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CALL TO ORDER

[Time: 00:00:03]

Mayor Lane: I would like to call to order the June 4, 2020, special meeting to order and I would ask that the city clerk, Carolyn Jagger please conduct the roll.

City Clerk Carolyn Jagger: Thank you, Mayor. Mayor Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Solange Whitehead.

Vice Mayor Whitehead: Here.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilmember Milhaven : Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

City Clerk Carolyn Jagger: City manager -- I think we can go without for this short of a meeting if you want.

ITEM 1 – MINUTES

[Time: 00:01:02]

Mayor Lane: Okay. I would like to announce that the members of the council are attending this special meeting by telephone. We have two items this morning. So we can begin with the item one, which is our minutes and it is a request to approve the emergency meeting minutes of May 31, 2020. Do I have a motion? And a second?

Councilmember Korte: Mayor, this is Virginia Korte, so moved.

Councilwoman Littlefield: Second. This is Kathy Littlefield.

Mayor Lane: All right. Thank you very much. The action here will be taken. The motion has been made and seconded as just indicated. And I would ask the city clerk Carolyn Jagger to announce each councilmember by name for their vote.

City Clerk Carolyn Jagger: Thank you Mayor, Mayor Lane.

Mayor Lane: Yes.

City Clerk Carolyn Jagger: Vice Mayor Whitehead.

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Yes.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Yes.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Yes.

City Clerk Carolyn Jagger: And Guy Phillips.

Councilman Phillips: Yes.

City Clerk Carolyn Jagger: Motion passes unanimously.

City Attorney Sherry Scott: I'm sorry, I believe you skipped Kathy Littlefield.

City Clerk Carolyn Jagger: Oh, I'm sorry. I did not mean to do that. I have her name on my list.
Councilwoman Littlefield?

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: Thank you. The motion passes unanimously. Thank you, Sherry.

ITEM 2 – PROCLAMATION AND DECLARATION OF EMERGENCY

[Time: 00:02:29]

Mayor Lane: And thank you all on that. The second item and last item is the proclamation and declaration of emergency order. And this is a request to consider approving a motion either to continue or terminating the emergency proclamation declared by myself, Mayor Lane on May 31, 2020, because of the looting and unrest which began on May 30th, 2020. The emergency proclamation is scheduled to expire on June 7th, 2020, unless further extended.

Could I have a motion on that or any conversation?

Councilwoman Milhaven: Well, it says here, Mayor, if I may, this is Councilwoman Milhaven.

Mayor Lane: Yes.

Councilwoman Milhaven: It says to either continue or to terminate. Do we have -- I would like the city manager's opinion on should we continue or terminate the proclamation?

City Manager Jim Thompson: Mr. Mayor, members of council, I would suggest we continue the proclamation at this point in time.

Councilwoman Milhaven: So would you suggest a date?

City Manager Jim Thompson: I would set it for next -- for the 6th -- council on the 16th, if we have to reconsider at that point, we can.

Councilwoman Milhaven: All right. Then I would make the motion that we continue the emergency proclamation until June 16th.

Councilwoman Klapp: I second. This is Suzanne.

Mayor Lane: All right. The motion has been made and seconded. And I'm sorry, so this was a continuance, not -- not to approve this, but to continue it to the 16th is that what I understood?

Councilwoman Milhaven: That is my understanding of this item.

Mayor Lane: And this motion?

Councilwoman Milhaven: Yes.

Mayor Lane: Okay. This takes it outside of the governor's declaration and -- no, not outside the declaration of his emergency. But, I am thinking about -- we have attached to this the curfew. So we are talking about extending the curfew to the 16th then? Beyond where the governor has had it? I will ask the city manager. Is that what your suggestion is?

City Manager Jim Thompson: Mr. Mayor, members of council, yes, at this point in time, I would suggest that, based on our monitoring of the situation, and timing of certain issues to come, I would encourage us to hold that in place until the 16th and have it expire on the 16 at this time.

Obviously, because we're looking into the future, that date could change again. Definitely, I would say for sure to the governor, we can, if council desires and then the proclamation in front of you, and declare it through Sunday night, which would be consistent with the governor, leaving the emergency in place through Tuesday, however, eliminating the portion of the curfew on Sunday. If there's additional need to set an additional curfew, we can obviously ask the Mayor to do that by proclamation as well.

City Attorney Sherry Scott: This is Sherry Scott, the city attorney. I want to clarify, the current emergency declaration and proclamation references the governor's curfew, but does not establish its own curfew. So there's not a separate curfew in the print Scottsdale proclamation and declaration of emergency. What the city manager is talking about is your second emergency proclamation that delegated authority to the police chief to initiate a localized curfew if the need arose for a localized curfew. So those -- that is what is currently in the two proclamations, and those can be amended or continued today.

Mayor Lane: Can they be amended or continued separately, and would the proclamation of establishment of the locality of an increased curfew type of structure in a given area without the citywide and statewide curfew being in place? Can it stand alone?

City Attorney Sherry Scott: Yes, we could have a separate curfew in Scottsdale, even if the governor -- the governor rescinds his curfew, but I just want to clarify that right now, we do not have a specific Scottsdale curfew in place. I would recommend that the system we currently have stay in place with -- so it doesn't get too confusing that we have the governor's curfew and then the police chief has the ability to establish a localized curfew that's more restrictive if need be.

Mayor Lane: Yeah, in fact -- so we -- but we do need them hand in hand, rather than having just a localized authority as has been given to the police chief to make a determination on -- on a given area?

City Attorney Sherry Scott: Yes, that is correct. That is correct.

Mayor Lane: We need -- it could stand alone, I'm sorry, or not?

City Attorney Sherry Scott: You are correct, Mayor. We have to be in a state of emergency for that to work.

Mayor Lane: Okay. So which is the -- and we reference in that state of emergency acceptance of the governor's -- actually, it's on that item, it's accepting the governor's one, but it's not reliant upon that? We can declare a -- a curfew and/or a state of emergency separately?

City Attorney Sherry Scott: Yes.

Mayor Lane: Okay. All right. I apologize for being sort of outside the understanding of this particular action, but I will say that if it is the council's -- we'll see on the basis of the vote, and the way this is declared or rather this proclamation, this declaration is not approving of the motion, but it's approving to either continue it or terminate it. Continuing it would be through June 7th but now we are adding an additional component because this is authorizing the original declaration of emergency by the council. So we're now -- we're modifying it, and we're not waiting until the end of term, we are accepting that we are modifying it.

Vice Mayor Whitehead: I'm going to ask a question, this is Vice Mayor Whitehead. So what I understand is from Sherry Scott, is we are being asked to continue the emergency declaration, and does that in and of itself have a date? Separate from the curfew? That's a question for Sherry.

City Attorney Sherry Scott: Yes, that is correct. And the council can extend the state of emergency from -- just to clarify, the first proclamation that was -- that's actually declaring the emergency, that was issued, which currently has the date of June 7th, and that can certainly be extended to June 16th.

Vice Mayor Whitehead: Okay. I think what I would offer is an alternate motion is that we extend the state of emergency until June 16th, but in the authorize, we do not extend the curfew, but we have a curfew to end on the 7th along with the governor, and then we also authorize the police chief to make the decisions for localized curfews as needed.

Councilwoman Littlefield: This is Kathy Littlefield. I will second that.

[Time: 00:11:21]

Councilwoman Milhaven: This is Councilwoman Milhaven. If I could try to get clarification. So my understanding was that that was exactly what would happen, that extending this to the 16th does not extend the curfew. The governor's curfew expires and the police chief would have the authority, and my apologies if I don't have that right.

Vice Mayor Whitehead: It sounds like we are on the same page.

Councilwoman Milhaven: Sherry, can you help us?

Mayor Lane: I have a question that maybe goes to this, maybe refines it. That's what I was trying to determine, I suppose when we said are they separate issues? From my understanding of it, the issue of the emergency order to allow the police chief to -- at his discretion, to designate a locale, that was similar to a curfew, obviously, was operating under a curfew, but as was just indicated by Sherry just a moment ago, we're indicating we do not have a separate curfew. The only thing we have is a modification, really, within that curfew allowing that discretion in the -- in a specific locale, with then some additional areas of enforcement in the protection of our community. If they will stand alone, that's fine.

If one is dependent upon the other, and that being the governor's, and we don't have a separate one, then I'm all for the idea if we like to extend and I think this is where I understood Solange's -- excuse me, the Vice Mayor's alternative motion, we want to reserve the right to make sure that those areas that may be seen to be targeted, that we have much more enforceable type of curfew. Maybe we are going to have to modify that as well, to put it under there, but it's still under an emergency order, ours. If we don't need to extend -- if we don't need the governor's extension and we don't need to establish our own curfew, that goes together with that special designation, and discriminating power by the police chief, then that's fine.

I just want to make sure that we ultimately end up with is a product that we are looking for, and one of the things that has worked well for us, under the curfew, which I understand that we don't individually have right now, beyond the governor's curfew, and that is our authority to designate those areas that we want to put under curfew and other restrictions. So -- so if I might, Sherry, with that little bit of additional information, if you could address that. Do we need to change the entire thing of what we're talking about here? And then set up a sort of separate disconnected kind of thing from the governor's curfew or not?

City Attorney Sherry Scott: This is what I would recommend. I would recommend that the council vote on the state of emergency. The declaration of the state of emergency. And the council certainly has the authority to extend that state of emergency to June 16th. That's the way the emergency ordinance is set up in our code.

Once a state of emergency is declared in the city of Scottsdale, the authority then goes to the Mayor to regulate by proclamation, in order to control the emergency. The reason the Mayor issued a proclamation delegating role curfew authority to the police chief, is so that the police chief could act more quickly in order to prevent a riot or a situation from occurring without first getting the Mayor on the phone and issue another proclamation, declaring a local curfew or a stricter curfew.

But I think the flexibility in being able to do that in this type of situation is important. I would suggest that the council continue the state of emergency through the date that the council chooses in its motion, and then recommend to the Mayor that he can continue the delegation of authority to chief Rodbell for a localized curfew to give the chief that authority, but the control during a state of emergency is designed to be with the Mayor because things happen day-to-day. Things are going to change as we get through are to the 16th.

Mayor Lane: Sherry, again, do we need to do anything with regard to the original emergency proclamation -- or I should say the curfew issue?

City Attorney Sherry Scott: So --

Mayor Lane: Divorce ourselves from that or can that -- can that go aside and we continue to move with our emergency proclamation even though we reference the governor's?

City Attorney Sherry Scott: Even if the -- I'm sorry, Mayor. Even if the governor's curfew doesn't get extended and expires, under a state of emergency, the Mayor can always declare a curfew. The Mayor can always declare a stricter curfew. Right now, the Mayor has delegated that authority for a localized curfew to the chief of police, and he can declare it. So it can all work independently of the governor's curfew, and the governor's orders.

Mayor Lane: Okay. Okay. And that's fine. So if, in fact, the governor's statewide and frankly universal curfew, even for the city of Scottsdale were to expire, with an extension, even what's being proposed right now to the 16th, what the -- the specialized or more specific types of powers that have been indicated in the proclamation for the -- the police chief, to designate those areas, that can just stay in -- that can carry through. Did we put a stop date on that to begin with? I don't think we did, unless we were already tied to the 7th because of the governor's deal.

City Attorney Sherry Scott: You did put a stop date on that as the 7th, but that was tied to your state of emergency, Mayor, which had a stop date of the 7th unless further extended.

Mayor Lane: Okay. So your recommendation, though, is certainly at my -- in the desire to retain that specifically, that second proclamation, or the more localized application of the curfew, and restrictive interpretation of the curfew, restriction, that could stay in place with the original declaration of the emergency?

City Attorney Sherry Scott: Mayor, you would need to specifically extend that yourself, which will take us ten minutes to do. So my recommendation is that the council extend the state of emergency proclamation, which doesn't have specifics in it about curfews or what other stricter regulations the city may impose, because it's in a state of emergency, I recommend that we keep that a little more flexible because we don't know what's going to happen from day-to-day, and that the council could certainly contain in its motion that they would recommend to the Mayor that he maintain the proclamation issued to the chief of police -- the chief of police, delegating authority for him to make stricter localized curfews and extending that through June 16th.

Mayor Lane: Got it. Well, the alternative motion was a little bit more definitive about two different items we

have here, and that was the declaration of emergency and then the proclamation that intensified some of the use and restrictions within a given area. We were only really talking on this agenda, we're only talking about one. So we're talking about now adding to that a request by the council if they so desire to have me extend that proclamation by the same date. So is that something that we're agendized for or should we just take that under advisement? How do we want to handle that?

City Attorney Sherry Scott: I think that is fairly contained in this agenda language and I think that motion could be -- could be taken.

[Time: 00:21:24]

Mayor Lane: Okay. Well, very good. But -- you know, I -- whomever wants to, as far as I'm concerned, Vice Mayor Whitehead, I think had -- I believe she pretty well lined out something on that order, but now we are changing it to a request within this motion, a request to change the proclamation to the same date?

Councilwoman Milhaven: This is Councilwoman Milhaven, I will withdraw my motion that came before the Vice Mayor's and perhaps suggest that we ask Sherry -- I think we were all in agreement. Ask Sherry to restate what her recommended motion would be.

Mayor Lane: I think so too. That's fine, Linda, even though it is Vice Mayor's motion, if she chooses to --

Councilwoman Milhaven: Right. Right.

Vice Mayor Whitehead: I'm going to go ahead and withdraw as well, and just so -- it sounds to me like the simple motion of extending to the 16th gives the Mayor the flexibility to do what the second part of my motion would have done.

City Attorney Sherry Scott: Mayor, this is Sherry Scott again. I just want to make sure I understand date that Councilwoman Milhaven had suggested, is it June 16th?

Councilwoman Milhaven: That's correct.

City Attorney Sherry Scott: So I would -- I believe the motion that Councilwoman Milhaven is looking for is I move that we approve the proclamation and declaration of emergency but amend it to extend June 16th, 2020, and recommend that the Mayor continue his second proclamation delegating local curfew authority to the police chief -- to the chief of police to also extend to June 16th, 2020.

Councilwoman Milhaven: So moved.

Councilwoman Klapp: Second, Suzanne.

Mayor Lane: All right. Then we then have -- on that motion, as has been spoken by our city attorney and has been the language that she's just indicated, we have a first and a second and that will be Councilwoman Milhaven who made the first and also Councilwoman Klapp who seconded that motion. If we are finished

with discussions, I would then ask for a roll call vote by the city clerk, Carolyn Jagger and announce each councilmember by name for their vote.

City Clerk Carolyn Jagger: Thank you Mayor, Mayor Lane.

Mayor Lane: Yes.

City Clerk Carolyn Jagger: Vice Mayor Whitehead.

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Klapp?

Councilwoman Klapp: Yes.

City Clerk Carolyn Jagger: Councilwoman Korte.

Councilmember Korte: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: Councilwoman Milhaven.

Councilwoman Milhaven: Yes.

City Clerk Carolyn Jagger: And Councilman Phillips.

Councilman Phillips: Yes.

City Clerk Carolyn Jagger: Motion passes unanimously. Thank you.

ADJOURNMENT

[Time: 00:24:43]

Mayor Lane: Okay. Thank you very much. That completes our business for this special meeting. I want to thank everybody for their input and for the discussion and deliberation on that and I think we have completed our business, and that, obviously, has been passed unanimously. So thanks very much. Everybody stay safe. I think -- well, you will ask for a motion to adjourn.

Councilmember Korte: So moved.

Councilwoman Klapp: Move to adjourn.

Mayor Lane: And seconded.

Councilwoman Littlefield: Kathy Littlefield, so moved.

Councilwoman Klapp: Second, Suzanne.

Mayor Lane: And all of those in favor of adjournment, indicate by aye. We are adjourned. Thanks very much.