



## MINUTES

### TOWN OF MIAMI

#### REGULAR MEETING, PUBLIC HEARING & SPECIAL MEETING OF THE MAYOR AND COUNCIL MONDAY, JULY 22, 2024 AT 6:30 PM

#### 1. CALL TO ORDER:

Mayor Medina called the meeting to order at 6:49 p.m.

#### 2. PLEDGE OF ALLEGIANCE/INVOCATION:

Vice Mayor Moat led the pledge of allegiance and Mr. Chuck Broeder gave the invocation.

#### 3. ROLL CALL OF COUNCIL MEMBERS:

**PRESENT:** Mayor Medina, Vice Mayor Moat, Councilmember Black, Councilmember Gonzales (arriving at 7:07 p.m.), Councilmember Reiman, Councilmember Sosh and one vacancy.

**STAFF PRESENT:** Town Attorney Estes, Town Manager Rivera (via Zoom), Town Clerk Norris, Finance Director Lopez and Public Works Director Derhammer.

#### 4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of July 8, 2024 Regular Meeting and Public Hearing.
- B. Consideration and possible action to approve Town of Miami Payroll for July 7, 2024.
- C. Consideration and possible action to approve Resolution No. 1304, designating the Chief Fiscal Officer for officially submitting the FY 2025 Expenditure Limitation Report to the Arizona Auditor General.
- D. Consideration and possible action to approve Resolution No. 1303, adopting a Residential Antidisplacement and Relocation Assistance Plan for FY 2024/2025.

Councilmember Black moved to approve the consent agenda items A, C and D and to remove item B for discussion. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED.

Councilmember Black questions the \$14,000.00 increase in the payroll report. Finance Director, Maria Lopez, explains it is because of the 7 pool lifeguards that we hired. Councilmember Sosh moved to approve item B of the Consent Agenda. Motion seconded by Councilmember Black. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice

Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy: MOTION PASSED.

**5. COMMITTEE REPORTS AND GENERAL DEMANDS:**

- A. Consideration and possible action to approve the General Demands for June 28, 2024 to July 11, 2024.

Councilmember Black moved to approve the demands for June 28 2024 to July 11, 2024. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED.

**6. REPORTS / RECOGNITIONS:**

- A. Town Manager Reports.

Town Manager Rivera is not attending in person, no report at this time.

- B. Mayor/Council Reports.

Mayor Medina comments regarding being in contact with the people with the Inspiration School Project and will be giving report on that at a later meeting. Comments regarding being busy with a lot of meetings.

Vice Mayor Moat announces that school starts tomorrow and encourages everyone to be safe and watch for children.

**7. CALL TO THE PUBLIC:**

Mr. Tim Gonzales, Homeless Coalition of Cobre Valley, announces they will be having an event on August 2<sup>nd</sup> at Lee Kornegay School; 9:00 a.m. to 2:00 p.m. They will be connecting people in need with much needed resources from all over the state. They will also have showers available.

Mrs. Everyn Vargas, Miami, reminds every one of the upcoming USDA Days for those who want to apply for grants and/or loans for home repairs; July 24<sup>th</sup>, 3:00 p.m. to 7:00 p.m. and July 25<sup>th</sup>, 9:00 a.m. to 4:00 p.m. at the Bullion Plaza Gym.

**8. UNFINISHED BUSINESS:**

## 9. NEW BUSINESS:

### A. Information and discussion only: Presentation of the Gila County Transportation Excise Tax Performance Audit Report.

Mrs. Melanie Chesney, Deputy Auditor General presents this report to Council. Mrs. Chesney gives a brief overview of the Gila County Transportation Excise Tax history. Explains the Excise Tax audit requirements. The performance audit was conducted in the 5<sup>th</sup> year of the Excise Tax and then every 5 years thereafter. They review use of the monies to ensure they are used for highway and street purposes and the impact of that use. Mrs. Chesney explains the allowable uses of the tax. Mrs. Chesney explains that in 2019 it was reported that Miami inappropriately loaned tax monies to other funds, making those monies unavailable for highway and street purposes. Miami was unable to demonstrate \$83,613.00 of indirect administrative expenses were appropriate, this has been corrected. Miami lacked policies and procedures for Excise Tax uses, this has also been corrected. Review of Town of Miami's use of Excise Tax monies for January 1, 2015 through June 30, 2017. Review of the outstanding findings from 2019, inappropriate loans. Reviewed Town of Miami's Excise Tax revenues through December 31, 2023. Town of Miami received \$732,525.00 and \$582,691.00 was withheld. The June 2024 audit found that in FY 2021, Miami paid off its remaining \$75,298.00 Excise Tax loan balance. FY 2022 and 2023 financial statement audits are not complete to assess if additional loans were made. Next steps are that Miami needs to complete their audits for FY 2022 and 2023 and notify their office when audits are complete. Their office will then perform a follow-up. If no additional loans have been made, they will inform ADOT. ADOT will inform the State Treasurer to resume payments and release the withheld funds. Their next audit will be for years covering 2024 through 2028. Brief discussion and comments regarding the Excise Tax audit.

### B. Information, discussion and possible action: Possible approval of funding agreement with Resolution Copper in the amount of \$6,500.00 to sponsor Cultural Events; \$4,730.00 for 4<sup>th</sup> of July event, \$885.00 for Town of Miami Car Show and \$885.00 for 2024 Concert in the Park.

Ms. Ana Vargas of Resolution Copper is present to answer any questions Council may have regarding this funding agreement and states they are happy to support the Town of Miami. Councilmember Reiman asks if the Town Attorney has reviewed and approved the agreement. Town Attorney Estes states that he has. Discussion regarding if the Town does not have one of the events listed, does it have to repay the money. Ms. Vargas states that it can be reallocated or carried over to the next year but to let Resolution Copper know if that happens. Councilmember Reiman moved to approve funding agreement with Resolution Copper in the amount of \$6,500.00 to sponsor Cultural Events; \$4,730.00 for 4<sup>th</sup> of July event, \$885.00 for Town of Miami Car Show and \$885.00 for 2024 Concert in the Park. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – aye, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED.

**C. Information and discussion only:** Report on Independence Day events and presentation of awards/prize monies.

Mr. Jesse Bryant of the Cobre Valley Independence Celebration, reports on the Independence Day events. Mr. Bryant presents the events prize monies to those that are present. Mr. Bryant comments on the Event banners and the sponsors who helped to pay for the banners. Mr. Bryant comments on plans for next years celebration. Mr. Bryant gave thanks to everyone who volunteered and helped to put this event together. Mr. Bryant thanks the Council and welcomes their feedback on this event.

**D. PUBLIC HEARING:** To hold a Truth in Taxation Public Hearing on the proposed primary Property Tax increase. To raise its Primary Property Taxes over last year's level; Miami is proposing an increase in Primary Property taxes of \$606.00 or 4.4542%:

1. Open Public Hearing – Mayor Medina. **8:03 p.m.**
2. Open discussion and public comments regarding the proposed Primary property Tax increase.

No response or comments from the public.

3. Close Public Hearing – Mayor Medina. **8:04 p.m.**

**E. PUBLIC HEARING:** To hold a public hearing on the final budget for the Town of Miami for FY 2024/2025, and approving an alternative expenditure limitation to govern the Town of Miami budget for FY 2024/2025 in an amount equal to the total amount of budgeted expenditures/expenses as it appears on the annual budget:

1. Open Public Hearing – Mayor Medina. **8:04 p.m.**
2. Open discussion and public comments regarding the adoption of the tentative budget as the final budget for FY 2024/2025.

No response or comments from the public.

3. Close Public Hearing – Mayor Medina. **8:05 p.m.**

**Recess the Regular meeting and convene in a Special meeting:**

Councilmember Black moved to recess the regular meeting and convene in a special meeting. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – aye, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED.

1. Council discussion, motion and possible action to approve Resolution No. 1305 adopting the final budget for FY 2024/2025 and setting an expenditure limitation to govern the Town of Miami budget for FY 2024/2025.

Councilmember Sosh moved to approve Resolution No. 1305 adopting the final budget for FY 2024/2025 and setting an expenditure limitation to govern the Town of Miami budget for FY 2024/2025. Motion seconded by Councilmember Black. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember

Gonzales – aye, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED.

**Adjourn the Special meeting and reconvene in the Regular meeting:**

Councilmember Black moved to adjourn the Special meeting and reconvene the Regular meeting. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – aye, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED.

- F. Information, discussion and possible action:** Possible action to enter into executive session pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation with the Town Attorney for legal advice regarding various allegations made by David Berrey against the Town and its employees and agents, to include, but not limited to, allegations of: public records violations, conflicts of interest, discriminatory practices – including the Arizona Civil Rights Act complaint filed with the Attorney General’s Office, abuse of authority, destruction of evidence, unlawful enforcement practices, criminal negligence and lawfare and undue enrichment matters.

Councilmember Black moved to enter into executive session. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – aye, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED. 8:10 p.m.

Councilmember Black moved to adjourn the executive session and reconvene the regular meeting. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – aye, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacancy. MOTION PASSED. 9:11 p.m.

- G. Information, discussion and possible action:** Possible direction to Town Staff regarding various allegations made by David Berrey against the Town and its employees and agents, to include, but not limited to, allegations of: public records violations; conflicts of interest; discriminatory practices – including the Arizona Civil Rights Act complaint filed with the Attorney General’s Office; abuse of authority; destruction of evidence; unlawful enforcement practices; criminal negligence; and lawfare and undue enrichment matters.

Town Attorney Estes states that Mr. Berrey has made a number of allegations with regards to all these issues. Mr. Berrey complained he did not have the opportunity to address any of these issues with Council. Mr. Berrey chose not to come tonight so no action is needed on this item.

**10. CALL TO THE COUNCIL/FUTURE AGENDA ITEMS:**

Councilmember Gonzales reminds everyone that school starts tomorrow. Buses will be running and would like to have the Town Manager to contact the Police Department for extra patrols before and after school.

**11. ADJOURNMENT:**

Councilmember Black moved to adjourn the meeting. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – aye, Councilmember Reiman – aye, Councilmember Sosh – aye and one seat vacant. MOTION PASSED.

Meeting adjourned at 9:14 p.m.

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting, Public Hearing and Special Meeting of the Town Council of the Town of Miami, AZ held on the 22<sup>nd</sup> day of July, 2024.

I further certify that the meeting was duly called and that a quorum was present.

DATED this 12<sup>th</sup> day of August, 2024.



Karen Norris, Town Clerk

**APPROVED:**

  
Jose "Angel" Medina Sr., Mayor