

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

Tuesday, June 5, 2012, 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 John Dibble, David Hiles, Dennis Repan, Denise Rogers, Nancy Wright; Vice Mayor Mark McBrady; 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 May 8, 2012 Study Session Meeting;

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

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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 7
- 8. Public Hearing Agenda.**
- 8.1. Budget Public Hearing #1.** Public Hearing regarding the Proposed FY2012-13 Budget, and Council discussion.
- 9. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
- 9 **9.1. Council Joint Meetings with other Boards, Commissions and Committees.** Discussion and possible action.
- 11 **9.2. June’s Council budget meeting scheduling.** Discussion and possible action.
- 10. Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.
- 13 **10.1. Emergency Management Services Intergovernmental Agreement (IGA).**
- 21 **10.2. Discussion and possible action to add definitions to Town Code Paragraph 10.05. [CM Wright CAARF]**
- 23 **10.3. Discussion and possible action to change Town Code Paragraph 30.015. [CM Wright CAARF]**
- 25 **10.4. Per Town Code 30.031(D) appoint a new vice mayor for one year. [CM Wright CAARF]**
- 27 **10.5. Discussion of ARS 9-244 (Implementation of property taxes to support infrastructure), 9-471-02 (Deannexation), 9-102 (Disincorporation). CM Repan CAARF**

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

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 Comments from the Public is 20 minutes. No time limit is imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

12. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, June 19, 2012, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, June 7, 2012, at 6:00 p.m.

Next Town Council Work Session: Tuesday, June 12, 2012, 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 _____, 2011, 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.

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MEETING MINUTES
TUESDAY, MAY 8, 2012, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 8, 2012, 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 2:04 p.m. Mayor Nolan presided.

2. **Roll Call.**

2.1 Town Council. Town Council Members John Dibble, David Hiles, Dennis Repan, Denise Rogers, Nancy Wright; Vice Mayor Mark McBrady; and Mayor Terry Nolan were present.

3. **Study Agenda.** Legal action can be taken.

3.1. Sheriff's Department Intergovernmental Agreement. Discussion and possible action.

Lt. Jeff Newnum gave a presentation on the IGA and reviewed the increases to it. There was discussion on whether additional manpower was needed for Dewey-Humboldt. Lt. Newnum explained that if manpower was to be increased he would suggest adding an animal control officer.

Councilmember Hiles made a motion to approve the IGA as presented. Seconded by Councilmember Dibble.

Public comment was taken on this item.

Judy Bensinger spoke on animal control being very responsive and appreciates that.

Glen Little asked about patrol service coverage and private roads. Lt. Newnum responded that he needs to know problem areas and explained there is grant funding for targeting problem areas.

A vote was taken on the motion and it passed by a 6-1 vote, Mayor Nolan voting against.

3.2. Kachina Place road improvement discussion (continued from April 17th meeting). Discussion and possible direction.

Town Manager Kimball gave an overview. Susan Goodwin and Phyllis Smiley were in attendance from Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. – the Town's Attorney. The Attorney(s) answered questions on the legal easement document; the Private Road Transition Policy; legalities of easement use; and road improvements to Kachina. Ms. Goodwin reviewed the process followed to date on this issue.

Vice Mayor McBrady made a motion to approve directing staff to finish the road easement process, to correct the former problems with the right of way easements on Kachina Road. When staff is assured that the town can proceed with making road improvements to this part of Kachina Road, based on Staff's recommended option, then the town proceed to make those improvements. Councilmember Dibble seconded the motion.

Public comment was taken on this issue.

Denise Vaughn spoke on the procedure and efforts they have gone through to get to this point with Kachina Place roadway.

Glen Little spoke on the history of the roadway and the responsibility of the town to maintain this road.

Jody Pariseau spoke on Kachina Place being a connector road and voiced her concerns for the safety of road during inclement weather.

Jack Hamilton spoke on the history of this problem, and similarities to Old Black Canyon Highway.

Susan Goodwin reiterated where the town was in this process; 6 of those property easements being accepted and recorded.

Glen Little spoke on school bus standards and dangers to the children.

Ellie Demesquita spoke on materials she and neighbors prepared for the Council, and urged the Council to move forward with this.

Jack Hamilton spoke on other private roads being brought up to town standard before being accepted.

There was discussion on other options, the process followed to date, recommendations for final steps (resolution to clarify the terms of this special circumstance; design bid, and road work).

A vote was taken on the motion. It was approved by a 4-3 vote, Councilmembers Hiles, Repan and Wright voting against.

The meeting was recessed for a few minutes at 3:43 p.m. and reconvened at 3:51 p.m.

3.3. Time Capsule Idea. Type of capsule, what to go in it, how much to spend and where to place it. Discussion and possible action.

Mayor Nolan gave an overview He spoke on involving children from Humboldt Elementary School to commit to opening the capsule in 50 years. There was discussion on what type of container, contents and location for capsule.

Public comment was taken on this item.

Jack Hamilton asked for an estimate for what it would cost.

Mayor Nolan spoke on receiving donations. Vice Mayor McBrady suggested making it part of the centennial monument and other ways to keep costs down. No action was taken.

4. Comments from the Public.

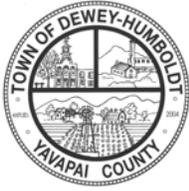
Jack Hamilton spoke on providing the tentative budget for the public's review.

5. Adjourn. The meeting was adjourned at 4:03 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk



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

TOWN COUNCIL REGULAR MEETING
June 5, 2012 – 6:30 p.m. Town Council Meeting Chambers

Agenda Item # 8.1.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: May 30, 2012

Agenda Item: Public Hearing # 1 on Proposed Budget.

Recommended action: Solicit comments from the Public regarding the Proposed FY 2012-13 Budget. Make changes if needed.

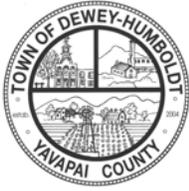
Summary: The Proposed Budget was acknowledged by Council at their special meeting on May 22, 2012. On May 15, 22 and 29 Council held Budget Workshops during which time they reviewed the budget, and made changes. At this point they are asking for additional public input about the FY 2012-13 Tentative Budget.

This is the fourth of seven already scheduled open meetings on the budget. The remaining three are scheduled for (Council reserves the right to schedule additional meetings if needed):
Public Hearing # 2 on June 12, 2012 during the Regular Council Meeting
Final Review on June 19, 2012 at Regular Council Meeting
Budget Adoption on June 26, 2012 at Council Special Meeting

Budget: \$4,100,803 as proposed

Attachments: none

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TOWN COUNCIL REGULAR MEETING

June 5, 2012– 6:30 pm Town Council Meeting Chambers

Agenda Item # 9.1 Council Joint Meetings with other Boards, Commissions and Committees. Discussion and possible action.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: May 29, 2012

Recommendation: setting parameters of when/how to have Council joint meetings

Summary: This subject became a point of interest recently when a joint meeting between the Council and the Planning and Zoning Commission was suggested. Two planning and development services directors from neighbor governmental agencies agreed to offer an informational session to the Town's P&Z; the speakers also suggested the Town Council's attendance at the same session since the subject might be of interest to the Council as well*.

Staff attempted to set up a joint meeting. A couple of Council members inquired about the necessity of the joint meeting. Staff thereby would like the Council collectively to clarify the parameters of having Council joint meetings.

*The suggested meeting has been canceled due to the speakers' schedule changes.

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TOWN COUNCIL REGULAR MEETING
June 5, 2012– 6:30 pm Town Council Meeting Chambers

Agenda Item # 9.2 June’s council budget meeting scheduling. Discussion and possible action.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: May 29, 2012

Recommendation: Scheduling budget meeting(s) (or not) at the Council’s pleasure

Summary: The Council has been diligently working on the budget. However, the Council has not indicated whether you are comfortable with the discussions and the changes you and staff made to the tentative budget. With the goal of the final adoption on June 29, I would like to know if the Council wishes to have additional budget meetings other than those have been scheduled. If so, we can set up meeting time(s) and duration(s) at this meeting. I have a few budgetary items to clarify with the Council. These items can be reviewed at the next already scheduled meeting if the Council decides not to have additional meetings. Below is the calendar that was presented to you at May 22’s budget meeting.

May 22, 2012 (convened)	Council Budget Deliberation Meeting Tentative Budget Due to the Council for acknowledgement Publication of Tentative Budget Notice of Public Hearings
May 29, 2012 (convened)	Council Budget Deliberation Meeting
June 5, 2012	Public Hearing #1 at Regular Council Meeting Revisions of Tentative Budget Upon Council Review
June 12, 2012	Public Hearing #2 at Special Council Meeting Revisions of Tentative Budget Upon Council Directions
June 19, 2012	Final Review of FY 12-13 Budget at Regular Council Meeting
June 26, 2012	Budget Adoption

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YAVAPAI COUNTY
Office of Emergency Management



May 7, 2012

Ms. Judy Morgan, Clerk
Town of Dewey Humboldt
PO Box 69
Humboldt, AZ 86329

Re: Annual Emergency Management IGA

Dear Ms. Morgan:

Enclosed is the Emergency Management IGA for fiscal year July 1, 2012 through June 30, 2013.

Please obtain the appropriate signatures and **return all three originals to me** at your earliest convenience. They will then be signed by the Yavapai County Board of Supervisors, recorded, and one original will be returned to you.

Some benefits provided to the Town during the past year include:

- Notification of hazardous conditions (fire, flooding, wind storms, traffic incidents)
- Update of Disaster Response Plan
- Completion of the Multi-Jurisdictional Hazard Mitigation Plan
- Completion of the Communities Wildland Protection Plan
- On call status 24/7
- On call 24/7 alternative communications capability (Amateur Radio)
- Monitor and assist with compliance on Homeland Security training & reporting mandates
- Homeland Security and emergency management training classes at no cost

Please forward the attached invoice to your Finance Department.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Denny Foulk
Coordinator
Yavapai County Emergency Management

Enclosures

**INTERGOVERNMENTAL AGREEMENT FOR THE ESTABLISHMENT OF
UNIFIED EMERGENCY MANAGEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____ 2012, by and between YAVAPAI COUNTY, a political subdivision of the State of Arizona, hereinafter called "County" and the TOWN OF DEWEY HUMBOLDT, a municipal corporation of the State of Arizona, hereinafter called "Town" as follows:

WHEREAS the County has established an Office of Emergency Management and;

WHEREAS the County has the capability to manage a unified emergency management organization and;

WHEREAS the parties are empowered to enter into this agreement pursuant to ARS " 11-952, 26-307, and 26-308.

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt and the sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. The County and the Town shall establish a unified emergency management organization for the purpose of preparing plans for the preservation and safety of life and property and making provisions for the execution of these plans in the event of enemy attack upon the United States of America and/or in the event of any peacetime natural, technological, or manmade emergency or disaster within the County or Town. See Attachment A for list of definitions. See Attachment B for a comprehensive list of services provided.
2. The unified emergency management organization is hereby designated as the Yavapai County Joint Office of Emergency Management.
3. The County will perform the following services with the Town:
 - a. Include emergency operations of the Town in the County Disaster Response Plan (DRP) covering emergencies and disasters;
 - b. Aid and advise the Town with regards to training of employees that may be responsible for emergency management duties;
 - c. Review the Town Disaster Response Plan for completeness, compatibility and compliance with the National Incident Management System (NIMS), County Disaster Response Plan and State Emergency Operations Plans and improvements and updates as necessary.

- d. Provide assistance to the Town to develop/update emergency management plans, procedures, and programs in each of the following areas, such list not to be exclusive: Continuity of Government, Direction and Control, Law and Order, Fire Services, Emergency Evacuation, Shelter, Public Services, Recovery, Mitigation, Persons with Special Needs, Radiological Safety, Warning and Public Information, Transportation, Communications, Mass Care and Mass Casualty. The above plans and programs will be coordinated with and approved by the various Town departments effected by said plans and programs;
 - e. Assist the Town with developing and/or updating a current inventory of all equipment and supplies available in the Town for use in the event of any disaster;
 - f. Provide a current inventory of all equipment and supplies available in the County to assist the Town in the event of any disaster;
 - g. Provide technical assistance in obtaining Federal or State funds which may become available to the Town for emergency services purposes, and in the acquisition of surplus or other property for emergency services purposes by the Town;
 - h. Complete and submit all report requirements emanating from State or Federal Government Agencies;
 - i. In the event of disaster confined to the Town, provide emergency assistance as requested, within the limits of the ability of the County to so provide, and coordinate assistance furnished by other agencies in accordance with mutual aid agreements, State and/or Federal laws.
4. That the Town shall:
- a. By this agreement become a member of the Yavapai County Joint Office of Emergency Management;
 - b. Appoint an Emergency Management Coordinator who shall be responsible for the organization, administration, and operations of local emergency management, subject to the direction and control of the chief executive officer or governing body. Upon request by Town officials, the county will provide assistance with emergency management under normal and/or emergency or disaster conditions.
 - c. Accept joint responsibility to maintain and keep current the Yavapai County Disaster Response Plan and Guides as it relates to the Town;
 - d. Accept responsibility to maintain and keep current the Town Disaster

Response Plan and Guides;

- e. In relation to emergency management issues, delegate to the County such lawful authority and responsibility as shall be deemed necessary by the Town;
 - f. Budget and contribute to the County for the fiscal year commencing July 1, 2011 and ending June 30, 2012, the sum of \$1,674.00.
5. It is hereby mutually agreed:
- a. The Yavapai County Office of Emergency Management will include representation of all signatory parties;
 - b. The Yavapai County Office of Emergency Management shall be comprised of a County Director appointed by the Yavapai County Board of Supervisors, and other personnel as deemed necessary by the County Board of Supervisors;
 - c. The County Emergency Management Director who is and shall be appointed by the Yavapai County Board of Supervisor's, shall act as the Director of the Yavapai County Joint Office of Emergency Management;
 - d. The term of this agreement is for one year commencing July 1, 2011, and may be extended from year to year by mutual agreement of the parties prior to June 30 of the term, stating the compensation to be paid for service during such extended term and other charges;
 - e. Pursuant to ARS ' 38-511, the parties may cancel this agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating the agreement on behalf of that party is, at any time while the agreement or any extension of the agreement is in effect, an employee or agent of any other party to the agreement in any capacity or a consultant to any other party of the agreement with respect to the subject matter of the agreement. In the foregoing event, that party may further elect to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting, or creating this agreement on behalf of that party from any other party to the agreement arising as a result of this agreement.

YAVAPAI COUNTY

A political subdivision of the State of Arizona

By: _____ Date: _____
THOMAS THURMAN
Chairman, Board of Supervisors

ATTEST:

_____ Date: _____
JULIE AYERS
County Clerk

Pursuant to ARS ' 11-952(D), the undersigned Deputy County Attorney has determined that this agreement is in proper form and within the powers and authority granted under the laws of the State of Arizona to Yavapai County.

_____ Date: _____
DAVID S. HUNT
Deputy County Attorney

TOWN OF DEWEY HUMBOLDT
A municipal corporation of the State of Arizona

By: _____ Date: _____
TERRY NOLAN
Mayor

ATTEST:

_____ Date: _____
JUDY MORGAN
Town Clerk

Pursuant to ARS ' 11-952 (D), the undersigned Town Attorney has determined that this agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Town of Chino Valley.

_____ Date: _____
SUSAN GOODWIN
Town Attorney

Attachment A

LIST OF DEFINITIONS

"EMERGENCY," as defined in ARS ' 26-301, means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of the county, city, or town, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of such political subdivision as determined by its governing body and which require the combined efforts of other political subdivisions.

"DISASTER," as defined in Section 102, Public Law 93-288, means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to state and local governments under the Disaster Relief Act of 1974.

Yavapai County

EMERGENCY MANAGEMENT / HOMELAND SECURITY

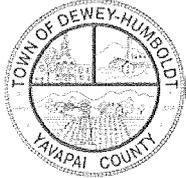
Services provided by County Emergency Management/Homeland Security under the IGA for the establishment of unified Emergency Management:

SERVICES:

- 24/7 Real Time Hazard Alert/notifications/bulletins
- 24/7 Emergency alternative communications capability
- Emergency/Disaster Response & Recovery Notification, Operations, Coordination and Staff augmentation
- Disaster Response Plan, Continuity Plan development and maintenance
- Homeland Security Grant Participation
- Risk/Hazard Analysis
- Staff Training (EOC, Disaster Plan, Continuity Plans)
- Free Freedom Corps Training
- Liaison to State and Federal Resources
- Public Education Program development and implementation assistance
- Hazard mitigation analyses and plan development.
- Exercise Development/Training/Implementation/Evaluation
- Emergency Management, NIMS, Homeland Security Training
- EPA/LEPC Representation
- Special Studies/Projects
- Damage Assessments
- Provide brochures, booklets, pamphlets, checklists or other information in support of local Emergency Management issues or initiatives.
- Other Emergency Management support as needed.

RATE: \$.43 per person, per year based on the latest census.

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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: June 5, 2012

Date of Request: May 24, 2012

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):
Discussion and possible action to add definitions to Town Code Paragraph 10.05

Purpose and Background Information (Detail of requested action). _____
To add definitions to Town Code so Council, Staff and the public all have
the same understanding of various terms.

Staff Recommendation(s): _____

Budgeted Amount: None known.

List All Attachments: Motion proposed.

Type of Presentation: Oral

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: CM Wright

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.

I MOVE that Council vote to change Town Code 10.05 Definitions to add the following words and definitions and that the addition take place immediately per Paragraph 10.15 of the Code of Ordinances:

MOTION, a proposal by a member of a deliberative body that the body take certain action.

ORDER, a direction of a court or judge normally made or entered in writing, and not included in a judgment, which determines some point or directs some step in the proceedings

ORDINANCE, a law, statute, or regulation passed by the legislative body.

Laws, statutes and regulations are intended to permanent and control matters applying to persons or issues in general and are enforceable.

PROCLAMATION, A public or official announcement made by the Mayor that identifies particular days or events of special interest.

RESOLUTIONS, an official expression of the opinion or will of a current legislative body.

Resolutions are expressions of opinion or views of the legislative body and are limited to a specific issue or event. They are neither intended to be permanent nor to be enforceable.

For Council's information here is what Town Code Paragraph 10.15 EFFECTIVE DATE OF ORDINANCES says. "All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided."

Here is what is our Town Code now says regarding Council actions:

30.015 TOWN COUNCIL GENERALLY *(I've suggested no change to this.)*

(B) *Any form of action permissible.* The corporate powers of the town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order, or motion.

30.018 COUNCIL ACTIONS.

(A) Legislative actions by the Town Council can be taken by means of ordinance, resolution, or minute action duly made and passed by the majority (unless otherwise provided).

I move that Council vote to amend Town Code 30.018 to read as follows and to take place immediately per Paragraph 10.15 of the Code of Ordinances:

(What I've changed is crossed out and what I've added is in upper case and underlined.)

30.018 COUNCIL ACTIONS.

(A) Legislative actions by the Town Council can be taken by means of ordinance, resolution, or MOTION ~~minute action~~ duly made and passed by the majority (unless otherwise provided).

A MOTION PASSED BY THE COUNCIL WITH THE INTENT TO AMEND TOWN CODE SHOULD REFERENCE THE APPLICABLE CODE AND SHALL BE BROUGHT BACK TO THE COUNCIL AT THE NEXT REGULARLY SCHEDULED MEETING IN THE FORM OF AN ORDINANCE AND PLACED ON THE CONSENT AGENDA FOR APPROVAL "AS TO FORM".

For Council's information here is what Town Code Paragraph 10.15 EFFECTIVE DATE OF ORDINANCES says. "All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided."

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Fiftieth Legislature - Second Regular Session

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A. The common council may levy and collect annually, upon the assessed value of the real and personal property within the town, as shown by the equalized assessment roll of the current year, except such as is, or may be, exempt from taxation under the laws of the state, property taxes to defray the salaries of officers, and the ordinary and contingent expenses of the corporation, not herein otherwise provided for, and for constructing and repairing streets, sewers, sidewalks and crosswalks, or bridges and culverts upon such streets and sidewalks.

B. The limitation imposed by this section shall not prohibit the right to levy and collect amounts necessary to defray the charges of the public debt of the corporation.

C. Nothing contained in this section shall be held to repeal, modify or affect the provisions of title 42, chapter 17, article 2.



Fiftieth Legislature - Second Regular Session

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[9-471.02. Deannexation of land from one municipality and annexation to another municipality](#)

A. Notwithstanding any other provision of law to the contrary, territory may be deannexed and severed from one city or town and annexed to another city or town in accordance with the provisions of this section if the territory which is deannexed is contiguous to the city or town which annexes the territory.

B. The governing body of a city or town which intends to deannex the territory shall by ordinance set forth the legal description of the territory and shall declare the deannexation of the territory contingent upon the fulfillment of the conditions of this section.

C. The governing body of the city or town which intends to annex the territory shall by ordinance set forth the legal description of the territory and shall declare the annexation of the territory contingent upon fulfillment of the conditions of this section.

D. The ordinance passed by each governing body shall be filed with the board of supervisors which shall set a hearing date of not less than thirty nor more than sixty days from the date of the filing of the ordinances and shall notify the governing body of each city or town of the hearing date at least thirty days prior to the date.

E. The governing body of the city or town desiring to deannex territory shall notify by letter the owner of any real property in the territory to be deannexed at least twenty days before the hearing by the board of supervisors. Such notification shall specify that the area is to be deannexed and annexed to another city or town and that such property shall continue to be subject to any tax lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the governing body of the city or town while the property was within the corporate limits. The letter shall state that the property owner may protest the action by letter to the board of supervisors prior to the hearing or in person at the hearing. If property owners of fifty-one percent or more of the land area of the territory to be deannexed protest the action, then the board of supervisors shall deny the deannexation of the territory. No such action so denied shall be resubmitted to the board of supervisors for at least one year following such denial.

F. Upon determining that the requirements of this section have been satisfied and upon the holding of the public hearing and upon determination that the protests filed are insufficient as defined by this section, the board of supervisors shall order that the territory be deannexed from one city or town and that the same territory be annexed to another city or town as specified in the two ordinances authorized by this section.

G. The land deannexed and annexed shall not thereby be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the corporate authorities of such city or town while such land was within the limits thereof and which remains unpaid, and for the payment of which such land could be lawfully taxed.

H. Whenever the governing body or the city or town which has deannexed territory shall levy a tax upon the property within such city or town for the purpose of paying indebtedness incurred before such deannexation, or any part thereof, and interest thereon, such governing body shall have the authority to levy a tax at the same rate and for the same purpose on the land so deannexed. In case the owner of any land so deannexed shall pay off and discharge a portion of such indebtedness equal in amount to the same proportion of the indebtedness which the assessed value of his land bears to the entire assessed value of all the property subject to taxation for the payment of such indebtedness, calculated according to the last assessment previous to such payment, then such land shall be exempted from further taxation to pay

such indebtedness. Upon such payment being made, the canceled bonds or other evidences of payment of such portion of such indebtedness shall be deposited with the clerk of such city or town and a certificate shall be given by him stating that such payment has been made.

I. A copy of the order of the board of supervisors ordering the deannexation and annexation of any land described in any city or town, certified by the clerk of the court, shall be filed for record in the recorder's office of the county in which such land is situated. Such record, or a copy of such order or decree, certified by the clerk of such court, shall be proof of the deannexation and annexation of such land.



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9-102. [Disincorporation](#)

A. The supervisors of the county in which a city or town is situated shall, upon the petition of two-thirds of the qualified electors residing within the city or town within sixty days of when the petition is filed, do either of the following:

1. Disincorporate the city or town, and appoint a trustee with authority to wind up the affairs of the corporation, sell and convey its property, real and personal, pay the debts of the city or town and deposit the surplus of the proceeds of the property in the county treasury to be there disposed of for the benefit of the inhabitants of the disincorporated city or town.

2. Call for an election for the purpose of deciding for or against the disincorporation of the city or town. The election shall take place on a date prescribed by section 16-204 but not more than one hundred eighty days after the petition is filed, except that no such election shall be called within twelve months from the date of a previous election for disincorporation of the same city or town. Only qualified electors of the city or town shall vote on this question. If a majority of the qualified electors voting thereon votes for disincorporation, then the board of supervisors shall, by an order entered of record, declare the city or town disincorporated and shall proceed in the manner prescribed in paragraph 1 of this subsection.

B. If the incorporation of a city or town is rescinded or declared null and void by a court of competent jurisdiction for any reason, the superior court in the county in which that city or town is situated may appoint a trustee with authority to wind up the affairs of the corporation, sell and convey its property, real and personal, and pay the debts of the city or town. Any net proceeds remaining from the liquidation of such property shall be spent for the benefit of the inhabitants of the disincorporated city or town. An expenditure for the benefit of such inhabitants shall be determined in the following manner:

1. The superior court shall conduct a public hearing to receive the recommendations of the inhabitants for the disposition of such proceeds. The superior court shall determine the object or objects for which such proceeds shall be spent by determining in its discretion that such object or objects benefit and are in the best interests of the majority of all age groups of the inhabitants. The object or objects may include private, nonprofit organizations.

2. The superior court may appoint an advisory committee composed of the inhabitants to assist it in rendering its decision and to ensure that such object or objects are carried out and shall require the committee to provide a strict accounting of the expenditure of such monies.

3. After receiving and approving a final accounting of the expenditure of such monies, the superior court may discharge the advisory committee and trustee.

C. Indebtedness and obligations of or issued by or on behalf of such city or town shall not become indebtedness or obligations of the county, except that the county is responsible as a trustee to insure that all obligations and debts of the city or town are paid. The indebtedness and obligations of such city or town shall be paid pursuant to subsection D of this section. The city or town which is disincorporated shall continue as a political subdivision until all of the debts and obligations of the city or town are satisfied.

D. The appointed trustee shall annually estimate an amount to be levied as a tax on all taxable property in the disincorporated city or town to pay the indebtedness or obligations of the city or town. Subject to the limitation contained in subsection E of this section, on or before June 30 the appointed trustee shall certify to the board of supervisors the amount of taxes necessary to be levied for these purposes, and the board of supervisors shall levy and cause the amount to be collected as secondary taxes at the same time and in the same manner as levying and collecting general

county taxes.

E. The taxes levied pursuant to subsection D of this section shall be levied until such time as the indebtedness or obligations of the city or town shall have been satisfied. The amount levied each year shall not exceed the amount levied for the tax year preceding the year in which the city or town is disincorporated.

F. In addition to the authority provided in subsection A of this section, the appointed trustee may operate the facilities of the city or town until such facilities are sold or otherwise disposed of as determined by the county board of supervisors.

G. Before obtaining any signatures on a petition required by subsection A of this section, a copy of the petition shall be filed with the clerk of the board of supervisors. The petition shall state its purpose clearly and concisely and shall be in the form and signed and verified as generally provided for initiative petitions. Petitioners have one hundred eighty days from the date of such filing to obtain the required number of signatures.

H. The county recorder shall verify the names on the petition within thirty days after the petition is completed and filed and, if valid, the board of supervisors shall proceed as prescribed in subsection A, paragraph 1 or 2 of this section. If the city or town is disincorporated pursuant to this section, the board of supervisors shall appoint the trustee pursuant to subsection A of this section within thirty days after disincorporation.