

MINUTES

LEAGUE OF ARIZONA CITIES AND TOWNS

EXECUTIVE COMMITTEE MEETING

Monday, December 14
League Office Building & Telephone Conference Call
1820 W. Washington, Phoenix

MEMBERS

President

Boyd Dunn, Mayor, Chandler

Vice President

Robert Walkup, Mayor, Tucson

Treasurer

Larry Nelson, Mayor, Yuma

Marie Lopez Rogers, Mayor, Avondale
Doug Von Gausig, Mayor, Clarkdale*
Gilbert Lopez, Councilmember, Coolidge
Byron Jackson, Mayor, Eloy
Elaine M. Scruggs, Mayor, Glendale
Fernando Shipley, Mayor, Globe

Jim Cavanaugh, Mayor, Goodyear
Mark Nexsen, Mayor, Lake Havasu City
Thomas L. Schoaf, Mayor, Litchfield Park
Scott Smith, Mayor, Mesa
Paul Loomis, Mayor, Oro Valley
Kenny Evans, Mayor, Payson
Bob Barrett, Mayor, Peoria
Claude Mattox, Councilmember, Phoenix
Harvey Skoog, Mayor, Prescott Valley
Lynne Skelton, Mayor, Sahuarita*
W.J. "Jim" Lane, Mayor, Scottsdale
Rob Adams, Mayor, Sedona
Gerry Whipple, Councilmember, Show Low*
Robert Strain, Mayor, Sierra Vista
Mark Mitchell, Councilmember, Tempe
Bob Rivera, Mayor, Thatcher

*Not in attendance

President Dunn called the meeting to order at 2:01 p.m.

1. DISCUSSION OF NEXT STEPS RE: HB2008 LAWSUIT

President Dunn explained that the Supreme Court decided on December 2, 2009, not to hear our case and remanded it to a lower court. In light of this decision, the Executive Committee has convened to decide how to move forward. Mayor Dunn noted that the League's attorney for this special action suit was present: Thomas Hudson of Osborn Maledon. Mayor Nelson asked that we move to Executive Session to discuss the status of the legal action with our attorney. Mayor Lopez Rogers seconded the motion and it carried.

2. EXECUTIVE SESSION

Executive Session began at 2:06 p.m. and adjourned at 3:14 p.m.

3. DISCUSSION OF NEXT STEPS RE: HB2008 LAWSUIT

Mayor Dunn indicated that he would like the opportunity to negotiate with the Governor's office over the League's concerns with HB2008, and debated whether the League would have a stronger case by filing with the Superior Court now or waiting until the beginning of the year. Mayor Dunn moved that he and a few other members of the committee, such as Mayor Smith of Mesa, meet with leadership and the Governor's office before filing in Superior Court. Mayor Evans seconded the motion. Mayor Shipley said he could not support the motion for concern that waiting would weaken the League's case and that we could run into the issue of laches. Mayor Walkup said he supported Mayor Dunn's motion and the League should negotiate the best it can for modifications and clarification of HB2008. Mayor Dunn explained that in the event that they are unable to meet with the Governor's office and leadership, or if the negotiations do not move forward, he would come back to the committee before the end of the month to reassess filing the lawsuit.

Mayor Lopez Rogers said she would prefer to file and then work on negotiations. Mayor Scruggs said she would like clarification and assurance that if the negotiations did not progress with HB2008, Mayor Dunn would bring the issue back to the Executive Committee so they may decide to move forward with the lawsuit over the more general constitutionality of non-budget related items included in HB2008. President Dunn explained that he and the negotiating team would bring the issue back to the Executive Committee before deciding on whether to progress with filing the lawsuit in Superior Court. Mayor Smith said he would like the opportunity to negotiate before filing to see if any progress can be made, rather than immediately filing and thereby losing any chance to work with the Governor's office and legislative leadership. Mayor Shipley inquired if Mayor Dunn knew what the timeframe was for this suit to avoid the issue of laches. Mayor Dunn explained that laches should not be an issue in this case with the Superior Court, though the League will keep careful record of any negotiations to thwart that defense if it is introduced.

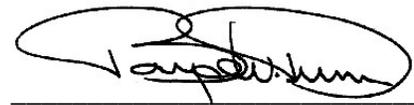
Councilmember Mattox requested that motion be amended to include a deadline for a report back to the committee on progress in the first week of January. Mayor Dunn amended his motion to say he and Mayor Smith would report back to the Executive Committee on the negotiating team's progress by the first week of January and then decide whether to proceed with the lawsuit in Superior Court by January 15, 2010.

Mayor Nelson called for the question after some discussion with members. President Dunn took a vote on the amended motion. The motion carried with a vote of 18 to 2.

4. ADJOURNMENT

President Dunn asked if there was any other business. Seeing none, he adjourned the meeting at 3:28 p.m.


EXECUTIVE DIRECTOR



PRESIDENT