

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

**Tuesday, May 16, 2017, 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 Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt; 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. No legal actions can be taken. Council may ask town staff to review an operational matter at this time, or may ask that a matter be put on a future agenda for actions or further discussion. Possible matters and projects are related to Town general administration, Finance, Public Works, Community Development.

**5.1. Volunteer of the Year program** (newsletter announcement and program details).

**6. Consent Agenda.** - All matters listed under the Consent Agenda are considered to be routine by the Council and will be enacted by one motion. At a Council Member's request only, any item may be removed from the Consent Agenda for separate consideration. If a citizen desires separate consideration of an item, they must approach a Council Member prior to the meeting and ask that the Council Member request that the item be removed.

**7 6.1. Minutes.** Minutes from the March 21, 2017 Regular Meeting and April 11, 2017 Work 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.

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.

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

31 **9.1. Discussion and possible action by Council to re-adopt existing General Plan or forward to Planning and Zoning Commission for review and/or update.** [CAARF requested by Mayor Nolan]

33 **9.2. Discussion and Possible action on whether to amend Ordinance 30.017 Compensation, Bond & Financial Disclosure Statement to allow compensation for Mayor and Council.** [CAARF requested by Mayor Nolan]

47 **9.3. Council consideration to enter into a land swap agreement with Humboldt Unified School District (HUSD) and provide direction to prepare necessary documents.** [CAARF requested by Mayor Nolan]

**10. Public Hearing Agenda.**

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

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**11. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, June 6, 2017, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, June 8, 2017, at 6:00 p.m.

Next Town Council Work Session: Tuesday, June 13, 2017, at 6:30 p.m. (Note special time)

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 \_\_\_\_\_, 2017, 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.

## Item 5.1. Volunteer of the Year

Call for VOLUNTEER OF THE YEAR NOMINATION: Dewey-Humboldt Volunteer of the Year (2016) Process Begins (June 2017 newsletter announcement)

Every day Dewey-Humboldt volunteers generously give their time and service to help others. Now here is your chance to give back by nominating a deserving individual in Dewey-Humboldt for his or her outstanding service through the Town's Volunteer-of-the-Year program.

**Who is eligible?** The nomination is open to all Dewey-Humboldt residents who have volunteered in 2016. Nominees need to have been volunteers for organizations that directly benefit the citizens of the Town of Dewey-Humboldt; the organization can be the Town Council, Town Boards/Commission/Committees, including the Planning and Zoning Commission, and Open Space and Trail Committee, Volunteers for the Town's Activity Center, the Town Library, the Historical Society, Humboldt Elementary School and other agencies that have programs benefiting the citizens of the Town of Dewey-Humboldt are also eligible.

**Nomination Process:** The process is simple. Nominations can be written on a piece of paper and submitted to Steven Brown at the Town office by 6 p.m. Thursday, July 6, 2017. Only one nomination per paper please. Please state the nominee's name (who you are nominating), volunteer organization where the nominee volunteered in 2016, and why you believe the individual should be nominated, such as how his/her efforts volunteering in the specific organization have made a profound difference in citizens' lives. Nomination papers can also be submitted via email to [stevenbrown@dhaz.gov](mailto:stevenbrown@dhaz.gov) or faxed to 928-632-7362.

**Honoree Selection:** The Town Manager will form a citizen committee to review the nominations after the nomination period is closed in June. The Committee then makes a recommendation to the Council. Nominees will be judged on their outstanding service to the citizens of Dewey-Humboldt. The Honoree of the "Volunteer-of-the-Year" Award, along with all that have been nominated, will be recognized by Town Council in July or August. A public picnic will be scheduled along with a formal plaque presentation at a council meeting.

This is a wonderful way for the Town to express its sincere appreciation for our volunteers and also a great opportunity for volunteers to inspire others through their stories. The council initiated the program since 2012. Here are the honorees since throughout the years: Pat Mathew (2012 VOTY); Tom Grimshaw (2013 VOTY); Betty Comfort, Frank Davidson, Judy Davidson, Sandra Goodwin, and Sue Palacio (2014 VOTY's); Margaret Roberts and Barry Smylie (2015 VOTY's).

This year once again, if you know anyone who volunteers in the community, please let the Town know how he/she is doing a great job by nominating him/her. Keep those nomination papers coming in! Kindly contact the Community Planner, Steven Brown if you have any questions.

## **Volunteer of the Year (VOTY)**

Solicit nominations in newsletter, town website, and community events crier boards

Typically, this starts around February and cycle is approximately 1-2 months

Nominations can come from anyone

Nominee must volunteer in a manner that benefits D-H citizens specifically

Selection of one or all nominees as VOTY

Event planning

1. Award a certificate of appreciation (paper in sleeves) to all VOTY nominees at Council Meeting by Mayor.
2. Perpetual Plaque – add names (Purple Sage Embroidery in Prescott Valley)
3. Recognition at Council Meeting
4. Picnic (notice this in same as above – public invited to attend) held at Butte Park or Town Hall Council Chambers if inclement weather. In the past, a program was prepared for the event.
  - a. Food and drinks (for VOTYs, their guests, dignitaries, volunteer organizations representatives, staff, council, media, public).
  - b. Speakers invited to speak on volunteers and volunteerism (council members, volunteers' agency representatives; etc.)
  - c. Volunteers of the Year to speak
  - d. Mayor to speak and show perpetual plaque that hangs in Town Hall lobby

This is generally, what we put in the newsletter to notify people of the program and solicit nominations (you can also submit this to the media for their notification on air and paper):

Who is eligible? The nomination is open to all Dewey-Humboldt residents who have volunteered in 2016. Nominees need to have been volunteers for organizations that directly benefit the citizens of the Town of Dewey-Humboldt; the organization can be the Town Council, Town Boards/Commission/Committees, including the Planning and Zoning Commission, and Open Space and Trail Committee, Firewise, Volunteers for the Town's Activity Center, the Town Library, the Historical Society, Humboldt Elementary School and other agencies that have programs benefiting the citizens of the Town of Dewey-Humboldt are also eligible.

Nomination Process: The process is simple. Nominations can be written on a piece of paper and submitted to Dee Dee Moore at the Town office by 5 p.m. Thursday, DATE. Only one nomination per paper please. Please state the nominee's name (who you are nominating), volunteer organization where the nominee volunteered in 2016, and why you believe the individual should be nominated, such as how his/her efforts volunteering in the specific organization have made a profound difference in citizens' lives. Nomination papers can also be submitted via email to dorismoore@dhaz.gov or faxed to 928-632-7365.

Honoree Selection: After the close of the nominations, the nominees will be reviewed and ultimately the selection will be made by the Council. They will be judged on their outstanding

service to the citizens of Dewey-Humboldt. All nominees will be recognized at a Council meeting and a picnic event.

Note to staff assigned with the program - In the past, a Town Manager appointed citizen committee was formed to review the nominees and made the recommendation to the Council. The Council decided whether to accept the committee recommendation. Council chose to honor all nominees the past 2 years.

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
MARCH 21, 2017, 6:30 P.M.**

**A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 21, 2017, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:32 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done.
  - 2.2. **Invocation.** Given by Councilmember Amy Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, John Hughes (arrived late at 6:38 p.m.), Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

**4.1. Yavapai College Presentation given by Dr. Ron Liss, V.P. for Instruction and Student Development.** [CAARF approved by Council at February 21<sup>st</sup> meeting]

Dr. Ron Liss of Yavapai College gave an update on the college and provided materials including the 2016 Annual Report, as well as the 2017 spring updates. There is a new Board Member, Connie Harris. They are locating outside of the primary college site, Mayer, Ash Fork, Yarnell and Camp Verde. These have good wired connections at local libraries to make sure they can handle the online programs. There are also improvements to the Prescott Valley campus. They are working with the school districts heavily on the Pathways program, where students move from high school degrees into college degrees, which should take effect this fall.

Councilmember Hughes arrived at 6:38 p.m.

The Vice President for the Foundation and Advancement recently resigned and they are currently working on a replacement which they hope to accomplish by June and July. The Regional Economic Development Center has an interim to replace a resignation in this program. Dr. Liss gave further updates on local growth, including the Pathways program and the goal of trying to help people complete programs in shorter amounts of time.

Mayor Nolan inquired if the classes offered in the satellite locations can be counted toward their B.A.s. Dr. Liss didn't have a definite answer, however, they are working with the communities to find out what they want.

Councilmember Treadway asked how they intend to solicit this information from the community. Dr. Liss noted that there have been Town Halls and community meetings. Dr. Liss now needs to pin down this process and figure out exactly who he needs to communicate with.

Councilmember Wendt spoke of her daughter who is taking some online accounting classes and is very pleased with Yavapai College. Dr. Liss was happy to hear this report on the quality of their online classes.

**4.2. Interviews and possible appointment of applicants to the Open Space and Trails Committee.**

Mayor Nolan introduced the first applicant, Terry Goacher.

Mr. Goacher spoke of his horse ranch in the Phoenix area and that he commutes back and forth. He has recently retired and would like to get involved in volunteer work and is also participating in the local Search & Rescue. Councilmember Timmons said that although Mr. Goacher is new to the locale, she would like to know what he would like to see as time goes on, for the area. Mr. Goacher acknowledged that he knows it is hard to get things done and would like to help get the word out. He also is involved with the Friends of the Library group. Councilmember Wendt thanked Mr. Goacher for his volunteerism.

Mayor Nolan introduced the second applicant, Ken Murphy.

Mr. Murphy spoke of living in the D-H area for five years and drives a bus for special needs individuals. He feels it is important to consider open space when developing the area. He is aware of the Green Gulch trail, but feels a trail along the river would be good. Councilmember Wendt thanked Mr. Murphy for volunteering, noting that he would make a good addition to the committee.

Councilmember Hamilton made a motion to appoint Skip Gladue, Sandra Goodwin, and the new applicants Terry Goacher and Ken Murphy, seconded by Councilmember Hughes, the motion passed unanimously.

Mayor Nolan acknowledged OSAT Chair Sandra Goodwin, who approached the lectern. Ms. Goodwin thanked the two new members for volunteering and said they would be great additions to the committee.

#### **4.3. Lions' Club International 100-year Anniversary Proclamation.**

Mayor Nolan read the proclamation for the Lions' Club International 100-year anniversary. There was no one in attendance from the Lion's Club to receive the proclamation.

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

#### **5.1. Budget calendar and confirming the meeting dates with Council [continued from the March 7<sup>th</sup> meeting].**

Town Manager Kimball gave an overview of this item as an opportunity to revisit the budget session schedule. She has heard from Councilmember Timmons on her availability but needs input from other Council Members. Councilmember Treadway said that he may be out of town on May 23, 2017, but not to change the schedule as he is yet unsure. Councilmember Wendt said the dates were fine on her calendar and inquired how long the meetings would be, as there appeared to be possible Town meeting conflicts. Town Manager spoke of not being able to control the time, some go for a couple hours, some longer, whatever the Council needs. Council should put those dates on their calendars. Town Manager Kimball said that not all the dates reserved may be needed, and more would be scheduled, if necessary.

#### **5.2. Schedule a Special Study Session to go over some Budget related topics prior to rendering of the Budget Worksheet.**

Town Manager Kimball recommended a Special Study Session where staff and Councilmembers can get together to discuss some of the significant subjects before detailed budget sessions, such as Town Hall, Roads, and Public Works. She is still developing the list of topics for discussion. Town Manager Kimball recommended April 11<sup>th</sup> and already cleared this date with Councilmember Timmons schedule. The regularly scheduled 6:30 p.m. Work Session would still be held.

### **6. Consent Agenda.**

**6.1. Minutes.** Minutes from the January 17, 2017 Regular Council Meeting.

Councilmember Treadway made a motion to approve the January 17, 2017 Regular Council Meeting minutes as presented, seconded by Councilmember Wendt, the motion passed unanimously.

**6.2. Acceptance of Official Canvass of the March 14, 2017, Special Election.** (Acceptance of the Canvass of results from Yavapai County Elections Department)

Mayor Nolan gave an overview of the election results.

Vice Mayor McBrady spoke that he was not going to vote for acceptance of the canvass. He feels the Attorney gave wrong advice to not take a look at the election again. He thinks the address should have been corrected, postponing the election. The mistake came from the Attorney's office, in a conflict of interest, the Attorney told the Council not to worry about it and go ahead with it. He feels this was incorrect and there should have been a relook at the ballot and it could have been rewritten to be more fair. Vice Mayor McBrady said he votes no to this and hopes other Councilmembers will as well.

Councilmember Timmons asked how many ballots were sent out. Town Clerk Morgan reported that there are 2,654 registered voters. Councilmember Timmons has been informed that people outside of Dewey-Humboldt received ballots, therefore, she feels it was not a proper or correct election. Town Clerk Morgan explained the voter registration addressing process and that the County does their due diligence on addressing and mailing of ballots.

Councilmember Treadway spoke that he was disappointed that the election did not pass but cited everything being done according to Hoyle. The people of the Town spoke their minds and it would be wrong to disregard that and spend another \$10,000 on a second election.

Councilmember Timmons asked if once the Attorney made the error, did anyone proofread and check the Town Attorney's work. Town Clerk Morgan explained that the resolution came from the Attorney to the meeting packet on to Council, Council approved it, and the numbers were transposed...Councilmember Timmons interrupted and said she was aware of what happened, there were several things. What she was asking is, where did it go from the Attorney, as it seemed there was an error that should have been caught. Town Manager Kimball explained that it comes back to the Town from the Attorney and it was indeed not caught by Staff, Council, the Public or the Referendum Committee. Town Clerk Morgan cited that the transposition was carried over until February. Councilmember Treadway spoke to this being an unfortunate oversight, however, everyone missed it.

Vice Mayor McBrady reiterated that when Yavapai County Election Board said there should be a reelection, there was an opinion given without getting any background for the basis of the opinion. He feels the Attorney was wrong.

Councilmember Hamilton spoke of not liking when people distort facts. The Council voted to go with that date and move forward. The Town voted. The people voted with a 2-1 margin and Vice Mayor McBrady is saying he wants to deny these people, because he thinks he is right and that's the only way it has to go.

Councilmember Wendt spoke of contacting the League of Cities and Towns and speaking with Attorney Christina Werther and asking her what would happen if the Council did not accept the canvassing of the election. Ms. Werther said that in all her time and experience she does not know of any Council not approving the canvass of election. It is only saying

that, it is a fact, they have gone through the electoral process. Councilmember Wendt then called the Yavapai County Election Office and was again told this has never been done, it is only the fact that it is a process they go through saying they have had the election through the elections board. Councilmember Wendt spoke of A.R.S. 16-642 Canvass of Election and Postponements and asked Town Clerk Morgan to read the language which said the governing body holding an election shall meet and canvass the election not less than six days nor more than 20 days following the election. Councilmember Wendt's understanding is that if they do not accept the canvassing of the election they will be in contempt of A.R.S. She is disappointed and understands how emotional this was. There were comments made on the publicity pamphlets that weren't right. Unfortunately, everyone thought someone else was going to put the "pro" comments in the publicity pamphlet and that didn't happen. Councilmember Wendt spoke that therefore she would go ahead and accept the election or otherwise the Council is in contempt. Does she agree? Absolutely not. She recommends having a third party Attorney to consult on these types of questions. She did her due diligence on this. The results can't be just acknowledged, they have to be accepted or they are in contempt.

Councilmember Hughes spoke of being shocked with the results. There are over 400 people in the Historical Society and, if they could have gotten two or three people to vote for it, the numbers would have been way different. He is shocked the Historical Society didn't promote it a little more. The County did their job and can go only by the information they are given. As Councilmember Wendt said there is only one way to vote and that is to agree that they did do their election.

Mayor Nolan said, if they don't accept the canvass of this election, there will be no process for anyone to contest it in Superior Court, consequently, the Council needs to accept this canvass, so if someone is upset they can go to Superior Court to file a grievance about the election. Mayor Nolan recommended accepting the canvass of the election. Mayor Nolan made a motion to accept the Official Canvass of the March 14, 2017, Special Election, seconded by Councilmember Treadway.

Public Comment was taken.

Dennis Repan applauded Councilmember Wendt's insight and comments on this issue. Vice Mayor McBrady spoke of Mr. Repan having a problem with the election for the Planning and Zoning Commission. Mr. Repan said that he made note of it and that it doesn't have anything to do with this. Mayor Nolan noted this digression as being off-topic.

Councilmember Timmons spoke of knowing, for fact, that people who were not in the Town of Dewey-Humboldt who did not get to vote for Town Council or Mayor received ballots for this election. Councilmember Timmons asked Town Clerk Morgan who she would talk to after she proves this. Town Clerk Morgan stated she would provide information on things that could be contested about an election to Councilmember Timmons.

Public Comment was taken.

Leigh Cluff spoke of wanting to apologize to Vice Mayor McBrady for the rudeness of the slamming of a pulpit. She is offended by the comment that someone does not like distorted facts, because in the Courier it was stated and quoted that the Bank Building was being bought for the Historical Society. That was wrong, people are saying a lot of things that aren't true. She appreciates everything that Vice Mayor McBrady has done and his dedication for the Town over the years.

Mayor Nolan asked for a roll call vote. The motion passed with a 5-2 vote, with

Councilmember Timmons and Vice Mayor McBrady voting against.

Mayor Nolan noted that people can file a grievance with Superior Court if they don't like what happened.

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

Lori Crofutt spoke of the Town needing to look elsewhere for legal counsel based on the Attorney's error.

**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. Ordinance 17-133 Amending Sections of Town Code related to the Board of Adjustment's Quasi-Judicial Role and Ex-Parte Communications.**

Town Manager Kimball noted that this item was being brought back pursuant to instruction at the January 17, 2017 meeting. Now that the Board of Adjustment has been reestablished, they are subject to quasi-judicial and ex-parte. So this language should be moved out of the Council section, a housekeeping issue.

Councilmember Hamilton made a motion to approve the amendment of Ordinance 17-133 Amending Sections of Town Code related to the Board of Adjustment's Quasi-Judicial Role and Ex-Parte Communications, seconded by Councilmember Treadway, the motion passed unanimously.

**9.2. Authorization for CM Wendt to attend the League of Cities and Towns' "Municipal Grant Seeking 101" training and authorization to pay for travel expense (mileage to and from Phoenix). [CAARF requested from CM Wendt]**

Councilmember Wendt gave an overview of the activities she is involved with in her volunteerism with Firewise and the Council, which makes it important to be able to identify grants that are out there and educate herself to benefit the community.

There was Council discussion regarding the need for a Staff member to attend the training.

Councilmember Hamilton made a motion to send someone from Town Staff to the training. Mayor Nolan interjected that it is up to Town Manager Kimball to send Town Staff to training. Councilmember Timmons asked if she could make a motion and was reminded that Councilmember Hamilton had a motion pending. Councilmember Timmons said that she then had a question, asking Town Manger Kimball if she would like to attend the training. Town Manager Kimball informed the Council that the Town Accountant was registered for this training, so this was resolved.

There was further Council discussion regarding the grant training with Council support for Councilmember Wendt and Staff attendance.

Councilmember Timmons made a motion that any of the Town Council that would like to go be paid and reimbursed for gas and registration, as well as the Town Manager and anyone from Staff.

Councilmember Hamilton spoke that authorization is just limited to the agenda item. Mayor Nolan agreed stating that Staff was already registered.

Vice Mayor McBrady inquired of the cost for registration. Councilmember Wendt answered that it was \$120.

Councilmember Timmons amended her motion to send Councilmember Victoria Wendt to Grant-Seeking 101, seconded by Councilmember Hughes, the motion passed unanimously.

**9.3. Discussion and possible action to repeal all or parts of Town Code, Title III, Section 35, Code of Ethics and Conduct.** [CAARF requested by CM's Wendt and Hughes]

Councilmember Hughes deferred to Councilmember Wendt to give an overview of this CAARF. Councilmember Wendt said the purpose and background are self-explanatory. The ethics code is unnecessary, which states that its intent is to educate, when necessary to discipline public officials who violate this chapter. The League of Cities and Towns has some ethics code violation classes that they put on which would be much more appropriate to train the Council Members than what the current code is. The disciplining of a Council Member is better left to the constituents that vote them in, they are the best judge. She pointed out Chapter 8 in the Attorney General's Handbook that she had Town Clerk Morgan copy for all Council Members, which covers conflict of interest. Council Members are required to follow this and are responsible to abide by this. Councilmember Wendt asked Town Manager Kimball to put on the overhead Ordinance 11-88 which was adopted in 2011 and later retracted and changed by Council. She cited the current Code of Ethics as unnecessary. She and Councilmember Hughes have now established it down to a one-page Code of Ethics, much more workable and practical, allowing Council to do their jobs.

Councilmember Hughes referred to the current Code of Ethics being over and above. Council needs to get this back to standards and allow the Mayor to talk to people to help this community which the Mayor should be allowed to do by himself.

Councilmember Treadway spoke against Council making a hasty decision and throwing out the Code of Ethics. He could see the need for some modest revisions but believes there needs to be some recourse in place to deal with unforeseen circumstances, such as deliberate and serious conflicts of interest or crude behavior.

Councilmember Hamilton spoke of the Town Council just having had a retreat on how to build trust with the Council Members and the Town. There needs to be set standards for actions and accountability for those actions to build trust. If there is no punishment, why obey the rules. Councilmember Hamilton wants the strictest ethics laws and wants to be held accountable for them.

Councilmember Timmons inquired if there was a Code of Ethics law prior to this new Code of Ethics law. She cited the new Code of Ethics law as restricting the Mayor's powers from having coffee with his public and meeting with the Mayors from the sister or brother cities. With the new stricter power put in place, he has to ask Town Council to be able to do something like this.

Councilmember Wendt cited that the Code of Ethics may have been needed prior to this Council, but is not needed for the current Council. If Council still feels they need a Code of Ethics, even though they swore an oath to the State of Arizona, they can use the one-page document she has provided, citing the current code as biased, and causing undue censorship to the Mayor.

Councilmember Hamilton stated that the Code of Ethics is not directed at the Mayor and it doesn't have an effect on his rights. The problem with the proposed one-page document is that there is no process to support it. It is vague. The process that was put in place to

avoid having to spend excessive money in court to enforce the previous code. A lot of this Ethics Code pertains to meeting conduct, which will get worse.

Councilmember Timmons interjected and informed Mayor Nolan that she feels she, rather than the Council, was threatened that if they pass this they are going to have a dogfight here. She does not feel this was constructive or professional. She apologized for jumping her place in line.

Vice Mayor McBrady spoke of being on Council when this last Code of Ethics was written and he fought it tooth and nail, but was outvoted. Most of that group isn't here as they were voted out in the last election. It was written as a punitive code to keep Council in line, used as a tool against one another. Needs to be rewritten and made simpler.

Councilmember Treadway spoke that he did not feel threatened by Councilmember Hamilton's comment. He has no problem with simplifying. This was not pointed towards the Mayor, there is misconception about that. Simplifying is fine, if it gets the job done.

Councilmember Wendt spoke of this applying to all committees, not just Council. It needs to be majorly simplified, it starts out good, but then goes to where it appears a fourth-grader wrote it.

Councilmember Timmons apologized to Councilmember Hamilton if she offended him, but she took offense that he reached past three Council Members to look her in the eye to tell her there was going to be a dog-fight, so she just figured it would be something pointed at her. She would rather discuss things, they could get heated and argue all day long, but in the end they all try to get along and do what's best for the Town, she doesn't see where there is a problem.

Councilmember Treadway reiterated that Paragraph 6 Enforcement could use a modest revision.

Councilmember Wendt replied to Councilmember Treadway that three quarters of Paragraph 6 needs to be thrown away and still be very effective. Councilmember Wendt referred to the retreat that was recently attended by Council and the principles gained that can be applied.

Councilmember Hughes spoke of there not being a personal agenda in regard to this issue. He feels there are things that can be changed, the point is not to hide or manipulate. He feels some things can be changed, accomplishing this shows trust of Council. The intent is to give some powers back to the Mayor to talk with people of the town, not having to wait for a Council meeting, resulting in missed opportunities for the Town. This part of the issue needs to be discussed at a later date.

Councilmember Hamilton is not against changing the Code, at a Work Session. He is against eliminating it; it can't be vague, and needs a process. Councilmember Hamilton made a motion to approve moving this to a Work Session to discuss where those changes should occur with the Code of Ethics. The motion did not receive a second and was lost.

Public Comment was taken.

Ted Brooks commended Councilmembers Wendt and Hughes on this issue. He has been involved with this for over three years and has watched a witch hunt for the Mayor. He was appalled at the behavior of the Council. This is dirty politics at its lowest and he would like to see it voted out tonight.

Leigh Cluff spoke of agreeing with Councilmember Wendt about the constituents, and that the constituents will vote people in to Council, but disagrees with her on something she left out, and that is that the constituents will vote people out and that was proven with the last Council. She cited not only voting people out of the Council, but keeping them off committees as well. She apologized to Mayor Nolan for what has been done to him, that he can't do anything without permission. She spoke on the content of the retreat training and what the Council learned. She asked Mayor Nolan how many times he has been voted into office, he replied, "five". Ms. Cluff said it sounds like the constituents have spoken. She spoke of feeling threatened in meetings by the aggression and unnecessary slamming of the pulpit.

Lori Crofutt spoke in support of the Attorney General Ethics information provided by Councilmember Wendt.

Will Orr asked Town Clerk Morgan, in advance of the meeting, as he was unable to attend the meeting, to read his statement to the Council: For Consideration by the Town Council – Dewey-Humboldt, Arizona – March 21, 2017 - The current Code of Ethics for Dewey-Humboldt Councilmembers is an interesting read and begins comfortably on a positive note as a personal commitment of each of you to our community. As some of the text was repetitious I felt the document could be summarized on one page, printed professionally, framed and displayed with pride. However, reading further, the Code seemed to harbor some antagonism, with the concluding section on enforcement feeling a little vindictive and awkward, particularly in describing prescriptive punishments. I would expect there are existing legal remedies provided by statute elsewhere for violations which offend our community. This Code starts well, but ends poorly. Rather than "throwing out your Code of Ethics: - which would not make a favorable news story – I think this is an opportunity strengthen the document by abbreviating and emphasizing the very positive guidelines cited early in the Code to become a "Promise" to go beyond 'barely legal' behavior, to 'strongly ethical' dealings in your conduct of our public business. The Golden Rule comes to mind. We presume you to be intelligent, informed, polite, honest, courteous, and sufficiently mature to deal with those who are not. Basically, that's why you sit there—and we sit here. I trust that an upgrade to the Code, if deemed appropriate, will not become a distraction to the essential work you do. I, like most others, am proud of this community and the work that each of you do. Thank you for your dedication. Wilson W. Orr

Linda Horvath spoke of the Mayor of the Town needing to have the authority to go have coffee, negotiate things, and bring it back to the community. She spoke of the community's trust in the Mayor. She spoke of Councilmember Hamilton stating that there was no trust amongst the Council and, if that's how he feels, why is he here and encouraged his retirement. The Community voted the other board out because they didn't like what they were doing. She has become involved with the community and has lived here over 25 years.

Dennis Repan spoke of the process that was entered into involving the Code of Ethics was emotionally hard. They looked at other community models. There are things that need improvement. He believes that there are things that could be eliminated regarding the Mayoral duties, which would make an improvement. The Ethics Code is a tool for the Public to hold the Council accountable for their actions. Move this to a Work Session, tear it apart but don't throw out the tool that holds Council accountable.

Carter Brooks spoke of the Council's job as being able to decide what is best for the people. Look at everyone's point of view, take into consideration, and compromise to get the best answer for the people.

Councilmember Hamilton apologized for getting emotional as it struck a nerve. He spoke of his respect for Councilmember Wendt as she does her due diligence and is honest to her belief. He spoke of the Ethics Code not having anything to do with the Mayoral duties as it is under a separate Town Code. Attorney General is not interested in being involved with Town Law. Open Meeting Law is the only thing they get involved in. The only recourse is the Ethics Code. He is willing to change what the Town has, but there has to be something that has process in it. The one-pager cannot be enforced. The Public will suffer if the Code is removed.

Councilmember Timmons clarified that the audience will vote Council Members out if they don't play nicely in the sandbox. She spoke of the Ethics Code having been an attack and restriction on the Mayor and cited Mr. Repan as having supported that in his statement. The public will vote Council Members out if they feel ethics are being violated. She cited the current code as being too restrictive for Council to make any headway.

Councilmember Wendt spoke that one of the reasons she brought this forward, was that at a prior Council Meeting, one of the audience members present took objection to way the Council did something, approached the podium, and reported they would be filing a complaint with the Attorney General's Office as well as an Ethics Complaint. Councilmember Wendt felt this was abuse of the complaint process, therefore, she would like to make a motion to remove the Ethics Code temporarily until the next Work Session then we can then bring it back in and piece it back together line by line, item by item, word by word, to where it is correct, it is not overreaching and biased and against all of the volunteers, and the Councils and the committees, everywhere.

Councilmember Treadway stated that he was impressed by Mr. Orr's eloquent written statement, as well Carter Brook's statement. He does not support the suspension of the Ethics Code tonight, but agrees Council needs to bring it back and work on revising it.

Councilmember Hamilton stated that you can't suspend the Ethics Code. You would have to make a motion to remove the code, it then goes to the Attorney who writes the Ordinance, comes back to the Council for approval and is still not in force for 30 days after adoption.

Councilmember Wendt says that is ample time for the Council to work on the code change while it is going through the process. She cited her motion on the floor to remove the current Code of Ethics until such time as this Council sits down at a Work Session and puts it back together, seconded by Councilmember Timmons.

Councilmember Timmons asked if she were to make a motion to remove the old Ethics Codes and implement the new Ethics Codes on the overhead screen... Councilmember Wendt interjected it was the 2011 code. Councilmember Timmons confirmed this and inquired if they were to pass it, hypothetically, would it go to the Attorney to be worked up. Mayor Nolan believed this to be true.

Town Manager Kimball explained the process. The Attorney would draw up the Ordinance that removes and adds those changes, but it would not be repealed until the Ordinance is adopted.

Councilmember Timmons clarified further that if they repealed it and sent it to a Work Session, the old Code of Ethics is recognized. If they make a motion to accept this and repeal it, the old code would be recognized until this (new one) was put in place.

Councilmember Wendt stated that Councilmember Timmons is repealing Councilmember Wendt's motion, Councilmember Timmons interjected that she was withdrawing her

second. Councilmember Wendt went on to clarify that she will repeal her motion, reinstate, no – to restate, that we remove the current code, bring in temporarily, until Council goes to a Work Session the code from 2011 which is on the screen now, at that time we can begin working and putting back in to the Code of Ethics those items we feel are necessary, but until then as one code goes out this comes in and then we can... Councilmember Timmons interrupted Councilmember Wendt to second the motion, Councilmember Wendt finished her motion with the word “repeal”. Councilmember Wendt asked if she was confusing everybody.

Councilmember Treadway inquired if this was legal.

Town Manager Kimball clarified that Council has the authority to repeal their own law but as Councilmember Hamilton stated there is a 30-day waiting period, plus administration time, before it took effect. The new one would not be in effect until after that time. The old one would be in place during the interim.

Vice Mayor McBrady asked where the code displayed on the overhead screen came from, was it from the County? Where did it come from and who signed it. Councilmember Wendt provided Vice Mayor McBrady a copy to review.

Public Comment was taken.

Leigh Cluff noted the signatures on the document displayed on the overhead screen and that it was an official document, why would the Town need the Attorney’s approval to reinstate it. Town Clerk Morgan explained there is a process and cited the 30-day waiting period after adoption to allow anyone to challenge it or make a referendum on it.

Councilmember Wendt restated her motion to remove the existing Code of Ethics, to redraft this Ordinance 11-88 to fit the current date, at the same point she didn’t know how soon this could be scheduled to a Work Session, but to carry it forward to a Work Session and rebuild the Code of Ethics.

Town Manager Kimball spoke of putting this on for the April 11<sup>th</sup> Work Session.

Councilmember Wendt spoke of that being her motion, Councilmember Timmons seconded the motion.

Councilmember Hamilton clarified that when the Attorney signs an ordinance, it is pro forma, which is approving that the wording is correct, they are not giving a legal opinion on it. If you are repealing the ordinance, wait until you have it worked out, then institute that. If you do one, hold off putting another in and have the Work Session to get the bugs out and then adopt the new one.

Vice Mayor McBrady recommended starting with the old one, not the current Ethics Code.

Councilmember Timmons noted that Staff seemed confused, so she would go ahead and amend Councilmember Wendt’s motion. Mayor Nolan interjected that Councilmember Timmons could not do this. Councilmember Timmons then said she would make her own motion to amend Councilmember Wendt’s. Councilmember Timmons was reminded that she seconded that motion. Councilmember Timmons noted that Councilmember Wendt restated it differently then she stated it when Councilmember Timmons seconded it.

Councilmember Wendt asked Town Clerk Morgan to read the motion. Town Clerk Morgan read: To repeal the current code, to replace it with the older code of August 16, 2011, until they can work on it at a Study Session.

Town Manager Kimball spoke of Council struggling with this repeal and some new replacements, and wanting to discuss this. She spoke of believing their intent was to suspend the current Code of Ethics for a temporary period until they figure out what they want to do with it. She recommended putting a moratorium on certain sections of code, until a given date when they have a replacement, and then an Ordinance could be adopted. This seems more efficient, something for Council to consider. It gives Council time to figure out the next step.

Councilmember Wendt addressed Councilmember Hughes on his position as he was the co-sponsor of this CAARF. She recommended 60 days to have a Work Session to get something else into place. Councilmember Hughes noted that they would still have a State Code of Ethics by mandate, was this correct? This was confirmed by Town Manager Kimball. He agreed with a 60-day period.

Vice Mayor McBrady noted the last Code of Ethics took longer than 60 days. He would rather see something in place, until they adopt a new Code of Ethics. It could be too much pressure with time constraints.

Councilmember Timmons would rather have a vote on it tonight and amend it later.

Councilmember Treadway cited not having an opportunity to review it, so he would not vote for it. He does not care if the Attorney signed the previous one or not. He does not see a problem with putting a moratorium on paragraph six, keeping the rest in effect, until they get the opportunity to revise it.

Councilmember Hamilton asked the Town Manager if she is sure as they can pass moratoriums, not sure about code. Town Clerk Morgan stated she believed it has been done before. Councilmember Hamilton inquired if it was legal. Town Manager Kimball was unable to find research on a moratorium online at this time. Mayor Nolan recalled that this has been done before and may be possible.

Councilmember Timmons stated she would like to withdraw her second to Councilmember Wendt's motion and make a new motion to repeal the Code of Ethics and put in place the 2011 Code of Ethics approved by the prior Council (August 16, 2011) and to add later, amendments, if necessary.

Mayor Nolan recommended two motions, one for the motion to repeal and then a separate motion to adopt this as temporary. Mayor Nolan consulted the Town Clerk if this should be accomplished by two motions. Town Clerk agreed that it sounded like two separate motions. The most recent would cancel out the previous.

Town Manager Kimball shared that she was able to find some references regarding moratoriums, wanting to correct the record.

There was Council discussion regarding a previous moratorium, as well as a Planning & Zoning issue that addressed that.

Councilmember Wendt made a motion to repeal the current Code of Ethics under Town Code Title 3 Section 35, seconded by Councilmember Timmons. Town Clerk Morgan asked for clarification as there was another motion on the floor from Councilmember Wendt. Councilmember Wendt clarified that she was amending her motion so this could be accomplished in two motions. Town Clerk Morgan verified that Councilmember Timmons second still stood for the amended motion. Councilmember Timmons confirmed her second.

Public Comment was taken.

Dennis Repan inquired if he heard correctly that the Council is going to remove the accountability of Council. Councilmember Wendt responded that it would be temporary, for 30 days. Councilmember Timmons interjected that the Council all took an oath...she then commented to Mr. Repan to not roll his eyes, it isn't very nice. Mr. Repan apologized and said he didn't go to the training. Councilmember Timmons replied to Mr. Repan that she saw him there. Mr. Repan said that he exercised his right to file a complaint because it was his right to do so. Councilmember Wendt asked Mr. Repan if he did so "just because he could"? Mr. Repan said that he filed it because he is a citizen of this community just like Councilmember Wendt. He asked Councilmember Wendt if she was going to deny that, she said she did not deny it a bit, she denies abuse of it, stating that it is overreaching and biased. Councilmember Timmons spoke of Mr. Repan previously saying when this Council was sworn in, they only had six months before they could be recalled. She spoke of recall being a tool for the community to use regarding Council Members. Mr. Repan spoke of the comments that Mayor Nolan was reportedly limited in his duties and noted that he has been able to do his job within the limits of the Code. Mayor Nolan noted that the new Council is going to let the reins out. Mr. Repan recommended that they review the Council/Town Manager form of government which this community signed up for.

Councilmember Hughes stated that the purpose of this CAARF was to reevaluate the Code of Ethics Chapter III, Section 35. There are things in the current code that are biased and limits the Mayor's abilities. There are things that need to be changed. The Mayor should have the ability to promote the Town. He is not for eliminating ethics from the Council, but it needs to get back to the basics.

Public Comment was taken.

Linda Horvath spoke of disagreeing with Mr. Repan. The Council still has the State Ethics to follow. He used to be on the board, the community said no more, they voted him off, they voted the new Council in because they trust them and they like their values and that's important to the community.

Leigh Cluff spoke that the Town will be watching the Council very closely, get rid of the code, put the old one back in and move on.

Ted Brooks clarified that the code on the overhead was already reviewed and approved by the Attorney, so why does it have to go back again to the Attorney. Mayor Nolan explained that it has to be reviewed. Councilmember Hughes referred to it being required by state law.

Town Clerk Morgan reported that the most recent motion would go ahead of Councilmember Wendt's, however, Councilmember Timmons' motion did not receive a second, so it goes back to Councilmember Wendt's motion.

There was Council discussion and consensus to suspend the Ethics Code rather than repeal it.

Town Clerk verified that the maker of the motion, Councilmember Wendt, agreed to the amendment. The seconder, Councilmember Timmons withdrew her second to the motion. Councilmember Hughes now seconded the motion.

Vice Mayor McBrady asked Mayor Nolan what they were doing. Mayor Nolan explained they were going to suspend it. Vice Mayor McBrady asked what they were suspending. Mayor Nolan clarified the current Code of Ethics.

There was Council discussion regarding confusion over how long it would be suspended, if it would still be in effect for the 60 days and clarification that a suspension would not take place before 30 days minimum.

Town Manager Kimball explained the options regarding the current Code of Ethics: 1.) Do nothing 2.) Repeal entirely 3.) Repeal parts of it 4.) Suspend temporarily (pending legal consultation to verify this possibility). She is hearing that Council Members want to discuss this further at a Study Session and that is something that is done all the time.

Councilmember Wendt consulted with Councilmember Hughes regarding suspension vs. repeal. Councilmember Hughes recommended suspension. Councilmember Wendt and Hughes supported their standing motion and second.

Councilmember Hamilton spoke of standard practice that you figure out exactly what you want and then approve it, before replacing the existing Code.

Councilmember Wendt spoke of doing the next motion on bringing in her proposed replacement, an older ethics code.

Mayor Nolan recommended suspending the current Code of Ethics, but waiting until everyone had the chance to review the proposed replacement before adopting it. It was not included in the packet for this meeting and some Council Members had not had a chance to see it. Councilmember Wendt asked if the suspension would be legal. Mayor Nolan said the Town Attorney would let them know if it wasn't legal.

Town Manager Kimball said that she would contact the Town Attorney first thing in the morning to research this issue.

Councilmember Wendt restated her motion. Mayor Nolan called for a roll call vote.

Councilmember Hughes interjected to say that he could not go with this motion. He feels it cannot be suspended as it is not legal. Councilmember Wendt spoke of the risk. Councilmember Hughes and Councilmember Timmons said they can't take this risk. Councilmember Wendt said then they need to repeal.

Councilmember Treadway spoke of much confusion on this issue and that it seemed they were making things up as they went along and wished the Attorney had been present to guide them. He felt very strongly this was not the time to do this, as there is so much confusion.

Councilmember Hamilton reminded Council of the wording of the agenda and that they could only repeal it or send it to a Work Session. There was nothing in the agenda regarding adoption of a different code.

Councilmember Wendt made a motion to repeal Title III Chapter 35 Code of Ethics, seconded by Councilmember Hughes.

Mayor Nolan asked for a roll call vote. The motion passed by a 5-2 vote with Council Member Hamilton and Councilmember Treadway voted against.

Mayor Nolan made a motion to take the Code of Ethics back to a Study Session, seconded by Councilmember Hughes.

Councilmember Timmons asked for clarification that the current code was still in effect and in action. Mayor Nolan confirmed this.

Councilmember Wendt noted this needed to be on the earliest Work Session possible.

Town Manager Kimball reported that this could be on the April 4, 2017 agenda.

Councilmember Hamilton noted this wasn't on the agenda. Mayor Nolan said it was part of the subject.

Mayor Nolan called for a vote on the motion, the motion passed unanimously.

**9.4. Ratify appointments of newly appointed P&Z members.** [CAARF requested by Mayor Nolan]

Mayor Nolan brought this back because he heard there was dissatisfaction with the appointments.

Councilmember Hamilton spoke of a complaint filed on the appointments. Was there a code violation?

Mayor Nolan said he didn't think so, there was a last minute resignation. There were five or six applications and if he held off they may not apply again. He has had public comments that this was wrong. It was an emergency thing that happened. Everyone has the investigation that it takes to be on a committee and we need to go ahead and ratify it.

Councilmember Hamilton stated there was not an emergency. But if there was nothing wrong with what was done, then there is no sense in doing this ratification. If there was something wrong with what was done, this is not the way to correct the error. If they think there is something wrong, consult the Attorney on what to do to correct it.

Mayor Nolan spoke of the Attorney looking at the agendas before the Council receives them. He spoke of former ratifications and that there is nothing wrong with this.

Councilmember Timmons spoke of understanding that the complaint involved the background checks and that although everyone signed to have a background check, there was one process that was not complete for an applicant. She believes this happened in a previous board appointment situation, so she did see an issue.

Councilmember Treadway believes that the Code was not followed. It was not egregious, but you can't pick and choose the sections of Code to be followed. There was oversight on the part of the Council and this was a good learning experience for the Council.

Councilmember Timmons asked what specific part of the Code was not adhered to. Mayor Nolan explained the background check was not completed. Councilmember Timmons asked if they were going to go back to the Board of Adjustment, as well, since one of those applications didn't have a background check completed. Town Clerk Morgan explained that the BoA applications were all complete with the information in-house and available to Council for review before the appointment process.

Vice Mayor McBrady spoke that this gives an opportunity to anyone who had a problem with the background check process to change their vote. This is an opportunity to correct, if they feel there was a problem with the appointment.

Councilmember Hamilton spoke that the Council should have chosen from the applicants that were available at that time to fill that position. The applicant in question did not satisfy Town Code because the process was not completed. That is the reason this applicant was not eligible. The Town Attorney needs to be consulted on how to correct the error. Ratifying it now, would ratify the error, not correct it. Vice Mayor McBrady asked Councilmember Hamilton if he thinks Council should vote again. Councilmember Hamilton again recommended legal advice.

Vice Mayor McBrady recommended ratifying the appointment and having the Attorney weigh in on it and offer an alternative solution if it is not correct.

Councilmember Timmons clarified with the Town Clerk that Ms. Brooks' application was taken in before the end of the day and the applicant signed for a background check. Councilmember Timmons spoke of the Town Clerk presenting the application to Council and the Town Attorney said it was okay that the background check was not completed. Town Clerk Morgan said she would have to check on this. Councilmember Timmons interjected that she was pretty sure the Attorney said she didn't see a problem with that. Town Clerk Morgan pulled up the video of that meeting on the Granicus system. Town Clerk Morgan reviewed the video and noted that the Town Attorney was not present in the video.

Public Comment was taken.

Linda Horvath asked if the applicant's background check came back okay. Town Clerk Morgan explained that was confidential information. Ms. Horvath stated that no one would agree to a background check if there was going to be a problem. There should have been an earlier cut-off date on the applications. The people on the committees are good honest people.

Councilmember Timmons asked the Council if anyone would change their vote had they seen the background check.

Councilmember Treadway spoke of this not being about the applicants, it was about the process according to the Code. You may as well throw the Code in the trash, if Council isn't going to abide by the Code, and just make things up as we go along. That was the point he was trying to make.

Councilmember Wendt spoke of her appreciation for Mr. Treadway's passion for the matter but recommended ratifying the appointments, then consulting the Attorney. She cited there was no malicious intent, just a slight error in this process.

Vice Mayor McBrady agreed that it should be voted on, then presented to the Town Attorney for review.

Councilmember Hamilton explained that what he was hearing in this discussion, reinforced the need for an Ethics Code. He spoke of the Code being in black and white, not to be misinterpreted. He spoke against these matters being handled on the fly, legal opinion was needed to do it right.

Vice Mayor McBrady reiterated his viewpoint to ratify and have the Attorney look at it later.

Councilmember Timmons asked to have that part of the Code brought up on the overhead screen. Councilmember Timmons gave her interpretation of the Code displayed and summarized that she does not feel Council did anything in violation of the Code.

Councilmember Hamilton spoke of his interpretation. The intent of the background check is to be sure the applicant has a good background. Saying they signed up for the background check doesn't mean they passed it. The intent is that they pass the background check in order to be qualified for the nomination. Councilmember Timmons interrupted and informed Councilmember Hamilton that there is nothing that says the background check has to come back in a positive light. She questioned Ms. Brooks about the application process she participated in and determined that the only possible issue was Ms. Brooks not being interviewed by the Chair, but the vacancy was not a foreseen thing, Councilmember Timmons does not feel there is a violation.

Councilmember Wendt supported that Councilmember Timmons was reading the Code correctly and there is nothing in the Code that the background check has to be back.

Councilmember Hamilton spoke of much of law being about intent. The intent was that you would have the information to make an informed decision about that person (applicant). Councilmember Timmons interjected that in the future Councilmember Hamilton might want to amend that Code, because she doesn't feel that is what it says.

Councilmember Treadway spoke of the Agenda having stated that there were two individuals to be appointed to the P & Z Committee. The agenda was changed on the spot. There should have been a 24-hour notice that the agenda was changed according to Open Meeting Law. That was something else that was amiss. This was a learning lesson for all Council Members. Councilmember Hughes concurred with Councilmember Treadway.

Public Comment was taken.

Dennis Repan apologized to Councilmember Wendt for her feeling that he is evil. Councilmember Wendt disagreed that she said this. Mr. Repan spoke of ratification as an incorrect step, the right way would be for Council to reaffirm their appointments.

Councilmember Timmons replied that Council didn't need to ratify anything. She went through and inquired of each Councilmember, down the line, and she believes she got them to reaffirm their elections. She does not know why they were having this discussion, as she believes they did not violate any part of the Code.

Public Comment was taken.

Linda Horvath spoke of the Council not having done anything wrong by the rules. If the background check came back negatively, then there would be a discussion, she (Ms. Brooks) would be out and replaced. Her assumption is no one would change their vote.

Leigh Cluff spoke of being upset as she felt Staff was being attacked by two Councilmembers for including Ms. Brook's application for consideration at the previous meeting. She apologized to the Town Manager and Town Clerk for what the Councilmembers said and spoke in appreciation of their hard work.

Town Clerk Morgan asked to comment as Ms. Cluff's comment was directed to her. Town Clerk Morgan explained that she did not actually bring Ms. Brook's application in to the meeting, but she was asked by Mayor Nolan if she had mentioned that there was an application that came in at 5 p.m. Council did not review the application and it was not included the meeting packet which was already distributed. Ms. Brooks was present at the meeting and that was what initiated the interview process. Town Clerk Morgan actually did not bring the application in to present to Council because according to her review of the Code it did not meet the requirement to forward it to Council. She did, however, want Council to know that it was received. Council asked whose application it was and Council proceeded with the interview and appointment.

Public Comment was taken.

Karen Brooks spoke on Chair Hambrick's interview process and that he conducted three interviews and was unable to interview three candidates. He also shared being uncomfortable with the recommendation process. Ms. Brooks spoke of her desire to volunteer for the Town as a community member. She spoke of there being no closing date or deadline on the application indicating that it would not be considered that night as a result of being turned in at 5:00 p.m. She spoke of the application process conflict.

Councilmember Timmons asked Town Clerk Morgan what she saw on the application that she would not accept. Town Clerk Morgan explained that was not what she said. She is not in a position to accept or not accept an application. The application came in at 5 p.m.,

it was too late to be included in the meeting packet, and none of the vetting had been done. Chair Hambrick made every effort to interview each candidate, but that was unable to be accomplished. Having it come in 1.5 hours before the start of the meeting there were no copies passed out. There is no cut-off time, so it was accepted. She was not sure what Council would want to do with it. Council asked who it was, Ms. Brooks happened to be there and was included in the interview process. Councilmember Timmons spoke of misunderstanding, but she had just heard Town Clerk Morgan say she would not have presented it to the Council. Town Clerk Morgan explained that it did not make it into the packet, nor was the third vacancy appointment included as it was received an hour after the packet went out on Friday. She did not intend to make it sound as if she was keeping something from Council, it simply did not make it to the Council because it came in so late and copies were not made.

Town Manager Kimball spoke of Town Clerk Morgan having worked very hard and being tired. She provided a further explanation that the application came in too late for a memo to be prepared for Council. Town Manager Kimball spoke of Staff being unable to make selections for the Council, this process being Council-driven.

Public Comment was taken.

Lori Crofutt spoke of her interpretation of the Code language regarding committee interviews. She cited that Ms. Brooks answered the Council's questions and that should have been considered an interview. Ms. Crofutt was unsure what the question was regarding this issue.

Ulys Brooks spoke of the background check process where he worked with the Veteran's Administration and that the hiring process was subject to a background check that could take months to complete.

Mayor Nolan made a motion to approve to ratify the appointments of the newly appointed Planning & Zoning Commission, seconded by Vice Mayor McBrady. Mayor Nolan asked for a roll call vote. The vote passed by a 5-2 vote, with Councilmembers Hamilton and Treadway voting against.

**10. Public Hearing Agenda.**

None.

**11. Adjourn.**

The meeting was adjourned at 9:53 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
STUDY SESSION MINUTES  
APRIL 11, 2017, 6:30 P.M.**

**A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, APRIL 11, 2017, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** Mayor Nolan called the meeting to order at 6:31 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady; and Mayor Terry Nolan were present.
3. **Study Session.** No legal action to be taken.

**3.1. Earl Goodwin's presentation regarding Road Improvement Program.** [As directed at March 7<sup>th</sup> meeting]

Earl Goodwin gave his presentation on a Road Improvement Program based on his experience in helping problem-solve these types of issues in public service. He was approached last fall by former Council Member Dennis Repan. It has taken some to put this plan together. Mr. Goodwin noted the Town's legal responsibility for the roads. He cited that the current road transition policy provides for property owners with private easements to bring their roads into the system, but noted that the Town's requirements involve too much cost, resulting in few transfers over the last 11 years. A couple of the restraints facing the town were addressed in this proposal: not enough funds to fix all the roads; HURF funds can only be used on town-owned roads; Arizona constitution prohibits using public money on private property; there is a risk to the Town using General Fund money on private roads and finally that we don't really know how important the road problem is in the minds of the citizens. This proposal copes with each of these constraints. The ten points of his proposal are:

1. Everyone contributes - \$200.00 per year per family including those who live on private roads.
2. Not enough dollars overall – HURF funds do not permit much expansion for paved roads and maintenance. Public money cannot be spend on private easements.
3. HURF Growth – Could increase, if shifted to local agencies.
4. Beware of MOE – Legislation increases HURF to local agencies there will be a requirement for MOE – Maintenance of Effort.
5. ROW Lease – Could lease the private right-of-way for the purpose of completing the circulation element of its General Plan.
6. General plan – circulation of element could be included in updated plan.
7. Sales Tax – increase a one-cent hike in sales tax to add up over 5 years.
8. Council decides carryover – using carryover to add up over 5 years.
9. Public Hearings – development of circulation element of the General Plan and the proposed Ordinance for allocating carryover and leasing private easements would require a series of public hearings held over a seven-month period.
10. Voter approval – voter decision in 2018. This would result in in a 4 million dollar road program over a five-year period.

Mr. Goodwin passed out materials covering these ten points and his overall program.

Councilmember Hamilton spoke of the right-of-way lease being key to this program and that he would like to run this by the Town Attorney. Mr. Goodwin spoke of a similar situation in Cave Creek involving water service and they leased the ROW for this purpose.

Councilmember Treadway felt the program showed a lot of promise with the key being the ROW leases. He questioned if surveys would be needed. Mr. Goodwin replied that there would be no need for surveys. Councilmember Treadway asked if the property owner is responsible for the road maintenance after the five-year lease. Mr. Goodwin confirmed this and spoke of the Town needing to work with the legislature on a road improvement district.

Councilmember Wendt inquired about road improvements through a property tax. Mr. Goodwin described Prescott Valley's method using districts to pay for those improvements. He referred to property values that went down in the recession. Legislature passed a bill that only allows them to raise property taxes 5% per year. Takes a while to get caught up on market value at 5% per year. He spoke of many factors that will increase HURF funds. Councilmember Wendt spoke of no one wanting property taxes, and if it would need to go to the voters for approval. Mr. Goodwin said it would need to go to a vote. There is no payment on property tax for five years.

Councilmember Hamilton spoke of a possible conflict with the gift clause. Mr. Goodwin spoke of his knowledge of using funds for public purposes. He compared it to the leased Town Hall offices. Leased property can be improved with public funds.

Councilmember Treadway believes the concept is great and should be explored with the Town Attorney. There are 50 miles of private road, how do you prioritize. Mr. Goodwin explained that public input would be obtained and shared his ideas for this process.

Mayor Nolan spoke of the continued reduction of HURF funds while Governor Ducey is in office. Mr. Goodwin spoke of being at a meeting with legislators where he was able to talk to Noel Campbell. HURF funds are reallocated to local government. Noel Campbell can steer this toward more HURF funds. Mayor Nolan replied that the Governor won't go for a tax increase. Mr. Goodwin spoke of using HURF money they get, then determine how much is to be carried over to contingency and use up to \$250K to go to road projects that aren't HURF-worth. Prescott used the penny on sales tax dedication for roads. Most DH residents don't pay much in sales tax to DH. Mayor Nolan reiterated that people don't want to increase the sales tax. Mr. Goodwin spoke of surveying the community and connecting it up to the General Plan process. Council has responsibility for the roads.

Councilmember Treadway inquired if every road upgrade would not need to be paved, or could dirt roads just be upgraded. Mr. Goodwin spoke of chip-seal lasting approximately seven years. His suggestion is to pick a road, pave it and chip-seal it. Problem with DH roads are all the garbage trucks going up and down the roads. The hilly terrain with stops and starts on these hills cause the problems on the road. Councilmember Treadway spoke of going into this with an open mind and believing it would behoove the Council to give it consideration. He thanked Mr. Goodwin for his time and effort on this project. Mr. Goodwin spoke of there being no rush and not all the elements need to go in the plan. The Town needs to protect itself with voter approval and ordinance approval to use General Fund money with Council picking the General Fund amount each year to spend money on this.

Councilmember Hughes thanked Mr. Goodwin for his proposal and presentation. Would like to review and consider all aspects.

Councilmember Hamilton agreed with Councilmember Hughes, then spoke on the HURF fund being raided by the State so they don't have to raise taxes. They want local taxes raised.

Mayor Nolan spoke of the major universities wanting sales tax pulled from HURF. Mr. Goodwin spoke of there being a fee put on vehicles through insurance policies. Noel Campbell is committed to rural HURF relief.

Councilmember Hamilton commented that this is per capita. 2020 there is a census, growing Towns will get more money. The Town is not growing like others.

Public Comment was taken

Ellie Demesquita spoke of starting the process with the policy that is in place right now in January. The first roadblock is a property owner not using the road (S. Charles Way). He is out of state, so they haven't heard back from this property owner yet. Would the lease help them in this way, if the property owner doesn't sign the paperwork? None of the owners who use the easement, own it.

Mayor Nolan explained they need to have the property owner sign off on the lease and to keep working on this with the Owner. Mr. Goodwin asked if the Town would be able to be a party in contacting the owner. Ms. Demesquita said that Ed Hanks, Public Works Director, is trying to make contact with the property owner by letter.

Councilmember Timmons thanked Mr. Goodwin for this presentation. Councilmember Timmons said if the Town is not willing to do anything about the roads, how does the Town expect the area to grow? There is no infrastructure. Figure out something, or you won't get more of the pot. Mayor Nolan mentioned soliciting people to move to the area. Councilmember Timmons spoke of the Town's reputation preceding it.

Ms. Demesquita added that the current property owners have taken care of the road's maintenance for over 30 years.

Town Manager Kimball will contact the Town Attorney about this concept. She said she will contact Cave Creek City Manager to inquire about the water project mentioned by Mr. Goodwin, citing that water and roads are different subjects.

### **3.2. Discuss how appointments are made to Town boards, commissions or committees under [Town Code Section] 33.17 Appointments. [CAARF requested by CM Hamilton]**

Councilmember Hamilton gave an overview of his CAARF, pointing out that under this Code applicants need to be interviewed by the Chair and the Board prior to Council for appointment. Councilmember Hamilton does not think this is right. Council makes the decisions about appointments, so Council should hear all the questions and answers. The Chair of the Board should be able to ask questions, but do that at the same time with Council, so they can ask questions and hear answers, as well. He recommends doing away with the separate processes.

Councilmember Timmons disagreed saying this has no relevance. Council can still ask the questions they want, as well as learn the Chair's opinion with the current process.

Mayor Nolan spoke against background checks.

Councilmember Wendt agreed with Mayor Nolan about the background checks. Doesn't give enough information anyway, only slows down the process. She does agree with Councilmember Hamilton in that the last time the Commission Chair was not able to interview all applicants and this could be eliminated if the process took place at one time.

Mayor Nolan also asked for a cut-off date on applications for commission vacancies.

Councilmember Treadway agreed with Mayor Nolan regarding cut-off dates. He would also like to be able to hear the questions being asked by the Chair of the Commission. As far as background checks, what is good for the goose is good for the gander, and he is surprised that Town Council isn't subject to background checks.

Councilmember Hamilton feels the cut-off date for applications should be the issuance of the next Town Meeting Agenda. Councilmember Hughes feels that should be bumped back a day more.

Town Manager Kimball recommended that Town Council set the date for acceptance and closing of an application submission.

Town Clerk Morgan explained the current application process, as well as the recent situation where an application was received late in the process. There was Council discussion how applications for vacancies were handled prior to the current code, as well as Open Meeting Law concerns.

Mayor Nolan spoke on problems with background checks.

Councilmember Hughes shared his opinion that, if Council Members aren't required to have background checks, then neither should other commissions.

Councilmember Hamilton spoke of apparent consensus on deleting the background check. He supported deleting the second part from the Code regarding the Chairman interview, as well as having the cutoff date for applications concurrent with the agenda setting date.

Town Manager Kimball summarized the directive she received to amend this chapter, deleting the current background and interview wording; the addition of language regarding a cut-off date for applications; and the Chair can attending Council's interview meeting and ask questions of the applicant(s) there. Town Manager Kimball asked what would happen if the Chair of said Committee could not make it to the Council meeting. There was consensus that the process would proceed without the Chair, if necessary.

### **3.3. Discussion of Public Body Code of Ethics; options for possible replacement of repealed Code Section Chapter 35. [As directed at March 7<sup>th</sup> meeting]**

Mayor Nolan spoke of three samples of different Ethics Codes, which Council had an opportunity to review. He inquired if Council wanted to use any of these models.

Councilmember Treadway spoke of his submission as being wordy. He inquired of Councilmembers Timmons and Hughes what prompted them to revoke the old Code of Ethics in order to have clarity.

Councilmember Wendt said that she saw repetitive wording. It was overdone. She objects to the language that the compliance and enforcement section was to educate and discipline. The second reason is because in reading this, the Public was allowed to file complaints and she feels this needs to be kept within the Council. If there is a problem with the Public, they can have a Council Member bring it forward. The Code has been used as ammunition against Council. The Council does not need this. It is so far gone, she recommends starting from scratch. This was not out of anger at anyone. The 2011 version is short and sweet and the Chino Valley model wasn't too bad either, as complaints come from the Council in their procedure.

Councilmember Hughes spoke of looking at the 2011 version, then look at changes to the new one, it appears that they wanted to come to battle, if you don't follow the steps. He disagrees that there can be grief caused at any time without any recourse. Feels the wording was open to interpretation. He would like to see something clear and simple to understand, cut and dried. He is not saying citizens shouldn't have an avenue to file a complaint, but it needs to go to the Town first, then it could go to the State. If you are going to complain about something, you have to be accountable for it as well. Make this more realistic and not so vague on interpretation. Needs to be narrowed up. There are too many avenues for people to have a grudge.

Councilmember Treadway agrees with Councilmember Hamilton that issues should be dealt with in-house first, but he does feel their needs to be some avenue for citizens to hold Councilmembers accountable.

Councilmember Timmons stated that, no offense to previous Council Members, but she can't tell you how many people would say they wouldn't file a complaint against Council, for fear of repercussions. Volunteers shouldn't have fines against them. She spoke of not being paid to be here, and sometimes she pays to be here, referring to having to take time off work to attend Study Sessions during the day. The Public can write a letter of unsatisfaction to the Council regarding any member of a Council, Committee, Staff, whoever.

Councilmember Wendt agreed with Councilmember Timmons. In reference to heavy fines, how do you expect Councilmembers to pay this, when they are not even paid for being here. On the 2011 version she would like to see a change made under #1, Page 11, second paragraph, Conduct of Public Office. She would like to substitute this paragraph and handed out copies of her substitution to Council. In addition, she inquired if Council would consider replacing Page 15, Code of Ethics, 35.05 Code of Ethics Filing and Procedures and just substitute that for Section 5 in the Town of Dewey-Humboldt 2011 version. That would cover, it is simple, easy to understand and has a process to it.

Mayor Nolan said he could go with this, if Paragraph D and E were worded for complaints to go to the Town Attorney and not involve Town Staff.

Councilmember Treadway would like to see some wording in Paragraph A about members of the public to go through Town Council.

Councilmember Wendt agrees that the public shouldn't be excluded, but they should take a complaint to the Mayor or Vice Mayor first, if they agree, then it can proceed from there. But a public member should not be allowed to directly file. It isn't allowed in Show Low. They do not allow public members to file complaints directly, it goes through Council, either the Mayor or Vice Mayor, but it gives the Public Body that ability if they think there is something there.

Councilmember Treadway said it needs to be stated in the Code.

Councilmember Hamilton questioned how this would work if the public can only file an ethics complaint through Council.

Mayor Nolan summarized that if a public member has a complaint they contact a Council Member and they file the complaint together and the complaint is forwarded to the Town Attorney.

Councilmember Timmons gave a hypothetical scenario of the proposed complaint process.

Councilmember Hamilton spoke of having a problem with the concept. The last Council thought they were doing what was best and this Council thinks they are doing well. If someone filed a complaint there could be factions involved. A negative perception will go out in the community. It's politics, and if you use ethics codes for politics it will come back to bite you. Second thing is if there is an Ethics Code, there has to be consequences or this is just a feel-good document. He would prefer to do away with it and not open that can of worms.

Councilmember Hughes spoke of the proposed complaint process with the presenter given a chance to speak on the violation, but it has to be an ethics violation.

Councilmember Timmons spoke of the public having the ability to vote Council out of office or file a recall action.

Councilmember Wendt asked Councilmember Hamilton if he would just prefer to not have an ethics code, if there aren't penalties or consequences. Councilmember Hamilton reiterated that without consequence, it is just a feel-good document. Councilmember Wendt said "that's true" and asked Councilmember Treadway for his opinion.

Councilmember Treadway said if he gets censured by his peers it would be a public humiliation. If he is doing that bad of a job, he should probably resign. You need to keep the consequences, though not financial. You need something with merit or teeth to it so Council is held accountable.

Councilmember Timmons asked Councilmembers Hamilton and Treadway, if she came to them and asked to talk with them about some things they said that were offensive to her, would they have a problem with that. They both said they would not.

Councilmember Hamilton spoke of being called a liar by Council Members and being offended by this. If it were outside of public office, it would be considered slander.

Councilmember Timmons referred to a previous incident where she said that Councilmember Hamilton was saying untruths, they weren't being said, they were being printed, and they were untrue because we were not proposing to purchase the bank building for the Historical Society, if that is what he was referring to. But would he be opposed to sitting down with any of the Council to work things out.

Councilmember Hamilton spoke of them each having different viewpoints and not be able to change each other's minds.

Councilmember Timmons asked how he knows that, explaining to Councilmember Hamilton that she has a very open mind.

Councilmember Hamilton said that is neither here nor there, and this isn't the place to bring up the referendum.

Councilmember Timmons said that wasn't what she was saying, she was suggesting that things could be discussed civilly.

Councilmember Hamilton spoke of having raised his voice a couple meetings ago and that he was wrong for it and apologized. He tries not to interrupt others, be courteous, and waits to be called on by the Mayor. These things are not serious ethical violations. An actual violation of Town Code is what he considers a valid complaint.

There was further Council discussion regarding previous ethics issues.

Councilmember Wendt reiterated that she wants this easier, less complex. If there is a serious violation, than it may need to go to the Attorney General. She inquired of Councilmember Treadway's stance on this issue, as he appears to think there needs to be something.

Councilmember Treadway said he would like to have more thought on this issue. He believes in keeping it simple. He has issue with some wording that included the word "moral". How is that word defined? It is a very ambiguous word.

Councilmember Timmons stated it goes back to the oath that Council Members took and that it defined "moral". There are plenty of larger Towns around here that don't have a Code of Ethics.

Councilmember Treadway doubted that anyone could repeat the oath they took, he certainly couldn't. He feels there needs to be more thought on this. He could go with some of what he heard this evening, if there is a provision for the public filing procedure.

Vice Mayor McBrady would like to think more about this too, citing it has been a long day and it could be brought up at the next Work Session.

Councilmember Timmons wants wording included such as "without fear of retaliation".

There was a request to bring this back at the next Study Session in May.

Town Manager Kimball clarified that May 9<sup>th</sup> already has a Study Session scheduled and a morning Budget Session on the same day.

Councilmember Hamilton recommended not doing it right now. Move it out a couple months until the budget is done.

Town Manager Kimball recommended the September 12<sup>th</sup> Work Session.

Councilmember Hamilton noted they could schedule a fourth week meeting. There was not consensus for this.

Councilmember Wendt recommended letting this ride until September.

**4. Special Session.** Legal action can be taken.

**4.1. Whether to hold additional special session(s) this month.**

No additional session to be held this month.

**5. Adjourn.**

The meeting was adjourned at 8:28 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk



**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:** 5/16/17

**Date of Request:** 5/10/17

**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):**

*Discussion & possible action by Council to Re-adopt Existing General Plan or forward to P+Z for review & update*

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

*The Town adopted its current General Plan on 5/19/09. State Statute requires that cities & towns either Readopt or Update their General Plan every (10)*

**Staff Recommendation(s):** *None*

*The purpose of this item is to decide which course to take*

**Budgeted Amount:** \_\_\_\_\_

**List All Attachments:** *General Plan link -> www.dhaz.gov, downloads, Plans, 2009 General Plan*  
*Not in packet but online access.*

**Type of Presentation:** \_\_\_\_\_

**Special Equipment needed:**  Laptop  Remote Microphone  
 Overhead Projector  Other: \_\_\_\_\_

**Contact Person:** *Mayor Nolan*

**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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§ 30.017 COMPENSATION, BOND AND FINANCIAL DISCLOSURE STATEMENT.

(A) *Council compensation.* Councilmembers will not receive any salary, benefits or other form of monetary compensation for their services. A sitting Council may, by ordinance, modify compensation; provided, however, such modification shall not be effective for any Councilmember during his term in which the ordinance modifying compensation was adopted. For Councilmembers not in office at the time the ordinance was adopted, the modified compensation shall become effective upon the start of such Councilmember's term in December following the Council election.

(B) *Bond.* Prior to taking office, the town will provide for each Councilmember an official bond enforceable against the principal and his or her sureties. The bond shall be payable to the state, and to and for the use and benefit of the town or any person who may be injured or aggrieved by acts of the officer in his or her official capacity. A person so injured or aggrieved may bring suit on the bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in a sum as shall be determined by the Town Manager and the premium for the bonds shall be paid by the town.

(C) *Financial disclosure statement.* Each member of the Council shall file a financial disclosure statement by January 31st of each year on a form setting forth such information as may be required by state law.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 14-105, passed 5-6-2014)

[Print](#)

## Chino Valley, AZ Code of Ordinances

**CHAPTER 30: GOVERNING BODY**

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## Section

***Town Council***

- 30.001 Elected officers
- 30.002 Corporate powers
- 30.003 Duties of office
- 30.004 Vacancies
- 30.005 Compensation
- 30.006 Oath of office
- 30.007 Bond
- 30.008 Financial disclosure statement

***Mayor***

- 30.020 Direct election of Mayor
- 30.021 Vice Mayor
- 30.022 Acting Mayor
- 30.023 Powers and duties
- 30.024 Absence
- 30.025 Failure to sign documents

***Council Procedure***

- 30.065 Meetings
- 30.066 [Reserved]
- 30.067 Rules
- 30.068 Meetings to be public
- 30.069 Quorum
- 30.070 Agenda; notice of meetings
- 30.071 Boards, committees and commissions
- 30.072 Voting

## 30.073 Suspension of rules

**Cross-reference:**

*Legislative Provisions, see Chapter 36*

**TOWN COUNCIL****§ 30.001 ELECTED OFFICERS.**

(A) The elected officers of the town shall be a Mayor and 6 Council members. The Mayor and Council members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.

(B) The term of office of the Mayor shall be 2 years.

(C) Council members shall serve 4-year overlapping terms in the manner provided by state statute.

(2001 Code, § 2-1-1)

**§ 30.002 CORPORATE POWERS.**

The corporate powers of the town shall be vested in the Mayor and 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.

(2001 Code, § 2-1-2)

**§ 30.003 DUTIES OF OFFICE.**

The Mayor and Council members shall assume the duties of office at the first regularly scheduled meeting in December following an election at which the Mayor or Council members were elected.

(2001 Code, § 2-1-3) (Am. Ord. 14-783, passed 4-22-2014)

**§ 30.004 VACANCIES.**

The Council shall fill any vacancy that may occur for whatever reason as provided by state law.

(2001 Code, § 2-1-4) (Am. Ord. 11-755, passed 11-8-2011)

**§ 30.005 COMPENSATION.**

The compensation of elective officers of the town shall be fixed from time to time by resolution of the Council.

(2001 Code, § 2-1-5)

### **§ 30.006 OATH OF OFFICE.**

The Mayor and each Council member shall take and subscribe to the oath of office at the time prescribed by state law.

(2001 Code, § 2-1-6) (Am. Ord. 11-755, passed 11-8-2011)

#### ***Statutory reference:***

*Similar provisions, see A.R.S. § 38-232*

### **§ 30.007 BOND.**

Prior to taking office, the Mayor and every Council member shall execute and file an official bond, enforceable against the principal and his or her sureties, conditioned on the due and faithful performance of his or her official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of the officer in his or her official capacity. A person so injured or aggrieved may bring suit on the bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in such sum as shall be provided by resolution and the premium for the bonds shall be paid by the town.

(2001 Code, § 2-1-7)

### **§ 30.008 FINANCIAL DISCLOSURE STATEMENT.**

The Mayor and each Council member shall file a financial disclosure statement in a form and with such information as provided by resolution of the Council.

(2001 Code, § 2-1-8)

## **MAYOR**

### **§ 30.020 DIRECT ELECTION OF MAYOR.**

The Mayor shall be directly elected by the qualified electors of the town.

(2001 Code, § 2-2-1) (Am. Ord. 14-783, passed 4-22-2014)

### **§ 30.021 VICE MAYOR.**

At the first regular meeting in December following an election, the newly elected Mayor shall nominate 1 of the Council members as Vice Mayor, and, upon approval by the majority of the Council including the Mayor, the Vice Mayor shall be so elected and shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

(2001 Code, § 2-2-2) (Am. Ord. 14-783, passed 4-22-2014)

### **§ 30.022 ACTING MAYOR.**

In the absence or disability of both the Mayor and Vice Mayor, the Council may designate another of its members to serve as Acting Mayor who shall have all the powers, duties and responsibilities of the mayor during the absence or disability.

(2001 Code, § 2-2-3)

### **§ 30.023 POWERS AND DUTIES.**

The powers and duties of the Mayor shall include the following:

(A) He or she shall be the chief executive officer of the town.

(B) He or she shall be the Chairperson of the Council and preside over its meetings. At any meeting where the Mayor is present and able to preside, the Mayor may designate a Councilmember to preside over that meeting and, upon designating the Councilmember, the Mayor may relinquish the chair for that meeting only. The Mayor and any Councilmember designated by the Mayor to preside over a meeting may make and second motions and shall have a voice and vote in all Council proceedings.

(C) He or she shall enforce the provisions of this code.

(D) He or she shall execute and authenticate by his or her signature such instruments as the Council or any statutes, ordinances or this code shall require.

(E) He or she shall make such recommendations and suggestions to the Council as he or she may consider proper.

(F) He or she may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the town. After declaration of the emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the town, including but not limited to:

(1) Imposition of a curfew in all or any portion of the town;

(2) Ordering the closing of any business;

(3) Closing to public access any public building, street or other public place; and/or

(4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

(5) The emergency powers of the Mayor shall not continue for more than 30 consecutive days. Upon cessation of the emergency, the Town Council shall resume its regular duties.

(G) He or she shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the town.

(2001 Code, § 2-2-4) (Am. Ord. 15-801, passed 7-28-2015; Am. Ord. 15-802, passed 9-22-2015)

### **§ 30.024 ABSENCE.**

The Mayor shall not absent himself or herself from the town for a greater period than 15 days without the consent of the Council.

(2001 Code, § 2-2-5)

### **§ 30.025 FAILURE TO SIGN DOCUMENTS.**

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his or her signature for 5 days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor or, in his or her absence, an Acting Mayor to sign the ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

(2001 Code, § 2-2-6)

## **COUNCIL PROCEDURES**

### **§ 30.065 REGULAR MEETINGS.**

(A) *Regular meetings.* The Council shall hold regular meetings on the second and fourth Tuesday of each month at 6:00 p.m. When deemed appropriate, any regular meeting date of the Council may be canceled or rescheduled by the affirmative vote of a majority of the Council, except that at least 1 regular meeting a month must be held, and notice of the canceled or rescheduled meeting shall be given to the public as is reasonable and practicable under the circumstances. All regular meetings of the Council shall be held in the Town Hall of Chino Valley, or in such other locations as Council may determine.

(B) *Special meetings.* A special meeting of the Council may be called at any time by: (1) The Mayor; (2) Any 3 Councilmembers; or (3) a majority vote of the Council at a public meeting, and by giving notice thereof to all other Councilmembers of the date, time, place and purpose of the special meeting. Public notice of such meeting shall be made pursuant to state law.

(C) *Study sessions.* The Mayor or the Council, by common consent thereof, may call a study session of the Council at any time by notifying the Councilmembers of the date, time,

place and purpose of the study session. Notice of the study session shall be made pursuant to state law for public meetings.

(2001 Code, § 2-4-1) (Am. Ord. 09-723, passed 10-22-2009; Am. Ord. 10-737, passed 8-12-2010; Am. Ord. 14-781, passed 2-11-2014)

### **§ 30.066 [RESERVED].**

### **§ 30.067 RULES.**

The Council may by motion adopt rules of procedure to govern its proceedings.

(2001 Code, § 2-4-3)

### **§ 30.068 MEETINGS TO BE PUBLIC.**

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law. Notice of meetings shall be given in a manner consistent with state statutes.

(2001 Code, § 2-4-4)

### **§ 30.069 QUORUM.**

A majority of the Council shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

(2001 Code, § 2-4-5)

### **§ 30.070 AGENDA; NOTICE OF MEETINGS.**

According to the time schedule set by motion of Council, the Town Clerk shall prepare an agenda at the direction of the Mayor and according to the order of business established by motion of Council. The agenda shall list the specific matters to be discussed, considered or decided at the meeting. Notice of executive sessions shall state the specific provision of law authorizing the executive session but shall be required to include only a general description of the matters to be considered. Except in the case of an actual emergency, the agenda shall be available to the public at least 24 hours prior to the meeting. By motion, the Council shall establish where all public notices of Council meetings are to be posted. Public notices of Council meetings shall be posted by the Clerk in 3 or more public places within the town.

(2001 Code, § 2-4-6)

### **§ 30.071 BOARDS, COMMITTEES AND COMMISSIONS.**

The Council may, by motion, resolution or ordinance, create such boards, committees and commissions, standing or special, as it deems necessary. The boards, committees and commissions shall consist of as many members and shall perform such duties as the Council may require and shall exist at the pleasure of the Council.

(2001 Code, § 2-4-7)

### **§ 30.072 VOTING.**

(A) The Mayor shall vote as a member of the Council.

(B) Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.

(2001 Code, § 2-4-8)

### **§ 30.073 SUSPENSION OF RULES.**

Any of the provisions of this subchapter may be temporarily suspended in connection with any matter under consideration by a recorded vote of 3/4 of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

(2001 Code, § 2-4-9)

**RESOLUTION NO. 16-1088**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, FIXING AND SETTING THE COMPENSATION OF ELECTIVE OFFICERS OF THE TOWN; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.**

WHEREAS, Section 9-232.01 of the Arizona Revised Statutes authorizes the common councils of municipalities to, by ordinance or resolution, prescribe daily compensation or salary to be paid to the mayor and councilmembers; and

WHEREAS, pursuant to Arizona Constitution Article IV, Part 2, Section 17, compensation of public officials shall not be increased or decreased during the officer's term of office; and

WHEREAS, the salaries of the Town of Chino Valley Mayor and Councilmembers have not increased since 1983; and

WHEREAS, in the thirty-three years since 1983, the population of Chino Valley has increased from approximately 3,000 to 10,817; and

WHEREAS, since 1983, the Consumer Price Index has increased approximately 137%; and

WHEREAS, service on the Chino Valley Town Council requires substantial financial sacrifices and time commitments that eliminate many Chino Valley residents from serving on the Council; and

WHEREAS, Chino Valley desires to provide its mayor and councilmembers with reasonable salaries that will provide adequate compensation for the service and time commitments required of the mayor and members of the Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona:

1. That in accordance with Article IV, Part 2, Section 17 of the Arizona Constitution and Section 30.005 of the Chino Valley Town Code, the compensation for the office of Mayor shall be \$400 per month and the compensation of other members of the Town Council shall be \$200 per month; and

2. That such increased compensation shall be effective December 14, 2016, for Mayors and Council members taking office after the November 2016 general election.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this Resolution 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 remaining portions thereof.

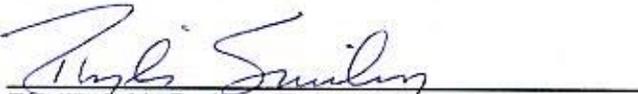
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 26th day of July, 2016.

  
Chris Marley, Mayor

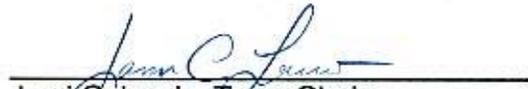
ATTEST:

  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

  
Phyllis L.N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 16-1088 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on July 26<sup>th</sup>, 2016, and that quorum was present thereat and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.

  
Jami C. Lewis, Town Clerk



**RESOLUTION 2001-511**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ESTABLISHING THAT THE CURRENT FIFTY DOLLARS FLAT FEE PROVIDED TO COUNCIL IS SALARY**

*WHEREAS*, ARS §9-232.01 allows for daily compensation or salary for mayor and council members; and

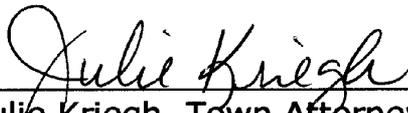
*WHEREAS*, the Town of Camp Verde wants to establish and clarify that the current flat fifty dollars a month paid to council is a salary,

**NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE:**

That a flat fifty dollars a month (\$50.00) will be paid to Mayor and Council members as a salary.

**PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 23RD day of October 2002.**

Approved as to Form:

  
Julie Kriegh, Town Attorney

Date 10-24-02

  
Brenda Hauser, Mayor

Attest:

  
Deborah Barber, Town Clerk



**RESOLUTION 2013-880  
SUPERCEDING RESOLUTION 2002-511**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE  
TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,  
ESTABLISHING MAYOR AND COUNCIL SALARY AMOUNT  
AND SUPERCEDING RESOLUTION 2002-511**

**WHEREAS**, ARS §9-232.01 allows for compensation for compensation or salary for Mayor and Council members;  
and

**WHEREAS**, Resolution 2002-511 established Council salary at \$50.00 per month in October 2002; and

**WHEREAS**, it is necessary to ensure that Council members receive minimal remuneration for the performance of their duties associated with their positions as the governing body and representatives of the Town of Camp Verde;  
and

**WHEREAS**, it is necessary to ensure that potential Council candidates are not discouraged from running for office due to expenses that might be related to the position;

**NOW THEREFORE**, the Mayor and Common Council of the Town of Camp Verde hereby resolve that the Mayor will receive a salary of three-hundred and fifty dollars (\$350) and Council members will receive a salary of two-hundred and fifty dollars (\$250) per month beginning July 1, 2013.

**ADOPTED AND APPROVED** by a majority vote of the Mayor and Common Council at the regular meeting of February 20, 2013.

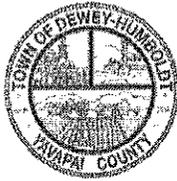
  
\_\_\_\_\_  
Mayor Bob Burnside

Approved as to form:

**Attest:**  
  
\_\_\_\_\_  
Town Clerk Deborah Barber

  
\_\_\_\_\_  
Town Attorney

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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: 5/16/17

Date of Request: 5/10/17

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):

*Council Consideration To Enter into a land swap agreement to Humboldt Unified School District + provide direction to Prepare*

Purpose and Background Information (Detail of requested action):

*Necessary documents.  
 To Trade unused ROW adjacent to HES for a unused School Property To be developed as a skate Park*

Staff Recommendation(s): *for town,*

*+ to allow the School to Relocate their sign on the Town Property for better visibility.*

Budgeted Amount: \_\_\_\_\_

List All Attachments: 5 sheets of survey information

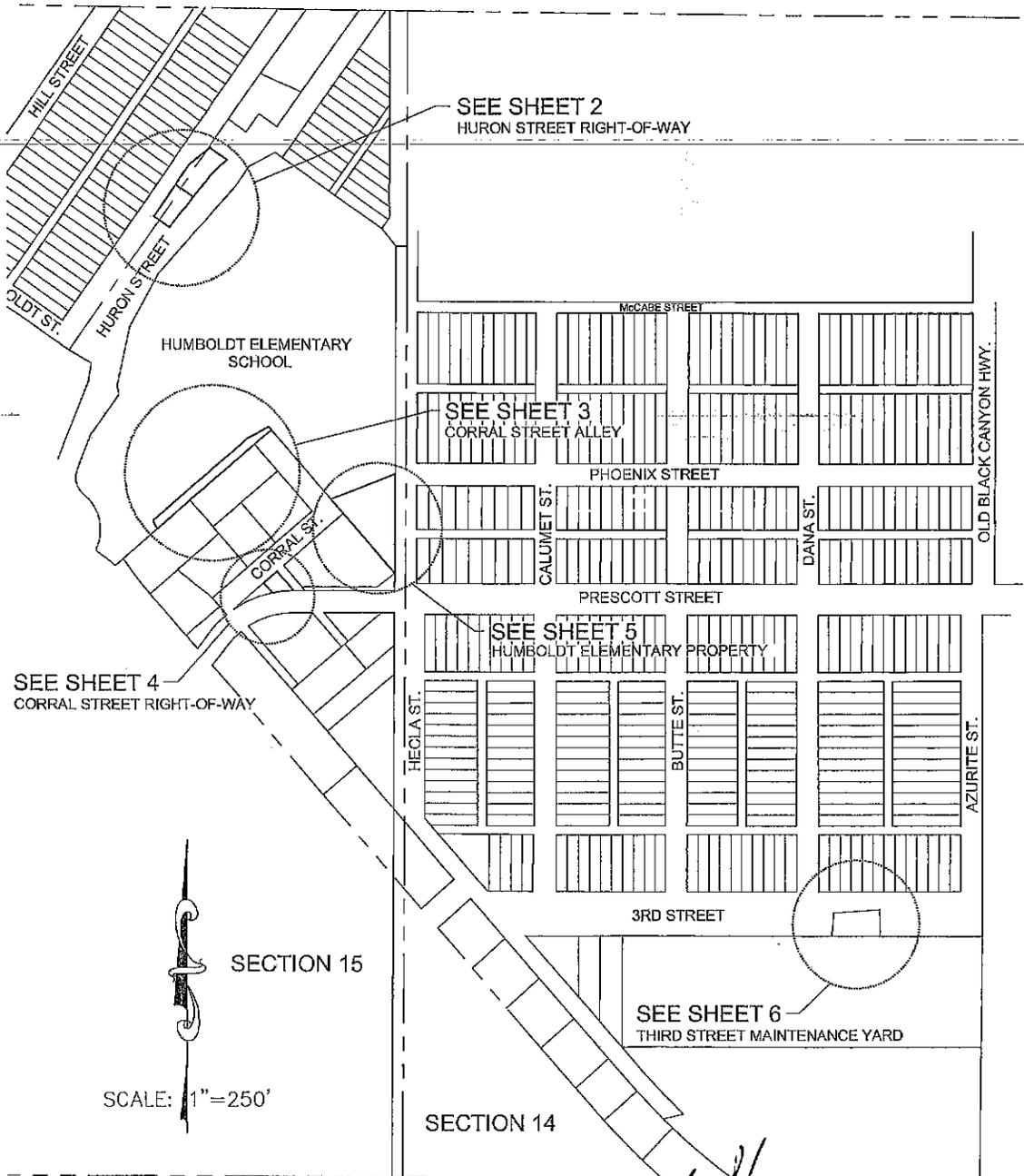
Type of Presentation: \_\_\_\_\_

Special Equipment needed:  Laptop     Remote Microphone  
 Overhead Projector     Other: \_\_\_\_\_

Contact Person: Mayor, Nolan

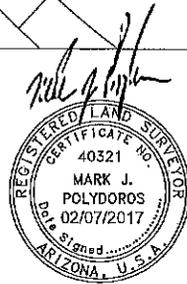
**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

TOWN OF DEWEY/HUMBOLDT  
 VARIOUS RIGHT-OF-WAY/PARCEL AREAS  
 HUMBOLDT, ARIZONA



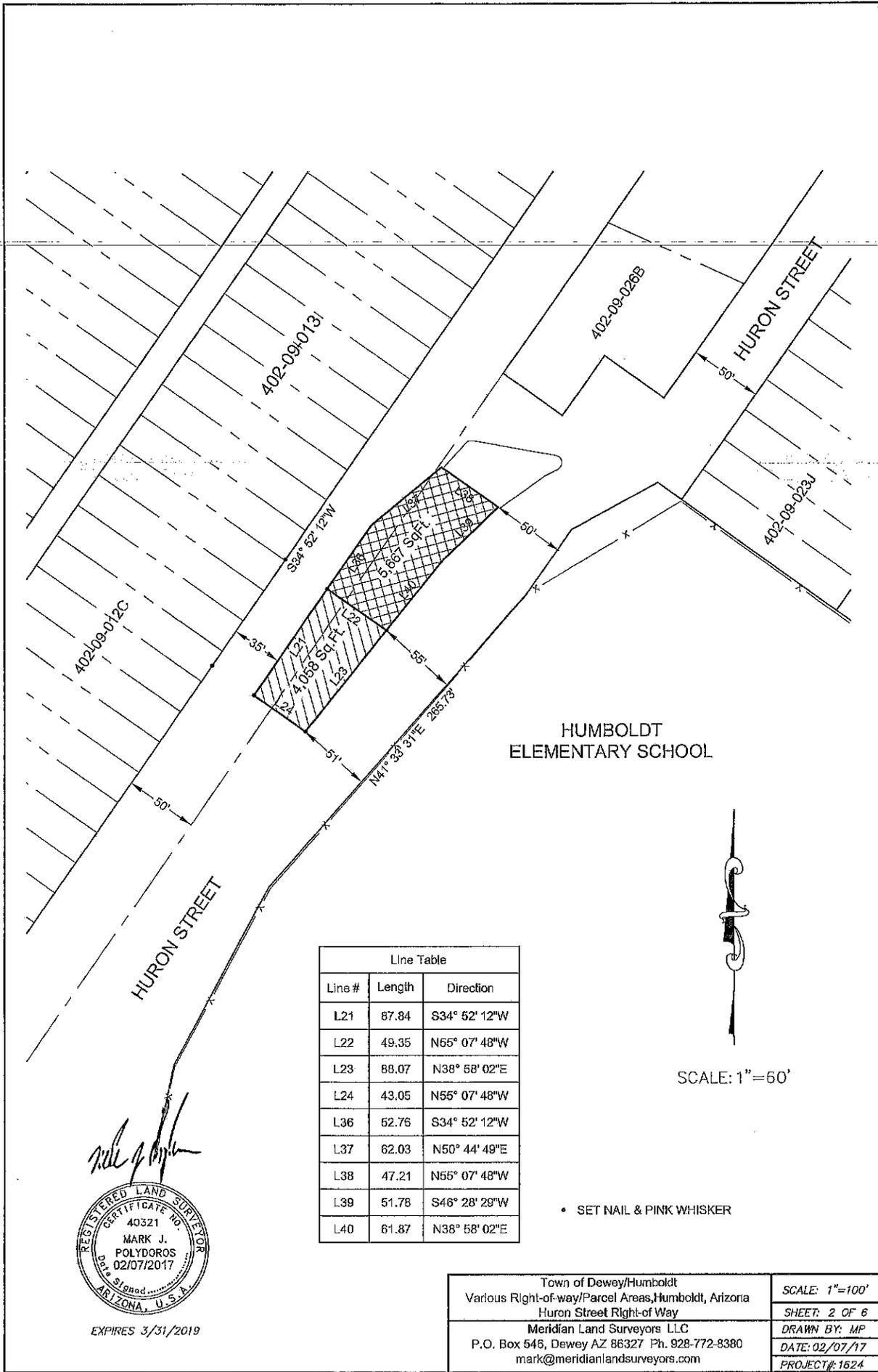
AREAS

HURON R.O.W. SOUTHERLY PARCEL	4,038 SqFt.
HURON R.O.W. NORTHERLY PARCEL	5,667 SqFt.
CORRAL STREET ALLEY	6,520 SqFt.
TOTAL	16,245 SqFt.
HUMBOLDT ELEMENTARY PARCEL	16,245 SqFL



EXPIRES 3/31/2019

Town of Dewey/Humboldt Various Right-of-way/Parcel Areas, Humboldt, Arizona Cover Sheet	SCALE: 1"=250'
Meridian Land Surveyors LLC P.O. Box 546, Dewey AZ 86327 Ph. 928-772-8380 mark@meridianlandsurveyors.com	SHEET: 1 OF 6
	DRAWN BY: MP
	DATE: 02/06/17
	PROJECT#: 1624



Line Table		
Line #	Length	Direction
L21	87.84	S34° 52' 12"W
L22	49.35	N65° 07' 48"W
L23	88.07	N38° 58' 02"E
L24	43.05	N55° 07' 48"W
L36	62.76	S34° 52' 12"W
L37	62.03	N50° 44' 49"E
L38	47.21	N55° 07' 48"W
L39	51.78	S46° 28' 29"W
L40	61.87	N38° 58' 02"E

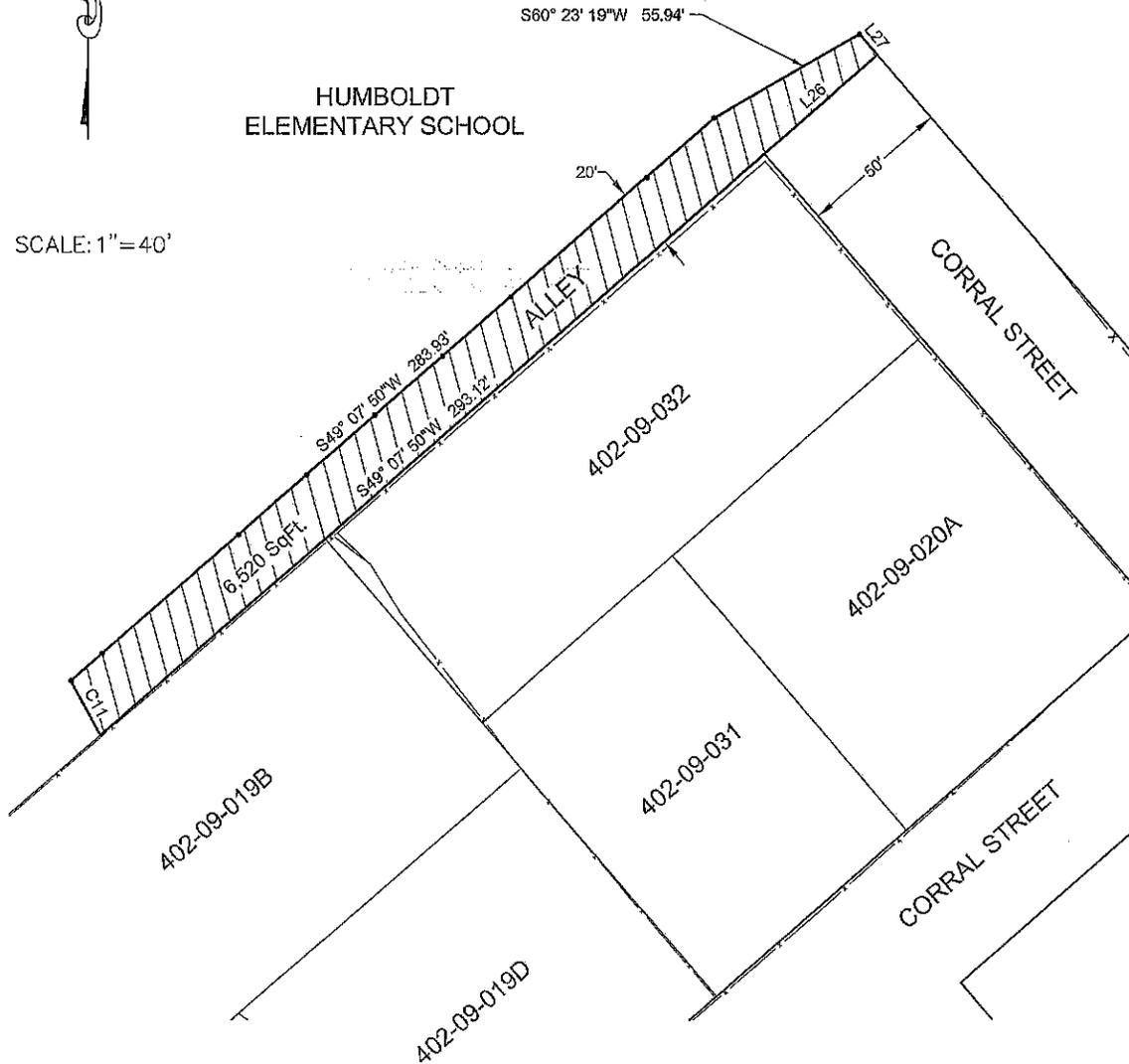
*Mark J. Polydoros*  
 REGISTERED LAND SURVEYOR  
 CERTIFICATE NO.  
 40321  
 MARK J.  
 POLYDOROS  
 02/07/2017  
 ARIZONA, U.S.A.  
 EXPIRES 3/31/2019

Town of Dewey/Humboldt Various Right-of-way/Parcel Areas, Humboldt, Arizona Huron Street Right-of Way Meridian Land Surveyors LLC P.O. Box 546, Dewey AZ 86327 Ph. 928-772-8380 mark@meridianlandsurveyors.com	SCALE: 1"=100'
	SHEET: 2 OF 6
	DRAWN BY: MP
	DATE: 02/07/17
	PROJECT#: 1624



HUMBOLDT  
ELEMENTARY SCHOOL

SCALE: 1" = 40'



• SET NAIL & PINK WHISKER

Line Table		
Line #	Length	Direction
L26	49.94	S49° 07' 50"W
L27	9.08	N40° 47' 30"W
L29	38.64	N00° 15' 58"E

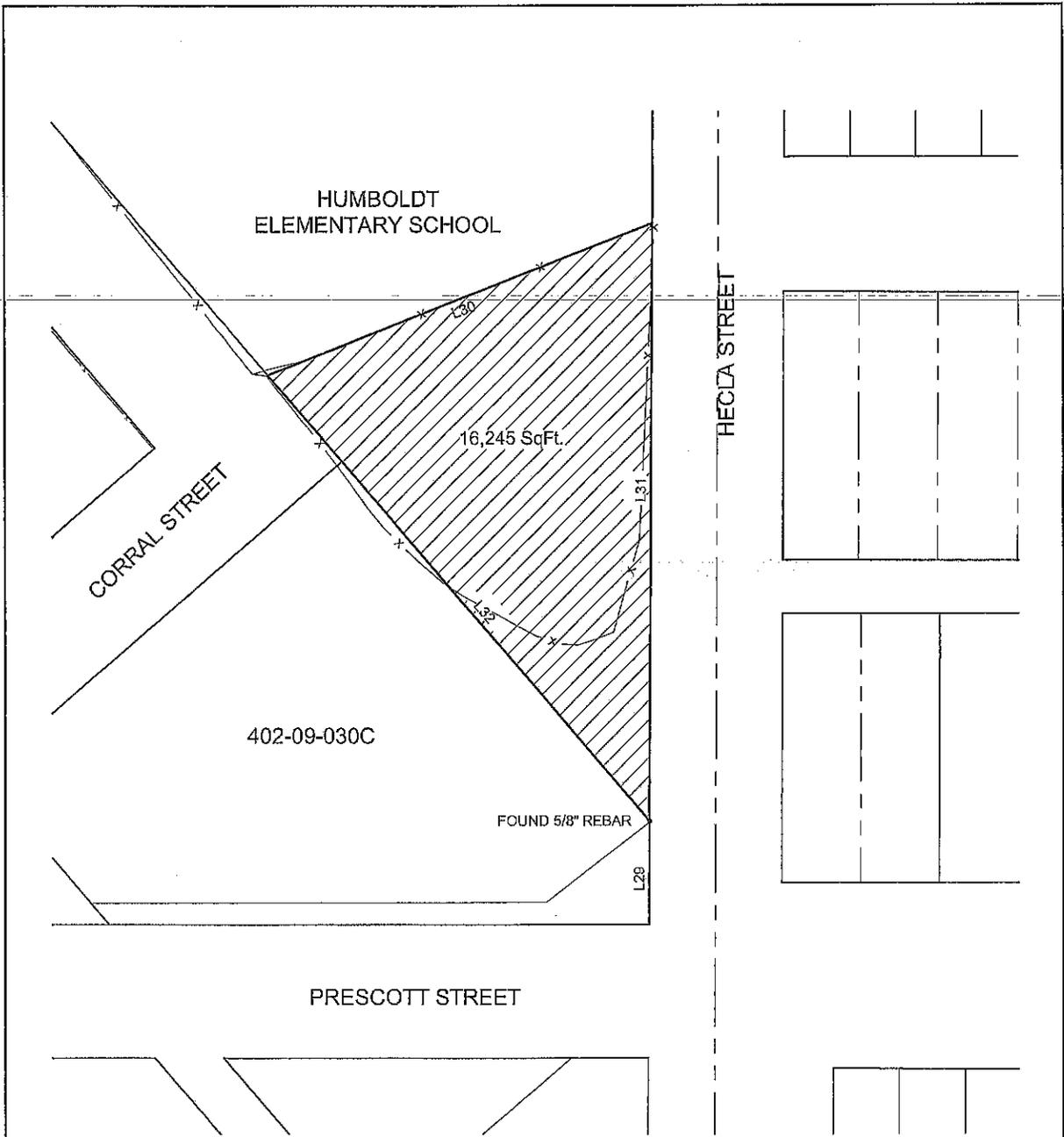
Curve Table			
Curve #	Length	Radius	Delta
C11	20.45	515.07	002° 16' 31"

*Mark J. Polydoros*



EXPIRES 3/31/2019

Town of Dewey/Humboldt Various Right-of-way/Parcel Areas, Humboldt, Arizona Corral Street Alley Meridian Land Surveyors LLC P.O. Box 546, Dewey AZ 86327 Ph. 928-772-8380 mark@meridianlandsurveyors.com	SCALE: 1" = 40'
	SHEET: 3 OF 6
	DRAWN BY: MP
	DATE: 02/06/17
	PROJECT#: 1624



HUMBOLDT  
ELEMENTARY SCHOOL

CORRAL STREET

HECLA STREET

402-09-030C

FOUND 5/8" REBAR

PRESCOTT STREET

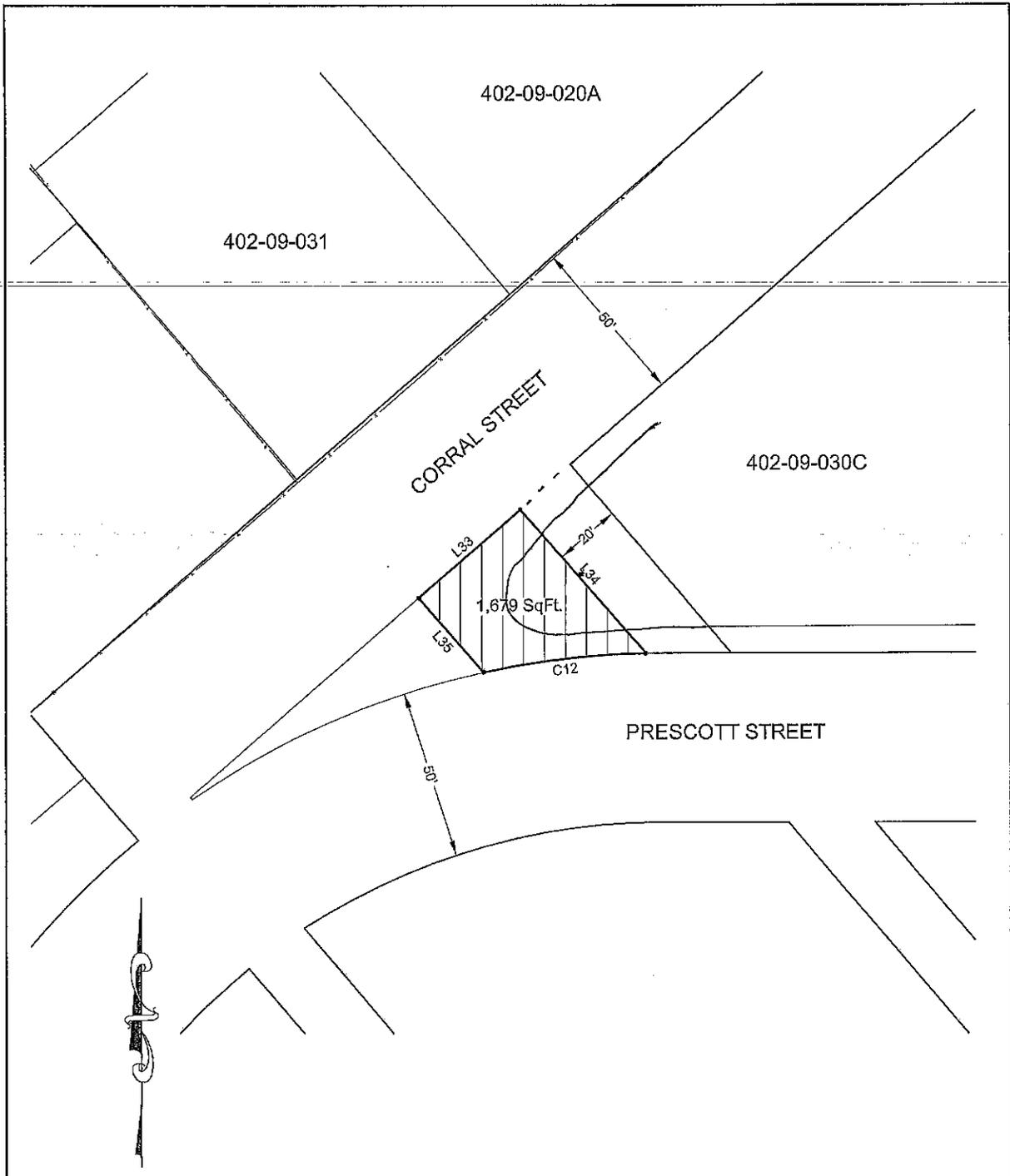
Line Table		
Line #	Length	Direction
L29	38.64	N00° 15' 58"E
L30	139.28	S68° 33' 27"W
L31	223.65	N00° 15' 58"E
L32	220.93	N40° 50' 01"W



SCALE: 1" = 40'

*Mark J. Polydoros*  
 REGISTERED LAND SURVEYOR  
 CERTIFICATE NO. 40321  
 MARK J. POLYDOROS  
 02/07/2017  
 Signed  
 ARIZONA, U.S.A.  
 EXPIRES 3/31/2019

Town of Dewey/Humboldt Various Right-of-way/Parcel Areas, Humboldt, Arizona Portion of Humboldt Elementary Property Meridian Land Surveyors LLC P.O. Box 546, Dewey AZ 86327 Ph. 928-772-8380 mark@meridianlandsurveyors.com	SCALE: 1"=30'
	SHEET: 4 OF 6
	DRAWN BY: MP
	DATE: 02/06/17
	PROJECT#: 1624



SCALE: 1"=30'

Line Table		
Line #	Length	Direction
L33	40.08	N49° 12' 21"E
L34	56.65	S41° 20' 59"E
L35	29.18	S41° 25' 22"E

• SET NAIL & PINK WHISKER

Curve Table			
Curve #	Length	Radius	Delta
C12	48.78	245.00	011°24'29"

*Mark J. Polydoros*



EXPIRES 3/31/2019

Town of Dewey/Humboldt Various Right-of-way/Parcel Areas, Humboldt, Arizona Corral Street Right-of-Way Meridian Land Surveyors LLC P.O. Box 546, Dewey AZ 86327 Ph. 928-772-8380 mark@meridianlandsurveyors.com	SCALE: 1"=30'
	SHEET: 5 OF 6
	DRAWN BY: MP
	DATE: 02/06/17
	PROJECT#: 1624