

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD APRIL 14, 2008 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6<sup>TH</sup> STREET, BENSON, ARIZONA**

**MAYOR FENN  
OPENED THE MEETING AT 7:00 P.M WITH  
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING,  
COUNCILMEMBERS LODZINSKI, McGOFFIN, SACCO, SUAGEE and TIPTON**

Invocation: Mayor Fenn introduced Bishop Ashby who gave an invocation.

EMPLOYEE  
RECOGNITION:

None.

Call to the Public: Barbara Buntin spoke stating she is in agreement that an investigation should proceed to maintain the integrity of the Council as a governing body. Ms. Buntin stated the City has paid dearly in the past for lack of proper oversight and procedure.

Paul Lotsof addressed Council quoting Vice Mayor King from the March 26, 2008 special meeting regarding the recent training on conflicts of interest. Mr. Lotsof then stated the training should have occurred before then. Mr. Lotsof stated Mr. Benavidez brought a new standard of excellence to the City's legal department, citing the City gets the services of multiple attorneys, and does not have the cost of employee benefits. Mr. Lotsof then stated he was bewildered by the Council item to possibly accept the attorney's resignation and stated he hoped the Council would want to keep the legal services we are currently receiving.

Julia Robinson addressed Council supporting Dianne Tipton stating that she is a relative newcomer that won a seat on the Council by her proven ability, activism and outspokenness. Ms. Robinson stated all went well until the ancient power base was challenged and then the retribution was swift and vicious. Ms. Robinson then stated much of the publicity has descended to paparazzi level. Ms. Robinson then stated on earlier occasions after she and others have spoken before the City Council, letters to the newspaper editor have stated those who live outside the Benson City limits should stay out of the City's politics. Ms. Robinson stated that she shops almost exclusively in Benson and that her property taxes support the Benson schools and the hospital and that she should have a right to speak.

John Davis addressed Council supporting Mayor Fenn. Mr. Davis stated he only knew Mayor Fenn on a professional level and that the Mayor has always handled himself professionally. Mr. Davis then stated in January, 2008, he was attempting to sell lots to builders and contacted Mr. Fenn to see if he was interested. Mr. Davis then stated that Mr. Fenn verified that the lots were offered to other builders at the same price ensuring he was not getting a benefit as the Mayor. Mr. Davis then stated he appreciated Mayor Fenn's integrity and thought he has done a great job.

Thomas Fitzgerald addressed Council regarding growth and the issue of water. Mr. Fitzgerald stated the health of the entire republic is at risk. Mr. Fitzgerald then stated he would like to see an alternative newspaper with unbiased views.

Richard Leland addressed Council regarding City vehicles being taken out of the City limits. Mr. Leland stated that Benson taxpayers should get the full benefit of cars they buy and maintain, citing patrol cars sitting in a Benson neighborhood will reduce crime. Mr. Leland then stated Council should stop bickering and do the job they were elected to do. Mr. Leland stated that he supported Mayor Fenn and his efforts to make Benson a better place to live.

John Whiteside addressed Council stating an investigation should proceed and will clear the air. Mr. Whiteside then stated that the executive session regarding the Benson City Code was unnecessary and would only keep the public and the media in the dark. Mr. Whiteside then stated our current City Attorney is excellent and urged Council to retain his services.

PUBLIC HEARING: The Mayor and Council held a public hearing to receive comments and questions from the public regarding the potential project for the use of approximately \$335,025 in Fiscal Year 2008 federal Community Development Block Grant (CDBG) funds from the Arizona Department of Housing Regional Account.

Mayor Fenn opened the public hearing at 7:25 p.m. and informed the public of the purpose of the public hearing.

Mayor Fenn then stated there was no one who signed in to address Council during the public hearing and asked for any comments from any others present who wished to speak. There were no comments from the public.

Mayor Fenn then closed the public hearing at 7:26 p.m.

PROCLAMATION: Mayor Fenn read a proclamation declaring the weekend of April 25th, 26th and 27th, 2008 as "Benson Bluegrass Festival Weekend". Mayor Fenn then thanked the Chamber of Commerce and the Tourism Department for sponsoring the event and encouraged the public to participate.

CONSENT AGENDA:

- 1a. Approval of Minutes of the March 24, 2008 Regular Meeting
- 1b. Approval of Minutes of the March 26, 2008 Special Meeting
- 1c. Appointment of Judith Francis to the Benson Arts Commission
- 1d. City of Benson Processed Invoices

Councilmember Suagee moved to approve the consent agenda with the correction on the minutes of March 24, 2008 to reflect the deletion of Mayor Fenn abstaining on items that he was not present for. Seconded by Councilmember Sacco. Motion passed 7-0.

NEW BUSINESS:

Presentation on the Benson Arts Commission concerning the Commission's goals, objectives and grant funding opportunities; discussion will include scheduling a joint meeting between the City Council and the Commission:

Sylvia Burnside, chairman of the Benson Arts Commission addressed Council thanking them for putting Ms. Francis on the Commission stating they now have

six members. Ms. Burnside then thanked previous members and auxiliary members for their service. Ms. Burnside then informed Council of the Arts Commission's actions and events since their inception, including the upcoming events and the creation of their website. Ms. Burnside stated the Arts Commission is moving forward to help the City get grounded in its history and culture. Ms. Burnside then stated the purpose in addressing Council was to ask for a date to be set aside for a meeting in June, 2008 with the Council, the Arts Commission and the City Manager with a facilitator from Arizona Commission on the Arts to determine if the direction of the Benson Arts Commission is in sync with City ideas and to determine the Arts awareness in the City of Benson and the degree to which that awareness infiltrates City policies. Ms. Burnside stated this meeting would be paid for with a grant that she will have the Arts Commission apply for. Ms. Burnside stated this meeting will precede a community cultural inventory that will take place in the fall of 2008 utilizing a grant from the Arizona Commission on the Arts. Mayor Fenn then stated a meeting should be able to be scheduled and for Ms. Burnside to contact staff to arrange the meeting.

Resolution 19-2008 of the Mayor and Council of the City of Benson, Arizona adopting a Residential Antidisplacement and Relocation Assistance Plan for FY 2008; as Required under Section 104 (D) of the Housing and Community Development Act of 1974, as Amended:

Brad Hamilton, Public Works Director stated this item, as well as the next two items are a requirement of the Community Development Block Grant application process. Councilmember Lodzinski moved to approve Resolution 19-2008. Seconded by Councilmember McGoffin. Motion passed 7-0.

Resolution 20-2008 of the Mayor and Council of the City of Benson, Arizona, adopting a Fair Housing Policy making known its Commitment to the Principle of Fair Housing and describing actions it shall undertake to Affirmatively further Fair Housing:

Councilmember McGoffin moved to approve Resolution 20-2008. Seconded by Councilmember Tipton. Councilmember Suagee asked City staff about the Community Development Block Grant that had been allocated to assist with housing repairs. Mr. Roush stated he had contacted Cochise County regarding a requirement of the grant and informed Council that the Cochise County Housing Authority had requested a portion of the funding prior to the reimbursement of the grant. Mr. Roush stated if that was determined to be the best course of action, it would come before Council for approval. Motion passed 7-0.

Resolution 21-2008 of the Mayor and Council of the City of Benson, Arizona, authorizing the Submission of an Application(s) for FY 2008 State Community Development Block Grant Funds, Certifying that said Application(s) meets the Community's previously identified Housing and Community Development Needs and the Requirements of the State CDBG Program, and authorizing all actions necessary to Implement and Complete the Activities outlined in said Application:

Councilmember Suagee moved to approve Resolution 21-2008. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Resolution 22-2008 of the Mayor and City Council  
of the City of Benson, Cochise County, Arizona,  
setting the Number of the Volunteer Firefighters for  
the City of Benson at Thirty-Five (35):

Fire Chief Keith Spangler addressed Council regarding this resolution stating this is an annual resolution setting the number of volunteer firefighters. Vice Mayor King moved to approve Resolution 22-2008. Seconded by Councilmember Suagee. Motion passed 7-0.

Resolution 23-2008 of the Mayor and the City Council  
of the City of Benson, Cochise County, Arizona,  
setting the Monthly Salary of the Volunteer Firefighters:

Fire Chief Keith Spangler addressed Council stating this annual resolution is used for workman's compensation purposes. Councilmember Lodzinski moved to approve Resolution 23-2008. Seconded by Vice Mayor King. Motion passed 7-0.

Resolution 24-2008 of the Mayor and Council  
of the City of Benson, Arizona, authorizing  
CH2M Hill, Inc. to proceed with the development of  
a Gas System Model in an amount not to exceed  
\$50,000.00:

Brad Hamilton, Public Works Director addressed Council regarding this item. Mr. Hamilton stated that as with the model systems for the water and wastewater systems that were recently approved, this computerized model of the gas system will enable the public works department to better serve our customers and determine future needs. Mr. Hamilton stated he had asked CH2M Hill to look for a sub-consultant that was more familiar with Arizona Regulations and they contracted with Sunrise Engineering to assist with the model development. Vice Mayor King moved to approve Resolution 24-2008. Seconded by Councilmember McGoffin. Motion passed 7-0.

Discussion regarding an alternative to a Traffic  
Study for San Pedro Vista. Traffic alternative would  
provide access to Jennella Drive:

Building Official Mike Lockett addressed Council stating the City Manager, the Public Works Director and himself had met with Mr. Forest Metz, who proposed an alternative roadway extension in lieu of the traffic report to be considered by Council. Mayor Fenn opened the item for Council discussion. Councilmember Lodzinski asked if it was an established right-of-way and if it was in the City limits. City Manager Martin Roush stated it was not an established right-of-way and that it was all within the City limits, with the exception of Jennella, which was public right-of-way. Mr. Roush stated the portion that was not established right-of-way would be a prescriptive easement because it was defined as a public easement. Mr. Roush stated the next step would be for the engineering firm to complete the drafting and make adjustments and that it would be brought back to the Council as a final plat if the alternative were accepted. Mr. Roush stated this alternative would provide a third access to the property. Councilmember Suagee then asked if the third access was the road that went by the water tower and if the plan was to construct that road. Mayor Fenn then verified with Mr. Roush that the developer has agreed to pave Via Javelina from the proposed development to Ocotillo Road. Councilmember McGoffin moved to consider the alternative for the access to the subdivision, providing a third access. Seconded by Councilmember Sacco. Motion passed 5-2 with Councilmembers Suagee and Tipton voting nay.

Discussion and possible action to award a  
Fixed Base Operator Contract for operations

at the Benson Airport: Airport Manager Brad Hamilton addressed Council stating this fixed base operator contract is with Southwestern Aviation, L.L. C. which is a change from John and Nancy Martin as sole proprietors of Southwestern Aviation. Mr. Hamilton stated the contract is for a period of five years with a five year option of renewal with both parties consenting. Mayor Fenn opened the item for discussion and asked if there was any substantive change from the previous contract. City Attorney Thomas Benavidez stated that he had added language that should be part of the contract such as insurance provisions and indemnity provisions but that he did not actively negotiate the contract or make substantive changes. Mayor Fenn then verified the term of the lease was for five years, but that the maintenance addendum was to be renewed annually. Councilmember Suagee then asked if the addendum would be added to Section III of the proposed contract. Mr. Benavidez then stated he would prefer the contract to have the addendum incorporated into the agreement. City Manager Martin Roush then suggested the addendum be added to the proposed contract in Section III as Item F. Mr. Roush stated by renewing the maintenance contract on an annual basis, it would comply with the City's procurement code. Councilmember Suagee moved to approve the Fixed Base Operator Lease agreement as written with the exception to include the addendum as Item F in Section III. Seconded by Councilmember Sacco. Motion passed 7-0.

Discussion and possible action to initiate  
dissolution of the Airport Advisory

Committee: Brad Hamilton, Airport Manager addressed Council regarding this item. Mr. Hamilton stated the Airport Advisory Committee had met all of the goals that Mayor and Council had set for the Committee when it was established. Mr. Hamilton stated it was his recommendation that all of the Committee members should be thanked for their service and that the committee should be dissolved. Mr. Hamilton stated he had a current Technical Advisory Group that is made up of Benson Residents that have interest in seeing the Airport expand and could advise Staff on the process of moving forward with Airport Development that have met on a regular basis for about a year. Councilmember Lodzinski stated when the Airport Advisory Committee was established, it served a need, but now it would make more sense to have a group or association established of airport pilots and users to approach the City, if needed and to sponsor airport events. Councilmember McGoffin moved to initiate the dissolution of the Airport Advisory Committee. Seconded by Councilmember Tipton. Motion passed 7-0. Councilmember Suagee asked if staff could be instructed to send letters of appreciation to the existing members of the Airport Advisory Committee. City Attorney Thomas Benavidez stated the Airport Advisory Committee was part of the City Code and therefore would be brought to Council for the action to remove it from the City Code.

Discussion and possible action on the appointment  
of John Martin to the Benson Airport Advisory

Committee: Mayor Fenn stated this item would not be acted upon since the Council initiated the dissolution of the Airport Advisory Committee. Airport Manager Brad Hamilton stated he would like to thank Mr. John Martin for all of his assistance regarding the airport.

Discussion and potential action to direct the City  
Attorney to engage a special counsel to investigate  
and opine upon allegations of conflicts of interest  
on the part of the Mayor:

Mayor Fenn opened the item up for discussion. City Attorney Thomas Benavidez stated he had previously recommended an executive session for legal advice and although legal advice could be given in public, it is his recommendation to give legal advice in an executive session and to have the investigation done by a third party. Councilmember Suagee stated she had been in contact with the County Attorney's office who had indicated that the Attorney General's office will be looking into this matter. Councilmember Suagee then stated one of the people in the Attorney General's office stated it was the position of the City Attorney where the initial investigation begins. Councilmember Suagee then stated she didn't know if it was needed to have this item on the agenda, since the City Attorney had previously stated it was his responsibility to investigate the matter and that the issue was already in the hands of the Attorney General. Councilmember Sacco asked Mr. Benavidez if anything had been done regarding the investigation. Mr. Benavidez stated he was directed to start an investigation and that he had done research and compiled a list of witnesses he wished to interview. Mr. Benavidez then stated he had heard Council was going to revisit his contract and therefore did not want to start interviews when he may not be able to complete the investigation. Mr. Benavidez also stated he was hoping Council would reconsider and see the wisdom in directing outside counsel to conduct the investigation, but was willing to start and carry out the investigation as he said he would. Councilmember McGoffin spoke apologizing for placing Mr. Benavidez in a difficult position stating Council should have directed the investigation to be done by an outside source. Councilmember McGoffin then asked if Mr. Benavidez completed an investigation, what the process would be regarding the results. Mr. Benavidez stated he would conduct an investigation and bring the results to Council for their action, if any. Councilmember McGoffin then asked if the County Attorney and Attorney General are currently involved, why Council would have the City Attorney conduct an investigation. Mr. Benavidez stated he felt he had a duty to investigate and did not think he could be directed to stop, indicating if he were directed to do so, he would offer his resignation. Mayor Fenn spoke asking if the City Attorney was aware that Councilmember Suagee had spoken to the County Attorney and the Attorney General's office. Councilmember Suagee stated a copy of the original letter requesting an investigation was sent to the County Attorney and the Attorney General and that she contacted those entities to follow up to see if they were going to take action. Councilmember Suagee then asked Mr. Roush if either entity had contacted him yet. Councilmember Suagee then stated the Deputy County Attorney told her the Attorney General's office had indicated to him that they intended to take a look at the situation. Mr. Benavidez stated he will not participate in the executive session or be present for the discussion regarding his contract. Mayor Fenn questioned the method used to follow up on the letter copied to the County Attorney and the Attorney General's office, without the Council going through the City Attorney and if the communication from those entities should come to the City through the City Attorney instead of directly to a Councilmember. Mr. Benavidez stated members of the public, including public officials have free access to law enforcement agencies and indicated his associate, Mr. Wencker wished to address Council. Mr. Wencker then spoke stating that the City Attorney's role is legal counsel for the City and is to simply investigate, if directed, and give legal counsel to the City Council. Mr. Wencker stated the County Attorney and Attorney General have independent authority to investigate regardless of what action is taken by Council and that the City Attorney has no authority to tell the County Attorney or the Attorney General's office whether or not to investigate the situation. Mr. Wencker then stated it would be a good idea for the City Attorney to communicate with the County Attorney's office and the Attorney General's office, should they decide to conduct an investigation, but that the City Attorney is obligated to act in the City's best interest. Councilmember Suagee then stated

each time the City Attorney had attempted to be able to direct or advise Council in an executive session, he had not been allowed to, so she followed up on the request for an investigation. Councilmember Suagee then stated the Deputy County Attorney stated the County Attorney's office did not have an enforcement branch and that the request had been submitted to the Attorney General's office. Councilmember Suagee then stated she followed up to find where that request was and was informed the Attorney General's office was going to take a look at the request. Councilmember Suagee then moved to hire a third party investigator to complete an investigation. Seconded by Councilmember McGoffin. Councilmember Lodzinski stated he had attended training regarding conflicts of interest, but the training never covered what Council should do or how to get legal advice if they suspected a possible conflict of interest violation. Mr. Benavidez stated the Council should be able to bring it up to the City Attorney who works for the City as a whole and looks at the overall interests of the City and not the individual interests of any particular Councilmember. Mayor Fenn stated the precedent is to go to the City Manager. Mayor Fenn then stated the motion on the floor was to engage a special counsel to complete the investigation and stated this same direction was looked at by Council in a previous meeting, which failed, with the option of the City Attorney conducting an investigation to save on costs, passing. Mayor Fenn then stated that he felt if the investigation was such a pressing issue, it would have started immediately, but it had not. Mayor Fenn then stated he had contacted the City Attorney two weeks after the direction had been given for the City Attorney to conduct the investigation and Mr. Benavidez stated he still thought it would be best to hire a third party to complete the investigation. Mayor Fenn then stated that as the person who is the subject of the investigation request, he would have expected swift and immediate questioning and would like to have seen something happen right away. Mr. Benavidez stated he had, at the recommendation of Mayor Fenn, contacted the Attorney from the League of Arizona Cities and Towns who agreed that the City Attorney shouldn't be involved in the investigation, which is what Mr. Benavidez's recommendation was. Vice Mayor King stated that the Council should let the independent parties do their jobs, with Council focusing on the City, the budget and other duties as Councilmembers. Vice Mayor King stated that he feels everyone is innocent until proven guilty, but that many times in the community, it seems that people are guilty until proven innocent. Councilmember Sacco stated if the County Attorney and the Attorney General are going to conduct an investigation, the Council shouldn't pay an outside source to conduct an investigation. Mr. Benavidez stated he has a duty to investigate, unless he hears from another entity that is going to do the investigation, which he has not. Councilmember Sacco asked if the City Attorney could make contact with those entities and find out if they are going to take any action or conduct an investigation. Mr. Benavidez indicated he could attempt to contact those entities and see if they would be willing to share that information. Councilmember Tipton stated Council is back to the point that she and Councilmember Suagee asked for in the first place and is still of the opinion that the matter should have been handled in an executive session. Councilmember Tipton then stated she had spoken to Mayor Fenn discussing for over an hour, these issues, many of which he agreed were true. Mayor Fenn stated they are true. Councilmember Suagee stated she would like to bring the discussion back to the issue at hand and that if the City conducts an investigation, she would hope it would satisfy the Attorney General's office. Councilmember McGoffin asked Mr. Benavidez if he had someone in mind to conduct the investigation. Mr. Benavidez indicated he had someone in mind that had been with the County Attorney's office in Pima County and was familiar with municipal law. Vice Mayor King stated that if the motion passed, it would need to be completed as soon as possible. Mayor Fenn then restated the motion was to approve the engagement of a special counsel to investigate allegations of conflict

of interest on the part of the Mayor. Councilmember McGoffin asked who Council was directing to carry out the motion. When Mr. Benavidez indicated he may not remain the City Attorney, Mayor Fenn stated Council would direct the City Manager to direct the City Attorney to engage a special counsel to conduct the investigation. Motion passed 6-1 with Councilmember Sacco voting nay.

### **EXECUTIVE SESSION:**

As per A.R.S. §38-431.03(A)(3), Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the Benson City Code, Chapter 2, "Mayor and Council", Section 2-2-3, "Powers and Duties of the Mayor" as it relates to Council members' possible violation of the Benson City Code, Chapter 3, "Administration", Article 3-3(A), "Council and Administration Relationships", giving direct instructions to the City Attorney, and the City Manager's responsibility as it applies to Article 3-3(A).

Mayor Fenn stated he was the proponent of this item and moved to table the Executive Session and the subsequent item.

Discussion and possible action regarding the Benson City Code, Chapter 2, "Mayor and Council", Section 2-2-3, "Powers and Duties of the Mayor" as it relates to Council members' possible violation of the Benson City Code, Chapter 3, "Administration", Article 3-3(A), "Council and Administration Relationships", giving direct instructions to the City Attorney, and the City Manager's responsibility as it applies to Article 3-3(A):

Mayor Fenn had moved to table this item.

### **EXECUTIVE SESSION:**

As per A.R.S. §38-431.03(A)(1), for discussion or consideration of employment, assignment, appointment, dismissal, disciplining or resignation of the City Attorney.

Mr. Benavidez addressed Council stating he would not participate in the Executive Session or the discussion regarding the action item after, asking for a few minutes to execute City documents and to leave the Council chambers. Mayor Fenn asked for a motion to recess for five minutes at 8:50 p.m. Councilmember Suagee so moved. Seconded by Councilmember McGoffin. Motion passed 7-0.

Council reconvened at 8:59 p.m.

Councilmember McGoffin moved to go into the Executive Session at 8:59 p.m. with the City Manager and the City Clerk in attendance. Seconded by Councilmember Tipton. Motion passed 7-0.

Council reconvened at 9:42 p.m.

Possible action concerning City Attorney Contract, acceptance of resignation of City Attorney, consideration of appointment of an Interim City Attorney:

Councilmember Suagee moved to not accept the resignation of the City Attorney. Seconded by Councilmember Tipton. Motion passed 4-3 with Councilmember Sacco, Vice Mayor King and Mayor Fenn voting nay. Mayor Fenn clarified this contract is an annual contract, with Mr. Roush indicating he would get back to Council with the details of the contract.

CITY MANAGER REPORT:

City Manager Martin Roush informed Council of the upcoming City events:

- April 24, 2008 – The Capital Improvement Program (CIP) Open House from 5:00 to 7:00 p.m. Mr. Roush stated the City is looking forward to public feedback in the meeting and indicated there would be CIP forms available on the City’s website and in the finance department for public participation if anyone could not make it to the open house. Mr. Roush stated the public could meet with staff to discuss any of the projects.
- April 25-27, 2008 – Bluegrass in the Park, Lions Park
- April 26, 2008 – Benefit Dinner & Raffle – all proceeds to benefit Mary Archer, hosted by the Benson Firemates, Area Fire Departments and the Benson Police Department, 5:00 p.m., Lions Club
- May 3, 2008 – Bike Rodeo sponsored by the Employee Council, 9:00 a.m., Lions Park. Mr. Roush stated there will be over 100 bicycle helmets given away, making a difference in child safety with this event.

Mr. Roush then stated that staff is focused on effective and efficient customer service and informed Council of the following upcoming meetings:

- April 19, 2008 – Historic Preservation Commission Meeting, 9:00 a.m., City Hall
- April 28, 2008 – City Council Work Session, 6:00 p.m., City Hall  
– City Council Meeting, 7:00 p.m., City Hall
- May 5, 2008 – Economic Development Sub-committee, 5:15 p.m., City Hall
- May 6, 2008 – Planning & Zoning Meeting, 7:00 p.m., City Hall
- May 12, 2008 – City Council Work Session, 6:00 p.m., City Hall  
– City Council Meeting, 7:00 p.m., City Hall
- May 13, 2008 – Arts Commission Meeting, 9:00 a.m., City Hall  
– Library Advisory Board Meeting, 4:00 p.m., City Library
- May 17, 2008 – Historic Preservation Commission Meeting, 9:00 a.m., City Hall
- May 24, 2008 – Memorial Day – City Offices Closed

COUNCIL DIRECTIVES:

None.

Department Head Reports:

Adjournment: Vice Mayor King moved to adjourn at 9:46 p.m. Seconded by Councilmember Lodzinski. Motion passed 7-0.

---

Mark M. Fenn, Mayor

ATTEST:

---

Vicki L. Vivian, City Clerk

14 APRIL, 2008

Mr. Mayor, Councilmembers, Ladies and Gentlemen; Good Evening!  
My name is John L. Whiteside, and I live at 1091 W. Possum Lane.

Agenda item 12: I have no knowledge of the specific allegations referenced, since they are Confidential under ARS § 38-507. By the way, there is an apparent violation of law in that the letter of complaint was circulated to certain people not so named. BY WHOM??? I stand by my previous statement that an investigation will clear the air. Given his openness, it should be to Mayor Fenn's benefit to proceed, and expedite such an investigation.

Agenda item 13: Article 3-3; Benson City Code. Ann wrote it, and you passed it (11 February, 2008). I am fairly confident that: If orders were being given to staff by other than City Manager, and in

other than a City Council work session, special, meeting, or regular meeting, that I would have heard about it. I have NOT! So! Why are you going into an apparently UNNECESSARY, EXECUTIVE SESSION keeping the public and the media in the dark??

Agenda item 14, and EXECUTIVE SESSION: All I can do is simple math, AND, I HAVE THE FIGURES!! Our former City Attorney was costing us \$122,000 per year (personal total). The contract City Attorney is costing us \$81,000 per year; or, a savings of \$41,000 per year. All reports are that services rendered by Mr. Benavidez are excellent, with either instant or much quicker turnaround times. Since I attend all Council meetings, I have personal observations of the differences between the two attorneys, Mr. Benavidez comes out way ahead. (At least, I haven't had to correct him on a legal definition in a Call to the Public). And, you want to get rid of him?? I strongly suggest that you regain your SANITY!!! Another item: Mr. Mayor, you yourself asked Mr. Benavidez to investigate you. Therefore, it would be an open Conflict of Interest for you to participate in the Executive Session, or to vote on Item 14. Either action could be taken to be Prima Facie evidence of a Conflict, which would not be to your benefit.

Thank you for your time and attention.

