

**CITY OF KINGMAN  
MEETING OF THE  
ECONOMIC DEVELOPMENT MARKETING COMMISSION**

**City Council Chambers  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona**

**7:30 a.m.**

**Regular Minutes**

**Wednesday, February 11, 2015**

<b>Members:</b>	<b>Officers:</b>	<b>Visitors Signing In:</b>
R. Hamilton, Chairman	J. Dougherty, City Manager	None
M. Roberts, Vice-Chair	C. Young, Council Liaison	
M. Cobb	G. Jeppson, Development Services Director	
C. Waalkens	E. Roper, Recording Secretary	
T. Woods	S. Muhle, City Clerk	
S. Yamaguchi		
Vacant		

**EDMC MISSION STATEMENT**

The mission of the Kingman Arizona Economic Development Marketing Commission is to foster and encourage responsible economic development through developing an empowered workforce, assisting to sustain local businesses, and marketing Kingman to outside commercial and industrial enterprises. These endeavors will diversify the economic climate, create jobs, expand Kingman's tax base, and enhance the quality of life for all citizens.

**MEETING MINUTES**

**CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL**

Chairman Hamilton called the Economic Development Marketing Commission meeting to order at 7:33 A.M. All members were present and a quorum was achieved. The pledge of allegiance was said in unison.

**1. APPROVAL OF MINUTES**

The Regular Meeting minutes of December 10, 2014.

Commissioner Waalkens made a MOTION to APPROVE the Regular Meeting minutes of December 10, 2014. Vice-Chair Roberts SECONDED and it was APPROVED by a vote of 6-0.

**2. PUBLIC COMMENTS**

**Those wishing to address the commission should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.**

City Manager John Dougherty asked the commission to consider a future agenda item discussing the proposed Kingman Crossing. Mr. Dougherty asked the commission to discuss the issues related to Kingman Crossing and go on record as either for or against the proposed plans.

**3. OLD BUSINESS**

**Update on the RECON booth.**

The International Conference of Shopping Center (ICSC) RECON convention is May 17-20, 2015 at the Las Vegas Convention Center. Commissioners will receive an update on the arrangements for the convention.

Development Services Director Gary Jeppson stated the commission planned to share a 200 square foot booth with Bullhead City; however, Bullhead City decided to forgo a booth. Mr. Jeppson stated the commission was now back in the "Cities of the World" area due to Bullhead City's withdrawal. Mr. Jeppson asked the commissioners to decide who was attending the conference in order to make room reservations.

Commissioner Woods stated Chairman Hamilton should attend due to his experience with retail and the convention.

Mr. Jeppson stated there should be a minimum of three people representing the city at the convention at all times. Mr. Jeppson stated this number allowed one person to stay at the booth while the other two visited with retailers. Mr. Jeppson stated this could be a mix of staff, commissioners and councilmembers. Mr. Jeppson stated he was available to attend on Monday and Tuesday.

Commissioner Woods asked how the conference passes were assigned.

Mr. Jeppson stated the City received passes with the booth, but any people over the allotted number of passes would require additional passes to be purchased. Mr. Jeppson stated the passes could not be shared.

Chairman Hamilton asked Councilmember Young if she would attend the conference.

Councilmember Young said yes.

Mr. Dougherty stated he could attend Monday and during the day on Tuesday, but he would need to be back in Kingman for the City Council meeting Tuesday evening.

Chairman Hamilton asked if Mayor Anderson would attend the conference.

Mr. Dougherty stated Mayor Anderson was planning on attending, but had not yet committed to it.

William Wales addressed the commission and stated he was available to attend the entire conference if he was reappointed to the commission.

Commissioner Cobb stated he would most likely be available.

Chairman Hamilton stated he would need a lot of help tearing down the booth on Wednesday and support on Tuesday afternoon due to the staff and councilmembers needing to leave to attend the Council meeting.

Vice-Chair Roberts stated he could attend the entire conference.

Chairman Hamilton stated Monday and Tuesday were important days for speaking to retailers while Wednesday morning was generally used for follow up. Chairman Hamilton stated the conference began

to wind down by 11:00 A.M., but tear down was not allowed until 1:00 P.M. or 2:00 P.M. Chairman Hamilton stated it was important to have commissioners and staff present on Monday and Tuesday to talk to retailers.

Commissioner Yamaguchi stated she was available and could be flexible on when she attended the conference.

Commissioner Waalkens asked if the commission could still get a booth in the retail area.

Mr. Jeppson stated the attempt to get a booth in the commercial area was not successful due to Bullhead City's withdrawal.

#### **4. NEW BUSINESS**

##### **a. Discussion and action concerning the date of the November, 2015 meeting.**

The regularly scheduled EDMC November, 2015 meeting will fall on Veterans Day this year. Commissioners will need to choose a different date for the meeting.

Commissioner Cobb made a MOTION to RESCHEDULE the November, 2015 meeting from Wednesday, November 11, 2015 to Thursday, November 12, 2015. Vice-Chair Roberts SECONDED and it was APPROVED by a vote of 6-0.

##### **b. Discussion and action on a recommendation of a candidate to fill William Wales' expired term.**

Commissioner William Wales' term expired in December, 2014. Mr. Wales has expressed interest in continuing to serve on the commission. In addition to Mr. Wales, there is one applicant, Brenda Dehaan, for the EDMC in the talent bank. Commissioners will need to select a candidate to recommend to the Common Council at the next Regular Meeting on February 17, 2015.

Deputy City Clerk Erin Roper stated applicant Brenda Dehaan withdrew her application due to work schedule conflicts.

Commissioner Cobb made a MOTION to RECOMMEND William Wales for reappointment. Commissioner Woods SECONDED and it was APPROVED by a vote of 6-0.

#### **5. REPORTS**

##### **a. Open Meeting Law**

The City Clerk will provide commissioners with an overview of Arizona's Open Meeting Law.

City Clerk Sydney Muhle presented the following slides:

# Annual Open Meeting Law Training

Presented by the City Clerk's Office

## Open Meeting Law

### General Provisions

"It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Toward this end, any person or entity charged with the interpretations of this [law] shall construe any provision of this [law] in favor of open and public meetings"

Slide one was a title slide. Ms. Muhle stated the Open Meeting Law was contained in the Arizona Revised Statutes (ARS) and read slide two.

## Open Meeting Law

### General Provisions

"All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings."

### What does this mean?

THE PUBLIC'S BUSINESS MUST BE CONDUCTED  
IN PUBLIC!

## Open Meeting Law

### Why Open Meeting Law matters:

- It protects the public and preserves their right to participate in government.
- It protects public officials and maintains integrity of government, ensures a better informed citizenry, and builds trust between government and citizenry.

Ms. Muhle read slides three and four.

## Open Meeting Law

### Who must comply with Open Meeting Law?

**YOU do!**

"Public body" is defined as "the Legislature, all boards and commissions of this state or political subdivision ...all standing, special or advisory committees or subcommittees or, or appointed by, the public body.

## Open Meeting Law

- This includes quasi-judicial bodies (i.e. Board of Adjustments, Building Board of Appeals, etc.)
- Subcommittees are:
  - "Any entity, however designated, that is officially established, on motion and order of a public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body."

Ms. Muhle read slide five and stated Open Meeting Law also applied to subcommittees. Ms. Muhle read slide six.

## Open Meeting Law

### What constitutes a "meeting"?

"...the gathering, in person or through technological devices of a quorum of members of a public body at which they discuss, propose or take legal action, including and deliberations by a quorum with respect to such action."

## Open Meeting Law

- A quorum is defined as:  
"a majority of the members of a board or commission."

Vacant positions do not reduce the quorum requirement.

Ms. Muhle read slides seven and eight and stated the commission's quorum was four members.

## Open Meeting Law

### What constitutes a meeting?

Technological devices includes (but is not limited to):

E-mail	Website
Blogs	Tweets
Facebook	Telephone and video conferences
Any similar technologies.	

### Splintering the Quorum

A meeting may also occur when less than a quorum of the public body discusses a matter of city business and one or more members later discusses the matter with another member of the public body.

## Open Meeting Law

### Informing the Public

No meeting may take place with less than 24 hours notice to the general public and each member of the public body.

Ms. Muhle read slide nine and stated commissioners could violate Open Meeting Law by commenting on an article on the Kingman Daily Miner's website or Facebook if four or more of them commented on the same article or topic. Ms. Muhle stated it was also possible to violate Open Meeting Laws through a serial discussion, which meant if two commissioners discussed an item and then one commissioner went to two other commissioners and discussed the conversation. Ms. Muhle read slide 10.

## Open Meeting Law

### Agendas

Agendas must include:

- Notice of the date, time, and location of the meeting.
- An agenda of "specific matters to be discussed, considered, or decided at the meeting".
- Must contain "such information as is reasonably necessary to inform the public of the matters to be discussed or decided.
- The "other matters" must in some reasonable manner be "related" to an item specifically listed on the agenda.

## Open Meeting Law

- Only items specifically listed on the agenda or matters related thereto may be discussed, considered, or decided. **If it's not on the agenda it cannot be discussed.**
- If a matter not specifically listed on the agenda is brought up during a meeting, the better practice, and the one to minimize subsequent litigation, is to defer discussion and decision on the matter until a later meeting when it can be properly listed on the agenda.
- **If action is taken on an item not properly noticed on the agenda, then that particular action violates Open Meeting Law and is null and void!**

Ms. Muhle read slides 11 and 12.

## Open Meeting Law

### Calls to the Public

- An open call to the public is an agenda item that allows the public to address the public body on topics of concern within the public body's jurisdiction, even though the topic is not specifically listed on the agenda.
- These are NOT required by state statute.
- You may impose a reasonable time limit on speakers.

## Open Meeting Law

### Calls to the Public

As a public body you have four options during call to the public:

- Respond to criticism after the close of the Call to the Public
  - Ask staff to review the item
  - Ask that a matter be placed on a future agenda so it can be discussed
  - Sit in silence
- \*\*Call to the Public is only permitted if it is specifically listed on the agenda.

Ms. Muhle read slides 13 and 14.

## Open Meeting Law

### The Public's Rights

The public has a right to:

- Attend
- Listen
- Tape Record
- Video Tape

The public has no right to:

- Speak
- Disrupt

## Open Meeting Law

### Sanctions for Violation

- Civil penalties of up to \$500 for each violation, plus attorney's fees and court injunctions against the offending public body or public official.
- If the public officer intentionally violated the Law, the court may remove the officer from office and assess him or her personally with the attorney's fee award.

Ms. Muhle read slides 15 and 16.

## Open Meeting Law

### Sanctions for Violation

- Action taken in violation of Open Meeting Law is null and void.
- All sanctions can be enforced against a member of a public body and any person who knowingly aids, agrees to aid, or attempts to aid anyone in violating the Law.

## Conflict of Interest

- It is illegal to fail to declare a conflict of interest under Arizona law or to participate or otherwise be involved in discussion on issues or contracts where such a conflict exists.
- This covers all public officers and employees of incorporated cities and towns.
- This also applies to private interests of public official's or employee's relatives.

**Find out ahead of time what your conflicts are!**

Ms. Muhle read slides 17 and 18.

## Conflict of Interest

In general, a conflict of interests will result when an officer or employee of a city or town or relative of an officer or employee is involved in substantial ownership or salaried employment with a private corporation doing business with the city.

A public officer or an employee may sell equipment, material, supplies, or services to the municipality ONLY AFTER public competitive bidding.

## Conflict of Interest

Remote interests are so minor that they do not constitute illegal conflicts of interests.

If you have only a "remote interest" in a matter before the public body, then you can vote and participate in the discussion.

Ms. Muhle read slides 19 and 20.

## Open Meeting Law & Conflict of Interest

If you have any questions regarding Open Meeting Law or Conflicts of Interest, please feel free to contact the City Clerk's Office or City Attorney's Office.

Ms. Muhle read slide 21.

### **b. Kingman and Mohave Manufacturers' Association (KAMMA)**

Commissioner reports from those who have attended recent meetings.

Commissioner Woods stated he attended an event with KAMMA, the Kingman Airport Authority (KAA) and Mohave Community College (MCC). Commissioner Woods stated KAMMA has been talking to other counties about establishing foreign trade zones.

### **c. Kingman Chamber of Commerce**

Commissioner reports from those who have attended recent meetings.

Vice-Chair Roberts stated he attended the business and government meeting on Thursday, February 5, 2015. Vice-Chair Roberts stated Mayor Anderson and Kingman Police Chief Robert DeVries provided updates on the City and Supervisor Gary Watson provided an update on the County. Vice-Chair Roberts stated the governments were trying to keep the Downtown Post Office open. Vice-Chair Roberts stated the next Chamber coalition meeting would take place in Lake Havasu City at the Western Arizona Law Enforcement Academy (WALEA).

Chairman Hamilton stated he attended a board meeting on Tuesday, February 10, 2015 and the Chamber discussed the upcoming Route 66 Festival.

## **6. COMMISSIONER'S COMMENTS**

**Limited to announcements, availability/attendance at conferences and seminars, requests for**

**agenda items for future meetings and requests for reports from staff**

Commissioner Woods stated KAA welcomed a new company, CTI Trucking, which expanded from Phoenix.

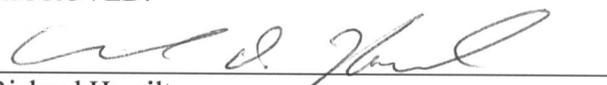
Commissioner Cobb requested an agenda item for the Kingman Crossing be placed on the next meeting's agenda.

Chairman Hamilton stated Kingman Crossing was important for the commission to discuss and asked the commissioners to be as informed as possible in order to facilitate worthwhile discussion.

Commissioner Waalkens made a MOTION to ADJOURN. Commissioner Yamaguchi SECONDED and it was APPROVED by a vote of 6-0.

**ADJOURNMENT 8:04 A.M.**

APPROVED:



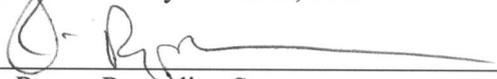
Richard Hamilton  
Economic Development Marketing Commission Chairman

STATE OF ARIZONA)  
COUNTY OF MOHAVE) ss:  
CITY OF KINGMAN)

**CERTIFICATE OF ECONOMIC DEVELOPMENT MARKETING COMMISSION**

I, Erin Roper, Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Economic Development Marketing Commission held on February 11, 2015.

Dated this 11<sup>th</sup> day of March, 2015



Erin Roper, Recording Secretary

# VISITORS IN ATTENDANCE

City of Kingman

## Economic Development Marketing Commission

Council Chambers – 310 N. 4<sup>th</sup> Street – Kingman, Arizona

Date 02/11/2015

	NAME - PLEASE PRINT	EMAIL ADDRESS AND PHONE NUMBER
1	<i>William A. Wales</i>	
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