

**MINUTES OF THE SPECIAL MEETING
OF THE CAREFREE TOWN COUNCIL**

WHEN: WEDNESDAY, AUGUST 5, 2020

WHERE: ZOOM WEB <https://us02web.zoom.us/j/89081864631>
MEETING ID: 890 8186 4631*

TIME: 5:00 P.M.

Town Council Attending:

Mayor Les Peterson
Vice Mayor John Crane
Vince D'Aliesio
Michael Krahe
Cheryl Kroyer
Gene Orrico

Town Council Absent:

Stephen Hatcher

Staff Present:

Gary Neiss, Town Administrator; Michael Wright, Town Attorney; Kandace French, Town Clerk/Treasurer.

Mayor Peterson called the meeting to order at 5:04 p.m.

John Crane led the Council in the Pledge of Allegiance.

AGENDA:

ITEM #1 Update on the water acquisition process from acquisition attorney Christopher Kramer of Jennings, Strouss & Salmon, P.L.C.

Mayor Peterson announced the agenda item and introduced the Chris Kramer, the attorney representing the Town of Carefree in regard to the acquisition of Carefree residents serviced by the Cave Creek Water Company.

Mr. Kramer introduced himself and provided details regarding his legal background in the area of condemnation exclusively for over 21 of his 34 years in practice. He was involved in over 1,000 condemnation cases and condemned over \$250 million in property when he quit counting cases 10 years ago. He highlighted some of his accomplishments and welcomes the public to view his resume on the Jennings, Strouss & Salmon website.

Attorney Kramer provided background and information on the team that he is working with on the matter such as Coe & Van Loo, a civil engineering firm in Phoenix, and Raftelis, a utility and public sector consulting firm which specializes in, among other things, water and wastewater finance and pricing in addition to utility and municipal rate setting, finance, management and operations.

He explained that each side, Carefree and Cave Creek, through their experts, have exchanged reports and based on each other's reports, have exchanged rebuttal reports. The reports are available to the public online. He stated that due to the public forum, he is unable to go into detail regarding the report findings or his thoughts on the matter due to privileged information but suggested that any questions that can be answered be directed to the Carefree Town Attorney or Town Manager.

He explained that it is not unusual for the two sides to have a differing opinion on the valuation. He explained the process and how the arbitration panel will address the difference and make determinations regarding valuation. He provided his opinion as to how the arbitration panel works and makes decisions. He then explained that the next step will be focused on scheduling depositions and try to agree on a mediator to attempt to reach a settlement and resolve the matter rather than go through arbitration. Mediation has been agreed upon and both sides are discussing the selection of a mediator. If mediation does not happen, the arbitration will begin on October 26th for four days with the matter completed by the end of October.

Mayor Peterson asked Mr. Kramer to address the number of continuations.

Mr. Kramer explained that continuations are common in all cases and happen frequently. No side can simply continue a case. The continuances in this case were ordered by the arbitration panel and continuances are not considered a big deal. The original arbitration date was considered for August but the COVID pandemic made things unusual and difficult. He went into the logistical and technologic difficulties. It was determined that it was more reasonable to continue the matter and the arbitration panel felt it was the best decision.

Council Member Orrico asked if questions were possible.

Mayor Peterson explained that questions needed to be raised in an Executive Session and not a public meeting.

There being no further comments, Mayor Peterson asked for a Motion to Adjourn.

ITEM #2 Adjournment.

Council Member D'Aliesio **moved** to adjourn. There was a **second** by Council Member Council Member Kroyer. The motion **carried** unanimously.

Meeting ended at 5:26 p.m.

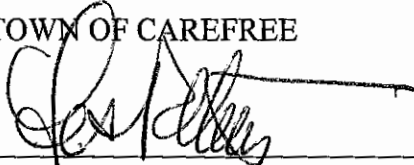
DATED this 7th of August, 2020.

TOWN OF CAREFREE

BY: 

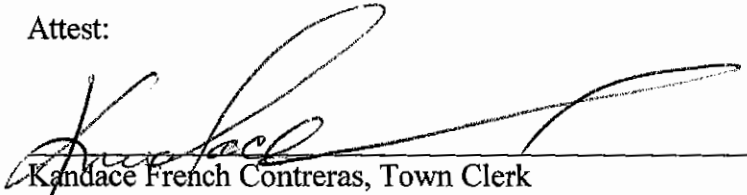
Kandace French Contreras, Town Clerk

TOWN OF CAREFREE



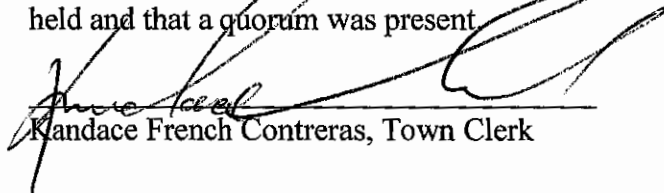
Les Peterson, Mayor

Attest:


Kandace French Contreras, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the special meeting of the Town of Carefree held August 5, 2020. I further certify that the meeting was duly called and held and that a quorum was present.


Kandace French Contreras, Town Clerk