

**THE WORKSESSION OF THE MAYOR AND CITY COUNCIL
OF BENSON, ARIZONA HELD MARCH 10, 2008
AT CITY HALL AT 6:00 P.M.**

**MAYOR FENN
OPENED THE MEETING AT 6:00 P.M WITH
THE PLEDGE OF ALLEGIANCE.**

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

NEW BUSINESS:

City procedure to place items
on the agenda for discussion
or action by the Council at its
meetings:

City Attorney Thomas Benavidez addressed Council concerning this item. Mr. Benavidez stated that while in many municipalities two Councilmembers sponsor an item to be placed on the agenda, there are no set rules or procedures. Mayor Fenn asked the City Clerk about the history of placement of items on the agenda. City Clerk Vicki Vivian stated historically items have been placed on the agenda at the request of a Councilmember or the City Manager and that no official procedure has been established. Vice Mayor King stated with the recent discussions of Council directives, he would like to see a procedure to place items on the agenda in place. Further discussion was had regarding Councilmembers formally sponsoring an item or informing the City Clerk of an item to be put on the agenda. Councilmember Lodzinski then stated there would also be items that would need to be placed on the agenda in the day to day administration of the City and that the City Manager should be able to place those items on the agenda. Councilmember Suagee stated she would be comfortable if a member of the Council could approach the City Manager to place an item on the agenda, and when an item was requested from the public, then it could have two Councilmembers agree to place it on the agenda. This would give two avenues for placement of items on the agenda. Councilmember Suagee stated she felt it was good to have Councilmembers discuss placement of items on the agenda with the City Manager, who may have more knowledge of the item. Mr. Benavidez stated an opportunity to place items on the agenda would be to have "future agenda items" on the Council agendas. Mayor Fenn stated the agenda belongs to the City Council, with input from staff, and he would like to see all items requested be placed on the agenda for discussion, stating items could always be pulled or not acted upon, but would at least have the opportunity to be discussed. Mayor Fenn then stated the City Manager currently forwarded a tentative agenda to him, so the agenda was reviewed prior to the meeting. City Manager Martin Roush then stated that the current placement of items on the agenda requested by a Councilmember are then approved by the Mayor when he receives the tentative agenda; thereby indicating approval by two members of the Council. Discussion was then had regarding a member of the public's request for an item to be placed on the Council's agenda for consideration. Mr. Benavidez indicated citizens could address Councilmembers, City Staff or request an item be placed on a future agenda during the call to the public. Councilmember

Tipton then asked if “Future Agenda Items” were placed on the agenda, the public could address Council at that time to request an item be placed on a future agenda. Mr. Benavidez indicated if Council desired to recognize the public at that time, those requests could be heard then. Mayor Fenn then stated he was in favor of putting all items on the agenda as long as they made sense and was something that Council would address anyway. City Manager Martin Roush then stated he would like to add that joint meetings are sometimes difficult to schedule. Mr. Roush wanted to remind Council that meeting dates must be checked and approved by the chairman of each body; therefore, staff is limited in the scheduling of joint meetings. Councilmember Lodzinski asked if there was any procedure s for petitions requesting placement of items on the agenda. Mr. Benavidez stated no formal procedure was in place, but Council could recognize and place the items on the agenda under the current procedures. Mayor Fenn then stated the procedure to place items on the agenda should continue and that Council should not be hesitant to place items on the agenda or discourage the public from bringing an item forward on an agenda. Councilmember Suagee then asked if a Standard Operating Procedure (SOP) was going to be written so the public would be informed how to place an item on the agenda. Mr. Roush stated items requested by the public that were administrative in nature and under the Council’s jurisdiction would be placed on the agenda and other items including those that were under the jurisdiction of another entity would be directed to Council for placement on the agenda.

Presentation by the City Attorney
concerning Arizona’s laws on
conflicts of interest which apply
to the City’s elected and appointed
officials and employees:

City Attorney Thomas Benavidez introduced Attorney Christopher Wencker who gave a presentation on this item which discussed the general statement of the law, relatives, substantial interest, remote interest, the requirement to make the interest known and refrain from voting or otherwise participating, other prohibitions, penalties and remedies and the course of action upon discovery of a conflict. After the presentation, Mr. Wencker opened the item for questions. Councilmember Sacco asked if, in case law, the courts have defined “substantial interest”. Mr. Wencker stated “substantial interest” is defined more by what it not is. Mr. Benavidez then addressed Council stating that “Ownership or money interest that is not defined as a remote interest” is a good way to define a substantial interest. Mr. Benavidez stated there are questions that should be asked each time a Councilmember thinks there may be a conflict of interest that will assist in determining whether an interest is substantial or remote. Councilmember Suagee then asked about the possibility of a Councilmember having a substantial conflict of interest, but in advertently acting and realizing it afterward. Councilmember Suagee asked what the remediation would be. Mr. Wencker stated that the Councilmember would need to declare the conflict of interest and refrain from taking any further action, including discussing the issue. Mr. Wencker stated the

remaining Council may then look at the situation and take further action to remediate the conflict of interest.

Adjournment:

Councilmember Sacco moved to adjourn at 6:53 p.m. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk