

**Yuma Metropolitan Planning Organization**  
***“Local Governments and Citizens Working Together”***

**SPECIAL  
EXECUTIVE BOARD MEETING  
MINUTES  
February 2, 2004**

**MEMBERS**

**PRESENT:** Supervisor Casey Prochaska, Yuma County  
Council Member Bobby Brooks, City of Yuma  
Mayor Agustin Tumbaga, City of Somerton  
Supervisor Lucy Shipp, Yuma County  
Mayor Larry Nelson, City of Yuma  
Mayor Guillermina Fuentes, City of San Luis / teleconference  
Council Member Ema Lea Shoop, City of Yuma  
Bill Alfier for Dick Hileman, ADOT  
Paul Soto, Cocopah Indian Tribe

**MEMBERS**

**ABSENT:** Mayor John Nussbaumer, Town of Wellton  
Dick Hileman, ADOT STB

**OTHERS**

**PRESENT:** Wayne Benesch, YMPO Attorney  
Rosa Dorsey, Valley Transit  
Tom Dyson, Yuma Educational Consortium  
Dan Farar, Yuma Educational Consortium  
Bob Lawson, Yuma Educational Consortium  
James Gilbert, Yuma Sun  
Robert Fair, YCAT  
Harvey Santana, YCAT  
Robert C. Franco  
Mike Rose, Yuma City Cab  
Mike Rose, Jr., Yuma City Cab  
David Francis, Yuma City Cab  
John Gross, YMPO  
Linda McFarland, YMPO

## **I. CALL TO ORDER**

Chair Bobby Brooks called the special meeting of February 2, 2004 to order at 4:35 p.m.

City of Yuma declared votes: Council Members Ema Lea Shoop – 2 votes, Bobby Brooks – 2 votes, Mayor Larry Nelson – 1 vote.

## **II. TRANSIT**

Chair Bobby Brooks gave a brief summary of events relative to San Luis Yuma Transit's notice of discontinuance brought before the Executive Board at their meeting on January 29, 2004.

As a result of a meeting with Mr. Tom Dyson of the Yuma Education Consortium, Mr. Dyson agreed to step in and assist with an emergency arrangement to keep a public transit system running while the problems were identified and solutions could be implemented.

Mr. Brooks added that Wayne Benesch, YMPO legal consultant, was in attendance to offer professional guidelines and interpretations.

Mrs. Rosa Dorsey was in attendance and the Executive Board stressed that they understood the pressure she was under and that their goal was to try to come up with solutions that would keep her business running.

Mayor Larry Nelson asked counsel if San Luis Yuma Transit (SLYT) discontinued service as the letter stated, would they be in breach of contract. Mr. Benesch replied, yes they would.

John Gross gave a brief history of funding cuts that had affected YCAT service since July 1, 2003. He added that YMPO had contracted to pay for a certain number of trips per day and that Mr. Dorsey had opted to run more. That, basically, contributed in large part to Mr. Dorsey's larger-than-contracted expenses, he stated. Further, Mr. Dorsey ordered two new busses prior to funding cuts being implemented at close of fiscal year 02/03.

Mrs. Dorsey stated that it was her understanding that YMPO would be paying for the two new busses. Mr. Gross responded that Mr. Dorsey contracted with Arizona Bus Sales Corporation for the lease of the two new busses. In the lease negotiations, the bus sales agency contacted YMPO to see if they would make monthly lease payments from the proceeds of Mr. Dorsey's payment from YMPO. This was, YMPO was told, the provision necessary for Mr. Dorsey to close the deal with the bus agency. A letter was written to Arizona Bus Sales Corporation stating YMPO would be willing to facilitate the payment in that manner. Following delivery of the busses to Mr. Dorsey, the agency had not set up the mechanism for YMPO to make the lease payments, and the agency

was content to receive monthly payments directly from Mr. Dorsey (SLYT), Mr. Gross added.

Supervisor Prochaska asked if the Executive Board saw that letter. Mr. Gross stated they had not.

Mayor Agustin Tumbaga questioned that the Executive Board may also be in breach of a contract as they did an amendment to the YCAT services contract after Mr. Dorsey felt he had good routes.

Supervisor Prochaska stated that there had been a 3-week delay from the time the Executive Board found out about the letter to YMPO dated January 8, 2004.

Ms. Prochaska asked Tom Dyson, Yuma Educational Consortium, how long YMPO could count on their interim, emergency services. Mr. Dyson replied two weeks and an extension was possible.

Mr. Gross stated that it was legal to operate school busses for YCAT; that contracts could be amended.

Chair Bobby Brooks asked Mr. Dyson if SLYT drivers could transfer over to the Consortium. Mr. Dyson replied they could as he was in need of drivers.

Supervisor Lucy Shipp stated there would have to be a new RFP with the funds available as there was no more money. It must be run on what was currently paid, she added.

Mayor Nelson stated YMPO could enter into an IGA without going out to bid.

Ms. Shipp asked if an IGA could be enacted long term. The response was there needed to be an accurate definition of long term.

MOTION: Mayor Larry Nelson made a motion to enter into an IGA with the Yuma Educational Consortium for 30 days allowing the YMPO time to have an emergency meeting with the TAC and then return to the full Executive Board for resolution.

SECOND: Supervisor Lucy Shipp.

ACTION: The motion carried unanimously.

Supervisor Casey Prochaska asked who had the contract / IGA for YMPO to sign. Mr. Dyson replied it was with the Consortium.

John Gross stated that an MPO could not lawfully enter into an IGA, that such an agreement had to go through a city or the County.

Mayor Nelson amended his motion to state:

- MOTION: Mayor Larry Nelson made a motion to enter into an MOU with the Yuma Educational Consortium for 30 days allowing the YMPO time to have an emergency meeting with the TAC and then return to the full Executive Board for resolution.
- SECOND: Supervisor Lucy Shipp as amended.
- ACTION: The motion carried unanimously.

Mayor Agustin Tumbaga referred to paragraph 25 of the agreement between SLYT and YMPO which stated provider services may be transferred to another when SLYT is unable to provide service as specified. He asked counsel how that would be done.

Wayne Benesch stated it would be called a “Notice of Inability to Perform”; that the connotation is temporary assignment.

Supervisor Shipp asked if it was the intent of the Executive Board to pay the consortium the allotted charges for their emergency services.

Tom Dyson responded there would be a separate pay structure for this particular emergency agreement.

Chair Bobby Brooks asked for a roll call vote of the Executive Board to the motion on the floor by Mayor Nelson.

Mayor Guillermina Fuentes	aye	(teleconference)
Supervisor Casey Prochaska	aye	
Supervisor Lucy Shipp	aye	
Bill Alfier / ADOT	aye	
Council member Ema Lea Shoop	aye	
Mayor Agustin Tumbaga	aye	
Mayor Larry Nelson	aye	
Paul Soto, Cocopah Indian Tribe	aye	
Council member Bobby Brooks	aye	

- MOTION: Mayor Larry Nelson made a motion to assign \$25 per hour contract fees to the Yuma Educational Consortium for the duration of the MOU.
- SECOND: Supervisor Lucy Shipp
- ACTION: The motion carried unanimously.

Mayor Larry Nelson stated he was very concerned for the Dorsey’s. He added that this situation was not a reflection on them.

- MOTION: Supervisor Lucy Shipp made a motion that the Dorsey’s can come in and something can be worked out during the 30-day window.

SECOND: Mayor Larry Nelson.  
ACTION: The motion carried unanimously.

Wayne Benesch stated he would follow up in writing (agreement) what had transpired during the meeting.

Mayor Nelson called for a TAC emergency meeting.

Supervisor Shipp proposed it be posted as a joint meeting; the Executive Board and the TAC at the next regularly planned TAC meeting scheduled for Thursday, February 12, 2004 at 9:30 a.m. at YMPO Board Room. She directed that agendas be distributed accordingly.

5:45 p.m.

MOTION: Mayor Larry Nelson made a motion to recess to Executive Session.  
SECOND: Supervisor Casey Prochaska  
ACTION: The motion carried unanimously.

Mayor Fuentes discontinued her teleconference.

### **III. EXECUTIVE SESSION**

The Executive Board met in Executive Session.

6:32 p.m.

Chair Bobby Brooks reconvened the regular session of the Executive Board.

Supervisor Casey Prochaska stated the Board had determined transit to be an emergency situation.

MOTION: Mayor Larry Nelson made a motion to accept the resignation of John Gross as Executive Director. To provide a severance package of 30 days pay with benefits.  
SECOND: Supervisor Lucy Shipp.

Chair Bobby Brooks asked for a roll call vote of the Executive Board to the motion on the floor by Mayor Nelson.

Mayor Guillermina Fuentes	absent
Supervisor Casey Prochaska	aye
Supervisor Lucy Shipp	aye
Bill Alfier / ADOT	abstain

Council member Ema Lea Shoop	aye
Mayor Agustin Tumbaga	aye
Mayor Larry Nelson	aye
Paul Soto, Cocopah Indian Tribe	aye
Council member Bobby Brooks	aye

ACTION: The motion carried with the following vote:

AYE	9
ABSTAIN	1
ABSENT	1

In further action:

MOTION: Mayor Larry Nelson made a motion that the Executive Board Chairman negotiate with Mr. Gross for purchase / reimbursement of his vehicle.

SECOND: Mayor Agustin Tumbaga

ACTION: The motion carried unanimously.

MOTION: Supervisor Prochaska made a motion that an offer be made to Col. Mack Luckie to serve as Executive Director on an interim basis. Compensation set at \$4 thousand per month with no benefits, and that she is authorized by the Executive Board to make the offer.

SECOND: Mayor Larry Nelson

Lucy Shipp stated Wayne Benesch was to type up an agreement with standard parameters.

Chair Bobby Brooks asked for a roll call vote of the Executive Board to the motion on the floor by Supervisor Prochaska.

Mayor Guillermina Fuentes	absent
Supervisor Casey Prochaska	aye
Supervisor Lucy Shipp	aye
Bill Alfier / ADOT	aye
Council member Ema Lea Shoop	aye
Mayor Agustin Tumbaga	abstain
Mayor Larry Nelson	aye
Paul Soto, Cocopah Indian Tribe	aye
Council member Bobby Brooks	aye

Mayor Tumbaga stated, for official record, his abstain vote was simply because he had never met Col. Luckie, and he could not vote for someone he had not met.

ACTION: The motion carried with the following vote:  
AYE 9  
ABSTAIN 1  
ABSENT 1

**XI. ADJOURN**

MOTION: Mayor Larry Nelson made a motion to adjourn.  
SECOND: Supervisor Lucy Shipp  
ACTION: The motion carried unanimously.

Bobby Brooks adjourned the meeting at 6:40 p.m.

Minutes submitted by:

Minutes adopted in regular session  
on the 19th day of February 2004.

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Linda McFarland  
YMPO Administrative Assistant

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Bobby Brooks, Chair  
YMPO Executive Board