

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

Tuesday, January 15, 2019, 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. Roll Call Town Council Members: Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Amy Timmons, Vice Mayor Victoria Wendt and Mayor Terry Nolan.

3. Pledge of Allegiance

4. Invocation

5. 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.

A. National School Choice Week (NSCW) Proclamation

B. Public Safety Reports

1. Central Arizona Fire & Medical Authority report presented by Fire Marshall Rick Chase Topics for possible discussion include: calls responded; outreach programs and services, construction permitting

2. Yavapai County Sheriff's Office report Topics for possible discussion include: overview - self-initiated, calls for Service, traffic stops including number of citations, arrests (family fight, disorderly, DUI/drugs); criminal investigation; animal control - calls for service; calls for service comparison-days of week, time of day; average response times; Part 1 crimes comparison

3. Magistrate Court report presented by Judge Catherine Kelley Topics for possible discussion include: citations, procedures, services

6. Firewise Quarterly report presented by Carole Stensrud Topics for possible discussion include: Formation of new committee & board

7. Town Manager's Report

Update on Current Events. No legal action 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.

8. Consent Agenda

All those items listed below are considered to be routine and may be enacted by one motion. Any Council Member may request to remove an item from the Consent Agenda to be considered and discussed separately.

A. Approval of Minutes of November 20, 2018, Regular Council Meeting

9. Public Comment on Non-agendized Items

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.

10. Public Hearing Agenda Discussion and possible legal action may be taken.

Page
13

A. Community Development Block Grant (CDBG) Second Hearing for citizen input and Council selection of final project

1. Report from Isabel Rollins of Northern Arizona Council of Government (NACOG)
2. Project Recommendations from Ed Hanks, Public Works Direction
3. Open Public Hearing and Receive Public Comments
4. Close Public Hearing
5. Discussion and possible Council action to select final project

11. Unfinished Business

Discussion and Possible Legal Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

- 15
- 17
- 19
- 21
- A. Approval of Town Attorney's revision to Resolution 18-134 expressing the Council's support for Yavapai County Ordinance No. 2018-2 Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle and for the enforcement of such ordinance
 - B. Protocol for contacting outside sources to identify requirements to complete the Blue Hills ingress/egress project (CAARF – CM Brooks)
 - C. Permission to contact Isabelle Rollins to review required paperwork for CDBG funds (CAARF – CM Brooks)
 - D. Change the time of the work session from 2:00 p.m. to 6:30 p.m. (CAARF – CM Brooks) (CAARF - CM Collins)

12. New Business

Discussion and Possible Legal Action on matters not previously presented to the Council.

- 23
- 25
- 27
- 35
- A. Request Council to bring into a town work session the discussion and consideration of adopting an additional secondary road standard, a Country Dirt and/or Gravel Road Standard (CAARF – VM Wendt)
 - B. Review the number of hours worked by Judge Kelley and possible compensation for her time spent (CAARF – CM Brooks) (CAARF – VM Wendt)
 - C. Need information from Mayor Nolan – 2018 Annual External Memberships & Committee Report (CAARF – CM Collins)
 - D. Change work session meeting times from 2 pm to 6:30 pm (CAARF – CM Collins)
 - E. 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) Discussion or consideration of employment or appointment and salary of a Presiding Magistrate Judge.

Close Executive Session/Reconvene Special Meeting

F. Discussion and direction on the next step of the Presiding Magistrate Judge recruitment process

13. Adjourn

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.

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 10th day of January, 2019, 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.

For Your Information:

Next Town Council Work Session: Tuesday, February 5, 2019, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, February 7, 2019, at 6:00 p.m.

Next Town Council Regular Meeting: Tuesday, February 19, at 6:30 p.m.

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

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***A Proclamation Commemorating
School Choice Week in the
Town of Dewey-Humboldt***

WHEREAS, all children in the Town of Dewey-Humboldt should have access to the highest-quality education possible; and,

WHEREAS, Dewey-Humboldt recognizes the important role that an effective education plays in preparing all students in Dewey-Humboldt to be successful adults; and,

WHEREAS, quality education is critically important to the economic vitality of Dewey-Humboldt; and,

WHEREAS, Dewey-Humboldt is home to excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS, our area has high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, The Mayor and Common Council of the Town of Dewey-Humboldt, do hereby proclaim January 20-26, 2019 as SCHOOL CHOICE WEEK in the Town of Dewey-Humboldt, and call this observance to the attention of all of our citizens. Proclaimed this 15th day of January 2019.

Terry Nolan, Mayor

Date

ATTEST:

Julie Gibson, Town Clerk

Date

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 20, 2018, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 20, 2018, 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 6:30 p.m.
2. **Roll Call** Town Council Members Jack Hamilton, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan were present. Council Member Mark McBrady was absent.
3. **Pledge of Allegiance** Led by Frank Davis
4. **Invocation** Given by Councilmember Timmons
5. **Announcements regarding Current Events; Guests; Appointments; and Proclamations**
None
6. **Public Hearing Agenda**

Discussion and possible legal action may be taken.

A. Consideration of Adoption of a Resolution Approving the Readoption of the Town of Dewey-Humboldt's General Plan, first adopted by the Town Council on May 19, 2009.

1. Staff Report

Town Manager Wilson gave an overview of the General Plan process explaining that the plan may be readopted for up to ten years or a new plan may be adopted in its place. The Town's first General Plan has served the Town well, has required no amendment. Staff recommends that the action be a readoption of the current General Plan for a three-year period beginning May 19, 2019. During this three-year period, it is proposed that a new General Plan be developed for a series of reasons, as it still needs adjustment. He cited some of the reasons as the EPA remediation phase; commercial development; community recreation element; public safety element; fire safety issues; and the shifts to state statutes requirements. Obtaining consulting assistance will be necessary. TM Wilson recommended the readoption of the General Plan.

2. Open Public Hearing and Receive Public Comments

The Public Hearing was opened at 6:41 p.m.
There was no Public Comment.

3. Close Public Hearing

The Public Hearing was closed at 6:42 p.m.

4. Discussion

Councilmember Treadway spoke of obviously not being able to get a new plan done by May.

5. Adopt a Resolution approving the Readoption of the Town's 2009 General Plan

(approval requires an affirmative vote of 2/3 of the Town Council)

CM Treadway made a motion to readopt the General Plan and extend it for a period of up to three years, seconded by CM Wendt.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

7. Public Comment on Non-agendized Items

Frank Davidson spoke of getting something into the minutes regarding a conflict of interest in the City Council between the proposed new gas station at 69 and 169 and a current Council Member.

Christine DeVeau – Spoke of want to bring attention to more people moving into the Blue Hills area that with more people moving into the area there is more horse riding in the Newtown road area. There is a need for more caution signs in the area and more law enforcement patrol to deal with speeding and dangerous driving. She also noted the red light runners at Kachina and Highway 69.

Leigh Cluff – Thanked the Town for the expedient replacement of a yield sign at Smoki and Tacoma. She also spoke of the need to notify residents if they are going to be filming homes and putting it on TV. Her home was on a TV segment and she felt violated.

8. Consent Agenda

All those items listed below are considered to be routine and may be enacted by one motion. Any Council Member may request to remove an item from the Consent Agenda to be considered and discussed separately.

A. Approval of Meeting Minutes:

1. **Special Meeting & Study Session of September 11, 2018**
2. **Regular Council Meeting of September 18, 2018**

B. Approval of the adoption of private roadway signs

CM Hamilton requested that Items 8.C. and 8.D. be pulled from the Consent Agenda.

CM Treadway made a motion to approve the consent agenda with the exclusion of Items 8. C. and 8. D., seconded by CM Hamilton.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

C. **Approval of Resolution 18-134 to adopt Yavapai County Ordinance No. 2018-2 Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle**

CM Hamilton noted this was being approved by a resolution and the Town Attorney has said that resolutions have no consequences. He recommended codifying this. TM Wilson explained the reason it was presented as a resolution and the primary reasons the County passed an ordinance. The state needs, at the legislative level, to adopt a uniform ordinance for the entire state. Rather than have the expense of adopting an ordinance and the having the expense of taking it out when further action is required, adopting it as a resolution would give support but not incur expense. If there is state action eventually, it could be dealt with then. CM Hamilton disagreed and noted that the state is slow adopting anything. He felt it should be adopted now. VM Hughes spoke with a county official on this and believes a resolution is in order, as it mirrors the county ordinance and eventually it will be statewide.

CM Wendt made a motion to approve Resolution 18-134 adopt Yavapai County Ordinance No. 2018-2 Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle, seconded by VM Hughes.

Mayor Nolan called for the vote: CM Hamilton – nay; CM McBrady – absent; CM Timmons – nay; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed by a 4 -2 margin.

D. **Direct Staff to preliminarily explore the viability of a potential, unimproved (ingress/egress) route for the Blue Hills pursuant to Mayor & Council discussion at the 11/6/18 Study Session**

CM Hamilton stated that since the Study Session on this matter he has done some research. Things said that he felt were misleading was that it is not BLM land that will be crossed; it was State Trust Land and would still require an agreement. The other thing that was overlooked was an estimate. Previously on a different route across BLM land the figure for less than a quarter mile was several hundred thousand dollars, this is over a three-mile stretch of new road so will cost several million dollars and is over half the Town's reserves. He spoke of WAMPA easement requirements and the research he conducted on this. WAMPA can stop the road from going in, but cannot give permission, because they don't own the land. Landowners have to grant permission and there would be at least seven landowners. There is a fair portion of the proposed route not in the Town limits. He stated there are many problems preventing the viability.

CM Wendt spoke of this being in the exploratory stage. She feels the Mayor was correct to bring this forward. This will not be easy, but it has to be looked at. She believes this still needs to be explored.

CM Timmons asked why several routes are not being explored. CM Wendt agreed that other options should be considered, but Council needs to get moving, possibly with committees. All the options have some issues, but the process needs to be started.

CM Hamilton spoke of the way the Mayor worded the issue, specific to one route only. If you want to change the wording to exploring various options, he has no problem. TM Wilson read the wording "potential, unimproved route" and the intention was to explore any routes wherever, of any type, not be restricted to any one consideration.

There was further Council discussion regarding the intent of this agenda item.

CM Hamilton made a motion that Staff does preliminary exploration of liability of potential routes of ingress/egress from the Blue Hills, seconded by CM Timmons.

Public Comment

Lynn Collins spoke of potential problems with the proposed route with future zoning and development issues.

Karen Brooks spoke of not disagreeing with anything said, but would not like to see this buried in the Consent Agenda items. Keep this as Old Business or New Business, face it every month, and get a consistent progress report. She spoke of dense oak brush that she viewed during her recent tour in the Blue Hills area and the need for a general emergency route. She spoke of the need for the general public to receive these reports.

TM Wilson noted this can be on the agenda in any form and as many times as Council wants.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

9. Reports; Town Manager's Report Update on Current Events.

TM Wilson noted this will be on as a general item each time and explained why this was placed on the Consent Agenda. TM Wilson explained that the recruitment for the new Magistrate has been completed and a proposal will be provided to Council on how to address the appointment of the new Presiding Judge. He noted that would be made available at the next Study Session or in December. Staff has done the work to get you ready for it but Council will have to make the evaluation and appointment. TM Wilson noted there is still recruitment ongoing for the Community Development Director and Building Official. He noted there have been no qualified applicants for the Building Official. There were very few qualified responses for the Community Development Director but he believes he will make an announcement after the Thanksgiving holiday. TM Wilson spoke of these positions being vacant for four months and that staff has done a remarkable pickup work and are on top of things. He spoke of the expediency of turnaround in the Building Department and that this is due to staff.

CM Hamilton asked about using Colibryn. TM Wilson explained that they are currently being utilized for plan reviews. He also spoke of Marty Joanau performing the building inspections three days a week and that he has been an anchor in this area. He acknowledged his employment with the Town of Prescott Valley and PV's cooperation in making this possible.

Mayor Nolan acknowledged the teamwork by Staff and he is proud of their accomplishments.

10. General Business

Discussion and Possible Legal Action on any issue not previously presented to the Council or any issue which was not concluded, was postponed, or was tabled during a prior meeting.

A. Presentation by West Yavapai Guidance Clinic on 12/18/18 (Mayor Nolan – CAARF)

Mayor Nolan made a motion to allow West Yavapai Guidance Clinic to come and make a presentation, seconded by CM Treadway.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

B. Discussion and possible action on a large animal ordinance (CM Hamilton – CAARF)

CM Hamilton explained that Arizona is an open range state, which means farm animals have the right to own and property owners have to fence them out. You have the right to change the law wherein the farm owners are required to fence them in as opposed to you having to fence them out. If you hit an animal, you are liable, and have to pay for the animal. D-H had it in the past and he feels it is needed again. The farmers should have to keep their animals fenced in.

CM Timmons defined open range. Most farmers and ranchers do their best to contain their animals. She does not see why this is a major issue to be looked into.

CM Treadway feels most responsible animal owners keep their animals fenced in. Occasionally, it does happen. He would like to hear other Council Member views.

VM Hughes spoke of this being ranching land for a long time and expressed an opposite viewpoint on liability. CM Wendt stated "if ain't broke, don't fix it". She feels it should stay the same as it is right now.

CM Hamilton said that not all animal owners are responsible and the history of the large animal ordinance.

CM Treadway asked if the Town Manager could run this by the Town Attorney regarding the liabilities that CM Hamilton referred to. TM Wilson said with the open range provisos there are liability issues to be worked out with your insurance. He felt CM Hamilton stated the liability provisions correctly.

Public Comment

Lynn Collins spoke against changing from open range. This proposal would actually punish the victim. She spoke of personal responsibility being the answer. It is cheaper to protect what is on your property than it would be for a rancher/farmer to fence the land. She does not feel this proposal is needed.

Gary Mortimer stated that even though it is an open range it is the responsibility of the livestock owner to do their best to keep their cattle at home, just as it is also the responsibility of the driver on the road.

Karen Brooks spoke of not believing anything needs to be done on this. Most large animal owners are very cognizant of their animals and try to be good stewards of their animals, land, and neighbors. There shouldn't be any further penalties to the property or livestock owners. This is an agricultural area and we should promote this through education.

Mayor Nolan said this discussion did not require any action.

C. Discussion and possible approval of Resolution 18-133 Opposing Competitive Predator Hunts in Dewey-Humboldt and Yavapai County (CM Treadway – 11/6/18 CAARF)

CM Treadway gave an overview of his CAARF and expressed his support for a resolution to prevent the senseless and wanton killing wildlife has not place in civilizations. It is not about sportsmanship, nor about ranchers, or about residents protecting their pets from imminent danger, this is about what is decent and right and sends a strong message that our community will not allow predator killing. He requested that

Council pass this resolution and his four years working with this body was worthwhile. Failure to do so will give the community a stigma we do not want to bear.

CM Hamilton asked CM Treadway if he wanted this passed as a resolution or an ordinance. An ordinance would incur a penalty. CM Treadway does not feel that an ordinance is required and that a resolution will send a strong message.

CM Timmons asked if the Town was sponsoring this contest or supporting it any way. TM Wilson answered, "no". CM Timmons inquired why we are being bullied into taking action by people who don't even live in this Town, that we are going to be made to look like bad guys because somebody out there is having a some kind of contest. She does not believe in the senseless killing of wild animals, however, she has lost lots of livestock and fowl to coyotes. She does not believe in responding to being bullied by social media and does not agree with that at all.

CM Treadway stated that he does not believe the Town is being bullied by anyone. This is something he is deeply passionate about. CM Timmons asked him if he thinks the groups that are targeting the Historical Society, who have nothing to do with this killing contest, nor does the Town – do you think this is correct? CM Treadway replied that he does not think that they were targeting anyone. There is concern out there from our citizens that the Town is not taking a position on this.

CM Wendt spoke of being inundated with bullying emails that targets some of community businesses that have nothing to do with this. She does not think the senseless killing of predator animals is the answer. Nature needs to take its course. This Town does not need to be used as a slaughter farm. She is saddened that there are organizations that have bullied community members. She is in support of this resolution.

CM Timmons stated that she is not aware of our Town senselessly doing this. The Town is not involved with this. She spoke of the nasty emails received and that many of the people in the audience are from out of town or out of state. She is opposed to the resolution, as she does not think our Town goes out killing animals willy-nilly. She will protect her livestock, if necessary.

CM Hamilton made a motion to approve Resolution 18-133, seconded by CM Wendt.

Public Comments

Lynn Collins spoke of people in the southern counties not knowing the difference between a coyote and a dog. This event may be a way to cull the pack of the more dangerous, dominant pack members. The Town should spend some time in outreach on the website to let new residents know what coyotes look like and that feeding coyotes puts the children of the area at danger.

Gary Mortimer – He was actually not going to have an opinion on this issue until his business name, Mortimer Farms, got dragged into this through a suggested boycott, which has angered him. He recommended a Game & Fish wildlife biologist to come in and talk about factual information. He does not like seeing a pack of coyotes eating a baby out of the back of one of his cows. He spoke of a similar problem in New Mexico due to grey wolves. Something has to be done, but not here. There is no good information to act on. The discussion needs to happen with Game & Fish, not D-H Council.

Leigh Cluff – Spoke of being a hunter and not being in support of this resolution. There is no shooting in the Town limits of D-H, so this hunt could not be sponsored in the Town of D-H. Quit wasting time and do something about the fire and getting us out of there.

Ann Wilson – Spoke of living here for 28 years. She does not understand the big to-do about this. You can't shoot in the town limits, so what is the big deal here. She does not understand.

Ulys Brooks - Spoke in agreement that there is no shooting in the Town limits. There are already laws on the books regarding this type of issue; you don't need to change it.

Tina Meredith – Spoke of not knowing who is bullying. Her emails contain biology and science. She knows the Town is not actually sponsoring this. The hosts are from Gilbert and they are coming into Dewey. She believes that it is appropriate for the Town to make a statement that you do not want that type of activity there. Ms. Meredith read a prepared statement about her opposition to the contest.

Karen Brooks – spoke of the wildlife population in her area of Town and that the coyotes are thriving. It is not appropriate to attack the residents of this Town. There is a strong section in Game & Fish on hunter safety about ethics. We do not need any more ordinances.

There was further Council discussion of the proposed resolution and the emails received on this matter.

Public Comment

Betsy Honey Kline of Sedona spoke of growing up in a rural town like Dewey. She spoke in support of CM Treadway's resolution and is in opposition of the killing contest. It is not about animal control or hunting. It is the equivalent of cock or dog fighting. They are using your back yard for financial gain. None of the people she was with wrote those emails. No one present agrees that the senseless slaughter for cash is acceptable. Matt Francis of Prescott stated that he is sorry this has become such an emotionally charged issue. He is sure the people that wrote the emails are not present. Wildlife killing for money is wrong. He spoke of research on this issue and the outcome of these contests on the pack. This is a statement, not a regulation or law, simply a statement against the indiscriminate killing of wildlife.

Frank Davidson – spoke of hearing some misleading information on shooting. You cannot shoot in the Town limits of D-H.

Carrie Peters of Tempe stated that these contests are not prohibited and it is not covered in the Game & Fish guidelines. This is about useless slaughter, which does not help the problem. Coyote hunting is legal year round but these people take it further shooting them for fun and waste them. As a social worker, this type of behavior is very alarming.

Cheryl Casati – spoke of being retired from 20 years active military duty. She is studying for her master's degree in eco-psychology. The violence caused by these contests, not protecting anything, shooting to kill promotes risks and is an act of terror. These contests have no place in the fabric of Arizona.

Mayor Nolan called for the vote on the question: CM Hamilton – aye; CM McBrady – absent; CM Timmons – nay; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed by a 5-1 margin.

Mayor Nolan asked Town Clerk to restate the motion. To approve Resolution 18-133 opposing predator hunts in Dewey-Humboldt and Yavapai County.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – nay; CM Treadway – aye; CM Wendt – aye; VM Hughes – nay; Mayor Nolan – aye. The motion passed by a 4-2 margin.

D. Approval to revise 2019 Town Council Meeting Date schedule

TM Wilson stated that this was the presentation of the forthcoming 2019 calendar year.

CM Hamilton made a motion to approve the calendar year, seconded by VM Hughes.

Mayor Nolan called for the vote on the motion: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

E. Discussion and Approval of Hiring a Temporary, Part-time Employee to Provide Administrative Support for Firewise

TM Wilson noted that this was stimulated based on the Town being able to receive a very significant grant request that CM Wendt, through Firewise, presented to the County Board of Supervisors subsequently receiving further grant funding to provide increased opportunities to create clear space around the residences for fire protection. The grant was awarded for \$25K, but will come to the Town toward the first of the year and will have one year to implement the grant. Steven Brown, Community Development Planner, supported Firewise efforts and programs, including the PAWUIC grant. TM Wilson proposed that they take two part-time positions that were budgeted for library and community center support, which were not implemented, and fill a position to assist this new grant for a half year and other administrative activities such as records and working to cover some of the vacancies in administration. This is a temporary, part-time position, when the grant is concluded we will move on to other efforts or we will redirect the work and come back to you with that program. In essence, he is asking to hire through the budgeted positions one temporary, part-time person to give us administrative help for the remainder of the fiscal year, approximately six months.

CM Hamilton is in favor but does not want to see this be exclusive to Firewise. TM Wilson said it would be exclusively for Town business. CM Hamilton made a motion to approve this with the understanding that it is for the community, not just Firewise. TM Wilson clarified that it is for exclusive Town business with no outside associations or groups.

Mayor Nolan said it was brought to his attention that you can't really hire somebody who is going to work with Firewise which isn't a committee or isn't a 501 (c) (3), consequently, the Town isn't supposed to hire anyone to do that. TM Wilson said the money is coming to the Town, not Firewise. The Town will be administering the dollars from the County grant for the purposes of providing opportunities to citizens to have clear space.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

11. Consideration of additional Special Session(s) Mayor noted there was no need for an additional session.

CM Hamilton recommended cancelling the Work Session in December stating that new Council should be involved with any new Work Session issues. CM Timmons disagreed with cancelling the Work Session based on a letter received by Council that needs discussion in December or have a special work session. VM Hughes said the regular Study Session would work. The Study Session would be held as scheduled on December 4, 2018.

12. Adjourn The meeting was adjourned at 8:43 p.m.

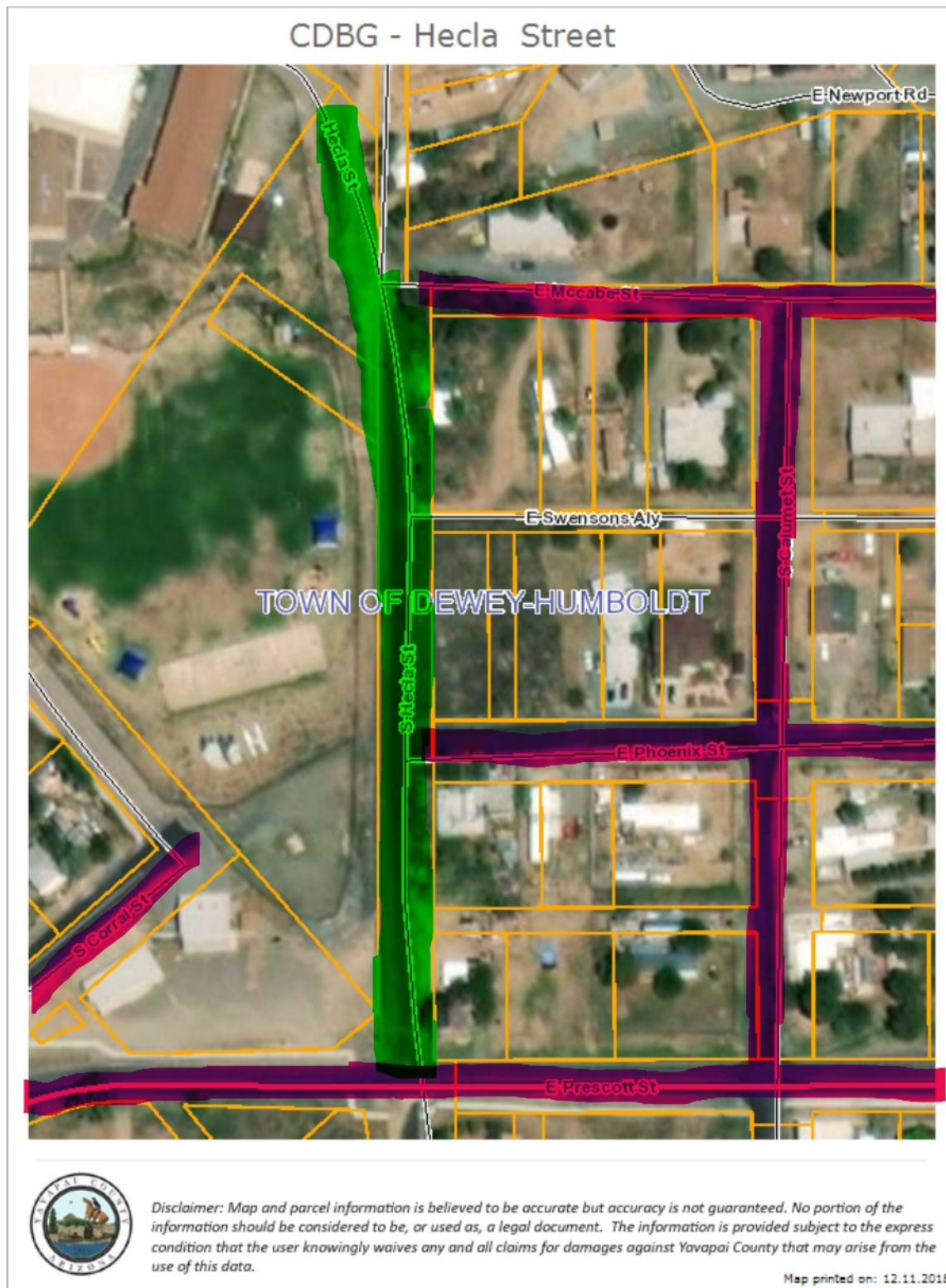
Terry Nolan, Mayor

Attest: Julie Gibson, Town Clerk

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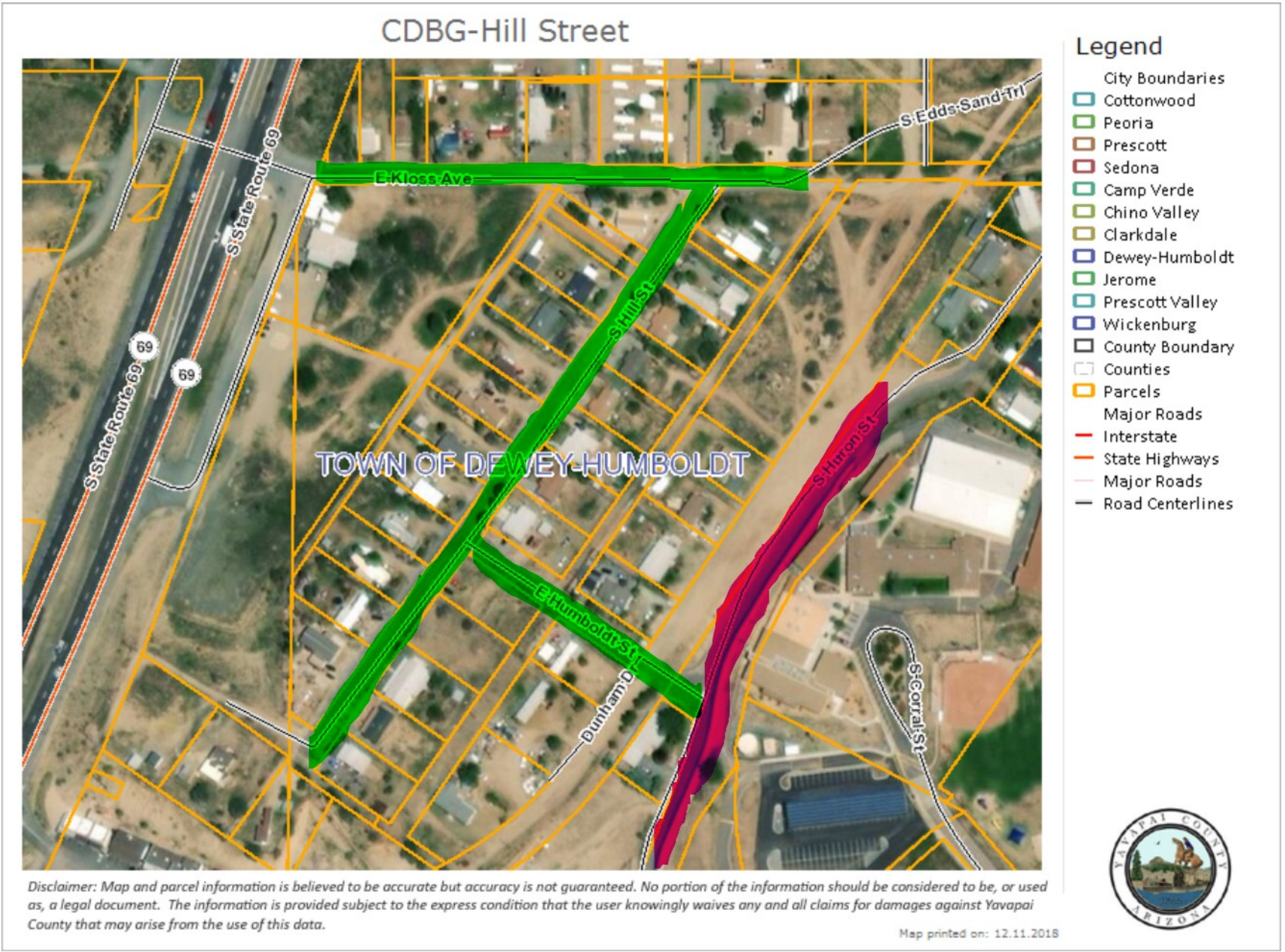
CDBG-Hecla Street

Tuesday, December 11, 2018 4:16 PM



Hill Street Area

Tuesday, December 11, 2018 3:53 PM



(Deleted Language in Blue Italics)

RESOLUTION No 18-134

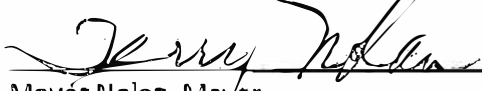
A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE
TOWN OF DEWEY-HUMBOLDT, ARIZONA, *ADOPTING* YAVAPAI
COUNTY ORDINANCE NO. 2018-2 REGULATING PORTABLE
COMMUNICATION DEVICES AND TEXTING WHILE OPERATING A
MOTOR VEHICLE

WHEREAS, the Town has an important responsibility to its citizens to ensure their health and safety;

WHEREAS, the Town Council has reviewed and is in support of Yavapai County Ordinances 2018-2 Regulating Portable Communication devices and Texting while Operating a Motor Vehicle;


NOW THEREFORE, be it resolved by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that *they shall adopt and enforce the* attached Yavapai County Ordinance No. 2018-2 Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle and this Resolution shall be effective immediately.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 20th day of November 2018.



Mayor Nolan, Mayor

ATTEST:



Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Susan Goodwin, Town Attorney
Gust Rosenfeld PLC

(REVISIONS IN BLUE ITALICS)

RESOLUTION Nº 18-134

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, *EXPRESSING SUPPORT* FOR YAVAPAI COUNTY ORDINANCE Nº. 2018-2 REGULATING PORTABLE COMMUNICATION DEVICES AND TEXTING WHILE OPERATING A MOTOR VEHICLE

WHEREAS, the Town has an important responsibility to its citizens to ensure their health and safety;

WHEREAS, the Town Council has reviewed and is in support of Yavapai County Ordinances 2018-2 Regulating Portable Communication devices and Texting while Operating a Motor Vehicle;

NOW THEREFORE, be it resolved by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that the Town Council hereby expresses *its support for* the attached Yavapai County Ordinances 2018-2 Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle and this Resolution shall be effective immediately.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 20th day of November 2018.

Mayor Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Susan Goodwin, Town Attorney
Gust Rosenfeld PLC



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

RECEIVED

DEC 28 2018

Dewey-Humboldt
11:37 am

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-8-2019 STUDY SESSION 1-22-2019 REGULAR

Date of Request: DEC. 27, 2018

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):

PROTOCOL FOR CONTACTING OUTSIDE SOURCES TO SEE WHAT'S NEEDED TO COMPLETE A PROJECT

Purpose and Background Information (Detail of requested action). NEED TO BE ABLE TO CONTACT OTHER CORPORATIONS AND GOVERNMENT AGENCIES IN REGARDS TO BLUE HILLS EGRESS AND INGRESS ROAD/ROADS

Staff Recommendation(s): _____

Budgeted Amount: NONE

List All Attachments: NONE

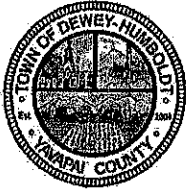
Type of Presentation: ORAI

Special Equipment needed: Laptop Remote Microphone Overhead Projector Other: NONE

Contact Person: Karen Brooks

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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RECEIVED

DEC 28 2018

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-8-2019 STUDY SESSION 1-22-2019 REGULAR

Date of Request: Dec. 27, 2018

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):

PERMISSION TO CONTACT ISABELLE ROLLINS TO REVIEW ~~THE~~ REQUIRED PAPERWORK FOR CDBG FUNDS.

Purpose and Background Information (Detail of requested action). TO LEARN REQUIREMENTS FOR CDBG FUNDS, INCOME SURVEY AND OTHERS. THIS RESEARCH WOULD BE FOR CURRENT AND FUTURE FUNDING.

Staff Recommendation(s): _____

Budgeted Amount: NONE

List All Attachments: NONE

Type of Presentation: ORAL

Special Equipment needed: Laptop Remote Microphone Overhead Projector Other: NONE

Contact Person: Karen Brooks

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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RECEIVED

DEC 28 2018

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-8-2019 Work Session 1-22-2019 Regular

Date of Request: DEC. 27, 2018

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):

CHANGE THE TIME OF THE WORK SESSIONS FROM 2:00 P.M. TO 6:30 P.M. AT NIGHT

Purpose and Background Information (Detail of requested action). INPUT FROM THE COMMUNITY HAS REQUESTED THAT THE STUDY SESSIONS BE CHANGED TO THE EVENING LIKE THE REGULAR MEETINGS.

Staff Recommendation(s): _____

Budgeted Amount: UNKNOWN IF THERE WOULD BE COST OR USE FLEX TIME,

List All Attachments: NONE

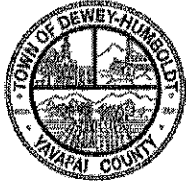
Type of Presentation: ORAL

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: NONE

Contact Person: Karen Brooks

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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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: 1/15/2019

Date of Request: 10/11/2018

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):
Request council to bring into a town work session the discussion and consideration
of adapting an additional secondary road standard, a Country Dirt and/or Gravel Road Standard

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

Staff Recommendation(s): _____

Budgeted Amount: -0-

List All Attachments: _____

Type of Presentation: Verbal

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: NONE

Contact Person: CM Wendt

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.

Dewey-Humboldt

OCT 11 2018

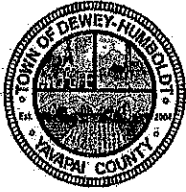
BACK GROUND AND PURPOSE:

At this time, our town provides only one road standard which is very costly, ASPHALT. We as a council should investigate, discuss and consider a more affordable secondary road standard which would assist our citizens in bringing their private roads into town compliance. This could be accomplished with a Secondary Country Road Dirt and/or Gravel Road Standard.

Dewey-Humboldt

OCT 11 2018

Received



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HUMBOLDT, AZ 86329
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RECEIVED

DEC 28 2018

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-8-2019 Study Session 1-22-2019 Regular

Date of Request: DEC. 27, 2018

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):

REVIEW OF HOURS WORKED BY JUDGE KELLEY AND COMPENSATION DUE.

Purpose and Background Information (Detail of requested action): JUDGE KELLEY HAS WORKED AN UNSPECIFIED NUMBER OF HOURS AND IS ENTITLED TO COMPENSATION BY LAW.

Staff Recommendation(s): _____

Budgeted Amount: POSITION WAS BUDGETED

NEED FROM STAFF *

List All Attachments: STATE NO. OF HOURS ALLOWED UNDER CONTRACT

Type of Presentation: CPAL

Special Equipment needed: Laptop Remote Microphone Overhead Projector Other: NONE

Contact Person: Karen Brooks

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

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RECEIVED

DEC 28 2018

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-15-19

Date of Request: _____

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):

Need for info from Mayor Nolan 2018 Annual External Memberships + Committee Report.

Purpose and Background Information (Detail of requested action). For transparency of

potential development and to comply with ordinance 15-115 (which is missing from codebook) this amended 30.031 with new paragraph 12 - which requires report of an entity's mission and purpose in the Mayor's report

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: copy of Ordinance 15-115, with signatures and affidavit of posting

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: Lynn Collins

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.

ORDINANCE No. 15-115

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, SUBCHAPTER TOWN OFFICIALS, § 30.031 MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES RELATED TO RENAMING THE SECTION AND CLARIFYING THE DUTIES AND RESPONSIBILITIES OF THE MAYOR; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING PENALTIES

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

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Town Officials, Section 30.031 Mayor and Vice Mayor is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.031 Mayor and Vice Mayor; ~~Appointment,~~ Powers and Duties; APPOINTMENT OF VICE MAYOR.

(A) ~~The Mayor is the official head of the town for all ceremonial purposes.~~ PREAMBLE. PURSUANT TO ARIZONA REVISED STATUTES, IN ADDITION TO BEING A MEMBER OF THE TOWN COUNCIL, THE MAYOR IS THE TOWN'S CHIEF EXECUTIVE OFFICER. ALL AUTHORITY IN TOWN GOVERNMENT ULTIMATELY RESIDES WITH THE TOWN COUNCIL OF WHICH THE MAYOR COMPRISES ONE-SEVENTH OF ITS MEMBERSHIP. EXCEPT AS SET FORTH IN THE ARIZONA CONSTITUTION AND THE ARIZONA REVISED STATUTES, THE MAYOR HAS NO DUTIES, RESPONSIBILITY OR AUTHORITY NOT DELEGATED BY THE COUNCIL. THIS SECTION SETS FORTH THE DUTIES, RESPONSIBILITIES AND AUTHORITY DELEGATED BY THE COMMON COUNCIL TO THE MAYOR.

(B) THE MAYOR SHALL PERFORM SUCH DUTIES AS PRESCRIBED BY TOWN ORDINANCE, AS IMPOSED BY THE TOWN COUNCIL, OR AS REQUIRED BY THE CONSTITUTION AND LAWS OF THE STATE OF ARIZONA, INCLUDING THE FOLLOWING:

- (1) THE MAYOR IS THE OFFICIAL HEAD OF THE TOWN FOR ALL CEREMONIAL PURPOSES.

- ~~(B)~~(2) The Mayor does not possess any power of veto.
- (3) THE MAYOR (AND ANY OTHER MEMBER OF COUNCIL) SHALL NOT USE TOWN LETTERHEAD FOR ANY CORRESPONDENCE WITHOUT THE EXPRESS APPROVAL OF A MAJORITY OF THE TOWN COUNCIL AND UNLESS IT REFLECTS THE VIEW OF THE MAJORITY OF THE COUNCIL AS EXPRESSED BY EITHER VOTE OR CONSENSUS.
- (4) THE MAYOR SHALL NOT ACT AS A REPRESENTATIVE OF THE TOWN BEFORE ANY OTHER TOWN, CITY, COUNTY, STATE, OR FEDERAL GOVERNMENT OR AGENCY WITHOUT THE EXPRESS APPROVAL OF A MAJORITY OF THE TOWN COUNCIL. IF COUNCIL HAS PREVIOUSLY APPOINTED A COUNCILMEMBER TO ACT AS THE TOWN'S REPRESENTATIVE TO SUCH A BODY OR MEETING, THE MAYOR MAY ATTEND AS AN OBSERVER AND SHALL NOT PARTICIPATE IN THE MEETING UNLESS ACTING AS AN ALTERNATE REPRESENTATIVE OF THE TOWN.
- (5) ~~(C)~~The Mayor AND VICE MAYOR, OR THEIR Council designee[S], SHALL coordinates with the Town Manager in the TO development of agendas for meetings of the Town Council.
- ~~(E)~~The Mayor may perform such other duties consistent with the mayoral office as may be prescribed by town ordinance, as may be imposed by the Council, or as required by state law. Specific duties include:
- (16) The Mayor shall act as the chairman of the Council and preside over its meetings in accordance with Robert's Rules of Order AND WITH THE COUNCIL PROCEDURES SET FORTH IN §§ 30.107 AND 30.109 OF THIS CODE. However,
- (7) AS A MEMBER OF THE COUNCIL, THE MAYOR SHALL HAVE THE SAME RIGHTS AND PRIVILEGES AS ALL OTHER COUNCILMEMBERS, INCLUDING THE ABILITY TO MAKE, SECOND, AND VOTE ON MOTIONS MADE BY THE COUNCIL.
- (8) THE MAYOR MAY MAKE INQUIRIES TO TOWN STAFF BUT SHALL NOT INTERFERE WITH THE TOWN MANAGER'S AUTHORITY, EITHER BY GIVING ORDERS OR EXPLICIT DIRECTIONS, SUGGESTIONS, OR REQUESTS, PUBLICLY OR PRIVATELY, REGARDING TOWN MATTERS TO ANY

SUBORDINATES OF THE TOWN MANAGER WHETHER IT BE FINANCIAL, BUDGETARY, HUMAN RESOURCES, OR OPERATIONAL IN MANNER. THE MAYOR SHALL NOT ATTEMPT TO EXERT INFLUENCE ON THE TOWN MANAGER ON ISSUES RELATING TO THE HIRING OR REMOVAL OF PERSONS EMPLOYED BY THE TOWN OR ON ISSUES YET TO BE DECIDED ON BY THE COUNCIL.

(2)(9) The Mayor shall sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring the mayor's signature within five business days from the date the council took action requiring the mayor's signature or from notification by the town manager that such document requires the mayor's signature. If the mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument authorized to be signed and requiring his signature, then the vice-mayor shall sign such ordinance, resolution, contract, warrant, demand or other document or instrument and when so signed such document shall have the same force and effect as if signed by the mayor. If the vice mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument within five days from notification by the town manager that such document requires his signature, then any member of the council may sign such document and when so signed such document shall have the same force and effect as if signed by the mayor.

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

- (a) Imposition of a curfew for all or any portion of the town;
- (b) Ordering the closing of any business;
- (c) Closing to the public access to any public building, street or other public place; or

- (d) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the town for assistance in providing for the safety of the town, its citizens and property.

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

(12) THE MAYOR SHALL PREPARE AND SUBMIT TO THE COUNCIL AN ANNUAL UPDATE ON THE EXTERNAL MEMBERSHIPS AND COMMITTEES THAT THE MAYOR PARTICIPATES IN OR SERVES ON IN HIS OR HER OFFICIAL CAPACITY. THE UPDATE SHALL INCLUDE THE ENTITY'S MISSION AND PURPOSE, ASSOCIATED COSTS, THE ROLE OF THE MAYOR, AND THE TOWN'S POSITION/POLICY FOR EACH OF THE EXTERNAL MEMBERSHIPS OR COMMITTEES. THE REPORT SHALL BE SUBMITTED AT THE FIRST REGULAR COUNCIL MEETING IN DECEMBER.

(13) THE MAYOR MAY PERFORM SUCH OTHER DUTIES CONSISTENT WITH THE MAYORAL DUTIES SET FORTH HEREIN AND AS REQUIRED BY TOWN ORDINANCE OR RESOLUTION, ACTION OF COUNCIL, OR ARIZONA STATE LAW.

(C) *ACTION IN EXCESS OF DELEGATION.* IF A MAJORITY OF THE TOWN COUNCIL POSSESSES A REASONABLE BELIEF THAT THE MAYOR HAS ACTED IN EXCESS OF THE TOWN COUNCIL'S DELEGATION OF DUTIES, RESPONSIBILITIES, OR AUTHORITY, THE TOWN COUNCIL SHALL DIRECT THE TOWN PROSECUTOR TO CONSIDER CHARGING THE MAYOR WITH A CIVIL VIOLATION OF THIS SECTION. IF THE TOWN PROSECUTOR BRINGS SUCH A CHARGE AND IF THE TOWN MAGISTRATE DETERMINES BY A PREPONDERANCE OF EVIDENCE THAT THE MAYOR HAS EXCEEDED HIS OR HER DELEGATED AUTHORITY, THE MAGISTRATE SHALL IMPOSE A FINE WITHIN THE GUIDELINES OF HIS OR HER AUTHORITY AND THE GENERAL PENALTIES SET FORTH IN SECTION 10.99 OF THE TOWN CODE.

(D) *FAILURE TO PERFORM.* IF A MAJORITY OF THE TOWN COUNCIL POSSESSES A REASONABLE BELIEF THAT THE MAYOR HAS FAILED TO PERFORM ANY DUTY OR RESPONSIBILITY IMPOSED ON HIM OR HER BY THIS SECTION, ANY OTHER ORDINANCE, STATUTE, OR LAW, THE TOWN COUNCIL SHALL DIRECT THE TOWN PROSECUTOR TO CONSIDER CHARGING THE MAYOR WITH A CIVIL VIOLATION UNDER THIS SECTION OR A CRIMINAL CHARGE OF NONFEASANCE IN PUBLIC OFFICE AS DEFINED BY ARIZONA REVISED STATUTES, OR THE TOWN PROSECUTOR

MAY, OF HIS OR HER OWN VOLITION, CHARGE THE MAYOR WITH A CIVIL VIOLATION UNDER THIS SECTION OR A CRIMINAL CHARGE OF NONFEASANCE IN PUBLIC OFFICE AS DEFINED BY ARIZONA REVISED STATUTES. IF THE TOWN PROSECUTOR BRINGS A CIVIL CHARGE AND IF THE TOWN MAGISTRATE DETERMINES BY A PREPONDERANCE OF EVIDENCE THAT THE MAYOR HAS FAILED TO PERFORM AS REQUIRED BY THIS SECTION, THE MAGISTRATE SHALL IMPOSE A FINE WITHIN THE GUIDELINES OF HIS OR HER AUTHORITY AND GENERAL PENALTIES SET FORTH IN THE TOWN CODE. IF THE TOWN PROSECUTOR BRINGS A CRIMINAL CHARGE OF NONFEASANCE IN PUBLIC OFFICE AND THE TOWN MAGISTRATE FINDS THE MAYOR GUILTY, THE MAYOR SHALL BE SUBJECT TO THE MAXIMUM CRIMINAL PENALTY AVAILABLE FOR SUCH A VIOLATION. IF THE TOWN PROSECUTOR BRINGS BOTH A CIVIL AND A CRIMINAL CHARGE AND THE MAYOR IS FOUND RESPONSIBLE FOR THE CIVIL CHARGE AND GUILTY OF THE CRIMINAL CHARGE, THE MAYOR SHALL BE SUBJECT TO BOTH THE CRIMINAL PENALTIES AND THE CIVIL FINE, BUT IF FINES ARE IMPOSED FOR THE CRIMINAL OFFENSE, THEY SHALL OFFSET ANY FINES IMPOSED FOR THE CIVIL OFFENSE.

~~(D)~~(E) *APPOINTMENT OF VICE MAYOR; TERM.* ~~In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor.~~ Absent a vote of no-confidence, AT THE SECOND COUNCIL MEETING IN DECEMBER EACH YEAR, the TOWN Council ~~will~~SHALL appoint the most senior Councilmember who has not already been the Vice Mayor to the Vice Mayor position FOR A ONE-YEAR TERM OR UNTIL A NEW VICE MAYOR IS APPOINTED. ~~A Council Member will serve in the role of Vice Mayor for a single year or until removed.~~

(F) *DUTIES OF VICE MAYOR.* THE VICE MAYOR SHALL PERFORM THE DUTIES OF THE MAYOR IN THE MAYOR'S ABSENCE AND SHALL PERFORM SUCH OTHER DUTIES AS MAY BE, FROM TIME TO TIME, DELEGATED BY THE TOWN COUNCIL.

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.

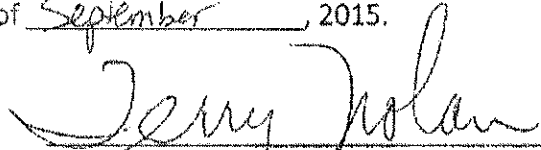
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 1st day of September, 2015, by the following vote:

AYES: Five (5)

NAYES: Two (2) ABSENT: Zero (0)

EXCUSED: Zero (0) ABSTAINED: Zero (0)


APPROVED this 1st day of September, 2015.


Terry Nolan, Mayor

ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-115 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 1ST DAY OF SEPTEMBER, 2015, WAS POSTED IN THREE PLACES ON THE 2ND DAY OF SEPTEMBER, 2015.


Judy Morgan, Town Clerk

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

RECEIVED

DEC 28 2018

Dewey-Humboldt

10:00 AM

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-15-19

Date of Request: 12-28-18

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):

Change work session meeting times from 2pm to 6:30pm

Purpose and Background Information (Detail of requested action). This is a

VERY hot issue with residents. Most of them work and can't get to 2pm meeting. ~~They~~ I was told that 2pm time shows disrespect to our residents.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

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

Contact Person: Lynn Collins

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.