELTON – WARD FOUR	X	
COUNCIL MEMBER IVAN HUIH - WARD FIVE	X	
COUNCIL MEMBER LOUIE ACEDO – WARD SIX		X (excused)
CITY MANAGER- CURTIS SHOOK	X	
CITY ATTORNEY-JUAN PABLO FLORES	X	
FINANCE DIRECTOR-JORGE TREVIÑO		X (excused)
CITY CLERK - BRENDA AGUILAR	X	

2. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 10-786, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE APPROVAL OF AN AMENDMENT TO THE SALES TAX AUDIT AGREEMENT WITH ALBERT HOLLER AND ASSOCIATES TO INCLUDE CONSULTING SERVICES FOR THE IMPLEMENTATION OF THE CITY OF DOUGLAS SALES TAX ADMINISTRATION/COLLECTION PROGRAM.

Curtis Shook provided professional background information pertaining to Albert Holler and Associates and informed the council of the additional service cost of a minimum of \$2,000 to a maximum of \$4,000 to assist the City of Douglas in overseeing the conversion of the local sales tax collection.

Motion by Council Member Shelton, **second** by Council Member Huish, to approve Resolution No. 10-786.

“Douglas – the premier southwestern border community.”

Roll Call: All members voted in favor. **MOTION PASSED**

3. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 10-787, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY ARIZONA, OPPOSING ARIZONA SENATE BILL 1070 AND ARIZONA HOUSE BILL 2162, AND SUPPORTING ANY AND ALL LOCAL, STATE AND FEDERAL LEGISLATIVE, EXECUTIVE AND JUDICIAL ACTION AGAINST SUCH BILLS.

Motion by Council Member Lindemann, **second** by Council Member Morales, to approve Resolution No. 10-787.

A presentation pertaining to SB 1070 was given by Police Chief, Alberto Melis, the following topics were discussed:

- Arizona Association of Chiefs of Police membership input
- July 29, 2010, effective date for SB 1070
 - Pending judicial review
 - Motion for injunctive relief has been filed
- No major change to the current City of Douglas procedures
- Implications
- Victims of Crime
- Training
- Lack of financial support
- Out of state immigration requirements

Council Member Huish inquired if there was a difference between state law and what federal law had been for many years, adding that state law was enforced at the local level and the federal law was enforced by the federal government.

In response, Chief Alberto Melis agreed with comments made by Council Member Huish pertaining to the enforcement of federal law and further stated that there was not much of a difference in the law.

Council Member Shelton presented a hypothetical situation that could possibly result in a lawsuit.

Chief Alberto Melis provided a hypothetical response.

Council Member Shelton expressed concerned pertaining to a 45-minute training video and further inquired if there was sufficient law enforcement personnel along with government officials to address specific situations.

Chief Alberto Melis informed that sufficient personnel was not currently available to address the matter.

Council Member Shelton expressed concern regarding SB 1070.

Council Member Fernandez expressed opposition pertaining to SB 1070.

Council Member Lindemann read a prepared statement and expressed opposition to SB 1070 and HB 2162.

Council Member Morales read a prepared statement and expressed opposition to SB 1070.

Council Member Huish also read a prepared statement and provided general information pertaining to SB 1070.

Council Member Shelton expressed concern regarding victims of crime that might not make a report due to legal implications.

Council Member Fernandez stated that some of the problems were due to lack of involvement from the electors and that the immigration law needed to be changed accordingly.

Mayor Gomez expressed opposition to SB 1070.

Michael Nava of 2120 10th Street, expressed opposition regarding SB 1070.

Ginny Jordan of 3983 N. Plantation Rd. commented on the following:

- Thanked the council for taking action
- Member of Douglas for Just Immigration
- Misleading statistics
- Senator McCain will be contacted

Roll Call: All members, except Council Member Huish, voted in favor. **MOTION PASSED**

Tony Ballesteros, local resident, thanked Mayor and Council for studying the bill and for taking action.

4. **DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 10-788, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY ARIZONA, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX TO PROVIDE SERVICES AS A MUNICIPAL TAX HEARING OFFICE TO REVIEW ALL PETITIONS FOR HEARINGS OR REDETERMINATIONS FOR LOCAL AUDITS PERFORMED AS OUTLINED UNDER THE DOUGLAS CITY TAX CODE.**

Curtis Shook explained the collection process for sales tax revenue and the intergovernmental agreement.

Motion by Council Member Lindemann, **second** by Council Member Morales, to approve Resolution No. 10-788.

Mayor Gomez requested further explanation pertaining to the hourly rate for the administration of hearings.

Curtis Shook informed that the hourly rate was \$150.00.

In addition, Mayor Gomez inquired an explanation of the recovery process in the event of a fraud case.

In response, Juan Pablo Flores explained the legal process.

Council Member Lindemann inquired if the city would be represented at hearings in Phoenix or if the process would be conducted electronically.

Curtis Shook informed that the City of Douglas auditor would represent the city.

Roll Call: All members voted in favor. **MOTION PASSED**

5. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 10-789, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY ARIZONA, APPROVING THE ACCEPTANCE OF GRANT FUNDING IN THE AMOUNT OF \$15,000 FROM THE ARIZONA STATE LIBRARY, ARCHIVE AND PUBLIC RECORDS DIVISION THAT ADMINISTERS GRANTS THROUGH THE ARIZONA PUBLIC ACCESS COMPUTERS (AzPAC) PROJECT TO PURCHASE ADDITIONAL COMPUTERS AND SET UP A TRAINING CLASSROOM SETTING FOR PUBLIC USE AT THE DOUGLAS LIBRARY.

Curtis Shook provided background information pertaining to the grant.

Motion by Council Member Shelton, **second** by Council Member Huish, to approve Resolution No. 10-789.

Mayor Gomez inquired if computer training was available for adults.

Curtis Shook stated that an adult computer program had been available for approximately one year.

Council Member Huish inquired if computer controls were in place in order to prevent inappropriate use.

Curtis Shook informed that rules and regulations were in place and firewalls had been installed.

Roll Call: All members voted in favor. **MOTION PASSED**

6. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 10-790, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY ARIZONA, ADOPTING AN IDENTITY THEFT POLICY.

Curtis Shook explained that policy development was due to a Federal Law requirement.

Motion by Council Member Fernandez, **second** by Council Member Shelton, to approve Resolution No. 10-790.

Council Member Morales asked if photo I.D. would be required.

Curtis Shook did not believe it was a requirement.

Roll Call: All members voted in favor. **MOTION PASSED**

7. PERSONS WISHING TO ADDRESS THE COUNCIL IN WRITING OR VERBALLY ON ANY ITEM NOT ON THE AGENDA.

Robin Brekhus, Gadsden Hotel, addressed the council regarding a special request on behalf of the Douglas Street Rods Car Club:

- Labor Day Annual car show event at the Gadsden hotel similar to the Cinco de Mayo
- Liability insurance policy
- Charity fundraising event

8. ADJOURNMENT.

Motion by Council Member Shelton, **second** by Council Member Fernandez to adjourn the meeting at 5:06 p.m. unanimously passed.

Prepared By:

Brenda Aguilar
City Clerk