

**TOWN COUNCIL OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE**

**Tuesday, August 20, 2013, 6:30 P.M.**

**COUNCIL REGULAR MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA**

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order.**

**2. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**2.2. Invocation.**

**3. Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan.

**4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

**5. Town Manager's Report.** Update on Current Events.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the August 6, 2013 Regular Meeting and August 13, 2013 Special Study Session.

**7. Comments from the Public (on non-agendized items only).** The Council wishes to hear from

Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. A **3** minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

Page 8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

13 8.1. **Ordinance 13-98, Amending the Town Code Section 30.102 Study Sessions to Establish the Time of Study Sessions.**

25 8.2. **Peloso property inspection, report and next steps. Discussion and possible action regarding acquisition of property for Town Hall purposes and possibly to approve Resolution No. 13-107,** authorizing and directing the Town Manager and Town Attorney to obtain appraisals and legal descriptions and take other necessary actions preparatory to acquisition of real property located in Dewey-Humboldt at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street on behalf of the Town and directing the Town Manager to present the above information to the Council for possible approval to proceed with the acquisition. The Council may, by majority vote, recess the regular meeting, hold an executive session, and then reconvene the regular meeting for discussion and possible action on this item.

8.2.1. **Recess into and hold an executive session** pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located in Dewey-Humboldt, Arizona, at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street.

8.2.2. **Reconvene Regular Meeting.**

9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

29 9.1. **Arizona Department of Administration – AZ State Purchasing Cooperative Procurement Agreement Renewal.**

37 9.2. **To revisit Council Policy 12-02 for clarification and especially item 4.6 “Legal research results and opinions on specific questions will be disseminated... at the discretion of the TM.”** [CAARF requested by CM Wright]

41 9.3. **Change Code (30.085 D&E) through council action and/or resolution.** [CAARF requested by VM Repan]

43 9.4. **Change Code (30.085F) through council action and/or resolution.** [CAARF requested by VM Repan]

45 9.5. **Discuss section 4.3 of Town Policy PG No. TC 12-03.** [CAARF requested by CM Hamilton]

47 9.6. **Create a second work study session a month on the 4<sup>th</sup> Tuesday of the month.** [CAARF requested by VM Repan]

10. **Public Hearing Agenda.** None.

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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11. **Comments from the Public.** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town

staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is 3 minutes per person. The audience is asked to please be courteous and silent while others are speaking.

**12. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, September 3, 2013, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, September 5, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, September 10, 2013, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.  
By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

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**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, AUGUST 6, 2013, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 6, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:30 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

Mayor Nolan announced guest, Supervisor Tom Thurman being at the meeting to talk on agenda item 9.1.

Mayor Nolan spoke on the outcome of the Yarnell Hill Fire Clean-up Crew Appreciation and Fundraiser Picnic which was held on Saturday.

**4.1. Child Support Awareness Month Proclamation.**

Mayor Nolan read the Child Support Awareness Month Proclamation.

5. **Town Manager's Report.** Update on Current Events.
  - 5.1. **The Environmental Protection Agency Dewey-Humboldt Superfund Mine Site - Recent Activities and Concerns.**

Town Manager Kimball spoke on the Town hearing of activities within the mine-site area (A soil excavation and transfer job and a prospective medical marijuana facility). She spoke on the EPA's response to the soil issue and concerns for moving possibly contaminated soil away from the superfund site. Ultimately they leave it up to the Town to decide whether to approve a permit to do so. Ms. Kimball explained her reasoning that first and foremost it is the Town's responsibility to protect the welfare of the town and its citizens. There was discussion on where the excavation was occurring; process and timeframe for a resolution to the superfund site; restricting property owner's uses for their land; Prescott Valley's involvement with the project as the soil was moved to property within their town.

Public comment was taken on this item.

Sandy Geiger asked for clarification on the details of this report as she had difficulty hearing Ms. Kimball.

Town Manager Kimball reiterated the information from her report. She stated again that she will do her best to protect the public health and welfare of the town.

**5.2. Recent concerns on the Town's Local Government Investment Pool (LGIP) accounts.**

Town Manager Kimball spoke on the Town's accounts invested in the LGIP and their positive performance historically and poor performance this past year. She stated their intention is to leave them in this investment as they are designed to perform over time.

There was discussion on other options. Council asked Staff to look in to what other choices are available within the LGIP that might be more beneficial.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the July 9, 2013 Work Session, July 16, 2013 Regular Meeting and July 23, 2013 Special Work Session.

Councilmember Wright made a motion to accept the Consent Agenda, Minutes from the July 9, 2013 Work Session, July 16, 2013 Regular Meeting and July 23, 2013 Special Work Session, as presented. The motion was seconded by Councilmember Alen. It was approved unanimously.

**7. Comments from the Public (on non-agendized items only).**

Sandy Geiger suggested Council consider reporting Humboldt Water System updates (rate increase, etc.) on a regular basis. She spoke on historic arsenic levels with the water company.

**8. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

None.

**9. Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

**9.1. Water Advisory Commission and Middle Verde Water Advisory Commission memberships for FY 2013-14.** Discussion and possible action on whether to pay the membership(s) fee and/or to participate in the above commission(s).

Town Manager Kimball gave an overview. Council budgeted for this, but asked for it to come back to them for a decision once an invoice was received.

There was discussion on whether the town has received benefits to this members.

District Supervisor Thomas Thurman spoke to the council regarding benefits the town has received by being a part of WAC (Agua Fria Study) and future benefits. He spoke on the town's responsibility to their citizens to stay involved in the water situation. He recommended the town stick it out another year to stay in the conversation.

There was more discussion on why the WAC was created, the difference between the WAC and the sub-WAC committee; what the money is used for (conservation efforts); the Las Vegas subdivision approved by the Board of Supervisors reducing density; WAC meeting quarterly and the representative needing to report back to Council on the meetings.

Councilmember McBrady made a motion to continue as members of Water Advisory Commission (WAC) for the next year, seconded by Councilmember Alen. It was approved by a 5-2 vote in favor, Councilmembers Hamilton and Wright voting against.

**9.2. The Town's Current Recycle Program and Dumpster Day program contract update and future of the programs.** Review of the contract, discussion and possible action on options.

Town Manager Kimball spoke on this program being revisited from the budget meetings. She explained the contract can be terminated at the end of its term, December 31, 2013. There was discussion on other options to consider. These include a new and improved dump day in D-H, an IGA with Prescott Valley to join their dump day once a year and to look into joining Prescott's Hazardous Waste Day through an agreement.

Councilmember Wright made a motion to eliminate the recycle program as of the end of the year, seconded by Jack Hamilton.

There was discussion on how much staff time is spent on the recycle bins (contained and cleaned-up).

Public comment was taken on this item.

Sandy Geiger asked where citizens could take their recyclable trash if this program is eliminated.

A vote was taken on the motion which passed by a 5-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

There was discussion on the problems with the current Roving Dumpster program.

Councilmember Wright made a motion to table making this decision until they can find out what an IGA would cost to do this with Prescott Valley twice a year. The motion failed for lack of a second.

Town Manager Kimball explained Prescott Valley only does this program once a year. There was discussion on other programs the town has tried (Graywolf landfill day, Hazardous Waste day with Prescott).

Councilmember Hamilton made a motion to table the dumpster day discussion until information is received on the additional options (Prescott Valley dump day, Graywolf Landfill Day, and Prescott Hazardous Waste Day), seconded by Councilmember Wright. It was approved unanimously.

Vice Mayor Repan made a motion to terminate the contract with Waste Management for both Recycling and Dumpster Day programs, seconded by Councilmember Wright.

Public comment was taken on this item.

Sandy Geiger spoke on the local recycling center being a problem.

Councilmember McBrady spoke on looking at a modified recycling program where it is monitored.

A vote was taken on the motion which passed by a 6-1 vote in favor, Councilmember McBrady voting against.

### **9.3 Approval for Mayor to attend the ribbon cutting event for the March of Dimes, March for Babies on September 7<sup>th</sup> in Prescott.**

Vice Mayor Repan made a motion to approve the Mayor's attendance at this event, seconded by Councilmember Alen.

Councilmember Wright asked for the purpose it serves the town, and spoke against their fundraising efficiency.

A vote was taken on the motion which passed by a 6-1 vote in favor, Councilmember Wright voting against.

**9.4. To decorate Town Hall for Christmas December 2013.** [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview asking Council to consider doing something for the holidays (lights, tree, etc.). There was discussion on the cost not being budgeted for, asking for donations for decorations and volunteers to put up the decorations.

Vice Mayor Repan made a motion to decorate town hall for Christmas but through donations and safely.

Councilmember Hamilton spoke not needing a motion as the town is not spending money on decorating and the decorations are going on private property.

The motion was rescinded by the maker.

Councilmember Wright suggested putting an article in the newsletter asking for donations of decorations and time and also the use of a "cherry picker" to put the lights up.

**9.5. Move work session to later time or Friday afternoon.** [CAARF requested by CM Williams-Rowe]

Councilmember Williams-Rowe gave an overview, explaining the circumstances of her request (New job conflicts with work session time). She asked Council to consider changing the meeting time of the work sessions from 2:00 p.m. to 4:00 p.m. or consider moving them to Fridays.

There was discussion on conflicts with changing the time and recommendations for CM Williams-Rowe with her situation.

Councilmember McBrady made a motion to change the Work Sessions to start at 4:00 p.m., seconded by Mayor Nolan.

There was discussion on needing an ordinance to change the code; consideration of staff and other council members; CM Williams-Rowe's attendance telephonically; CM Williams-Rowe being appointed not elected official; a Telephonic Attendance Policy restricting council members to attending only two times a year this way; whether appointed council members could be un-appointed.

Councilmember McBrady withdrew his motion. Council directed the Town Manager to request an opinion of the Attorney whether an appointed council member could be un-appointed. No further action was taken.

**10. Public Hearing Agenda.** None.

**11. Comments from the Public.** None.

**12. Adjourn.** The meeting was adjourned at 9:00 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL STUDY SESSION MINUTES  
TUESDAY, AUGUST 13, 2013, 6:30 P.M.**

**A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 13, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DENNIS REPAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 2:02 p.m.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady (arrived late at 2:18 p.m.), Sonya Williams-Rowe (arrived late at 2:50 p.m.), Nancy Wright; and Vice Mayor Dennis Repan were present. Mayor Terry Nolan was absent.

3. **Study Agenda.** No legal action to be taken.

**3.1. Code of Conduct/Ethics progress on modifications made.**

Councilmember Alen gave an overview on the grievance process flowchart she developed for Council's use. She spoke on the purpose of the Ethics committee and it being a standing committee; council needs to define what censure means to them; and they might need to set up a fine/fee table for an offense.

There was discussion on whether to move the appeal comes before or after the censure letter. They spoke on the work done to the document at the previous work session and wanting to see that document compiled with those modifications.

Councilmember McBrady arrived to the meeting at 2:18 p.m.

Public comment was taken on this item.

David Nystrom spoke on simplifying the document as it seemed complicated.

There was discussion on simplifying the flowchart for the end user. The Town Clerk was directed to assemble that document with those changes and have it available for the September work session. Town Manager Kimball asked about technical challenges with elements of the flowchart process and asked to have the Attorney review the flowchart prior to the next work session. Council decided that was premature and would wait until they had the entire document to send. Council will work more on this at the September work session.

**3.2. Councilmember Hamilton's list of "Road Review" questions for answers.**

Councilmember Hamilton spoke on requesting these answers so council could address the \$60k overdraft of HURF funds per year.

Public Works Supervisor, Ed Hanks attended and answered the list of questions and other questions asked of him at that meeting.

Councilmember Williams-Rowe arrived at 2:50 p.m.

There was discussion on the drainage work to be done using the Yavapai County Flood Control funds. There was discussion on pursuing grant funding for road work.

Public comment was taken on this item.

Jerry Brady spoke on federal grants article in the paper; road access and floodplains; requirement in Arizona for municipalities to coordinate for federal grants; a 5 year plan (US Department of Transportation) defined for the town and Council needing to read it into the official record to make it a legal resolution to go after the funding.

Town Manager Kimball reviewed contract projects done last year and requirements for a grant program for additional personnel help.

Public Works Supervisor Hanks spoke on other drainage projects he is recommending; ingress/egress for Blue Hills area; roadbed improvements; and low water crossings in town.

#### **4. Special Session. Legal Action can be taken.**

##### **4.1. Multi-Year Road Maintenance Plan. Continuation from May 21's council budget discussion.**

Public Works Supervisor, Ed Hanks gave an overview on the latest multi-year road plan which includes some road re-builds.

Councilmember Hamilton asked why Old Black Canyon Highway was not on the plan. It was explained by Town Manager Kimball that the ownership is still unclear so it is not scheduled for any work.

There was discussion on the "Accelerated" plan for 2013-14. Special "fixes" will be done prior to chip sealing to improve drainage and roadbeds. The reason for this is to keep from having major repairs in future years. Councilmember Hamilton asked about increased miles on the plan and how that figures in to the funding budgeted for the work. There was discussion on this and it was explained it is a guide with no hard costs as a contract would have.

Public comment was taken on this item.

David Nystrom urged the council to extend this discussion to another session to allow the Mayor to speak on his campaign platform to grade private roads and explain how it can be done with the barriers of the gift clause and the budget.

Councilmember Wright asked the Town Manager to write an article for the newsletter about the Mayor's "false statements". Town Manager Kimball recommended this article come from another Council member rather than staff.

Council discussed how this plan is a living document which can be approved in concept yet revisited in the future, and council should take action to accept it.

Councilmember Alen made a motion to accept the Multi-year Road Maintenance Plan, seconded by Councilmember McBrady. It was approved by a 6-0 vote, Mayor Nolan being absent.

##### **4.2. Council's Priority list for the Planning and Zoning Commission.**

Community Development Coordinator (CDC), Warren Colvin attended and gave an overview on the list provided in the packet.

Councilmember Alen spoke on the Historic District Overlay being her recommendation so they can look into what it will entail and the turnaround time.

Councilmember Wright explained "Transient Merchants" was to resolve a problem with people soliciting on street corners, as the state statute allows towns to restrict this activity. Councilmember Alen explained it should include food trucks too.

There was discussion on the 200' strip annexation and the history with this issue. It was decided that this was not a Planning & Zoning Issue.

CDC Colvin spoke on reviewing subdivision standards and driveways versus streets, including wording that defines when a private driveway would need to be named and meet road width requirements (increasing density or new).

Commissioner Smylie's recommendation to pursue water issues was denied, instead it was suggested he get the Groundwater Resources Advisory Committee (GRAC) started back up. He would need to find enough members to have a quorum to meet again.

CDC Colvin reviewed from the list the following:

- Outside Storage being adequately written and no changes needed. It was recommended the citizens could be educated on this through a newsletter article;
- Weeds - this issue will be considered while reviewing the 2012 International Codes.
- Enforcement of parking on Main Street will be addressed through the Historic District Overlay process.
- Commercial Building – putting something in code mimicking state law stating under a certain amount they wouldn't require a commercial contractor do the work. There is also a new law requiring bonding be provided to the town if valuation of work is over \$50k.
- Home Based Businesses – doesn't know what needs work on this as it is cut and dry. Ms. Kimball spoke on application reviews will be done by both Mr. Colvin and herself. She spoke on an issue with a home-based business brought to the council's attention and how it has been resolved.

There was discussion on the 2012 International Code changes and how that will come to the Council around January 2014 with enforcement by July 2014.

Vice Mayor Repan suggested exceptions for large acreage lots in Dewey-Humboldt should be considered when reviewing these code changes.

Councilmember Hamilton made a motion to approve the list as modified, letting Community Development Coordinator Colvin set the priority of the list (Explore establishing Historic District Overlay, Transient Merchants (regulate), Commercial Buildings (mimic state statute regarding commercial contractor requirements), Street Design and Subdivision Standards, Code Text inconsistencies), seconded by Councilmember Wright. It was approved by a 6-0 vote in favor, Mayor Nolan being absent.

5. **Comments from the Public.** None.
6. **Adjourn.** The meeting was adjourned at 5:49 p.m.

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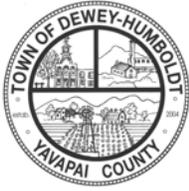
Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR MEETING**

**August 20, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 8.1 Ordinance 13-98 amending Town Code Section 30.102 Study Sessions to establish the time of study session.**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: August 14, 2013**

**Recommendation: Approve Ordinance 13-98**

**Summary:**

This is “unfinished” business. At the March 1, 2011 meeting, the Town Council voted to amend the Town Code Section 30.102 to change the study session time from 3 p.m. on the second Tuesday of each month to 2 p.m. on the second Tuesday of each month. Resolution 11-89 was adopted and the study sessions have been held at 2 p.m. on the second Tuesday of each month since April 2011. However, the “Code of Ordinances” has not been codified accordingly.

The Town attorney drafted Ordinance 13-98 which reflects the decision made in March 2011. Staff regrets the inconsistency between the Council decision and the corresponding code; we believe that Ordinance 13-98 would lead to complete execution and proper codification which would clear the study session time confusion.

**ORDINANCE No. 13-98**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY AMENDING § 30.102 STUDY SESSIONS TO ESTABLISH THE TIME OF STUDY SESSIONS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES**

**Whereas**, the Town of Dewey-Humboldt has an important responsibility to its citizens to meet as often as is necessary to conduct the business of the Town; and

**Whereas**, the Town of Dewey-Humboldt approved Resolution No. 11-89 on March 1, 2011 changing the time of the study sessions from 3:00 pm to 2:00 pm and has been holding its study sessions on the second Tuesday of each month at 2:00 pm following notice required by ARS Section 38-431.02; and

**Whereas**, commencing study sessions at 2:00 pm instead of 3:00 pm has been beneficial to staff and the Town Council in the discharge of their duties by allowing additional time during the regular work day,

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.102 Study Sessions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.102 Study Sessions

Study Sessions or "Work Sessions" of the Town Council are held on the second Tuesday of each month at ~~3:00~~ 2:00 p.m. in the Council Chambers of Dewey-Humboldt Town Hall to allow for a detailed review of important matters. Study sessions may be conducted jointly with another town board, commission, Citizen Committee, or another governmental agency. Formal action is typically not taken at a study session unless the agenda indicates that action may be taken, in which case the study session is reclassified as a special meeting. All study session meetings are open to the public.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinances

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Phyllis L.N. Smiley

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Judy Morgan, Town Clerk

**RESOLUTION Nº 11-89**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, CHANGING CERTAIN ASPECTS OF TOWN CODE §§ 30.102 (STUDY SESSIONS); AND PROVIDING FOR AN EFFECTIVE DATE.**

**Whereas**, the Town of Dewey-Humboldt has an important responsibility to its citizens to meet as often as is necessary to conduct the business of the Town; and

**Whereas**, the Mayor and Council deem it necessary to allow for additional time to conduct the Town's business in Study Sessions or "Work Sessions" by commencing at 2:00 p.m. instead of 3:00 p.m.; and

**Whereas**, the Mayor and Council find that this change of commencement for Study Sessions or "Work Sessions" will benefit and aid the Staff and the Town Council in the discharge of their duties by allowing additional time during the regular work day.

**Now, Therefore**, Be it resolved by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona:

1. Amendment of the Town Code. No portion of the Town Code is amended hereby, except as follows:

1.1 Town Code § 30.102 is hereby amended as follows:

Study Sessions or "Work Sessions" of the Town Council will be held on the second Tuesday of each month at 2:00 p.m. in the council Chambers of Dewey-Humboldt Town Hall to allow for a detailed review of important matters. Study sessions may be conducted jointly with another town board, commission, Citizen Committee, or another governmental agency. Formal action is typically not taken at a study session unless the agenda indicates that action may be taken, in which case the study session is reclassified as a special meeting. All study session meetings are open to the public.

2. Effective Date. That this resolution shall be effective as of the 1st day of March 2011.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 1<sup>st</sup> day of March 2011.

\_\_\_\_\_  
Len Marinaccio, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Judy Morgan, Town Clerk

\_\_\_\_\_  
Susan Goodwin, Town Attorney

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**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
MARCH 1, 2011, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 1, 2011, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR LEN MARINACCIO PRESIDED.**

**1. Call To Order.** The meeting was called to order at 6:31 p.m.

**2. Opening Ceremonies.**

**2.1. Invocation.** Councilmember Nancy Wright gave the invocation.

**2.2 Pledge of Allegiance.** Made.

**3. Roll Call.** Town Council Members Mark McBrady, David Hiles, David Nystrom, Terry Nolan (arrived late at 7:48 p.m.), Nancy Wright; Vice Mayor Denise Rogers; and Mayor Len Marinaccio were present.

**4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action

**4.1. EPA/ADEQ Quarterly Dialog.** Monika O'Sullivan to present an update on the Superfund site, and discussion of land use potential.

ITM Castricone reviewed the questions for EPA/ADEQ.

Monika O'Sullivan, EPA Project Manager gave an update on the site and presented a Powerpoint presentation. David Cooper, with EPA, and Brian Stonebrink and Joellen Meitl from ADEQ were in attendance. There was discussion on potential land use, and on the Town Council possibly passing an ordinance on land use limits. Ms. O'Sullivan spoke on residential remediation, and concerns regarding Proposition 207 and institutional controls. Council reviewed the questions to EPA/ADEQ listed in the Council Communications.

Public Comment was taken on this item.

Ashley Preston spoke on safety concerns with the sites and dust still being a problem.

Ms. O'Sullivan responded to the questions, by stating the sealant was intact and fencing in place. She stated she will continue to work with the property owners on these issues.

Treesha deFrance spoke on reviewing the questions in the packet.

Brian Stonebrink, ADEQ Project Manager, spoke on the responses to questions listed in the packet. There was discussion on fencing around the polluted site.

Treesha deFrance reviewed the letter she submitted to Council in advance of the meeting.

There was discussion on the Technical Assistance Grant (TAG) and hiring a Technical advisor.

Ulys Brooks spoke on remediation and pollution from the superfund site.

Ms. O'Sullivan explained a residence does not have to be remediated; it is the choice of the property owner.

Karen Brooks spoke on the effects of the superfund designation on property values.

**5. Executive Session.** Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes. When the Executive Session ends, Council may act on any matter considered in this Agenda.

Councilmember Nystrom made a **motion to Postpone** 5. Executive Session and 6.1. Interim Town Manager Position, **moving this to the end of the agenda, just prior to agenda item 14. Adjournment.** Councilmember McBrady seconded the motion. A vote was taken and **carried with a (4-2) vote in favor**, Councilmember N. Wright, and Mayor Marinaccio voting against.

**5.1. Call for Executive Session.** Discussion of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Interim Town Manager, pursuant to A.R.S. §38-431.03(A)(1).

Moved to the end of the agenda, prior to adjournment.

**6. Return to Open Session.**

**6.1. Discussion and possible action regarding the Interim Town Manager position.**

Moved to the end of the agenda, prior to adjournment.

**7. Town Manager's Report. Update on Current Events.**

ITM Castricone spoke on the complaint report, and explained the CAP lease and Library District IGA have been sent to the Town Attorney for review.

**8. Consent Agenda.**

**8.1. Minutes.** Minutes from the February 1, 2011 Regular Meeting Minutes, February 3, 2011 Special Meeting Minutes, and February 8, 2011 Special Session Minutes.

Councilmember Nystrom made a **motion to Approve** 8.1. Minutes. Minutes from the February 1, 2011 Regular Meeting Minutes, February 3, 2011 Special Meeting Minutes, and February 8, 2011 Special Session Minutes, **as presented.** Vice Mayor Rogers seconded the motion. It was **approved unanimously.**

**9. Comments from the Public (on non-agendized items only).** No comments were received.

**10. Discussion Agenda - Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

**10.1. Ratify In-House Promotion, Finance Manager.** Discussion and possible action to ratify the promotion of Gary Blair CPA from Accountant to Finance Manager.

Mayor Marinaccio stated his reason for abstaining, "Council was treading too close to the division of Council purview (legislative) and Staff purview (administrative), creating a liability by taking on the administrative role". Council Hiles spoke on his understanding that the Council can ratify those decisions. Mayor Marinaccio recused himself and turned the gavel over to Vice Mayor Rogers. Councilmember Nystrom recused himself as well for the same reasons. Both Mayor Marinaccio and Councilmember Nystrom stepped down from the dais for this issue.

There was discussion regarding this agenda item, as well as salary range and title change adjustments.

Councilmember Hiles made a **motion to Not Ratify** 10.1. Ratify In-House Promotion, Finance Manager, **the in-house promotion**. Councilmember McBrady seconded the motion.

Public Comment was taken on this item.

Jack Hamilton spoke on Council developing the job description and pay range for this position.

Carolyn Harootunian spoke on Council not being involved with staff responsibilities.

Karen Brooks spoke on posting the new position for the best candidate.

ITM Castricone spoke on lowering the salary range, renaming the position and the necessity of having a department head in Finance.

Councilmember Wright called the question. Council voted in favor of calling the question. The **motion was approved by a 4-0 vote**, Councilmember Nystrom and Mayor Marinaccio abstaining and Councilmember Nolan being absent from the vote.

Councilmember Nolan arrived at 7:48 p.m. Mayor Marinaccio and Councilmember Nystrom returned to the dais.

**10.2. Town Library Lease with CAP.** Review negotiated lease and provide direction to staff and/or approve lease agreement.

ITM Castricone gave an overview. He reviewed the response letter from CAP.

The wording will be modified for 13a (...relating to maintenance costs. In the event that the annual cap is achieved, any expenses...).

Public Comment was taken on this item.

Carolyn Harootunian spoke on CAP's accountability, services and reporting of expenses.

Jack Hamilton spoke on the CPI and limiting the increase to 4% instead of 6%.

Councilmember Nolan made a **motion to Approve** 10.2. Town Library Lease with CAP, **as amended with 13a rewording**. Vice Mayor Rogers seconded the motion. It was **approved unanimously**.

**10.3. IGA modification for Residential Building Inspections and Plan Review.**

ITM Castricone gave an overview, and requested Council put it on hold for now.

Councilmember Nolan made a **motion to Table** 10.3. IGA modification for Residential Building Inspections and Plan Review, **for two months**. Councilmember Nystrom seconded the motion. The **motion failed** by a 2-5 vote, Councilmembers Nystrom and Nolan voting in favor.

Community Development Director, Dennis Price spoke on this proposal. There was discussion on the Administrative Fee for permits and the timing of this IGA. There was discussion on when to address this issue.

Councilmember Hiles made a **motion to Approve** 10.3. IGA modification for Residential Building Inspections and Plan Review, **as presented**. Councilmember N. Wright seconded the motion. The **motion failed** by a 3-4 vote, Councilmembers Hiles, Wright and Vice Mayor Rogers voting in favor.

Public comment was taken on this item.

Jack Hamilton spoke on compensation for the added responsibility.

Bob Greene spoke on Council's authority, and recommended action to take.

John Dibble spoke on time period for permit approvals.

Mayor Marinaccio made a **motion to Postpone** 10.3. IGA modification for Residential Building Inspections and Plan Review, and **come back to the Council when this item is agendized for staff to discuss feasibility and concerns**. Councilmember Nystrom seconded the motion. The **motion failed** by a 2-5 vote, Councilmember Nystrom and Mayor Marinaccio voting in favor.

Councilmember Hiles made a **motion to Postpone** 10.3. IGA modification for Residential Building Inspections and Plan Review, **and have staff bring back to Council in approximately 2 weeks**. Councilmember N. Wright seconded the motion. A vote was taken and **carried with a (5-2) vote in favor**, Councilmember Nystrom, and Mayor Marinaccio voting against.

**10.4. Resolution amending Town Code § 30.102 Study Sessions. Council approved changing the start time of the Study Sessions to 2:00 p.m. This will amend that part of Town Code defining this.**

ITM Castricone gave an overview.

Councilmember Nolan made a **motion to Approve** 10.4. Resolution amending Town Code § 30.102 Study Sessions. Council approved changing the start time of the Study Sessions to 2:00 p.m., and **amending that part of Town Code defining this**. Councilmember N. Wright seconded the motion.

Public comment was taken on this item.

Jack Hamilton spoke on approving and changing Town Code.

**The motion was approved unanimously.**

**11. Discussion Agenda - New Business.** Discussion and Possible Action on matters not previously presented to the Council.

**11.1. Consider waiving the Building Permit Fee to move the flag at the American Legion Post in Humboldt.** [requested by CM Nolan] For discussion and possible action.

ITM Castricone gave an overview of this item, and spoke on gifting concerns.

Community Development Director, Price spoke on requirements for structural elements, and permit fees paid to the County. There was discussion on the Arizona gift clause.

Public Comment was taken on this item.

Bob Greene (on behalf of the American Legion flagpole project), spoke on the project and what they want to do, and on doing this for veterans.

There was discussion on waiving the engineering requirement and permit fee requirements.

Councilmember Hiles made a **motion to Approve** 11.1. Consider waiving the Building Permit Fee to move the flag at the American Legion Post in Humboldt, **waiving the fee for moving the flagpole. If it is found to be a violation of the gift clause Councilmember Hiles stated he will personally reimburse the town for the permit fees.** Councilmember Nolan seconded the motion.

Public comment was taken on this item.

Jack Hamilton spoke in opposition to waiving the permit fee but recommended waiving the Town's administrative fee.

Bob Greene asked for a waiver of fees, expecting inspections, and spoke on charity efforts the Legion provides for the town.

There was discussion on waiving the permit fee.

Councilmember Nolan called the question. By a 6-1 vote, Mayor Marinaccio opposed, the Council approved calling the question.

A vote was taken and **carried with a (6-1) vote in favor**, Mayor Marinaccio voting against.

Councilmember Nolan made a **motion to Approve** 11.1. Consider waiving the Building Permit Fee to move the flag at the American Legion Post in Humboldt, **adding an agenda item on the next meeting to "fix this problem".** Councilmember Nystrom seconded the motion. It was **approved unanimously.**

**11.2. Consideration for roadway maintenance equipment purchase.**

Town Engineer, Berman gave an overview on the equipment and possible funding options. There was discussion.

Public Comment was taken on this item.

Bob Greene spoke on costs and grading issues, storage and liability of owning equipment.

Jack Hamilton spoke in support of purchasing the equipment, and funding options.

Councilmember Hiles made a **motion to Approve** 11.2. Consideration for roadway maintenance equipment purchase, **directing staff to proceed and allow them to make the purchase if the equipment checks out.** Councilmember Nystrom seconded the motion. A vote was taken and **carried with a (6-1) vote in favor,** Councilmember Nolan voting against.

## **12. Public Hearing Agenda.** None.

## **13. Comments from the Public.**

Carolyn Harootunian spoke on Town Manager issues and decisions.

Jack Hamilton spoke on the Finance Director position.

Bob Greene spoke on disagreements and communication between Council and Staff.

Bart Brush spoke on the flagpole issue and flood control requirements.

**5. Executive Session.** Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes. When the Executive Session ends, Council may act on any matter considered in this Agenda.

The Council and Interim Town Manager Castricone chose not to go into Executive Session.

### **6.1. Discussion and possible action regarding the Interim Town Manager position.**

Councilmember Nystrom spoke on the second resignation of an Interim Town Manager, and asked ITM Castricone what he believes is going on. ITM Castricone requested this discussion occur in open meeting rather than executive session.

Council recessed at 9:38 p.m. to take a short break. The meeting was reconvened at 9:41 p.m.

ITM Castricone gave his reasons for resigning: Staff is professional and hard-working, and Council corporately is a "dysfunctional angry mob", with a lack of respect for Staff. The hybrid form of government Council has created is a problem.

Councilmember McBrady made a **motion to Approve** 5. Executive Session, **to go into Executive Session.** Councilmember Nolan seconded the motion. The **motion failed** by a 2-5 vote, Councilmembers McBrady and Nolan voting against.

Councilmember McBrady made a **motion to Table** 5. Executive Session. **stop this discussion right now as it is inappropriate to do this now.** The motion failed for lack of a second.

ITM Castricone asked to be released from his contract immediately.

Councilmember Hiles made a **motion to Approve** 5. Executive Session, **accept Mr. Castricone's resignation effective immediately.** Councilmember N. Wright seconded the motion.

There was discussion on having Mr. Castricone serve out his 30-day notice/resignation period. Council discussed issues that lead up to the resignation.

Public Comment was taken on this item.

Lydia Chapman spoke on her issues at Town Hall, and being called abusive.

A vote was taken and **carried with a (5-2) vote in favor**, Councilmember Nolan, and Mayor Marinaccio voting against.

**14. Adjourn.** The meeting was adjourned at 10:22 p.m.

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Len Marinaccio, Mayor

ATTEST:

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Judy Morgan, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR MEETING**

**August 20, 2013– 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 8.2 Discussion and possible action regarding acquisition of property for Town Hall purposes and possibly to approve Resolution No. 13-107.**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Suggested action: After discussion at 8.2.1 executive session, decide one of the following options at 8.2.2 Regular Meeting session:**

- a. Adopt the resolution (with modification if needed);
- b. Delay the resolution adoption to allow further research, discussion or to include other properties for consideration;
- c. Not interested in purchasing any properties or the proposed resolution

**Date submitted: August 15, 2013**

**Summary:**

This item has been discussed at the April 16<sup>th</sup> and May 7<sup>th</sup> meetings.

At the April 16<sup>th</sup> meeting, the Town Council discussed potential property purchase for Town Hall uses, specifically some of the Peloso properties on Main St. Some directions were given to Staff at the executive session. The Council reviewed Resolution 13-107, but did not adopt such.

At the May 7<sup>th</sup> meeting, staff reported findings to the Council (as directed at the April 16<sup>th</sup> meeting). Upon discussion, the Council felt more research was needed and did not adopt Resolution 13-107. Also at the meeting (during the public session), the Council directed Staff to schedule a property walk-through in June; some building inspection Staff and Mr. Bill Otwell, a historical preservation architect, were invited for the walk-through. The walk-through was completed. Staff has some additional information to discuss with the Council.

If upon discussion at this August 20<sup>th</sup> meeting, the Council wishes to authorize next steps of property purchase (which will take a long while to complete), adopting Resolution 13-107 would fulfill that goal. If the Council needs additional time/research on this subject or the Council has other properties that you may be interested in, Resolution 13-107 can be delayed or modified. If the Council is not interested in any property purchase at this time, Resolution 13-107 can be completely ignored.

A firm decision and/or clear direction are always desirable; but the Council is not obligated to adopt the resolution if you are not ready to proceed.

**RESOLUTION NO. 13-107**

**A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN ATTORNEY TO OBTAIN APPRAISALS AND LEGAL DESCRIPTIONS AND TAKE OTHER NECESSARY ACTIONS PREPARATORY TO ACQUIRING TITLE TO CERTAIN PARCELS OF REAL PROPERTY ON BEHALF OF THE TOWN BY DONATION, EMINENT DOMAIN OR PURCHASE FOR MUNICIPAL GOVERNMENT PURPOSES.**

**WHEREAS**, the continued growth and development of the Town of Dewey-Humboldt requires the acquisition of certain real property; and

**WHEREAS**, the Common Council of the Town of Dewey-Humboldt finds that the acquisition of property generally located at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street, and/or 12847 East Main Street, Dewey-Humboldt, Arizona may be necessary for municipal government purposes; and

**WHEREAS**, prior to acquisition of such property, an appraisal and a legal description must be prepared and other actions preparatory to such acquisition may be necessary,

**NOW, THEREFORE BE IT RESOLVED** by the Common Council of the Town of Dewey-Humboldt, County of Yavapai, Arizona:

1. That the Town Manager and Town Attorney are hereby authorized and directed to obtain appraisals and legal descriptions and take other necessary actions preparatory to acquisition of certain parcels of real property on behalf of the Town; and

2. That the Town Manager is directed to present the above information to the Council for possible approval to proceed with the acquisition.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona this \_\_\_ day of \_\_\_\_\_, 2013.

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Terry Nolan, Mayor

ATTEST:

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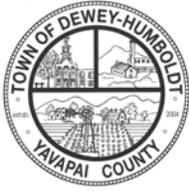
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

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Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorney  
By:

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR MEETING**

**August 20, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 9.1 Arizona State Purchasing Cooperative Agreement renewal**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: August 13, 2013**

**Recommendation: Accept the agreement, and authorize the Mayor to execute the agreement.**

**Summary:**

The Town Office received a letter explaining renewal of the Arizona Cooperative Purchasing Program. Upon review, the Town entered into the original agreement in 2008; Mayor Goodwin executed the agreement on behalf of the Town.

The renewal agreement would allow the Town to utilize Arizona procurement contracts. The Town has used State contracts to purchase some of the IT equipment.

Janice K. Brewer  
Governor



Brian C. McNeil  
Director

## ARIZONA DEPARTMENT OF ADMINISTRATION

### STATE PROCUREMENT OFFICE

100 NORTH FIFTEENTH AVENUE • SUITE 201  
PHOENIX, ARIZONA 85007

(602) 542-5511 (main) (602) 542-5508 (fax)  
<http://spo.az.gov>

July 24, 2013

State Purchasing Cooperative Members

Subject: Renewal of State of Arizona Cooperative Agreement (Second Notice)

Dear State Purchasing Cooperative Members;

Annually, the Arizona State Procurement Office (SPO) conducts a review of current membership status for the Arizona Cooperative Purchasing Program. In review of our records, we have ascertained that your organization's membership expired on June 30, 2013. Continuation of your membership will ensure your organization's ability to utilize Arizona procurement contracts. There are no fees or membership dues to continue this membership.

To renew, please complete an agreement form, which is available on the State Procurement Office website at:

[http://spo.az.gov/Cooperative\\_Procurement/SPC/default.asp](http://spo.az.gov/Cooperative_Procurement/SPC/default.asp)

The agreement is a MS Word document and is linked about mid-way down on the page.

Please review, and sign where appropriate, and return this agreement at your earliest convenience by email to [spo@adoa.gov](mailto:spo@adoa.gov) as instructed on Page 5 of the agreement.

If you have any questions or need further assistance, you may reach out to Jan Hart, at 602-542-1835 or via email at [jan.hart@azdoa.gov](mailto:jan.hart@azdoa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jean A. Clark".

Jean A. Clark, CPPO, CPPB, C.P.M., CPM  
State Procurement Administrator

jh



Janice K. Brewer  
Governor

Brian C. McNeil  
Director

## ARIZONA DEPARTMENT OF ADMINISTRATION

STATE PROCUREMENT OFFICE

100 NORTH FIFTEENTH AVENUE • SUITE 201  
PHOENIX, ARIZONA 85007

(602) 542-5511 (main) (602) 542-5508 (fax)  
<http://spo.az.gov>

### ARIZONA STATE PURCHASING COOPERATIVE AGREEMENT

This Cooperative State Purchasing Agreement ("Agreement") is entered between the

#### State of Arizona Procurement Office

and

Town of Dewey-Humboldt

---

(Organization Name)

in accordance with Arizona Revised Statutes §41-2631, *et seq.*, Article 10 Intergovernmental Procurement, which authorizes cooperative purchasing for public procurement units and nonprofit educational or public health institutions and the Arizona Administrative Code R2-7-1001, which permits the governing body of any Eligible Procurement Unit to enter into an Agreement with the State for the purpose of utilizing State contracts.

The purpose of this Agreement is to permit the Eligible Procurement Unit named above, hereafter known as the State Cooperative Member, to purchase materials and services from State contractors at the prices and terms expressed in contracts between the State and those State contractors.

In consideration of the mutual promises contained in this Agreement, and of the mutual benefits to result there from, the State and the State Cooperative Member agree as follows:

1. The State shall conduct the procurement in compliance with the Arizona Procurement Code, A.R.S. Title 41, Chapter 23, and its Rules, A.A.C. Title 2, Chapter 7.

2. The specifications for the materials and services will be determined by the State Procurement Administrator or delegated State agencies.
3. The State will identify the State Cooperative Member as an eligible participant in any solicitation intended for general use by State Cooperative Members. In addition, the State may invite the State Cooperative Member to participate in certain exclusive solicitations. Only State Cooperative Members indicating an interest in participating in these exclusive solicitations will be eligible to participate in the resulting State contracts.
4. The State Cooperative Member's use of eligible State contracts is discretionary. Participation in the State Purchasing Cooperative shall not restrict or limit member's ability to seek competition as needed. However, the State Cooperative Member shall not use a State contract as a means of coercion to obtain improper concessions, including lower prices, from State contractors or any other suppliers for the same or similar materials or services. The State Cooperative Member is also prohibited from participating in any organization or group that seeks to obtain such concessions from State contractors or other suppliers based on State contracts.
5. The State shall provide the State Cooperative Member with access to listings of all eligible State contracts. The original copy of each State contract is a public record on file with the State. The State's eProcurement System shall provide all contract information available and be used for contract purchases.
6. The State Cooperative Member shall:
  - a. Ensure that purchase orders issued against eligible State contracts are in accordance with the terms and prices established in the State contract.
  - b. Make timely payments to the State contractor for all materials and services received in accordance with the terms and conditions of the State contract. Payment for materials or services and inspection and acceptance of materials or services ordered by the State Cooperative Member shall be the exclusive obligation of such unit.

- c. Be responsible for the ordering of materials or services under this Agreement. The State shall not be liable in any fashion for any violation by the State Cooperative Member of this Agreement and, with the exception of other Arizona State entities subject to A.R.S. §41-621, the State Cooperative Member shall hold the State harmless from any liability which may arise from action or inaction of the State Cooperative Member relating to this Agreement or its subject matter.
  - d. The exercise of any rights or remedies by the State Cooperative Member shall be the exclusive obligation of such unit; however, the State, as the contract administrator and without subjecting itself to any liability, may join in the resolution of any controversy should it choose to do so.
7. The State Cooperative Member shall endeavor to utilize State contracts to the fullest extent possible. That is, the State Cooperative Member is to make an effort to purchase all items covered under exclusive contracts and shall not fracture purchases by means of utilizing line items from alternate contracts. Such practices weaken the State's ability to negotiate lowest possible volume prices. Exclusive contracts are those that offer the State Cooperative member the option to participate exclusively, rather than permissively, and shall be identified as such within the contract documents.
  8. Failure of the State Cooperative Member to secure performance from the State contractor in accordance with the terms and conditions of its purchase order does not necessarily require the State to exercise its own rights or remedies.
  9. This Agreement shall take effect with execution by both Parties on the date signed by the State Procurement Administrator, and shall remain in effect for a total period of five (5) state fiscal years.
  10. This Agreement may be canceled pursuant to the provisions of A.R.S. § 38-511.
  11. This Agreement is exempt from the provisions of A.R.S. §§ 11-952(D) and 12-1518.
  12. The State Cooperative Member certifies that its organization shall comply with the

State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in accordance with A.R.S. Title 41 Chapter 9, Article 4 and Executive Order No. 2009-09 dated October 20, 2009.

13. The State Cooperative Member hereby acknowledges that each State contractor shall be remitting an administrative fee to the State, based upon the member's purchasing volume under the state contracts.
14. The State Cooperative Member authorizes State contractors to release usage information to the State. Usage information shall be limited to the State Cooperative Member's purchasing activity and shall generally consist of, but shall not be limited to, purchase order information including purchase date(s); units purchased, their descriptions and quantities; unit prices and aggregate amounts paid for all materials and services purchased off of the State's contract.
15. The State may terminate this Agreement without notice if the State Cooperative Member fails to comply with the terms of a State contract or this Agreement.
16. Except as provided in Paragraph 15, either of the Parties may terminate this Agreement with at least thirty (30) days written notice to the other party.

IN WITNESS WHEREOF, the Parties of this Agreement, having caused their names to be affixed hereto by their proper officers, hereby execute this Agreement on the dates indicated hereunder.

**FOR THE STATE COOPERATIVE MEMBER:**

**FOR THE STATE:**

**Signature:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Name:** Terry Nolan

Jean A. Clark, CPPO, C.P.M., CPPB, CPM

**Title:** Mayor

**Title:** State Procurement Administrator

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**ARIZONA STATE PURCHASING COOPERATIVE**  
**State Cooperative Member Contact Information**  
(Please submit completed form with agreement to address below.)

<b>Name of Organization:</b> Town of Dewey-Humboldt	
<b>Name of Contact Person:</b> Yvonne Kimball	
<b>Title of Contact Person:</b> Town Manager	
<b>Telephone number of contact person:</b> 928-632-7362	<b>Fax:</b> 928-632-7365
<b>E-mail address of contact person:</b>  yvonnekimball@dhaz.gov <small>(If possible, please provide a general email address that can be forwarded to the contact person and that will not change should the contact person leave the organization. The person receiving email from the State Procurement Office at the address above needs to be responsible to forward the information to other interested parties at your organization as needed.)</small>	
<b>Billing Address:</b>  P.O. Box 69, Humboldt, AZ 86327	
<b>Remit Address (if different from the billing address):</b>  	
<b>Federal ID Tax Number:</b> 83-041-7013	

**Please notify State Procurement Office of any changes to this information.**

Please send completed agreements and changes in contact information to:  
State Procurement Office  
Arizona State Purchasing Cooperative  
100 North 15<sup>th</sup> Avenue, Suite 201  
Phoenix, Arizona 85007  
Or by e-mail to: [spo@azdoa.gov](mailto:spo@azdoa.gov)

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 <p><b>TOWN OF DEWEY-HUMBOLDT PUBLIC BODY RULES OF POLICIES AND PROCEDURES</b></p>	<p><b>PG No TC12-02</b></p>
<p><b>All Public Bodies : Town Council, Board, Commission, and Committees</b></p>	<p><b>Effective Date:</b></p>
<p><b>Subject:</b> <i>parameters of obtaining legal services</i></p>	

1. **Purpose:** To establish guidelines for staff, individual council members, and all boards, commissions and committees to obtain legal services from the Town Attorney.
2. **Scope:** This policy applies to all town staff members, councilmembers and public bodies of the Town. In this Policy, "public bodies" shall mean the Town Council and all boards, commissions and committees of the Town.

3. **Background:**

3.1 The Town does not have a full time attorney on staff but contracts with a qualified legal firm to perform legal services for the Town on an as-needed basis. The town attorneys represent the Town of Dewey-Humboldt Town Council and the Town as a governmental entity. The Town Attorneys do not represent individual members of the Town Council, staff or citizens of the Town. Town Council recognizes the necessity of obtaining legal opinions for decision deliberation and legal services with respect to other matters such as contracts, employment issues, public records, elections, ordinances and other legal issues that may arise from time to time. The Town Council also recognizes that as public bodies of the Town, the Town's boards, commissions, and committees and its members may encounter legal issues and have specific questions for the attorneys. In order to conserve Town funds and avoid obtaining unnecessary or redundant legal services, the Town Council hereby establishes a centralized and unified process for contacting the Town Attorney.

3.2 Pursuant to Town Code Sections 32.15 and 32.16 the Town Council is authorized to establish written policies outlining and defining town matters within the powers and duties granted to the Town council under state law and town ordinances.

4. **Policies:**

4.1 Nonessential contacts with the City Attorney are prohibited for all staff members and members of public bodies.

4.2 All staff members shall obtain permission from the Town Manager prior to contacting the town attorneys for services.

4.3 All requests for legal advice regarding an issue related to a committee, commission or board shall be made through the chair. The chair may submit a request form stating the specific question the public body needs answered to the Town Clerk for the Town Manager to process. If the Town Manager believes that the amount of time required is more than 15 minutes, the question will be put on the agenda for Council approval. Otherwise, it will be forwarded to the Town Attorney to answer without the Council approval.

4.4 The Town Manager is the Council's point of contact to contact the attorneys. Councilmembers' requests for legal advice shall be directed to the Town Manager.

4.5 If the matter is urgent or time-sensitive and the Town Manager is unavailable due to sickness or otherwise out of the office, the Town Manager's designee or the Town Clerk will assume the duties outlined in this policy relating to Town Attorney services.

4.6 Legal research results and opinions on specific questions will be disseminated to all Council members and staff, at the discretion of the Town Manager.

**TERRY NOLAN, MAYOR** \_\_\_\_\_

**ATTEST:**

**JUDY MORGAN, TOWN CLERK** \_\_\_\_\_

Notes: \_\_\_\_\_

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IS : 30.085 (D) If a member of the Town Council appears before another governmental agency organization to give a statement on an issue affecting the town, the Councilmember should indicate the majority position adopted by the Council. If the Council is divided on an issue, the member should make no statement.

PROPOSED : 30.085 (D) If a member of the Town Council, including the mayor, appears before another governmental agency organization to give a statement on an issue affecting the town, the councilmember or mayor should indicate the majority position adopted by the Council. If the Council is divided on an issue, the member should make no statement.

IS : 30.085 (E)

Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not reflect the official position of the Town Council.

PROPOSED: Any council member, including the mayor, that has been directed by council action (either by council vote or direction) to represent the Town of Dewey-Humboldt to any organization must, within a 2 week period after the meeting, provide the whole council a summarization of those issues addressed at that meeting and how it is pertinent to the Town of Dewey-Humboldt either currently or in the future. This information must be provided whether the issue is temporary or permanent in nature and whether public funding is utilized in expenditures to travel or attend such meeting or not. The information provided should be current and not historical in nature. The summary must also be made available to the public through the Town's website.



30.085 (F)

IS : Non existent

PROPOSED :

Any councilmember, including the mayor, that has been directed by council action, (either by council vote or by direction), to represent of the town of Dewey-Humboldt to any meeting of an outside organization , and who cannot attend said meeting, must immediately notify the alternative attendee. If there is no alternate or the alternate is not available to attend, the representative should immediately notify the mayor and in the absence on the mayor, the vice mayor of the attendance conflict. If no council member is available as a substitute, this information will be made available to the public through the town web site.



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 • Fax 928-632-7365**

**COUNCIL AGENDA ACTION REQUEST FORM**

Meeting Type:  Regular  Special  Work Session

Meeting Date: 8/20/13

Date of Request: 8/9/13

Requesting:  Action  Discussion or Report Only

Type of Action:  Routine/Consent Agenda  Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

DISCUSS SECTION 4.3 OF TOWN POLICY PG N° TC 12.03

Purpose and Background Information (Detail of requested action):

I BELIEVE WE NEED TO DEFINE WHAT CONSTITUTES A REPORT AND DOES THE TOWN GET ALL THE MATERIAL FROM A MEETING.

Staff Recommendation(s):

Budgeted Amount:

List All Attachments:

Type of Presentation:

Special Equipment needed:  Laptop  Remote Microphone

Overhead Projector  Other:

Contact Person: Jack Hamilton

**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

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