

**TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION MEETING NOTICE**

Tuesday, July 14, 2015, 2:00 P.M.

**COUNCIL STUDY SESSION MEETING
2735 S. HWY 69**

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

AGENDA (AMENDED)

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. Roll Call. Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan.

3. Study Session. No legal action to be taken.

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3.1. Citizen Survey proposal by Yavapai College Regional Economic Development Center and next steps.

4. Special Session. Legal action can be taken.

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4.1. Modification of Dewey-Humboldt Town Code 30.107 Time of Adjournment. [CAARF requested by CM Repan]

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4.2. Modification of Dewey-Humboldt Town Code 30.109 titled "Protocol at meetings". [CAARF requested by CM Repan]

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4.3. Modification of Dewey-Humboldt Town Code 30.031 titled "Mayor and Vice Mayor; Appointment, Power and Duties". [CAARF requested by CM Repan]

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4.4. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

5. 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.

6. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, July 21, 2015, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, August 6, 2015, at 6:00 p.m.

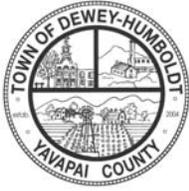
Next Town Council Work Session: Tuesday August 11, 2015, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at 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 _____, 2015, 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.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL STUDY SESSION

July 14, 2015, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.1. Citizen Survey proposal by Yavapai College Regional Economic Development Center and next steps.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: July 8, 2015

Recommendation: Direct to proceed with YREDC with survey needs.

Summary:

At the June 9th meeting, Council directed to contact YREDC about the upcoming survey needs. Council had previously considered National Research Center as NRC conducted the 2008 and the 2009 surveys for the town.

YREDC has submitted its proposal. YREDC wishes to utilize a more customer-oriented approach. In the proposal, YREDC offers council interactions, questionnaire design, survey implementation, and result analysis. YREDC Director Alexandra Wright is attending the meeting.

The Town's procurement policy specifies that professional services are exempted from the bid requirements. If Council wishes to engage YREDC for the survey project, you can do so by direction for staff to proceed with working with YREDC for the project.

Town of Dewey-Humboldt Citizen Survey & Analysis

The Town Council for Dewey-Humboldt produced a Citizen Survey in 2009 with the intention of garnering input from the Town's constituents regarding elements of the community. Aspects of community life, public services, housing, the economy, safety, and demographics were included in the survey. These elements were identified as meaningful to the creation of policy and planning in the community.

The Citizen Survey requires an update to reflect the current environment of Dewey-Humboldt. The intent of this project is to provide Town Council with an updated picture of community values, priorities, needs, opportunities, and challenges. The results will be used by Council to inform future policy making.

Methodology

The Yavapai College Regional Economic Development Center specializes in conducting research at the community level to determine community derived priorities. Qualitative and quantitative data is gathered to create a holistic picture that is accessible and easily applied to decision-making, particularly in the arena of community development and public policy.

The YC REDC proposes the following project approach:

- ✦ Prepare a community overview for the council to review that is inclusive of demographic, household, occupational, and industry data. This will help determine if questions can be removed because the information is already available.
- ✦ Council has completed an initial review of the 2009 survey. The next step is to review the survey with council to determine the final questions and verify the ultimate purpose of the survey.
- ✦ Consult with council as to how the survey will be conducted (mail, in-person at events and community areas, etc.) If a variety of methods are applied in collecting survey data, the propensity for greater response and more accurate results is increased.
- ✦ Aggregate data and prepare final report for council to review. The report will include a synopsis of direct responses, identification of policy priorities and an assessment of strengths, weaknesses, and opportunities as identified by the citizenry. This report will be presented to council for questions or clarifications needed.

Timeline

One or two meetings with council will be required for project inception. Once developed, the survey will be opened for four weeks. Aggregation of data will take two weeks. It is estimated that the YC REDC will deliver a report within 45 days of survey commencement.

Cost of Project: \$8,500

About the Yavapai College Regional Economic Development Center

The Yavapai College Regional Economic Development Center provides analysis and services that facilitate economic development throughout Yavapai County and build wealth in our local communities.

Regional Economic and Policy Analysis

Regional policy development services are offered to gather input using participatory processes and public engagement, and analyze the impact of policy decisions on local and regional economies and public resources. Methods include community and economic development planning, facilitating community discussions, performing community surveys, designing performance assessments, and aggregating results for application in decision-making. The center also provides demographic and industry analysis to municipal, regional, and county economic development professionals.

Economic Impact and Contribution Analysis

Examining the impact an activity has on wages, jobs creation, and regional sales or output provides a solid foundation from which decisions can be made which best serve community goals and build wealth across the region. The REDC specializes in providing this analysis for private firms and government agencies.

Entrepreneurial Education & Resources

The Rural Center for Entrepreneurship is a business incubator providing specialty services in intellectual property rights, commercialization, and contracting products. The incubator is located at the YC Career & Technical Education Center and is open to student and community entrepreneurs.

Customized Training for Regional Employers

The center offers customized training that provides contextual analysis of employer labor needs and design of local credentials to provide job-driven educational services.

Native American Economic Development

The REDC provides services to assist in Tribal economic development and capacity building.

Alexandria M. Wright is the director of the Yavapai College Regional Economic Development Center which produces regional economic and policy analysis, research on community development, workforce demand studies, entrepreneurial educational services, private sector training, and programs for Native American economic development. Ms. Wright holds graduate degrees in regional economics and public policy specializing in rural economic development, labor analysis, sustainable development assessment systems, and Tribal capacity building. She has published in the field of regional policy making and community indicators for development. Her most recent work includes economic impact studies using multiplier analysis for public institutions and private businesses to determine return on investment for publicly subsidized projects.

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Current Code

§ 30.107 TIME OF ADJOURNMENT.

It is the policy of the town that all evening meetings of the Council, including study sessions, be adjourned no later than 10:00 p.m., which time is referred to as the normal time of adjournment. No new item of business shall be taken up by the Town Council after the normal time unless the Council has determined by majority vote to set aside this policy. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special or adjourned regular meeting unless the Council directs otherwise. (Ord. 09-49, passed 4-7-2009)

Amended Code

30.107 TIME OF ADJOURNMENT.

It is the policy of the town that all evening meetings of the Council be adjourned no later than 10:00 p.m.. **Study sessions shall be adjourned no later than 6:00 p.m. This time shall be referred to as the normal time of adjournment, unless a majority of the Council votes to consider some or all of the remaining agenda items.** No new item of business shall be taken up by the Town Council after the normal time unless the Council has determined by majority vote to set aside this policy. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special or adjourned regular meeting unless the Council directs otherwise. **The chair shall ask for a motion of adjournment and upon council approval will adjourn the meeting accordingly.**

Current Code

30.109 PROTOCOL AT MEETINGS.

(A) *Basic rules of order.* Meetings will be conducted in accordance with the latest edition of *Robert's Rules of Order, Newly Revised (Robert's Rules)*, with the following exceptions and changes.

(B) *Exceptions to the basic rules.* In case of any conflict between *Robert's Rules* and the constitution or laws of the State of Arizona, the state laws will take precedence over *Robert's Rules*.

(C) *Procedures.* The presiding officer at any meeting is responsible for interpreting and implementing the rules of order, and shall rule on any point of order raised by a member of the body. The presiding officer may request advice from other members of the body or an appointed parliamentarian before making a ruling. However, any member may, on a point of order, call for a vote on the ruling and specifying an alternative ruling. A vote is then to be called on the point of order and, if a majority of members vote in favor of the proposed alternative ruling, the presiding officer shall defer to the opinion of the majority of the members for that meeting of the body. Otherwise the presiding officer's ruling shall stand. The presiding officer may impose reasonable limits to the time allotted for each member during the discussion phase of the proceedings, but if additional time is requested by the member, the presiding officer must ask for a vote to extend additional time, and if a majority of members agree to additional time, the time shall be granted. The following protocol for each agenda item will ordinarily be observed during regular meetings, but actions of Council are legal whether or not every element of the following subsections are observed:

(1) Staff presentation of the item (e.g., a report, outline of the issue, summary of the requested action).

(2) Questions of staff by the Council.

(3) Request for comments from the public. No public comments will be requested regarding items that concern issues or actions that have been scheduled for an executive session as provided by state law.

(4) Possible additional discussion by the Council or presentation of information by staff appropriate to comments made by the public.

(5) Additional questions of staff by the Council, identification of possible modifications to the item.

(6) Request for a motion by the Mayor.

(7) Motion and second. Once there has been a second, a vote must be taken. If continuing discussion is preferred before committing to a course of action, then the motion should not be seconded.

(8) Council discussion.

(9) Call the question.

(D) *Changes to the rules of order.* Additional exceptions to *Robert's Rules* may be incorporated into the Town Council's Rules and Procedures at any time by formally amending this chapter. However, such amendments must also be consistent with the laws of the state of Arizona. Amendments to any motion may be made according to the basic *Robert's Rules of Order*. Furthermore, the Town Council, by resolution, may introduce and adopt a new set of rules of order to replace this section of this chapter.

(E) *Form of resolutions and ordinances.* All resolutions, to the extent practical, should be in writing, with a copy provided to each member of the Council and the Town Clerk. However, a written statement of the resolution or ordinance must be before each member of the Council when the vote is taken. In urgent situations, these documents may be handwritten, and then typed by the next business day. Furthermore, if amendments are made on the floor to the original documents, these changes must be written in by the Town Clerk in his or her copy of the document, and time should be allotted for each member of the Council to note the changes in their copies. If the resolution or ordinance is passed by the Council, the Town Clerk shall record the yeas and nays. In the case of extensive or complicated amendments, the Council may vote to provide the Town Clerk time to retype the resolution or ordinance and have it ready for Council signature by close of business the following day.
(Ord. 09-49, passed 4-7-2009)

Amended Code

§ 30.109 PROTOCOL AT MEETINGS.

(A) Preamble.

Members of Council are elected to represent their voting constituents and the citizens of Dewey-Humboldt. As such, each member of council has the right to express their representation without being assailed in regard to that representation or in regards to their own personal political affiliations, religious preference, marital status, sexual orientation. Further, members of council shall not be the subject of retribution from the chair in any manner or form or in a manner of retribution for holding their view in all matters that come before council. In addition, the right of a member to address the city council on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned.

(B) Basic rules of order. Meetings will be conducted in accordance with the latest edition of Robert's Rules of Order, Newly Revised (Robert's Rules), with the following exceptions and changes.

(1) Exceptions to the basic rules. In case of any conflict between Robert's Rules and the constitution or laws of the State of Arizona, the state laws will take precedence over Robert's Rules.

(2) Exceptions to the basic rules. In case of any conflict between Robert's Rules and the Dewey-Humboldt code of ordinances, the code of ordinances will take precedence over Robert's Rules.

(C) Procedures In General

(1) The presiding officer at any meeting is responsible for interpreting and implementing the rules of order, and shall rule on any point of order raised by a member of the body. The presiding officer **will** request advice from other members of the body or an appointed parliamentarian before making a ruling. **However**, any member may, on a point of order, call for a vote on the ruling and specifying an alternative ruling. A vote is then to be called on the point of order and, if a majority of members vote in favor of the proposed alternative ruling, the presiding officer shall defer to the opinion of the majority of the members for that meeting of the body. Otherwise the presiding officer's ruling shall stand. The presiding officer may impose reasonable limits to the time allotted for each member during the discussion phase of the proceedings, but if additional time is requested by the member, the presiding officer must ask for a vote to extend additional time, and if a majority of members agree to additional time, the time shall be granted.

(2) The presiding officer shall not use the position as chair of the meeting to debate other council members in any condescending manner and shall avoid questioning the motives of others or using indecorous language.

(D) AGENDA

(1) Regularly-scheduled Council meeting agenda items are listed in the following order:

- a. Call to Order
- b. Pledge of Allegiance
- c. Invocation
- d. Roll Call
- e. Announcements Regards Current Events, Guests, Appointments and Proclamations
- f. Town Manager's Report
- g. Consent Agenda
- h. Public Comment on non-agenized items
- i. Discussion Agenda on any unfinished business
- j. Discussion Agenda on any new business
- k. Public Hearing Agenda (This item concludes the legal portion of the agenda)
- l. Comments from the public
- m. Motion to adjourn

(2) Work Study or Special Study Council Session meeting agenda items are listed in the following order:

- a. Call to Order

- b. Study session in which no legal action may be taken
- c. Special session in which legal action can be taken
- d. Comments from the public
- e. Motion to adjourn

(E) Meeting Operational Procedures

(1) The presiding officer shall preserve the decorum of the meeting . If the presiding officer fails to act on matters of decorum, the council may by motion ask the presiding officer to follow the decorum of the meeting. Upon a majority vote, the presiding officer will follow majority rule. Failure to do so will, be in violation of the code of ordnances of Dewey-Humboldt.

(2) The presiding officer may ask council for a change of order of the agenda and upon majority vote of council may proceed as asked.

(3) A continuation of an agenda item may be taken under consideration by the maker of the agenda item followed by a vote of continuation of the council.

(4) A town council member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(5) A town council member including the mayor, desiring to question the administrative staff shall address questions to the town manager who shall be entitled either to answer the inquiries or to designate some member of city staff for that purpose. Town council members shall not berate nor admonish staff members.

(6) A town council member, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a town council member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined by a vote of council. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the town council.

(7) Town council members, including the mayor, shall confine their questions to the particular matters before the council and in debate shall confine their remarks to the issues before the town council.

(8) No member of council shall be excused from voting, except upon matters involving the consideration of his or her own official conduct or in which he or she declares the appearance of or an actual conflict of interest. A councilmember who declares that he or she may have the appearance of or an actual conflict of interest shall leave the dais and refrain from influencing the votes of the remaining councilmember's. A failure to vote or a voluntary abstention shall count as an "aye" vote unless excused by an announced appearance of or actual conflict of interest. An abstention counts as a "no" vote only in the case of a straight up or down vote.

(9) All motions require a second, but the second does not have to favor the motion, and may speak and/or vote against it. If there is no second, the Presiding Officer shall not recognize the motion and it fails for lack of a second.

(10) A councilmember may change his or her vote up to the time that the results of the vote have been announced.

(11) At the request of any member of the council a roll call vote shall be taken and it shall be out of order for members to explain their vote during the roll call.

(12) After a decision on any motion, any Councilmember who voted with the majority may move to reconsider the item during the same meeting at which the decision being reconsidered was made. Once a motion to reconsider has been approved by majority vote, a revote on the original motion is taken. After a motion to reconsider has been acted upon once, no other motion for reconsideration may be made without unanimous consent of the Council.

(13) A Councilmember, including the mayor, may propose a short intermission, or recess, in a meeting, even while business is pending, by moving to recess for a specified length of time. A motion to recess may not interrupt another speaker; must be seconded; is not debatable; can be amended, but only to change the length of the recess; cannot be reconsidered; and requires a majority vote. The length of time for the recess shall not detract from finishing the meeting agenda within the limits of the Dewey-Humboldt town code 30.107.

(14) An act or motion to suspend the council rules requires a majority vote of the council and may not be made while another motion is pending unless it directly applies to the pending motion.

(E) Understanding that it is council's intent to allow the public to address council prior to a vote on any manner, the chair may allow the public to address the council with comments on the matter at hand, in which a vote will be taken by council. However the council must be polled to insure that no member of council has further matters to discuss on the matter at hand. Furthermore, no public comment can be made by a single individual, on any one matter before council, more than once. The time limit will be 3 minutes for any one individual to address the council and no more than 15 minutes for the voting action item under council consideration. Exceptions to this code are as follows:

(1) . No public comments will be requested regarding items that concern issues or actions that have been scheduled for an executive session as provided by state law.

(2) No public comments will be requested regarding items that concern issues under consideration during council study or work sessions unless formal action is indicated. Any council member may ask for an exception to this rule, but must have consensus of council to do so and will be limited to the criteria as set forth under section "E" of this code.

(F) *Changes to the rules of order.* Additional exceptions to *Robert's Rules* may be incorporated into the Town Council's Rules and Procedures at any time by formally amending this chapter. However, such amendments must also be consistent with the laws of the state of Arizona. Amendments to any motion may be made according to the basic *Robert's Rules of Order*. Furthermore, the Town Council, by resolution, may introduce and adopt a new set of rules of order to replace this section of this chapter.

(G) *Form of resolutions and ordinances.* All resolutions, to the extent practical, should be in writing, with a copy provided to each member of the Council and the Town Clerk. However, a written statement of the resolution or ordinance must be before each member of the Council when the vote is taken. In urgent situations, these documents may be handwritten, and then typed by the next business day. Furthermore, if amendments are made on the floor to the original documents, these changes must be written in by the Town Clerk in his or her copy of the document, and time should be allotted for each member of the Council to note the changes in their copies. If the resolution or ordinance is passed by the Council, the Town Clerk shall record the yeas and nays. In the case of extensive

or complicated amendments, the Council may vote to provide the Town Clerk time to retype the resolution or ordinance and have it ready for Council signature by close of business the following day.

(Ord. 09-49, passed 4-7-2009)



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: 6/5/15

Date of Request: 7/14/15

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):

Modification of Dewey-Humboldt Town Code 30.031 Titled

"MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES."

Purpose and Background Information (Detail of requested action). _____

Updating and clarification of D-H Code 30.031 (See attached)

Staff Recommendation(s): _____

Budgeted Amount: N/A

List All Attachments: CM Word attachment with existing and modified code

Type of Presentation: VERBAL

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: CM REPAN

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.

CURRENT CODE

30.031 MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES.

- (A) The Mayor is the official head of the town for all ceremonial purposes.
- (B) The Mayor does not possess any power of veto.
- (C) The Mayor, or Council designee, coordinates with the Town Manager in the development of agendas for meetings of the Town Council.
- (D) In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor. Absent a vote of no-confidence, the Council will appoint the most senior Councilmember who has not already been the Vice Mayor to the Vice Mayor Position. A Council Member will serve in the role of Vice Mayor for a single year or until removed.
- (E) The Mayor may perform such other duties consistent with the mayoral office as may be prescribed by town ordinance, as may be imposed by the Council, or as required by state law. Specific duties include:
 - (1) The Mayor shall act as the chairman of the Council and preside over its meetings in accordance with *Robert's Rules of Order*. However, as a member of the Council, the Mayor shall have the same rights and privileges as all other Councilmembers have including the ability to make, and second, motions and vote on motions made by the Council.
 - (2) The Mayor shall execute and authenticate by his or her signature all such instruments as the Council or any statutes, ordinances or this code may require.
 - (3) The Mayor may, by proclamation, declare a local emergency to exist due to any natural or man-made calamity or disaster. The Mayor may also declare such an emergency in the event of a threat of occurrence of riot or other acts of civil disobedience which endanger life or property within the town. After declaration of any such emergency, the Mayor shall govern by proclamation and impose any and all necessary regulations to preserve the peace and order of the town, including but not limited to:
 - (a) Imposition of a curfew for all or any portion of the town;
 - (b) Ordering the closing of any business;
 - (c) Closing to the public access to any public building, street or other public place; or
 - (d) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the town for assistance in providing for the safety of the town, its citizens and property.
 - (4) As the Mayor may deem appropriate, and upon request by an organization or individual, the Mayor may prepare proclamations that identify particular days or events to be of special interest to the town and its citizens. (Ord. 09-49, passed 4-7-2009; Am. Ord. 09-56, passed 9-8-2009; Am. Ord. 13-100, passed 9-17-2013)

PROPOSED 30.031

MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES.

(A.) Preamble.

Pursuant to Arizona Revised Statutes, in addition to being a member of the Common Council, the Mayor is the Town's Chief Executive Officer. All authority in Town government ultimately resides with the Common Council of which the Mayor comprises one-seventh of its membership. Except as set forth in the Arizona Constitution and the Arizona Revised Statutes, the Mayor has no duties, responsibility or authority not delegated by the Council. This section sets forth the duties, responsibility and authority delegated by the Common Council to the Mayor.

(B.) The Mayor may perform such other duties consistent with the mayoral office as may be prescribed by town ordinance, as may be imposed by the Council, or as required by state law. Specific duties include:

(1) The Mayor is the official head of the town for all ceremonial purposes.

(2) The Mayor shall not make any statement in his or her capacity as Mayor without the express approval of a majority of the Common Council and unless it reflects the view of the majority of the council as expressed by either vote or consensus.

(3) The Mayor does not possess any power of veto.

(4) The Mayor shall not use Town letterhead in any correspondence without the express approval of a majority of the Common Council and unless it reflects the view of the majority of the council as expressed by either vote or consensus.

(5) The Mayor shall not represent the Town before any other town, city, county, state or federal government or agency without the express approval of a majority of the Common Council. The Mayor, as with the other council members are free to attend meetings of the same mentioned. However if council has previously named a council member as the representative to any said meeting and unless acting as an alternative attendee, council members or the mayor may attend as an observer and may not participate in any manner as well as those restrictions as stated under Dewey-Humboldt code 30.085.

(6) The Mayor and Vice Mayor, or their designees, coordinates with the Town Manager in the development of agendas for meetings of the Town Council.

(7) In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor. Absent a vote of no-confidence, the Council will appoint the most senior Councilmember who has not already been the Vice Mayor to the Vice Mayor Position. A Council Member will serve in the role of Vice Mayor for a single year or until removed.

(8) The Mayor shall act as the chairman of the Council and preside over its meetings in accordance with Robert's Rules of Order with the exception of those guidelines called out in 30.107 and 30.109 or as imposed by council. As a member of the Council, the Mayor shall have the same rights and privileges as all other Councilmember's have including the ability to make, and second, motions and vote on motions made by the Council.

(9) The mayor may make inquiries to town staff but may not interfere with the town manager's authority, either by giving orders or explicit directions, suggestions or requests, publicly or privately, regarding city matters to any subordinates of the city manager whether it be financial, budgetary, human resources, or operational in manner. The Mayor shall not attempt to exert influence on the town manager on issues relating to the hiring or removal of persons employed by the town or on issues yet to be decided on by the council.

(10) The Mayor shall execute and authenticate by his or her signature all such instruments as the Council or any statutes, ordinances or this code may require.

(11) The Mayor may, by proclamation, declare a local emergency to exist due to any natural or man-made calamity or disaster. The Mayor may also declare such an emergency in the event of a threat of occurrence of riot or other acts of civil disobedience which endanger life or property within the town. After declaration of any such emergency, the Mayor shall govern by proclamation and impose any and all necessary regulations to preserve the peace and order of the town, including but not limited to:

- (a) Imposition of a curfew for all or any portion of the town;
- (b) Ordering the closing of any business;
- (c) Closing to the public access to any public building, street or other public place; or
- (d) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the town for assistance in providing for the safety of the town, its citizens and property.

(12) As the Mayor may deem appropriate, and upon request by an organization or individual, the Mayor may prepare proclamations that identify particular days or events to be of special interest to the town and its citizens.

(13) The Mayor shall prepare and submit to the Council a biennial update on the external memberships and committees that the Mayor participates in or serves on in his or her official capacity. The update shall include the entity's mission and purpose, associated costs, the role of the Mayor and the town's position/policy for each of the external memberships or committees. The report shall be submitted at the first regular council meeting in June and December.

(C) Action in Excess of Delegation.

If a majority of the Common Council determine that the Mayor has acted in excess the Common Council's delegation of duties, responsibilities or authority, the Common Council shall direct the Town Prosecutor to consider charging the Mayor with a civil violation under this section. If the Town Prosecutor brings such a charge and if the Town Magistrate determines by a preponderance of evidence that the Mayor has exceeded his or her delegated authority, the Magistrate shall impose a fine within the guidelines of his or her authority and within the restrictions of any other code violation within the Town of Dewey-Humboldt.

(D) FAILURE TO PERFORM

If a majority of the Common Council determine that the Mayor has failed to perform any duty or responsibility imposed on him or her by this section, any other ordinance, statute or law, the Common Council shall direct the Town Prosecutor to consider charging the Mayor with a civil violation under this section or a criminal charge of Nonfeasance in Public Office as defined by Arizona Revised Statutes, or the Town Prosecutor may, of his or her own volition, charge the Mayor with a civil violation under this section or a criminal charge of Nonfeasance in Public Office as defined by Arizona Revised Statutes. If the Town Prosecutor brings a civil charge and if the Town Magistrate determines by a preponderance of evidence that the Mayor has failed to perform as required by this section, the Magistrate shall impose a fine within the guidelines of his or her authority and within the restrictions of any other code violation within the Town of Dewey-Humboldt. If the Town Prosecutor brings a criminal charge of Nonfeasance in Public Office and the Town Magistrate finds the Mayor guilty, the Mayor shall be subject to the maximum criminal penalty available for such a violation. If the Town Prosecutor brings both a civil and a criminal charge and the Mayor is found responsible for the civil charge and guilty of the criminal charge, the Mayor shall be subject to both the criminal penalties and the civil fine, but if fines are imposed for the criminal offense, they shall offset any fines imposed for the civil offense.

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AGENDA ITEM 4.4. TENTATIVE AGENDA ITEM LIST

- ✦ advisability of amending Town Code Section 152 subdivision (large land division) in the form of ordinance X
- ✦ council advisability of the imposing a permit fee for ROW abandonment (materials see 5/7/2015 email from Phyllis to Yvonne)
- ✦ citizen survey question result (collected and submitted by CM Repan), directed from the May 19 2015 meeting
- ✦ accountability agreement with dh hs for museum rent
- ✦ review of the proposed final budget; tentative budget posted

June 16, 2015 Regular Council

- ~~✦ public safety quarterly report~~ Done on June 2nd meeting.
- ✦ Main St. light +Kachina light IGA with ADOT
- ✦ TM – report : signs OSAT requested (Ed Hanks)
- ✦ Emergency Management IGA for FY15-16. (3 signed copies due to YCEM by 6/25)
- ✦ Request advice from Town Attorney on Main Street property now occupied by DH Historical Society, in Executive Session. (CAARF requested by AA)
- ✦ Proposed Council Procedural Policy on the administrative adjustments allowed by Town Staff to any Town Codes. TC Policy 15-01 [CAARF requested by NW]

July 7, 2015 Regular Council

- ✦ Consent agenda: council declaration of intent to adopt ROW application fee (directed at the June 9 meeting; delay due to League of Cities annual meeting)
- ~~✦ Presentation to the Volunteers of the Year (new plague) and details of picnic at park (July in charge of both)~~ Moved to August 4th
- ✦ Public hearing and Final budget adoption (show council judge Kelley's comment on Organizational chart)
- ✦ IGA with ADOR – sales tax collection (waiting for Susan Goodwin feedback as of 6/11/2015)
- ✦ Consideration to apply for a fire break on west side of town. [CAARF – TN]
Nomination of designated representative and alternate to NACOG for new Fiscal Year. [CAARF – ??] (letter went out notifying Mayor, CM Wright and TM Kimball)
- ✦ Franchise agreement with Cable one (10 yr? email to S. Goodwin on 6/5)
- ✦ To appoint a Council Member to the Risk Fund Committee. [CAARF – TN]
- ✦ Discussion and possible action on cancelling all Town Council meetings for the Month of August. [CAARF – NW]

July 9, 2015 Planning and Zoning

- ~~✦ section 152 amendment (large land division)?~~
- ✦ OML refresher
- ✦ P&Z agenda template discussion, possible removal, addition or modification of the agenda items to the extend allowed by state and local regulations.

July 14, 2015 Work Session Council (mayor absence)

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- ⊕ tbd sound financial management plan – review/edits) continued from the march 24 council meeting) (continued or directed at the March 24 meeting)
- ⊕ CAARF (DR) Modification of Dewey-Humboldt Town Code 30.107 time of adjournment.
- ⊕ CAARF (DR) Modification of Dewey-Humboldt Town Code 30.109 titled “Protocol at meetings”.
- ⊕ CAARF (DR) Modification of Dewey-Humboldt Town Code 30.031 Titled “Mayor and Vice Mayor; Appointment, Power and Duties.”

July 21, 2015 Regular Council (Mayor absence)

- ~~⊕ Flood control IGA (\$65,000) (IGA sent to Susan G. on 6/23/2015) (done on July 7)~~
- ⊕ Discussion and possible action on changing the Town Code to allow for Agenda Packets to be available for Town Council to pick up from Town Hall by Wednesday at 5pm. [CAARF – NW]
- ⊕ P&Z and council joint meeting (suggested by P&Z to be held on October 8 meeting)
- ⊕ TPT tax auditor report

August 4, 2015 Regular Council

- ⊕ public safety quarterly report (Judy confirm availability – central Yavapai County fire district, judge Kelley, Lt. ? a week before please)
- ⊕ Presentation to the Volunteers of the Year (certificates and perpetual plaque) and details of picnic at park on August 7(Judy in charge of both)
- ⊕

August 6, 2015 Planning and Zoning

- ⊕ tbd

August 11, 2015 Work Session Council

- ⊕ ADOR LGIP presentation (tentative)
- ⊕ building lease with CAP for the library (one year extension beginning July 1, 2016, requires a 180 day prior notice; item 3 lease agreement) if not this meeting, no later than Sept. work session

August 18, 2015 Regular Council (league conference conflict)

- ⊕ tbd

September 1, 2015 Regular Council

- ⊕ pavement preservation contract council award (Ed)

September 3, 2015 Planning and Zoning

- ⊕ p&Z suggested items for council to consider as P&Z priority list (s

September 8, 2015 Work Session Council

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