

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD APRIL 27, 2020 AT 7:00 P.M.
AT THE BENSON COMMUNITY CENTER, 705 W. UNION STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Councilmembers: Pat Boyle, Larry Dempster, Lupe Diaz, Nick Maldonado and Barbara Nunn.

EMPLOYEE RECOGNITION: None

PROCLAMATION: Mayor King read a proclamation declaring May 7, 2020 “National Day of Prayer.”

PROCLAMATION: Mayor King read a proclamation declaring May 3-16, 2020 “Healthcare Heroes Week.”

PUBLIC HEARING: The Mayor and Council will receive comments and questions from the public regarding the Home Rule Option (Alternative Expenditure Limitation).

City Manager Vicki Vivian stated she would like to read a document giving information on Home Rule. The document read, *“What is Home Rule? The Home Rule election requires a “yes” or “no” vote on whether the City’s annual limit on expenditures should be set according to the State of Arizona Annual Expenditure Limitation formula for the City of Benson, or if the limitation should be set annually by City Council as the total of its Approved Budget.*

A “YES” vote for “Home Rule” will give the City Council the authority to set the City’s Annual Expenditure Limit each year through the Budget process.

A “NO” vote for “Home Rule” will set the City’s Annual Expenditure Limit according to a formula issued by the State of Arizona.

Background

Arizona voters approved Article IX, Section 21 and 22, of the Arizona Constitution on June 3, 1980. The Article prescribes an annual expenditure limit for each political subdivision in the State. The Arizona Economic Estimates Commission (EEC) establishes annually for each political subdivision an Expenditure Limit based on actual expenditures in the 1979-1980 fiscal year. The limit is adjusted each year for changes in population and inflation factors.

The Article approved by the voters also contained provisions that allow cities to establish a voter-approved alternative expenditure limitation (Home Rule). In order to have Home Rule, the voters must approve Home Rule in an election every four years.

Is Benson currently a Home Rule City?

Yes. City of Benson voters have approved Home Rule in elections held in 1985, 1989, 1993, 1997, 2001 and 2005, 2009, 2013, 2016, each time the issue has been placed before the voters.

What would the expenditure limit be if Benson was not a Home Rule city?

The State imposed Expenditure Limit for fiscal 2019-2020 would have been about \$5,205,000, plus grants, any amounts borrowed, or interest collected. The actual Expenditure Limit under Home Rule is \$22,219,140, the total of the City Council Approved Budget for 2019-2020.

If the City was subject to the State Imposed Limit, would City services be affected?

Yes. Currently, the City's annual expenditures for utility services alone (natural gas, water, sewer, and garbage) exceed \$4,100,000. Meanwhile, all other City services (police, fire, parks, streets, library etc.) cost nearly \$8,900,000. Hence, basic City services today cost about \$13,000,000, and that is before consideration of any necessary capital projects.

If the City was subject to the State Imposed Limit, it could not function to provide for the basic needs of its citizens. Choices such as "do we want water and sewer service, or would we prefer police and fire protection?" would have to be addressed and resolved if the City were subject to the State Imposed Limit."

Ms. Vivian then stated this is the second public hearing for the Alternative Expenditure Limitation (Home Rule) that will be placed before the voters at the August 4, 2020 election. Ms. Vivian then gave the figures for the state-imposed limitation the City would be under if the voters did not approve the home rule expenditure limitation, stating there would an estimated \$8,488,896 in funds received in Fiscal Year (FY) 2021-2022 that the City will be unable to spend to provide essential City services to the citizens of Benson adding in FY2022-2023 there would be an additional estimated \$8,906,487; in FY2023-2024, \$9,329,793 and in FY2024-2025, \$9,215,167 or a total of \$35,940,343 or the four years.

Ms. Vivian then stated as Benson citizens vote, it is important that they have the facts and understand that if the Home Rule Expenditure Limitation is not approved, under the state expenditure limitation there will be approximately \$36 million that the City may receive in revenues that it will not be able to spend to provide necessary and essential City services.

Mayor King thanked Ms. Vivian for the information and then opened the public hearing at 7:10 p.m. Mayor King then asked Staff if anyone had emailed any comments to be read and entered into the record with Deputy Clerk Denise Tapia stating no comments were received.

Mayor King then closed the public hearing at 7:10 p.m.

CITY MANAGER REPORT:

City Manager Vicki Vivian addressed Council, giving the dates of upcoming meetings and events.

- Monday, May 11, 2020 – Council Meeting, 7:00 p.m., Community Center
- Monday, May 25, 2020 – Council Meeting, 7:00 p.m., Community Center
- Monday, May 25, 2020 – Memorial Day – City Offices Closed

Ms. Vivian then stated the City of Benson Mayor, Council, and City Manager care deeply about our residents and are pleased to announce the Benson Area Transit, in cooperation with the Benson Community Food Pantry, will provide a free no-contact home-delivery service every Wednesday during this pandemic, adding the City aspires to keep everyone healthy by limiting social exposure and assisting residents with underlying health conditions to meet their basic food needs.

Ms. Vivian stated Wednesday, April 8, was the first time offering this service and it was a huge success with almost 40 deliveries being made to Benson, Mescal/J-6, Pomerene and St. David.

Ms. Vivian then stated to have food delivered, you must call Benson Area Transit at 520-586-9406 each week by 3 p.m. the Monday before, adding people need to be prepared to give their name, address, birthdate, and number of people in their household, noting this information is helpful for federal funding.

Ms. Vivian then stated if people prefer to pick up their own food box, the Food Pantry opens Wednesday at 9 a.m., is located at 1120 West 4th Street, Benson (off Easy Street), and they will be practicing safety measures. If anyone has questions, please contact them directly at 520-200-5186 for other hours and more information.

Ms. Vivian then stated weekly Wednesday distribution of food changes but typically includes bread, canned goods, fresh fruit and vegetables, dairy products, and meat. Ms. Vivian then stated the City does not have control over inventory, so this free service is dependent upon supplies and manpower, and is on a first-come, first-served basis, so please get orders in as early as possible before each Monday at 3 p.m.

Ms. Vivian then stated City Staff will leave the box of items near their front door or on their porch, and knock before leaving, so the resident and the driver are both protected; noting City drivers will be unable to bring groceries inside due to COVID-19.

Ms. Vivian then stated Staff is also suggesting that those receiving food use the CDC-advised precautions such as washing all produce well, cleaning food-prep areas, and so on. Ms. Vivian then stated this service will be provided until further notice.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

1a. Minutes of the May 13, 2019 Regular Meeting

1b. Minutes of the April 13, 2020 Regular Meeting

1c. Invoices processed for the period from April 2, 2020 through April 15, 2020

Councilmember Boyle moved to approve the Consent Agenda. Seconded by Councilmember Dempster. Motion passed 6-0.

2. Discussion and possible action regarding Resolution 15-2020 of Mayor and Council of the City Benson, Arizona, designating the City Manager as the Chief Financial Officer of the City of Benson for purposes of submitting the City's current year Annual Expenditure Limitation Report (AELR)

City Manager Vicki Vivian stated the State Auditor General's office requires each city, town, and community college district in the State to annually provide the name of the Chief Financial Officer (CFO) the governing board designated to submit the current year's annual expenditure limitation report, adding the Auditor General's office has updated the designation form to require documentation of the governing board's official designation authorizing the individual to submit the AELR as the CFO, such as a board resolution or meeting minutes.

Ms. Vivian stated this resolution designates the City Manager as the City's CFO and authorizes her to submit the AELR after the audit has been completed.

Councilmember Diaz moved to approve Resolution 15-2020. Seconded by Councilmember Maldonado. Motion passed 6-0.

3. Discussion and possible action to appoint an individual to fill the Council seat vacated by Vice Mayor Konrad

City Manager Vicki Vivian stated on March 5, 2020 Vice Mayor Joe Konrad, whose term was set to expire in December, 2022, resigned from the City Council and per the City Code, a vacancy must be filled within 60 days.

Ms. Vivian then quoted state law (A.R.S. §9-235(A), which mandates that "The council shall fill a vacancy that may occur by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty days before the nomination petition deadline, otherwise the appointment is for the unexpired term." Ms. Vivian then stated therefore, the appointed person will serve until December, 2020 and the remainder of the term will be placed on the ballot as a 2-year Council term, along with 3 4-year Council terms and the 2-year Mayoral term.

Ms. Vivian then stated the City Clerk's office advertised the vacancy and requested interested parties to complete the application process for possible consideration to be appointed to the Council Member position, adding interested

parties completed the requirements and those applications are in the Council packet for review and consideration. Ms. Vivian also stated the applicants were asked to be at the meeting on April 27 to answer any questions the Council may have and to be seated should Council appoint someone. Ms. Vivian then stated one applicant was not present, but Mr. Tapia and Mr. Moncada were both in attendance.

Councilmember Nunn moved to appoint Christopher Tapia to fill the seat vacated by Joe Konrad. Seconded by Councilmember Dempster. Motion passed 5-1 with Councilmember Boyle voting nay.

Ms. Vivian then swore in newly-appointed Christopher Tapia, who was then seated on Council.

4. **Selection of Vice Mayor for the City of Benson City Council**

City Manager Vicki Vivian stated the City Code states the Council will choose a Vice Mayor from among themselves each year in which an election to Council is held, but with the recent resignation of Vice Mayor Konrad, the Council needs to choose a Councilmember to serve as Vice Mayor until the election is held and the new Council is seated in January, 2021.

Mayor King moved to appoint Councilmember Nunn as Vice Mayor. Seconded by Councilmember Dempster. Motion was approved 6-1 with Councilmember Diaz voting nay.

ADJOURNMENT:

Councilmember Boyle moved to adjourn at 7:22 p.m. Seconded by Councilmember Maldonado. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk