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Complaints filed against Quartzsite Council members

By John Gutekunst
 Wednesday, November 4, 2009 10:04 AM MST

A Quartzsite resident has filed criminal complaints against four members of the Quartzsite Town Council. Ed Foster, director of the Citizens' Coalition, filed complaints with the Quartzsite Police Department Oct. 26 against council members Wes Huntley, Hal Davidson, Robert Kelley and Jose Lizarraga. Foster alleges the council illegally elected a mayor on two occasions and that Kelley and Lizarraga are holding their seats illegally.

Quartzsite Town Manager Alex Taft said the complaints have been referred to the County Attorney's office.

Two council members did not have complaints filed against them - Joe Winslow and Barbara Cowell. They were only seated in September following the successful recall of Carolyn Guthrie and Bill Moore. Foster himself was an unsuccessful candidate for Moore's seat.

The sequence of events leading up to the complaints began in August 2008 when then-Mayor Steve Bennett resigned after fewer than three months in office. The council voted to replace him with then-Vice Mayor Chuck Busby. Kelley was appointed to fill Busby's open seat on the council. When Busby died in November 2008, the council elected Walt Aiken to replace him. Lizarraga was appointed to fill Aiken's open seat.

Appearing in Call to the Public at council meetings, Foster and others claimed from September 2008 these actions were illegal, as the Quartzsite Town Code does not provide for the council to elect one of their own as mayor. They claimed the code provided for the appointment of an acting mayor until a new mayor was either elected at the end of the term or there was a special election.

Article 2-2 of the Town Code covers the offices of mayor and vice mayor. Under a ballot initiative passed in 1991, town voters directly elect the mayor. Section 2-2-2 states the council shall designate one of their members to serve as vice mayor.

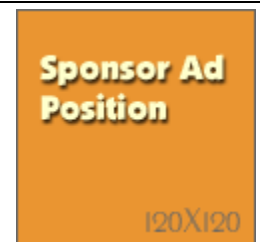
Section 2-2-3 states the council can designate an acting mayor in the absence of the mayor and vice mayor. The article makes no references to a mayor resigning or dying in office.

La Paz County Administrator Dan Field was Quartzsite's Town Manager at the time. He said the council's actions were based on Arizona Revised Statutes. ARS 9-235 states council members may appoint someone to fill a vacant seat until the next regularly scheduled election. ARS 9-236 states that, in the event a mayor is absent, a council may appoint one of their own to serve in his place. Field noted the town code states all provisions of Arizona Revised Statutes dealing with municipal elections are applicable to the election of a mayor (Section 2-2-1, paragraph F).

In his complaints, Foster alleges that, in addition to violating the town code, the



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votes and the appointments of Kelley and Lizarraga were in violation of Article IV, Part 1, Paragraph 6(c) of the Arizona Constitution, which limits the legislature's ability to amend an initiative or referendum. In electing a mayor, Foster claims the council amended the initiative, Prop. 300, which provided for Quartzsite voters to directly elect the mayor.

In an e-mail to the Pioneer, Foster said he decided to file criminal complaints after several talks with Town Manager Alex Taft. He said he felt the town was disregarding the coalition's claims.

Aiken resigned May 18, because of health reasons. At a special council meeting May 26, the council chose not to elect a new mayor. Lizarraga, Huntley and Kelley all stated it was clear Quartzsite residents wanted to elect their mayor. Huntley was appointed acting mayor until a special election could be called or the end of the mayor's term in June 2010.

La Paz County Attorney Sam Vederman told the Pioneer his office had received the complaints and they were still reviewing them.

On Oct. 27, the council approved providing Acting Mayor Wes Huntley with the mayor's stipend, which is \$400 per month.

At a special meeting Oct. 29, the council accepted the resignation of Councilman Hal Davidson. The council selected Jerry Lukkasson to replace him. Lukkasson is the owner of the Q Laundromat in Quartzsite. He was sworn in Nov. 2.

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