

COUNCIL MINUTES

January 26, 2006

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 26, 2006 at 8:13 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

1. Convene an executive session.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the Council enter into an Executive Session.

Carried unanimously.

2. Executive session.

3. Adjourn Executive Session.

Without objection, the Executive Session adjourned at 8:48 a.m.

Mayor Hawker reconvened the Special Council Meeting at 8:51 a.m. with all members present.

4. Discuss, consider and provide direction to City Attorney regarding filing an Amicus Curiae brief in Hancock v. Bisnar, Arizona Supreme Court No. CV054-0381-AP/EL.

Councilmember Whalen declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item.

It was moved by Vice Mayor Walters, seconded by Councilmember Thom, that staff be directed to file an Amicus Curiae brief on behalf of the City of Mesa.

In response to a question from Councilmember Rawles, City Attorney Debbie Spinner stated that the City's legal staff would prepare the major portion of the brief. She added that outside counsel with prior experience in water issues has been retained to review the brief, and she estimated that the cost would be minimal.

Utilities Attorney Chuck Cahoy said that outside counsel was requested to limit the review of the brief to one or two hours, and he confirmed that the cost would be minimal.

Responding to a request from Mayor Hawker, Mr. Cahoy advised that the case addresses the possibility of the Arizona Supreme Court overturning precedent established in the 1930's, which limits electors in Irrigation District cases to being landowners who are engaged in on-going agricultural activities. He stated that the Amicus Curiae brief would outline the City's concerns relative to the fact that fewer electors would be qualified to vote in the elections as the Irrigation District becomes an urban area.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES – Griswold-Hawker-Jones-Rawles-Thom-Walters
NAYS – None
ABSTAIN – Whalen

Mayor Hawker declared the motion carried by a majority of those voting.

5. Items from citizens present.

There were no items from citizens present.

6. Adjournment.

Without objection, the Special Council meeting adjourned at 8:56 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting of the City Council of Mesa, Arizona held on the 26th day of January 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

baa