

COUNCIL MINUTES

October 4, 1996

The City Council of the City of Mesa met in a Special Session in the lower level of the Council Chambers, 57 East 1st Street, on October 4, 1996 at 7:44 A.M.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
T. Farrell Jensen
Dennis Kavanaugh
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

1. Adjournment and motion to convene an Executive Session.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the Council enter into an Executive Session and that the Special Session be continued, at 7:45 A.M.

Carried unanimously.

2. Executive Session.

- a. Discussion or consultation for legal advice with the City Attorney. (A.R.S. 38-431.03A(3)).
- b. Discussion or consideration of employment assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. 38-431.03A(1)).

3. Reconvene an open session to receive and discuss an internal auditor's report.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Special Session reconvene at 10:16 a.m.

City Auditor Dean Ellsworth presented the Council with a copy of an audit report dated October 3, 1996 relative to travel expenses claimed by Councilmember Farrell Jensen while on City business. Mr. Ellsworth advised that he was assigned the tasks of determining whether any of the City-paid expenses were submitted to and paid for by the United Food Bank of Arizona and determining whether any expenses questioned by the Food Bank's auditor were related to the City of Mesa.

Mr. Ellsworth informed the Council that the audit has disclosed that \$825.51 was paid by both the United Food Bank and the City of Mesa in relation to the trips taken by Councilmember Jensen.

Discussion ensued relative to three of the six trips taken by Councilmember Jensen since assuming office, phone charges in the amount of \$1,108.79 for City business which were charged to the United Food Bank and may have been for City business, and the fact that the requests for reimbursement submitted by Councilmember Jensen were in accordance with City policy.

In response to a question from Vice Mayor Gilbert, Mr. Ellsworth advised that at the time the City acted in accordance with policy and reimbursed Councilmember Jensen for submitted expenses, staff had no knowledge of the fact that Councilmember Jensen also charged the United Food Bank for the same expenses.

Additional discussion ensued relative to the fact that Councilmember Jensen does not owe the City of Mesa reimbursement for paid expenses, the City's policy of reimbursing staff for incurred expenses within certain guidelines, and the fact that prior knowledge of previous payment for the same charges by the Food Bank was not in existence at the time the City reimbursed Councilmember Jensen.

Councilmember Giles stated the opinion that although evidence exists that Councilmember Jensen may have acted inappropriately, the evidence would not support criminal conviction or prosecution. Councilmember Giles added the opinion that misconduct should not be the basis for forfeiture of office and noted that citizens may initiate a recall election if they desire to pursue the matter.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, that the Council censure Councilmember Jensen for inappropriate actions.

Vice Mayor Gilbert stressed the importance of acknowledging that misconduct has occurred and added the opinion that the Council has the responsibility of setting and requiring a high level of standards for the present as well as future City Councilmembers.

Upon tabulation of votes, it showed:

AYES - Giles-Jensen-Kavanaugh
NAYS - Brown- Glibert-Payne-Stapley

Mayor Brown declared the motion failed.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Payne, that Councilmember Jensen be requested to submit his resignation.

City Attorney Neal Beets stated that based on the fact that the motion may monetarily impact Councilmember Jensen, he has advised Councilmember Jensen to abstain from voting on this matter.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Payne-Stapley
NAYS - Giles-Kavanaugh
ABSTAIN - Jensen

Mayor Brown declared the motion carried by majority vote.

4. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the meeting adjourn at 10:41 a.m.

Carried unanimously.

WAYNE BROWN, 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 Session of the City Council of Mesa, Arizona, held on the 4th day of October, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of October 1996

BARBARA JONES, CITY CLERK