



TOWN COUNCIL SPECIAL MEETING

Minutes

Tuesday, January 26, 2021 at 6:00 pm

Attendees: Staff: Joseph Jarvis - Town Manager, Kelsi Miller - Town Clerk

**Springerville Town Council Chambers - 418 E. Main St.
Springerville, AZ 85938**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Springerville Town Council and to the general public that the Council will hold a meeting open to the public at the Springerville Town Hall, 418 East Main Street, Springerville, Arizona. The Town Council reserves the right to adjourn into Executive Session in accordance with Arizona Revised Statutes Section 38-431.03 (A)(1)(3)(4) and (7) for legal consultation on any of the following agenda items.

TOWN COUNCIL SPECIAL MEETING: 6:00 P.M.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE:

Minutes:

Mayor Hanson called the meeting to order at 6:00 p.m.
Brian Carpenter led the pledge of allegiance.

2. ROLL CALL:

Minutes:

The Town Clerk completed a Roll Call:
Council Llamas - Present, Vice-Mayor MacKenzie - Present, Mayor Hanson - Present,
Councilor Davis- Present, Councilor Reidhead - Present
A quorum is present.

3. COUNCIL, MANAGER AND STAFF REPORTS:

a. Mayor & Council Reports: Summary Updates on committee meetings.

Minutes:

DISCUSSION: None

b. Manager Joseph Jarvis: Summary Updates & presentation(s)

Minutes:

DISCUSSION: None

c. Staff Reports: Summary Updates

Minutes:

DISCUSSION: None

OLD BUSINESS

4. Memorandum of Understanding with the Attorney General: opioid crisis

Minutes:

DISCUSSION: Manager Jarvis stated we are prepared to reach out to our attorney for clarification on the Memorandum of Understanding with the Attorney General. We have also received a full copy of the MOU that was signed by many of the cities and towns in Arizona. It was signed by Mayors, Attorneys, and Town Managers. Vice-Mayor MacKenzie asked if we signed. Manager Jarvis informed him we had. Manager Jarvis explained this MOU pertains to the Attorney General of Arizona invited cities and towns to participate in a settlement agreement that they are working out with the pharmaceutical companies. He said he and the Town Attorney reviewed the information and felt it was sufficient for the Town Manager to sign the document. Manager Jarvis connected Timothy Shaffery the Town Attorney to the conference line. Manager Jarvis explained he has provided some background on the MOU. Mr. Shaffery explained the opioid crisis has been in the news for the last 3 -5 years. There are class action suits again pharmaceuticals, doctors, and hospitals. It has been very widespread on who is to blame for the opioid crisis. The pharmaceuticals are now the companies on the hook. The problem is when there is a crisis there is a lot of second-guessing going on. Being aware of this when he received this package in the mail as the Town Attorney from the Attorney Generals Office he reviewed it and deciphered it as simply an MOU. The MOU explained the Attorney General has joined a class-action lawsuit against pharmaceuticals responsible for the opioid crisis. They are in settlement negotiations with the pharmaceuticals and the other defendants. When Mr. Shafferey read it, he felt the Town should be involved after reading it, the Town could potentially get money from the suit if there is even a settlement. He asked everyone to keep in mind that at this point there is not a settlement yet. He brought it to Manager Jarvis and explained what it was. A month to a month and a half later, they learned that they are being accused of joining a lawsuit against a local business. He was concerned when he heard this. After some research, they felt that was not true. The MOU is not legally binding, it is saying we supported it, and if the money goes to counties and cities then sure the Town of Springerville would take part in that. The Town was probably affected by this, the police probably were tasked a little more than usual because of the crisis. When he heard a town business was named in the lawsuit he was surprised, he was not aware of that. At that point, we

asked for a full copy of the lawsuit. The lawsuit was actually filed by Apache County. It did not say filed by Apache County and Springerville or St. Johns, or any other city that supported the MOU. The plaintiff in the lawsuit is Apache County. they sued the pharmaceuticals and the local business in the lawsuit. It does not mean the Town joined the lawsuit. All we agreed to is if there is a settlement and distribution of settlement funds the Town could be entitled to some of those funds. Politically should the Town join in supporting the suit? He said that is the Council's decision, not a legal question. He will admit if he had known this was a County lawsuit and named the Town business they would have originally brought it to the Council. It was not presented that way. He is very confident the Town could back out of the MOU if they wished. If the Town Council feels this is politically toxic and wants to be removed from the situation, he would go to the Attorney Generals Office and explain it is a small town and we would rather not be involved. He explained the opioid crisis is a nationwide issue and these lawsuits are happening across the United States, this is not unique to AZ. He asked if the Town had any questions. Councilor Reidhead voiced she would like us to be removed from this MOU. Mayor Hanson agreed. Vice-Mayor MacKenzie asked Mr. Shaffery if the Town of Springerville is removed from the MOU is the local business still being sued by other parties? Mr. Shaffery replied yes, we aren't the ones suing them. He said in all honesty regardless if we withdraw or not our local business is in a lawsuit. Mayor Hanson asked Mr. Shaffery if the Attorney Generals' office is trying to remove Western Drug from being named in its suit? Mr. Shaffery responded he is not privy to that. He spoke with the new League attorney and she wasn't really sure. They suggested contacting the AG Attorney for clarification. Councilman Llamas asked if Western Drug is the only business identified in Apache County? Mr. Shaffery responded the few pages he saw Western Drug was the only local business he recognized. However, it is a lawsuit if you read the suit it reads the large pharmaceuticals, Western Drug, then it names John Does 1 - 1,000 that means if they feel someone else is at fault they can name the 1-1,000 John Does. They could name any assistant or pharmacist if they felt they didn't do their job. This is purely speculation. This is an escape route used by attorneys. At this stage, he guesses they wouldn't name additional defendants but they could. He doesn't believe it will happen but the AG's office could say it is too late to withdraw support.

Councilor Llamas wanted to add in closing a statement on this matter. He asked where does this end? He explained he feels we live in a time where individuals are not responsible for their own actions. He gave examples of eating unhealthy foods, consuming alcohol excessively, and that the people doing these things have made this choice. The number one killer in this country is heart-related disease that could be contributed to poor diets. Does this mean we should sue the fast food companies? He gave facts from the CDC on alcohol-related deaths. Prescriptions from the doctors come with very clear instructions on how to consume the prescriptions. If they are not consumed as prescribed is this really the pharmacist's fault? For those who abuse opioids and assume he does not relate to living in pain, he is a disabled Veteran that lives daily with pain. He understands the struggles with pain on a daily basis and

people make the choice. They should be responsible for their own choices.

ACTION: Shelly Reidhead/ Richard Davis motioned to have the Town ask to withdraw its support of the opioid crisis Memorandum of Understanding

Vote results:

Ayes: 5 / Nays: 0

5. Town Manager Contract:

Minutes:

ACTION 1: Richard Davis/ Shelly Reidhead motion to terminate the contract with Joseph Jarvis as Springerville Town Manager effective immediately.

DISCUSSION: Councilor Llamas started by explaining six months into Manager Jarvis's contract he requested a performance evaluation be completed on Joseph Jarvis. He feels no one took part in that with the exception of himself so the Council should be partially responsible. He feels had Mr. Jarvis been receiving counseling on a regular basis, which his contract allows, he feels it could have been different. Given some of the issues, he has witnessed and seen over the past year and 10 months and morale being extremely low with the employees of the Town of Springerville he believes Mr. Jarvis has attempted to micromanage. Manager Jarvis should allow each of his directors to perform their tasks and not do their tasks. Because morale is low, he supports the motion.

Vice-Mayor MacKenzie disagrees, he feels Manager Jarvis is doing a fine job for this town and isn't seeing low morale. He feels Mr. Jarvis was hired to run this town, micromanage or not he is doing a good job. Councilor Llamas said his job is to manage, it is the finance director's job to do finance and the public works managers job to do public works. It is not his responsibility to try to do that work for them. He personally likes Mr. Jarvis, but as a Councilmember, he has to put those feelings aside. He feels he has so much potential, knowledge, and skills. Councilor Llamas said he talks to employees on a very regular basis and he is seeing it.

Mayor Hanson stated he is seeing low morale in some places and high in others. Some people aren't happy with what Mr. Jarvis is doing. He feels two years isn't enough time, he was thinking of giving him another year then looking at his contract. He likes Mr. Jarvis. Vice-Mayor MacKenzie said there isn't the perfect person, there will be faults. He is new to this area and not used to the culture of the people.

Councilor Davis explained he has nothing personally against Manager Jarvis. He knows he has done a lot to get us to where we are, but he disagrees with some things and feels it's time to move on.

Councilor Reidhead agreed that she likes Mr. Jarvis as a person, but she feels it's time to put the residence of this town first. Councilor Llamas feels he has always had the residence of this town in mind, you can't appease everyone.

Manager Jarvis firstly asked the Council if he is able to perform the duties that they assigned him to do. Council responded yes. He continued stating this is the first time he is hearing these comments from Councilmembers. He asked Council how they would like to handle the transition? Some options he is presenting include: collect his

personal items tonight and leave, he could be given the opportunity to soften the transition, for example, there is a pending EDA grant that could be a challenge if he leaves now, additionally he highly recommended that Council select someone to be an interim Town Manager tonight to minimize the confusion. His last item is it has been an honor and a pleasure to work for the Town of Springerville. He appreciates the leadership of the Council. He recalled asking the Council during his interview how willing they were to take risks to pursue economic development, he said one Councilmember said they are very ready to take risks and the others agreed they wanted economic development. The powerplants are going to close, the Council needs to figure out a plan. He said the managers and directors are great people and really care about this community. He appreciates this opportunity, he has really enjoyed serving this community, he understood he signed a contract for two years and if it was time to go somewhere after that, it was okay. He explained he is in public service because he loves public service. He feels it's unfortunate he wasn't given the opportunity to reconcile differences, if Council changes their mind he would love the opportunity to reconcile those differences. He asked for direction and offered to assist in the process of finding the next Town Manager. He said he would not undermine or sabotage their efforts because that is not the kind of person he is. Vice Mayor MacKenzie asked how much time is left on his contract. He responded his current contract expires April 2, 2021. Vice-Mayor MacKenzie would like to give him that time to reconcile the differences. Councilmember Llamas said there is already a motion on the floor, he doesn't feel immediately removing Mr. Jarvis from office would benefit the Town of Springerville. Whoever they decide to appoint as interim will need to know what he is working on. It is going to be a heavy load for that individual. Mr. Jarvis reminded them they can go executive session to discuss this, he gave his suggestions of hiring an interim manager from an interim managers company or appointing an existing staff member. Mr. Belshe from the league could also be a resource.

VOTE ON FIRST MOTION: Ayes: 1 Nays: 0

Motioned Failed

ACTION 2: Shelly Reidhead/ Ruben Llamas motion to enter executive session at 6:41 p.m.

VOTE ON SECOND MOTION: Ayes: 5 Nays: 0

ACTION 3: Robert MacKenzie/ Shelly Reidhead motioned to enter back into regular session at 7:18 pm

VOTE ON THIRD MOTION: Ayes: 5 Nays: 0

ACTION 4: Shelly Reidhead/ Ruben Llamas motioned to appoint Heidi Wink as the interim Town Manager starting Wednesday, February 3, 2021.

DISCUSSION: Councilor Llamas thanked Joseph Jarvis for all he has done for the Town of Springerville.

VOTE ON FOURTH MOTION: Ayes: 5 Nays: 0

NEW BUSINESS

6. ADJOURNMENT:

Minutes:

ACTION: Ruben Llamas/ Robert MacKenzie motioned to adjourn at 7:21 p.m.

DISCUSSION: None

Vote results:

Ayes: 5 / Nays: 0

Members of the public who only want to provide written comments can express their comments by emailing the Town Clerk at **kmiller@springervilleaz.gov** to be read during the call to the public. All comments must be submitted by 5:00 p.m. on the day of the meeting.

Americans with Disabilities Act (A.D.A.): The Town of Springerville intends to comply with A.D.A. If you are physically challenged or disabled and need special accommodations to participate in this town meeting, please contact the Town Clerk at (928) 333-2656 ext. 224 forty-eight (48) hours prior to the meeting to arrange necessary accommodations.