

THE HAYDEN TOWN COUNCIL  
MEETS ON  
MONDAY, AUGUST 18, 2014  
5:30 P.M.  
HAYDEN TOWN COUNCIL CHAMBERS  
520 N. VELASCO AVENUE  
HAYDEN, ARIZONA 85135  
FOR A  
REGULAR MEETING

CALL TO ORDER

The regular council meeting was called to order at 5:42 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Thomas Lagunas, Vice-Mayor Maria Munoz, Council Members Gloria Ruiz, Rhonda Cooper Gault, Bobby Smith and Enrique Lopez

Staff: Attorney Stephen Cooper, General Superintendent Gary Cruz, Chief of Police Louie Tartaglia, Fire Chief Johnny Silva, Senior Center Director Anita Hinojos and Head Librarian Mary Helen Lopez

Audience: Ms. Nellie Acton, Ms. Gwynette Greenwood, Ms. Margaret Gaston, Mr. Bill Loehr

APPROVAL OF MINUTES

Regular Council Meeting – April 21, 2014 – (Tabled from May 19, 2014 meeting)

Study Session Meeting – April 21, 2014 – (Tabled from May 19, 2014 meeting)

Budget Hearing – July 21, 2014

Regular Council Meeting - July 21, 2014

Special Council Meeting – August 1, 2014

Tax Levy Hearing – August 4, 2014

Study Session Meeting – August 11, 2014

Council Member Ruiz asked that there be a correction to the April 21, 2014 regular meeting on page 3 under consideration to approve advertising for the position of police officer(s) the name of the council member needs to be typed in and also to include that Vice-Mayor Munoz said that next year for the Easter Egg Hunt she will pay for a DJ out of her pocket. Mayor Lagunas said that the Budget Hearing and Regular Council Meeting for July will need to be tabled. Council Member Lopez moved to approve the above meeting minutes with the stipulation that the corrections be made to April 21, 2014 Regular Council Meeting and the Budget Hearing and the Regular Council Meeting for July 21, 2014 be tabled. Council Member Smith seconded the motion and the motion carried. 5-0

CALL TO THE PUBLIC/Citizens Wanting to Address the Council on Any Non-Agenda Item  
The Mayor and Council Will Listen to Comments, But May Take Any One of the Following  
Actions (1) Respond to Criticism, (2) Request That Staff Investigate and Report on the Matter  
and (3) Request that the Matter be Scheduled on a Future Agenda. **SPEAKERS SHALL BE  
LIMITED TO THREE (3) MINUTES.**

There were no comments from the audience.

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Consideration to approve the contract between the Town of Hayden and Pinal/Gila Council for Senior Citizens in the amount of \$124,016

Senior Center Director Hinojos told the council that the budget figures that were submitted to Pinal/Gila Council for the contract were not correct. Pinal/Gila Council for Senior Citizens can give the town \$30,000 but the contract must be signed and then an amendment will be made adding \$30,000 to the contract. She told the council that Olivia from Pinal/Gila Council for Senior Citizens would be willing to set up a workshop to discuss everything. Council Member Cooper-Galt moved to approve the contract in the amount of \$124,016 with the understanding that the amendment will be made adding the \$30,000. Council Member Smith seconded the motion and the motion carried. 5-0

Consideration to approve the purchase of a used engine for the 2008 Nissan Sentra through Horne Motors in the amount of \$4,204 plus tax

Council Member Cooper-Gault moved to approve the purchase of a used engine for the 2008 Nissan Sentra through Horne Motors in the amount of \$4,204 plus tax. Mayor Lagunas seconded the motion and the motion carried. 5-0

Possible termination of probationary employment status, possible continued employment, possible termination or resignation of police officer Ray Van Buskirk

Officer Van Buskirk was asked if he wanted this in closed session or open session. Officer Van Buskirk said that he preferred closed session. This item was moved to the last item because it will be held in executive session.

DEPARTMENTAL REVIEWS/REPORTS

- a) Police & Animal Control, Written Report- Chief Tartaglia was asked what the town was doing for an animal control officer. Chief Tartaglia told the council that Animal Control Officer Sims was off due to surgery and now he has retired. The Town of Hayden is looking into an IGA with the Town of Winkelman for animal control. Chief Tartaglia reported that the police department has new hours for the police department clerk. Her hours will be Monday, Wednesday and Friday from 10:00 a.m. – 4:30 p.m. He has his officers meet and greet students returning to school Hayden/Winkelman Schools. He also reported that they are assisting Kearny Police Department and sharing resources. He received ammunition and will be able to get the officers certified. He is also looking into in house training for the officers through a law firm in Tucson and Phoenix. The officers will get training on the fourth amendment and justification for deadly force. By offering these trainings the officers will keep out of lawsuits. He gave his monthly report for July, 28 citizens assist, 6 medical assist, 33 warnings, 10 citations and security checks. He is implementing a log to track the activity of each officer during his shift. He has also implemented a 30 mile radius per officer per shift unless going over the 30 miles is justified. On the weekends he has two officers overlapping shifts; this way if one officer is called out of the town limits for backup there will still be an officer in town.
- b) Fire, Written Report - Fire Chief Silva told the council that Dylan Smith resigned from the fire department and they have been training Ms. Manriquez. He is hoping that after she passes her background check, they will be able to hire her. Council Member Lopez asked if she submitted an application. Fire Chief Silva stated that he had an application and once she passed her background he would be submitting it to the town clerk. Council

- c) hired by the council. Town Clerk Romero told the council that the applicant use to go before the council to be hired and then a background check was performed on the applicant. Council Member Lopez asked why they still have 22 firefighters in the department when the council told Fire Chief Silva that he could only have 18. Fire Chief Silva said that he has 17 firefighters and 1 secretary. Council Member Lopez asked when did the fire department need a secretary and Fire Chief Silva answered that he had a secretary for approximately a year and there were never any problems mentioned before about having a secretary. Council Member Smith mentioned that not all the firefighters participate at the same time. Fire Chief Silva reported that fire school is coming up and he needs to set up hotel rooms for three firefighters that are planning on attending.
- d) Magistrate, No Written Report
- e) Library, Written Report – Head Librarian Lopez mentioned that they are getting ready for a book fair scheduled for the end of September.
- e) Finance, No Written Report
- f) Public Works, Oral Report – General Superintendent Cruz reported that everything is good. He told the council that they are getting use to their new hours – Monday and Friday 6:00 a.m. - 12:00 p.m., Tuesday, Wednesday and Thursday 6:00 a.m. – 2:30 p.m. He reported that he will need to purchase some asphalt. He also reported that the pump at the swimming pool went out at the end of the season; this will need to be replaced to circulate the water. The amount to replace the pump is between \$1,500 and \$4,000.
- g) Golf, Written Report – General Superintendent Cruz reported that they are getting ready for the annual reseeding. He will need to purchase seed and fertilizer.
- h) Senior Center, Written Report
- i) Mayor/Vice-Mayor – Mayor Lagunas told the council that he will be meeting with the mayors from Winkelman and Kearny

#### CLAIMS FOR PAYMENT FOR SERVICES –

July/August 2014

Consideration to approve payment of the above claims

Council Member Cooper-Gault moved to approve the above claims for payment. Council Member Smith seconded the motion and the motion carried. 5-0

#### Executive Session

Possible executive session for discussion/consultation for legal advice with the Town Attorney and/or Town Staff concerning any of the agenda items, pursuant to A.R.S. '38-431.03 (A) (3) (4) and (7).

Mayor Lagunas moved to go into executive session at 6:37 p.m. with Officer Ray Van Buskirk, Council Members, Town Attorney, Town Clerk and Chief of Police, no longer than 20 minutes, to discuss item #8, possible termination of employment status, possible continued employment, possible termination or resignation of Police Officer Ray Van Buskirk.

Council Member Cooper-Gault moved to go out of executive session at 7:08 p.m. Council Member Smith seconded the motion and the motion carried. 5-0

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#### Regular Session

#### Possible termination of employment status, possible continued employment, possible termination or resignation of Police Officer Ray Van Buskirk.

Police Officer Van Buskirk told the council that they could check with his previous employer. He had nothing but high marks, he worked with Gila County Drug Task Force. He told the council that he never sent anyone inside of a house; he was already in the house. Council Member Smith asked Officer Van Buskirk when was his hire date. Officer Van Buskirk said that his hire date was September 13<sup>th</sup>. Council Member Ruiz asked if it would be possible to get his information from his previous employer before making a decision. Chief of Police Tartaglia told the council that according to the rules for Policy and Procedures they have gone overboard by allowing each other to discuss this recommendation. If you do not make your probation period you are terminated, no questions. Council Member Cooper-Gault told the council that the town has been sued from officers released during their probation period. Mayor Lagunas told the council that they do not need a reason to let an employee go during the probation period. If they are not working out to the chief's standards then they can be let go for not making their probation period. Chief Tartaglia mentioned that the officer was not being terminated, he did not meet probation. Attorney Cooper said that since we were not sure of the outcome we covered all basis on the agenda. Council Member Smith told Chief Tartaglia that he had a concern that this is coming less than a month before his probation period is up. Council Member Cooper-Gault mentioned that a lot of money, time and energy were put in for this officer. He has made friends with the citizens. Chief Tartaglia stated that he did start working for the Town of Hayden until April but he has had five months to observe the officer and it just continued. He was hired to protect the assets of the town, keeping the town out of future law suits. He asked that the council put trust and go with his recommendation. Council Member Smith moved to terminate the probation period for Officer Van Buskirk. Mayor Lagunas seconded the motion and the motion carried. 3-2

Roll Call was asked: Mayor Lagunas – yes, Council Member Ruiz – no because several Hayden residence asked her to vote no, Council Member Cooper-Gault – no, Council Member Smith – yes because of policy, Council Member Lopez – yes – because of policy.

Vice-Mayor Munoz arrived at 7:19 p.m.

#### Discussion of legal matters/consultation with Town Attorney, Town Staff and/or special legal counsel concerning S.G. Gillen vs. Town of Hayden, (Public Records Litigation) pursuant to A.R.S. '38-431.03 (A) (2) and (3).

Mayor Lagunas moved to go into executive session at 7:21 p.m. for not more than ten minutes with the council members, town attorney, chief of police and town clerk. Council Member Smith seconded the motion and the motion carried. 6-0

Mayor Lagunas moved to go out of executive session at 7:29 p.m. Council Member Smith seconded the motion and the motion carried. 6-0

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Regular Session

Town Council direction to Town Attorney, Town Staff and/or special legal counsel concerning S.G. Gillen vs. Town of Hayden, (Public Records Litigation).

Council Member Cooper-Gault moved to proceed as specified in executive session.  
Council Member Smith seconded the motion and the motion carried. 6-0

Adjournment

The regular meeting was adjourned by the mayor at 7:31 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are true and correct. The Hayden Town Council a regular council meeting on the 18<sup>th</sup> day of August 2014. I further certify that the meeting was duly called and a quorum was present.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laura E. Romero, Town Clerk