

**THE JOINT WORKSESSION  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
and THE BENSON/SAN PEDRO VALLEY CHAMBER OF COMMERCE  
HELD JANUARY 23, 2012, AT 6:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Acting Mayor McGoffin called the meeting to order at 6:03 p.m. with the Pledge of Allegiance.

**ROLL CALL:**

Present were: Acting Mayor Lori McGoffin, Councilmembers Ron Brooks, David Lambert, Nick Maldonado, Chris Moncada and Al Sacco. Excused was: Mayor Toney D. King, Sr.

Present from the Chamber were: President Jennifer Rush, Vice President Mike Hug, Treasurer Bob Mucci, and Directors Lupe Diaz, David Bryan, Greg Hall and John Kelly. Also present was Chamber Executive Director Marc Washington. Absent were: Secretary Gloria Durgin and Director Chrissi Gold.

**CALL TO THE PUBLIC:**

Bob Mucci stated even though he is sitting at a chair reserved for the Chamber he is not speaking as a Chamber member right now he is speaking as an individual business owner here in Benson. Mr. Mucci stated he has been involved in this process for quite a while and the point of his speaking is to talk about business here in Benson. Mr. Mucci stated he wanted to ask the Council what their perception of business is in Benson right now, is it good or bad? Mr. Mucci stated he has gone around and talked to businesses in town and has received comments such as "business sucks," "business is awful," "it's a train wreck," "worst year in 30 years," and "it's a disaster." Mr. Mucci stated there seems to be an attitude that when the snowbirds get here things will be better; however the snowbirds didn't come this year until just recently. Mr. Mucci stated the snowbird population is way off and the majority of businesses he has spoken with are off 20 to 25 percent which creates a bad situation. Mr. Mucci stated instead of trying to bring business here and deciding how to market our town in order to get new business to come we are spending valuable time and energy fighting about things that are just really a bunch of nonsense. Mr. Mucci stated we should all be working together and not working across purposes. Mr. Mucci stated fighting creates an impression to those wanting to bring a business here that this is an unfriendly place to do business and if the City Council cannot get along with the Chamber how is that going to affect a prospective new business owner when they read about conflicts in the newspaper and hear it on the radio. Mr. Mucci stated this needs to stop and we need to find a way to make this work for both the City and the Chamber. Mr. Mucci stated that there needs to be a way to market to snowbirds so they come here, because that is a significant portion of our income. Mr. Mucci stated this nonsense needs to stop and the City and the Chamber need to move on and go ahead and progress and everyone here needs to adopt his "lead, follow or get out of the way" philosophy.

Mr. Jim Grey stated his wife was President of the Chamber in 1999-2000 when the City decided to take away the bed tax and close the bank accounts because the Council didn't like something about the Executive Director. Mr. Grey stated the Chamber is now in the same position where for some reason the Chamber, or individuals on the Chamber, want to micro-mini-manage the Chamber and he doesn't see this happening with other departments in the City. Mr. Grey stated the Chamber needs help, as any small town Chamber does. Mr. Grey stated the bed tax was set up originally by the people and the businesses in Benson for the Chamber to do promotion and tourism for the City. Mr. Grey stated he thinks the Chamber can do a better job than the City because they are business people, they know how to advertise and get things done. Mr. Grey stated he feels this needs to be fixed and the Chamber needs help so if the Council wants to monitor them, ask them for their quarterlies. Mr. Grey stated the Chamber needs some funds to exist; they can't exist on a small amount of membership. Mr. Grey stated he spoke when the City wanted to raise the bed tax and tried to educate the Council on the RV people; last week he went around to all the parks and they are all down 15 to 25 percent. Mr. Grey stated he thinks that we should market freeway signage as there is 10.8 to 12 million vehicles a year going by this town and something needs to be put on

the freeway to invite people in and show some of the amenities that we have for them. Mr. Grey states there is a need for a healthy business community because that is what keeps the coffers full with the collected sales tax and bed tax. Mr. Grey stated it is the friendly people and businesses that have people coming back; it is not the City Council that keeps people coming to town. Mr. Grey stated we all need to work together to fix this so that the Chamber doesn't have to come and beg for funds to get things done.

Mr. George Scott, Director of the Southeast Arizona Economic Development Group, stated he would like to ask the Council and the Chamber to try and work out this problem with the bed tax. Mr. Scott stated that Council has an opportunity to resolve this funding issue that has been going on for several years. Mr. Scott stated the reason he is asking this is because his group and the Chamber and the Economic Development Subcommittee, that Vice Mayor McGoffin chairs, are working with a lot of different folks and a lot of big businesses and a lot of developers and those who have invested a lot of money here in Benson. Mr. Scott stated those people read the newspaper and listen to the radio. Mr. Scott stated he had a call on Friday from someone who wanted to know what was going on and they are looking to invest in Benson. Mr. Scott stated the Council and the Chamber and everyone else in town needs to show a united front to bring new jobs and new investment into town and the only way to do that is to be working together. Mr. Scott stated all he is asking is for the Chamber and the City to work together and he believes the intent of the bed tax was to fund the Chamber. Mr. Scott stated when he was on Council years ago this probably should have been resolved then. Mr. Scott stated the Council has an opportunity to make this right so that all can move on and get new businesses and jobs in Benson.

Mr. David DiPeso stated he was on the original Council who approved the bed tax. Mr. DiPeso stated that it was absolutely done at the Chambers request because the Chamber was in the same situation then as they are now, which is without any money. Mr. DiPeso stated he recalls it can't just be dumped into the General Fund and be used for whatever; it has to be used for promotion of tourism and businesses. Mr. DiPeso stated part of the funding has been taken away and there is a long history to this going back to the Friends of Kartchner Caverns and should all be water under the bridge and be restored the way it was. Mr. DiPeso stated it started with the Chamber doling out money, it has been a conflict and problems have arisen with it; the Chamber is perfectly capable of handling the money and he doesn't believe that it needs to be micro-managed. Mr. DiPeso asked for the funding to be restored.

Mr. Dan Barrera stated he and his wife own and operate the Quarterhorse Motel and RV Park. Mr. Barrera stated he too was on Council back in '89. Mr. Barrera stated he had mixed emotions on collecting the bed tax, and the argument was how many people would not stay in Benson because of the bed tax. Mr. Barrera stated because of his mixed emotions he stepped off Council and had to voice his concerns as a business person. Mr. Barrera stated there has been quite a bit of money collected through bed tax and businesses are just the entity that collects the tax, then it goes to the State and then back to Benson. Mr. Barrera stated there have been good years and bad years and the number of hotels and occupancies has increased. Mr. Barrera stated his concern is partnership between the City of Benson and the Chamber of Commerce; the Chamber of Commerce is vital as a communications group to the City Council and to the City Manager. Mr. Barrera stated a lot of the taxes being collected are going directly to the City, not just bed tax but all revenues, including sales tax from those people that are staying and using the hardware stores, the grocery stores, restaurants and other entities collecting taxes. Mr. Barrera stated an example is the middle school tournament that took place last Saturday with 22 schools; you need to look at the ripple effect. Mr. Barrera stated that all events need to be supported. Mr. Barrera stated his point is the members of the City Council are elected as are the Board members of the Chamber; both hire confident professional people to run the organization by coming up with strategies and make goals. Mr. Barrera stated the board's responsibility is to look at these goals and decide if that's the direction they want to go and then they vote on it. Mr. Barrera then stated it is the board's responsibility to make sure those you have hired meet those objectives. Mr. Barrera stated that somewhere down the line the vision was lost. Mr. Barrera stated that both the Chamber and the City need to have audits to show how they are doing; he knows the City is on the up and up which makes him happy as a taxpayer. Mr. Barrera stated that we have great Staff and we have to make sure we are transparent in all that we do. Mr. Barrera stated in the Bible it states "a fool is correct in his own eyes, but a wise man is one who seeks counsel" and he thinks we need to look for that counsel and probe into what is affecting these businesses. Mr. Barrera stated that each of the businesses has a budget for advertising which is above and beyond what the bed tax is paying for. Mr. Barrera stated that we need to

communicate with each other and say “come to Benson” because more and more people are selecting Benson as a place to live.

## **NEW BUSINESS:**

### **1. Discussion and possible direction to respective staff regarding the use of the Transient Lodging Tax (Bed Tax)**

Acting Mayor Lori McGoffin opened the item up for discussion and thanked the Chamber for coming to discuss how they are going to work on all of these issues. Acting Mayor McGoffin stated there has been a lot of drama these past couple of weeks and they need to show a united front, and if the City and the Chamber don't show they can get along, new businesses are going to look elsewhere. Councilmember Maldonado stated one thing is we have to work together and that he was born and raised in this community. Councilmember Maldonado stated he manages a park and they only have 1 space available right now because visitors keep coming back. Councilmember Maldonado stated his park owner has paid all of the taxes since he took over the park in 2005 and he thinks we all have to learn to work together and figure out how everything is going to come together.

Jennifer Rush stated there is a perception that funding for the Chamber is for putting on events and that is not the primary function of a Chamber; the Chamber of Commerce is to bring commerce to a city, to improve economic development, to work towards bringing new business and creating jobs; doing events is intended to bring outside people into Benson so they become aware of what businesses are here. Ms. Rush stated once they have seen what Benson has they will come back to do their shopping so while the events are fun and are great for the community, which we love, our purpose with the events is to develop business and bring more commerce to Benson. Ms. Rush stated by bringing more commerce to Benson it will also bring more jobs. Ms. Rush then stated 93% of our youth are leaving once they graduate high school because they don't have opportunities here and the Chamber wants to work to increase those opportunities. Ms. Rush stated in Cochise County 7.1% of the jobs are generated by tourism; that's why tourism is such an important part of our local economy. Ms. Rush stated the statistics from the Arizona Office of Tourism shows in 2009-2010 tourism in the state was up by 7.9%, which includes all of Arizona. Ms. Rush stated Cochise County tourism was up that same year by 2.6% and yet our bed tax receipts were down 8.5%; for some reason we were 11.1% behind the rest of Cochise County, and we are the home of Kartchner Caverns which is one of the top 25 attractions in the state. Ms. Rush stated there are different things to consider as to how the funds have been used. Ms. Rush stated we are looking at the original resolution in 1989 and it stated this reflected the will of the people at that time ... “therefore be it resolved that the Benson Chamber of Commerce is hereby designated as the recipient of all the funds obtained from the additional 2% tax levied upon transient lodging. The Benson Chamber may expend these funds for any legal Chamber of Commerce purpose including promoting tourism in the City of Benson and for the purpose of advertising the amenities of the City of Benson.” Ms. Rush stated you can see the original intent was to support the Chamber because this way it was supporting all sectors. Ms. Rush stated she has been speaking with Councilmember Brooks and Councilmember Sacco because they came to the Chamber to ask what the Chamber needed; Mayor King has also stopped by and she appreciates those who have reached out to try and resolve this. Ms. Rush continued by stating since the resolution was put into place the Tourism Department was brought into existence and since they work in the same office she would like to commend the Tourism Department. Ms. Rush asked why we don't divide it up to equal 70% to Chamber and 30% to Tourism for the specific purpose of advertising Benson, not Cochise County. Ms. Rush stated she knows there is a piece of paper from Mr. Massee talking about something, although she is unclear about what his point is and it is unrelated to the topic at hand; she stated she gave a copy of the 2005 report commissioned by the Arizona Office of Tourism to Acting Mayor McGoffin yesterday. Ms. Rush explained this report shows a list of cities across the state that do designate their bed tax for their Chamber of Commerce to use to function and this is generally more in smaller communities. Ms. Rush stated Bullhead City has pointed to exactly how this is done and the legal parameters on how to enter into a legal contract. Ms. Rush stated this contrasts with what Mr. Massee is saying needs to be done, but that is a discussion Council will have to have with him. Ms. Rush stated since the purpose of the Chamber is economic development and supporting businesses they would like to get back to work. Ms. Rush stated the stipend for Councilmembers is laughable for the work they do and she does appreciate all they do, and the Executive

Director for the Chamber, who is of extremely high caliber, also gets a laughable salary but that's all they can do and he is willing to do this for the sake of Benson. Ms. Rush affirmed the rest of the Chamber Directors don't get paid anything, they are just here because they believe in Benson, and want things to move forward and want economic growth in Benson. Ms. Rush states she really believes Benson is poised to take advantage, and as some heard last Thursday morning, Mr. Proctor talked about the potential for having UAS here which will be \$106 million dumped into our local economy. Ms. Rush stated the Chamber is fortunate enough to have Mr. Washington here with us because he does know how to move forward to have the UAS facility located here. Ms. Rush stated there are numerous investors saying we have been waiting to see when the time is right to invest in Benson; these investors have lots of money and have been waiting years to see if Benson is business friendly. Ms. Rush stated she thinks they may say if they will not work with their Chamber, whose sole purpose is to bring us here, then they are not going to work with us. Ms. Rush stated the Chamber is working really hard to get those investors to say yes they will come but we need to be working together and that is all the Chamber wants to do is to be able to get on with what they volunteered to do just as the City would like to be able to move on.

Bob Mucci stated if you look at the amount of money the Chamber has gotten to hold events, those are just 3 one time events, and yes they do bring people here but the main purpose of the Chamber is to bring economic vitality and business to this community so that we can get away from being a 6-month-a-year economy. Mr. Mucci stated when the snowbirds leave, Benson kind of goes to sleep and we need to do something to change this to a 12 month-a-year economy and the only way to do that is to be progressive in what we do so we need to bring the businesses here that will come here and stay here for 12 months. Mr. Mucci stated there could be huge financial incentives, business will increase and people will come and stay more often because of the UAS business and those are the things we need to work towards; this will only happen if we work together as a coordinated team and not spend energy fighting with each other.

Pastor Lupe Diaz stated he is looking at Article 9, Public Debt, Revenue and Taxation, and knows the Council is in a position of wanting to do right and you are looking at all of these laws and saying what kind of choice do I have here? Pastor Diaz stated there was a document about 3 meetings back that had to do with municipalities, maybe a resolution, and went to the Arizona legislature and it stated you can actually contract with nonprofit organizations. Pastor Diaz stated if you don't know what you're looking at here and you're saying well I don't know if I will be able to do this or if the law will allow us to do this. Pastor Diaz stated he doesn't know if this is a local article that is in place for the City or if this is a state article that is in place for municipalities.

City Attorney Michael Masee stated he apologizes for any ambiguity in the documents he passed around, he thought it was clear as to what the document was. Mr. Masee stated the document shows Article 9 from the Arizona Constitution, so this is clearly mandatory on the cities and everyone on the Council as well as himself has taken and sworn an oath to uphold and defend the Arizona Constitution so this is germane to this discussion and is not voluntary or optional. Mr. Masee stated the first sentence from Article 9, Section 1, states the power of taxation shall never be surrendered, suspended or contracted away and in his opinion that is exactly what the Chamber is proposing that you contract away your bed tax; and the case law, especially the recent Supreme Court case from 2010 Turken v. Gordon. Mr. Masee stated he knows Mr. Sacco was interested in that case, because he specifically mentioned it in the interview for City Attorney, at that point the decision was just at the Court of Appeals and a later decision from the Supreme Court came out and reversed the Court of Appeals case and this recent Supreme Court authority makes these 2 provisions of the Arizona Constitution very clearly binding on a question like this, any contract before the City Council, the Council has fiduciary duties to make sure the contract is fair and uses the public monies appropriately. Mr. Masee stated taking public monies to fund a private entity, even as noble and as forward thinking and as community oriented as the Chamber of Commerce, you still have to make sure you are getting a public benefit from it, you cannot enter into a multi-year contract and contract away the bed tax. Mr. Masee stated the taxes are collected for public purposes only and that is exactly what Article 9, Section 1, says at the end, "shall be levied and collected for public purposes only." Mr. Masee stated he had a discussion with Ms. Rush and he believes her opinion is the Chamber of Commerce, by itself, is a public purpose. Mr. Masee stated that doesn't pass the test; the public purpose means that for the money you give the Chamber you are getting roughly the same value back in some defined public benefit. Mr. Masee stated he has not had the opportunity to check out Bullhead City but he

does appreciate the opportunity to see what they are doing over there. Mr. Massee stated in regards to the memo he gave out last week, he has ran it past another a very experienced attorney and also checked with the Pima County finance department and both support the analysis there in the memo. Mr. Massee stated what he learned from Pima County is the attorney is quite assertive on any contract with a nonprofit that the deliverables be identified, specified and measurable and the money is very clear as to how much is going to be spent and what kind of purposes there are and what the deliverables are. Mr. Massee stated this is not something that is just made up; this is right out of the Arizona Constitution. Mr. Massee stated taking public monies and putting them into private pockets is a very serious consideration and as he has mentioned the Council has fiduciary duties to see that this is done properly. Mr. Massee stated the taxes cannot be a gift and cannot be a subsidy and that comes from Section 7 in Article 9, that's the gift clause, the first section is called the taxation clause and both were discussed at length by the Supreme Court as mentioned in the Turken v. Gordon case. Mr. Massee restated that you cannot give money away or surrender your taxation authority nor can you contract away your taxation authority. Mr. Massee stated he can't speak as to what was done in the past, what the resolution from 1989 shows is designation to a private entity, even as non profit as this, it couldn't withstand the scrutiny today under the Arizona Supreme Court, it is a legal nonstarter. Mr. Massee stated he wants to be respectful about this and wants to be insistent that the Chamber is not due any tax money, that it is not their tax money, and they are not entitled to any amount of tax money. Mr. Massee stated in fact the standard is they would have to be able to show what the deliverables are and what the public benefit is. Mr. Massee asked everyone take a step back and look at this from a new perspective, which is that this is tax money we are talking about not Chamber money, this is the publics money that goes into the General Fund for the City, it is not helpful in his opinion for the Chamber to say they are due this money or they are entitled to this money, this is just not true under the law. Mr. Massee stated also under the law when you receive public monies there are certain activities you are prohibited from engaging in with the use of those public monies one of which is political activities. Mr. Massee stated he was at the forum last Thursday night and whether or not it was officially sponsored by the Chamber, it certainly looks that way, so any money that goes into the Chamber's hands we have to be very clear that it is not being used for political activity. Mr. Massee stated the other prohibition that should be clear, and should be brought up in a study session when it is time for the budget, is that any recipient of public monies cannot lobby to get more public monies. Mr. Massee stated we have an entity here that is actively engaged in political activity and each individual member on the Council, including the Executive Director has their First Amendment right to engage in political activities, so please don't misunderstand, he is not saying you can't do that, but certainly you cannot do that with public money, that clearly would be a violation of the law. Mr. Massee stated his purpose is not to be disrespectful of anyone or to question motives it is just to put the law out there to see what is possible and what is not possible.

Acting Mayor McGoffin stated we need to be able to give the Chamber enough to support what they need to do and the events they want to do. Acting Mayor McGoffin stated we need to figure out a common ground to support the Chamber as much as we can and somehow during the budget session, we probably have to figure out tonight what to do about Bluegrass and the rest of this year, during budget session if the Chamber could bring a budget of everything they want to do, then we can sit down and go through the budget. Acting Mayor McGoffin stated it doesn't have to be the 2% or 1% of the bed tax, it would be according to what the Chamber wants to do; she just wants to put it in the budget so it is planned and there are no questions as to where the money is going. Acting Mayor McGoffin stated if it is in the budget the people can see where the money is going; they can say my tax dollars are being used to help the Chamber with events or with business forums for example. Acting Mayor McGoffin stated she thinks that would clear up any legal issues we have about giving Chamber money because it would be written down and would define what we are expecting to get back with economic development. Mr. Brooks asked Acting Mayor McGoffin if what she is proposing is to go back to the old system because that is the way it is being done. Acting Mayor McGoffin stated she was making her suggestions.

Mr. Mike Hug stated Article 9, Section 1, reads that a city may not surrender power of taxation which means the City has the power of taxation and can't contract anybody to collect the taxes for the City it doesn't have anything to do with what we are talking about here. Mr. Hug stated it also states there is an exception in Section 18, and how come that was not presented?

Mr. Massee stated Section 18 is the middle part of Article 9, Section 1, that relates to Uniformity of

Taxation and the beginning says never surrender, suspend or contract away, and if you read the cases referenced, he explained what they are talking about is a provision taken right out of the Montana Constitution due to the lessons learned from cities and towns in competition with each other. Mr. Massee stated these cities and towns would promise a certain revenue stream to railroads and canal companies in that if they would bring their business to my town we will create a property tax and we will give you 50%, for a period of time, sometimes it was forever, it guaranteed the business would come to town. Mr. Massee stated this eventually ended up hurting towns in the long run when they have promised half of their property tax away. Mr. Massee stated you cannot create a tax for the purpose of conveying it away to a private entity; it's not even a question under the Constitution which he and all of you were sworn to uphold and defend. Mr. Massee emphasized that Council can't enter into a multi-year contract and say we are going to give you 70% of the revenue we collect from this tax. Mr. Massee stated if this was to be considered, they would have to negotiate a contract with measurable, specific, deliverables and the deliverables would have to be roughly proportionate to the money in the contract.

Mr. Marc Washington stated he was debating on even attending this evening because of this particular reason, that it would be something last minute such as what was just handed to everyone here at the Chamber. Mr. Washington stated Mr. Massee is the only one in the room with a law degree, not even I have a law degree, no disrespect intended, it's just a fact. Mr. Washington stated he is a United States Army officer and one of the things they teach in military leadership is to constantly use the UCMJ when speaking to soldiers, the Uniform Code of Military Justice, to strike fear into soldiers to get them to do what we want them to do so they can believe, for fear of retribution of breaking the law, that they are doing it of their own free will. Mr. Washington stated law is subject to interpretation to some degree. Mr. Washington stated he sat on the board of directors for the Chamber 1999 -2006 for Mesa, Arizona, which was his residence, the city gave the Chamber \$1.4 million per year on average; don't think we broke the law. Mr. Washington stated he now challenges City Council, since they did take the oath, to get in contact with the State Attorney General and give them what Mr. Massee, the holder of the law degree, has given them and ask AG if you are doing something illegal by doing the right thing for your community. Mr. Washington stated Mesa doesn't do the wrong thing, they have prospered for example in '99 to 2006 every business owner had an increase of at least 30% in increased business and revenue, those are quantifiable facts; he then referred to [Arizonastatebanking.gov](http://Arizonastatebanking.gov). Mr. Washington stated to Mr. Massee none of us have a law degree, this doesn't strike fear in anyone, they are not doing anything illegal at all and we are here because we want to work with them. Mr. Washington stated Wednesday's paper can now read "the Benson Chamber of Commerce has been in contact with the US Chamber of Commerce and asked for legal representation since Mr. Massee took the floor and said that the Chamber is asking the City to do something illegal for them." Mr. Washington directed his comments to Mr. Massee and stated so now the fight continues publically, you will absolutely sabotage any hopes of the UAS coming here, and I just want to let you know that. Mr. Washington stated being a subject matter expert for your own design is not always the best practice to take and is not the best approach, sir, it really isn't. Mr. Washington asked Mr. Massee why don't you arm them with the same information you think that you're using right now because right now everyone is wondering if you are telling the truth, I know I am thinking the same thing, and I know who I am going to call in the morning. Mr. Washington stated the Wednesday paper will read "the Chamber and the City Council came to no resolution whatsoever, yet again, the conflict continues."

Pastor Lupe Diaz stated the motivation here is the same, you want to do the right thing and what is being said is go ahead and give the Chamber the money and then do the research, but what he wants to recommend and wants to encourage is tabling this item until everyone can get more information. Pastor Diaz stated as Mr. Washington has said we need to do more research as far as the legality of these things because Mr. Massee has brought that into play, before the Council makes a decision at the Council meeting he would encourage them to pull the law up in complete form instead of piece form before any decisions are made whatsoever. Pastor Diaz stated he thinks the legalese has everyone wondering if it is legal or not, he understands the counsel is here to protect the City with Mr. Massee stating he appreciated that and he will check with Mesa. Pastor Diaz continued stating he thinks everyone needs to do their research as there may be other documents that may be in contrast. Pastor Diaz referred to what Mike Hug had said, it is the power of taxation, the City is not releasing that to another agency, and the City is still collecting taxes. Pastor Diaz stated to bring this about in a meeting like this makes him wonder.

Mr. Brooks interrupted and stated he put this item on the agenda and he has something to say. Acting Mayor McGoffin stated she already said Councilmember Maldonado was next and then Councilmember Brooks may have a chance to speak, but keep it short.

Councilmember Maldonado stated he knows everyone is talking about 1989 where the City went ahead and gave them the bed tax but nobody is mentioning that the City, in 2000 took over tourism and he doesn't know why everyone is overlooking that. Councilmember Maldonado stated the City has a tourism department now and so what do we do when the Chamber says they are the Tourism Department? Councilmember Maldonado stated we have to fix it one way or another and he read from the minutes that the City has taken over tourism.

Councilmember Brooks wants to bring attention to the 2005 report from the Arizona Office of Tourism; they have listed all the towns in the state of Arizona that receive bed tax from their cities and more than half are allocating to their Chamber. Councilmember Brooks stated that he had spoken with Mr. Toby Cotter from Bullhead City Chamber of Commerce just today and he advised Councilmember Brooks that they have a contract with the City to give them money and have for a very long time and Mr. Cotter is very happy to have it the way it is. Councilmember Brooks stated he doesn't understand law and is not an attorney, he just knows he had asked Mr. Masee to show a way to get this done and all he did was show what couldn't be done.

**ADJOURNMENT:**

Acting Mayor McGoffin move to adjourn the meeting at 7:00 p.m.

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Lori McGoffin, Acting Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk