

RESOLUTION NO. R2012-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ACCEPTING THE INVESTIGATIVE REPORT AND THE RESULTS OF THE SPECIAL INVESTIGATION CONDUCTED UNDER THE CITY COUNCIL'S AUTHORITY AS PROVIDED IN ARTICLE VII, SECTION 10, OF THE CITY YUMA CHARTER, INTO ALLEGATIONS MADE AS TO THE ACTIONS OF MAYOR ALAN L. KRIEGER AND CONDUCT OF THE OFFICE OF MAYOR; ISSUING A FORMAL CENSURE TO MAYOR ALAN L. KRIEGER; AND DIRECTING THAT THE INVESTIGATIVE REPORT AND PERTINENT DOCUMENTS BE FORWARDED TO THE PUBLIC OFFICIALS WHO HAVE ENFORCEMENT AUTHORITY FOR CONSIDERATION AND APPROPRIATE ACTION.

WHEREAS, serious allegations have been made of misconduct by Mayor Alan L. Krieger and misuse of the authority of the office of Mayor, including conflicts of interest, violations of the Arizona Open Meeting Law, and intimidation and attempts at coercion of members of the City Council to oppose investigation and action on the allegations, among others; and

WHEREAS, the City Council initiated an investigation as a legislative body into these allegations and related matters, under its authority provided in Article VII, Section. 10, Yuma City Charter, and retained legal counsel to advise the City Council and serve as investigator; and

WHEREAS, special legal counsel and investigator having conducted the investigation, including providing Mayor Krieger the opportunity to provide information and documentation that may bear on the issues under investigation, and having reported back to the City Council; and

WHEREAS, the City Council accepts the report of the investigation and adopts the conclusions and determinations made in the report as to allegations that were and were not sustained by credible evidence; and

WHEREAS, the evidence gathered in the investigation supports allegations, some of which are on the public record and factually undisputed by the Mayor, including among others that the Mayor failed to abide by the requirements of the Arizona conflict of interest statutes; violated the Arizona Open Meeting Law; violated the City Charter including the provisions establishing and prescribing the council-manager (administrator) form of government; misused the authority and office of Mayor of the City of Yuma which the Mayor holds as an elected official in trust for the citizens of the City of Yuma, employed tactics of intimidation and coercion directed against members of this City Council to try to prevent the investigation; apparently violated the privacy rights of a member of this Council for the same purposes; and has been abusive and demeaning of City employees and officials in the conduct of his office as Mayor; and

WHEREAS, the City Council has authority under Article VII, Section 5, Yuma City Charter, to sanction any elected member of the City Council, including the Mayor, for disorderly conduct which in the context of the conduct of the legislative business of the Mayor and City Council includes the types of misconduct and abuse of office found by evidence referenced in the investigative report; and