

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

Tuesday, September 11, 2018, 2:00 P.M.

**SPECIAL MEETING & STUDY SESSION
2735 S. HWY 69, SUITE 10**

**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. Roll Call. Town Council Members Jack Hamilton, Mark McBrady, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan.

3. Special Meeting. Legal action may be taken.

A. Executive Session

Council may vote to hold an Executive Session for the purpose of obtaining legal advice from the Town's attorney on any matter listed on the agenda pursuant to A.R.S. § 38.431.03(A)(3).

Vote to recess to Executive Session

1. An Executive Session pursuant to A.R.S. §38-431.03(A)(1) for discussion or consideration of the resignation of Magistrate Judge Catherine Kelley pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding options for providing Magistrate Court services including Judge Kelley's proposed court transition plan; and pursuant to A.R.S. §38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract with the Justice of the Peace related to the provision of Magistrate Court services

Close Executive Session/Reconvene Special Meeting

B. Discussion and possible action regarding the resignation of Magistrate Judge Catherine Kelley and her proposed court transition plan and/or the reorganization of the Town Magistrate Court or its merger with the Justice of Peace Court, and/or give direction to Staff

C. Suicide Prevention Month Proclamation Official

D. Canvass of Primary Election (August 28, 2018) Results (Acceptance of the Canvass of results from Yavapai County Election Department)

E. Discussion regarding 2018 Holiday Schedule

F. Adjourn Special Meeting

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4. Study Session. No legal action to be taken

A. Review and discussion of an ordinance, amending Dewey-Humboldt Town Code, Title III Administration, Chapter 30 Town Council and Officials, Council Meetings, §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets, Subsection (A), related to council meetings and agendas (As directed by Council 5/1/18)

B. Discussion regarding the delegation of the authority to approve Special Event Liquor License approvals

5. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, September 18, 2018 at 6:30 p.m.

Next Town Council Work Session: Tuesday, October 2, 2018 at 2:00 p.m.

Next Planning & Zoning Meeting: Thursday, October 4, 2018 at 6:00 p.m.

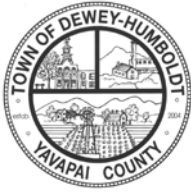
Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Julie Gibson, 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 30th day of August, 2018, at _____ a.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.



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

TOWN COUNCIL SPECIAL MEETING & STUDY SESSION

September 11, 2018 – 2:00 p.m. Town Council Meeting Chambers

Agenda Item # - 3. B. Discussion and possible action regarding the resignation of Magistrate Judge Catherine Kelley and her proposed court transition plan and/or the reorganization of the Town Magistrate Court or its merger with the Justice of Peace Court, and/or give direction to Staff

To: Mayor and Town Council Members
From: Tom Wilson
Date submitted: August 30, 2018

Summary:

See attached materials

Recommendation:

Town Council to discuss and provide direction to Staff

9 August 2018

Dear Mayor Nolan,

I am writing to notify you that I will be resigning from my position as Presiding Magistrate for the Town of Dewey-Humboldt. I anticipate that September 8, 2018, will be my last official work day – although as you will see from the transition proposal that I have left in your work mailbox, September 8 is not necessarily written in stone.

I have put many measures in place prior to making this decision that will ensure a smooth, organized and functional transition, and unless notified otherwise, will continue with the basic plan I have outlined in my proposal which would give you and the Council a minimum of three months or more to hire a new magistrate and make sure it is the person the Council can put their trust in for the next ten years! I am absolutely willing to assist in every way possible to ensure that what you want gets carried out, and am willing to advise on any and all aspects of court administration until you are all comfortable that you know the qualities and abilities necessary to select your next magistrate.

I have also informed the Town Manager so that he is prepared to aid in this transition as well.

You know that I have enjoyed the last 9 ½ years I have spent with you and have appreciated the opportunity to serve the Town in this capacity.

I wish you the VERY best of success in the future. I will miss you!

Very truly yours,

Catherine J. Kelley

Proposed Court Transition Plan

With great anticipation for the bright and successful future of our court, I am presenting this proposal to you. It streamlines and reduces the costs of our court along with streamlining and optimizing the day to day functioning of the court.

Unfortunately, along with this proposal comes my resignation from my position as Presiding Magistrate effective September 8, 2018.

As you know, I have been your Presiding Magistrate for all but the first four and a half months of the court's locating within the boundaries of the Town. With that rich history, and knowledge of the history of the court while it was co-located with the Mayer JP Court, I'd like to outline what I think are your best choices regarding transitioning the court, along with my strong recommendation that you consider following the first proposal.

Proposal # 1 – Continue operation of the court as it is on site in Dewey-Humboldt, with cost reduction and efficiency measures introduced

When the court was brought to its present location in 2009, no one had a realistic idea regarding the amount of work that would be required of court staff on an on-going basis. Now we do. For the last 10 years, the Sheriff's Dept. has been our law enforcement agency, and taking into account unusual ebbs and flows in enforcement, enforcement seems to be very stable and predictable within the realm of ability of predicting anything.

Our court is comprised of two employees – a court clerk whose work is full time during court hours which are 8 a.m. until 5 p.m. Tuesday, Wednesday and Thursday and the Presiding Magistrate who oversees the functioning of the court and has a contract. The Presiding Magistrate position requires the monitoring of criminal cases on a 24/7 basis Monday through Friday. Regardless whether the court is open or not, criminal defendants who are arrested must be seen by a judge within 24 hours of their arrest or be released. Aside from this function, most court business is done at a scheduled time. Standard court dates are set annually (so that

the police are aware of all formal court dates for the upcoming year) and for walk in matters, the Court Supervisor checks my availability and sets court times in accordance with that.

We have been successfully operating in this fashion for the past 9 ½ years. If emergency matters arise, they are dealt with the day they arise, and other matters are usually scheduled the same day as requested or the next court day. Other than the fact that we are closed on Mondays and Fridays, I believe we have served the community better than they had previously been served.

During the past 9 ½ years though, the most significant change has been in the growth of the Court Clerk position. Our present Court Supervisor, and the previous Court Clerk came in as entry level employees with no court experience. Through the course of time, necessity and a desire for professional growth, our court clerk surpassed the required knowledge level of an entry level court clerk years and years ago. In 2016, this was recognized by her promotion to the position of Court Supervisor.

Generally, there are three levels of clerical employment in courts – that of court clerk (civil and/or criminal), court supervisor and court administrator/manager. Each level has knowledge requirements that exceed the previous level. The most difficult level of employment in courts exists at the administrative level because of the mandatory accounting filings required by the Arizona Supreme Court. Those filings consist of forms that must be originated, completed and filed monthly (financial and case status), quarterly and annually. Traditionally, in small courts, the Presiding Magistrate supervises and completes those forms, however, in some small courts where the clerk is sufficiently trained, the forms are completed and submitted by the Clerk for the Presiding Magistrate.

In recognition of this division of labor and the varying expertise required for each level, the Arizona Supreme Court has provided training for court clerks to help them transition to the various levels of court work. For the lowest level of clerical work, the only advanced training that is available is for a title of Traffic Hearing Officer. This training allows for a

court to designate a properly trained clerk to hear any and all civil traffic matters up to and including civil traffic trials. **Therese completed this training in 2012.**

The second level of training is selective and is based on job duties. Civil and criminal clerks do not take this training as it is a two-year course of instruction after which the clerk becomes a certified Court Supervisor. This prepares a clerk to function and train in any capacity in a court except at the level of the Court Administrator/Manager. **Therese received this certification in 2016.**

The third level of training is also selective and is open only to court personnel who have completed the Court Supervisor coursework and is a two-year course of study resulting in certification as an Arizona Court Manager. This level of training is done in conjunction with the National Center for State Courts and the Arizona Supreme Court. **Therese has completed 2/3 of this course work and will obtain this certification during this fiscal year.**

Once a court has a clerk who can function at all of the administrative and functional levels in the court except for those requiring an actual judge that court is a very lucky one indeed! And this is especially true of a small court. Because of the intensive use of computers and computerized record keeping, being a court clerk is a small specialized area in which very few entry level postings acquire trained employees when they are hiring. Court Supervisors and Court Administrators comprise an even smaller group, are even more highly specialized, and are the group that have the most to offer to all courts, but especially smaller courts where they can wear every hat necessary except that of Judge in criminal matters and protective order situations. In larger courts where judicial time is maxed out, frequently the Court Supervisor or Court Administrator/Manager take over all but the most complex of the judicial roles. (By handling the entire civil traffic docket.)

So, with my resignation, I would propose a new model for our court – one that fits with the type of case load and the magnitude of the criminal duties requiring a Judge.

My proposal is that Therese assume the duties of a Court Manager, with a commensurate raise in pay effective with the pay period beginning September 9, 2018 at the rate of \$21.00 per hour.

At that time, I will relinquish my pay to the Town and will function as a volunteer Presiding Magistrate to cover administrative functions until a new Presiding Magistrate is appointed.

For the months of September, October., and November, I have arranged for Pro Tem Judges to fill the necessary functions of the court at the rate of \$50/hour, not to exceed an 8 hour per week maximum. This change alone will result in an immediate cost savings of approximately \$8,500 per year which will be partially absorbed by an increased salary for the Court Manager.

Recruitment for a new Presiding Magistrate (which is an appointment required by the Code of Ordinances) should begin immediately, but this plan allows for court coverage for a three month period in which to do that. I do have many practical insights that might be very helpful for the Council to avail themselves of for recruitment and will also volunteer my services for interviews or the preparation of interview questions if that would be helpful.

To crunch some numbers:

To reclassify Therese to Court Manager:

Ct. Supervisor wage: \$17.68/hr. \$22,065/yr.

Ct. Manager wage: \$21.00/hr. \$26,208/yr.

(This would still make the position the lowest paying Court Administrator/Manager position of the three similarly situated Court Admins in Yavapai County – Clarkdale, Jerome and DH.)

Consider offering a judicial contract of \$21,000 annually. This would be less than the sum requested by Judge Kennedy in 2009. (He requested \$24,000 annually) but this would be commensurate with the decreased judicial responsibilities anticipated.

This would make combined salaries \$47,000 as opposed to \$51,000. (Both of these positions will remain part time and carry no benefits exclusive of 401K and sick time.)

Another measure that the court is presently implementing that will greatly ease a judicial transition is the placement of a TV link to the Yavapai County jail system. The new Presiding Magistrate will no longer have to travel to one of the two actual jails to see prisoners who have been arrested and will be able to do that from our offices. This will result in greatly reduced travel time and a reduction in necessary mileage payments.

The only Council action that would need to be taken immediately would be to authorize the placement of more Pro-Tem Judges for the court as we recently did for one Judge.

Proposal #2 – Consider other options

With the planned and purposeful growth that the Council is implementing for the Town, and the possibility of a different direction for law enforcement for the Town when the Sheriff's contract expires in three years, this does not seem to be the right time for the Town to cut direct ties with the Court and try to merge it with another jurisdiction. As the Town grows, so will the business of the Court, and the advantage of there being an on-site presence for the Court will be more important than ever.

Please feel free to call me. Obviously, it would have been overwhelming to try to apprise you of all of the information that would be helpful to you in making this decision regarding moving forward. I've always been here for you, and will continue to be until this transition is made.

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Suicide Prevention Month – September 2018 Proclamation

WHEREAS, in the United States, on average, one person dies by suicide every 8.6 minutes; and

WHEREAS, in the United States there were 44,965 suicide deaths in 2016; and

WHEREAS, in the United States suicide is the 10th leading cause of death for people of all ages; and

WHEREAS, men die by suicide 3.53 times more often than women; and

WHEREAS, women attempt suicide 3 times more often than men; and

WHEREAS, for every completed suicide there are an estimated 25 attempted suicides; and

WHEREAS, each person's death by suicide intimately affects minimally six other people there are over 200,000 newly bereaved each year; and

WHEREAS, in Arizona 1,271 Arizonans died by suicide in 2016 approximately 7,600 friends and family members were changed forever by losing those people; and

WHEREAS, in Arizona an average of one person dies by suicide every 7 hours; and

WHEREAS, Yavapai County's per capita suicide rate is the highest in Arizona, impacting both urban and rural communities; and

WHEREAS, in 2017 at least 101 Yavapai County citizens ended their life by suicide in 2017; and

WHEREAS, in Yavapai County 66.7% of the deaths by suicide involved the use of a firearm, 15.7% points above the national average; and

WHEREAS, in Yavapai County approximately 1,950 people attempted to die by suicide in 2017; and

WHEREAS, many of the people who died by suicide may not have received effective behavioral health services for many reasons including the difficulty of accessing services by healthcare providers trained in best practices to reduce suicide risk, the stigma of using behavioral health treatment and the stigma associated with losing a loved one to suicide; and

WHEREAS, those who have lost a loved one to suicide and those who survived and attempted suicide need support and understanding as they grieve but too often are unable to receive treatment and recovery services; and

WHEREAS, the Suicide Prevention Coalition of Yavapai County is comprised of representatives of behavioral health organizations, law enforcement agencies, faith communities, health coalitions and citizen advocates who are all dedicated to reducing the frequency of suicide attempts and deaths, and the pain for those affected by suicide deaths, by providing resources, education and support.

NOW THEREFORE, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt, do hereby proclaim the month of September 2018 as "Suicide Prevention Month" and urge everyone to learn how they can help, because suicide prevention is everyone's business.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of September, 2018.

Mayor Terry Nolan
Town of Dewey-Humboldt

Julie Gibson
Town Clerk

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
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TOWN COUNCIL SPECIAL MEETING & STUDY SESSION

September 11, 2018 – 2:00 p.m. Town Council Meeting Chambers

Agenda Item - #3. D. Official Canvass of Primary Election (August 28, 2018) Election Results. Acceptance of the Canvass of results from Yavapai County Elections Department (YCED)

To: Mayor and Town Council

From: Julie Gibson, Town Clerk

Date submitted: August 29, 2018

Summary:

State Statute requires the Canvass of the August 28, 2018, Primary Election be formally accepted by the Town Council in order to be recognized as “Official Results.”

The Election results in the form of the Canvass will be provided by handout.

Recommendation:

Accept the Yavapai County Election Department Canvass of the August 28, 2018, Primary Election

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TOWN COUNCIL SPECIAL MEETING & STUDY SESSION

September 11, 2018 – 2:00 p.m. Town Council Meeting Chambers

Agenda Item - #4. A. Review and discussion of an ordinance, amending Dewey-Humboldt Town Code, Title III, Administration, Chapter 30 Town Council and Officials, Council Meetings, §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets, Subsection (A), related to council meetings and agenda (As directed by Council 5/1/18)

To: Mayor and Town Council Members
From: Tom Wilson
Date submitted: August 30, 2018

Summary:

On August 7, 2018, Council reviewed Staff's proposed revisions to Town Code §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets as current in Town Code. Council requested revisions, which have been made.

One additional change has been made under §30.105 (A) at the end of the paragraph:

§30.105 (A) UPON RECOMMENDATION OF THE AGENDA COMMITTEE, THE MAYOR MAY CANCEL OR RESCHEDULE A STUDY SESSION OR REGULAR COUNCIL MEETING.

Recommendation:

Review and approve the proposed, amended Town Code §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets.

ORDINANCE N~~o~~-18-142

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, COUNCIL MEETINGS, SECTIONS 30-105 COUNCIL AGENDA, 30-107 TIME OF ADJOURNMENT, AND 30.108 AGENDA PACKETS, SUBSECTION A, ALL RELATED TO COUNCIL MEETINGS AND AGENDAS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

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

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-105 Council Agenda is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.105 COUNCIL AGENDA.

(A) The Manager and Clerk are responsible for receiving and organizing all materials for the COUNCIL Agenda, in collaboration with the Mayor and Vice-Mayor. ~~The Manager will then prepare a memorandum for distribution to the Council containing all agenda items currently scheduled.~~ THE MAYOR, VICE MAYOR, TOWN MANAGER AND TOWN CLERK SHALL CONSTITUTE THE AGENDA COMMITTEE. NOTICE OF AGENDA COMMITTEE MEETINGS SHALL BE PROVIDED TO OTHER MEMBERS OF THE COUNCIL. NO MORE THAN THREE COUNCILMEMBERS MAY ATTEND AGENDA COMMITTEE MEETINGS AND ATTENDEES SHALL BE DETERMINED BASED ON THE ORDER OF REQUESTS MADE, NOT TO EXCEED THREE. The Mayor or ~~Vice Mayor~~ TOWN MANAGER should be contacted if an individual Councilmember wishes to modify THE AGENDA ~~that schedule.~~ **UPON RECOMMENDATION OF THE AGENDA COMMITTEE, THE MAYOR MAY CANCEL OR RESCHEDULE A STUDY SESSION OR REGULAR COUNCIL MEETING.**

(B) Any resident of THE TOWN ~~Dewey-Humboldt~~ or ~~staff member~~ may request THAT AN ITEM BE PLACED ON A COUNCIL AGENDA BY PRESENTING THE ITEM AT A COUNCIL MEETING UNDER THE TOPIC OF "PUBLIC COMMENT ON NON-AGENDIZED ITEMS", OR ~~placement of a matter on the Council agenda~~ by requesting that a Councilmember submit a "Council Agenda Action REQUEST Form."

Any member of the Town Council may request an item be PLACED ON ~~added to A FUTURE the COUNCIL agenda for the next regular Council meeting.~~ If the request

~~complies with the requirements set forth in division (D) of this section, the item shall be placed on the agenda~~ A request to modify or remove an agenda item may be made by the Councilmember WHO REQUESTED THE ITEM BE PLACED ON THE AGENDA, in which case it shall be modified or removed without further action. The Mayor or any other Councilmember may request an item that was submitted by another Councilmember be modified or removed, in which case it may only be modified or removed with the concurrence of the Councilmember who requested it be put on the agenda.

~~(D)C~~ Agenda item requests shall be submitted using a "Council Agenda Action REQUEST Form". THE AGENDA COMMITTEE SHALL PLACE THE ITEM ON THE NEXT APPROPRIATE AGENDA. ~~and shall accurately describe the matter to be addressed and the proposed Council action regarding the matter. Agenda Action Forms shall be submitted prior to the next agenda setting meeting prior to the next requested, regularly scheduled Council meeting.~~ An emergency agenda request may be submitted after the deadline pursuant to § 30.031(B)(10).

~~(E) 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 to a future date or dropped.~~

~~(D)F~~ Order of agenda.

(1) Regular Council Meeting Agendas items shall be BEGIN WITH listed in the following ITEMS order:

- (a) Call to order;
- (b) ROLL CALL;
- ~~(c)~~ Pledge of Allegiance;
- ~~(d)~~ Invocation;
- ~~(d)~~ Roll call;

THE FOLLOWING AGENDA ITEMS SHALL BE PLACED ON THE AGENDA APPROPRIATELY, BASED ON CONTENT, BY THE AGENDA COMMITTEE.

- ~~(e) PUBLIC COMMENT Announcements regarding current events, guests, appointments, and proclamations;~~
- (f) PUBLIC HEARING; Town Manager's report;
- (g) Consent agenda;
- ~~(h) REPORTS; TOWN MANAGER'S REPORT Public comment on non-~~ agendized items
- (i) GENERAL BUSINESS Unfinished business
- (j) ANNOUNCEMENTS, PROCLAMATIONS New business;
- (k) CONSIDERATION OF ADDITIONAL SPECIAL SESSION(S) THIS MONTH Public hearing agenda; and

(l) Adjournment.

(2) When Council holds a STUDY SESSION ~~work study~~ or Sspecial ~~study~~ Council meeting, THE FOLLOWING agenda items shall be APPROPRIATELY PLACED ON THE AGENDA BY THE AGENDA COMMITTEE BASED ON CONTENT ~~listed in the following order:~~

- (a) Call to order;
- (b) Roll call;
- (c) Discussion only items;
- (d) Action items (SPECIAL MEETINGS ONLY); and
- (e) Adjournment.

(G) *Modifications to the agenda.*

(1) The presiding officer or any Councilmember may request a change IN THE of order of the agenda ITEMS which, if approved by a majority of the Council, shall be granted.

(2) An agenda item may be continued to a date certain or postponed indefinitely by motion and approval by a majority of the members present who have not declared a conflict of interest.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-107 Time of Adjournment is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.107 TIME OF ADJOURNMENT.

It is the policy of the town that all STUDY SESSIONS, SPECIAL MEETINGS, AND REGULAR COUNCIL MEETINGS ~~evening meetings of the Council~~ SHALL be adjourned no later than 3-1/2 HOURS FROM THE SCHEDULED START TIME. ~~10:00 p.m.~~ Study sessions shall be adjourned no later than 6:00 p.m. These times shall be referred to as the normal times of adjournment. ~~The Council, by majority vote, may decide to set aside this policy and consider any or all of the items remaining on the agenda. If it appears that the entire agenda cannot be completed before the normal time of adjournment, the Council may decide by motion to consider and act upon the more pressing agenda items. All items that are not considered because of the time limitation shall be continued by the Council to the next regular or special meeting.~~ At or before the normal time of adjournment, the presiding officer shall ask for a motion to CONTINUE OR adjourn and, ~~upon Council approval~~, the meeting. shall be adjourned

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-108

Agenda Packets, Subsection A is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.108 AGENDA PACKETS.

(A) Agenda packets are to be made available at the Town Clerk's office, the town's web site (www.dhaz.gov), and at the ALL Council meeting. Council meeting agendas, minutes and staff reports are available for public review BY CLOSE OF BUSINESS ~~beginning the Friday~~ THURSDAY PRECEDING EACH evening before each Council meeting.

* * *

Section II. Savings Clause

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

Section III. Repeal of Conflicting Ordinance

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

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ___ day of _____, 20__, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ___ day of _____, 20__.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC, Town Attorney
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 20__, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Julie Gibson, Town Clerk

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Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL SPECIAL MEETING & STUDY SESSION

September 11, 2018 – 2:00 p.m. Town Council Meeting Chambers

Agenda Item - #4. B. Discussion regarding the delegation of the authority to approve Special Event Liquor Licenses approvals

To: Mayor and Town Council Members
From: Tom Wilson
Date submitted: August 30, 2018

Summary:

See attached correspondence from Town Attorney Goodwin

Recommendation:

Town Council to discuss and provide direction to Staff



PRIVILEGED
COUNSEL - CLIENT

MEMORANDUM

To: Julie Gibson, Town Clerk
Town of Dewey-Humboldt

Date: July 12, 2018

From: Susan D. Goodwin
Gust Rosenfeld, P.L.C.
Town Attorneys

File: 027645-00002

Subject: Special Event Liquor Licenses

By memorandum dated April 25, 2017, we advised your predecessor (Judy Morgan) that the practice of many cities and towns of having the Town Clerk approve special event liquor licenses does not comply with A.R.S. § 4-203.02, which requires that the “governing body of the city or town” approve special event liquor licenses.

We are happy to advise you that in 2018 the Arizona Legislature adopted Chapter 240 (Liquor License Omnibus), which, among other things, now provides that approvals and transfers of special event liquor licenses may be done by action of the “governing body or the governing body’s designee”. Therefore, if the Town wants to delegate to the Town Clerk the authority to approve these applications, the Town Council may designate the Town Clerk to do so.

We would be happy to answer any questions you may have regarding this.

SDG/jrj

cc: Honorable Terri Nolan, Mayor
Tom Wilson, Town Manager