

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

Tuesday, June 4, 2019, 6:30 P.M.

**STUDY SESSION & SPECIAL MEETING
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 Karen Brooks; Lynn Collins, John Hughes, Amy Lance, Mark McBrady, Vice Mayor Victoria Wendt and Mayor Terry Nolan.

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

A. Mayer Area Meals On Wheels (MAMOW) 2nd report (per FY 19-20 Accountability Contract)

B. Presentation by Alvin Stump (ADOT) to discuss highway development @ Hwy 69 & Hwy 169

C. Present required forms of Uniform Video Service License Agreement and Uniform Video Service Application and Affidavit (Staff CC)

4. Special Meeting. Legal action may be taken.

A. Discussion and Staff direction on Ordinance establishing Regular Council Meeting and Study Session dates (Staff CC)

B. Discussion on review the hiring of a Town Manager (CAARF – Mayor Nolan)

5. Executive Session.

Vote to recess to Executive Session

A. An Executive Session pursuant to A.R.S. § 38-431.03 (A) (7) for discussion with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the lease of real property located at 2735 S. Highway 69.

Close Executive Session/Reconvene Study Session

6. Discussion and possible action regarding the Town Hall lease contract.

7. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, June 18, 2019 at 6:30 p.m.

Next Town Council Work Session: Tuesday, June 11, 2019 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, June 6, 2019 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.

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 _____ of May, 2019, at _____ a.m./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.

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 Beth Evans, Interim Town Clerk.



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

TOWN COUNCIL STUDY SESSION & SPECIAL MEETING
June 4, 2019 – 6:30 p.m. Town Council Meeting Chambers

To: Mayor and Town Council Members
From: Edward L. Hanks, Jr., Interim Town Manager
Date Submitted: May 29, 2019

- 3. C.** By memorandum dated June 4, 2018 and January 2, 2019, the Town's attorneys advised the Town of Chapter 331 (the "Act"), adopted by the 2018 Legislature related to cable television regulation. Cable television is now referred to as "video services", at least as to incumbent providers who elect to terminate their existing cable television licenses after December 31, 2018.

On or before July 1, 2019, all cities and towns must adopt a form of Uniform Application/Affidavit and Uniform Video Services License that comply with the Act.

The Act is specific regarding the contents of the Uniform Application and Uniform Video Services License. The attorneys worked with a subcommittee of government entities and Cox Communication to prepare the document recommended to the Council for adoption.

To	Ed Hanks, Interim Town Manager, Town of Dewey-Humboldt	Date	April 24, 2019
From	Susan D. Goodwin, Gust Rosenfeld, PLC, Town Attorney	File No.	027646-00002
Subject	Video Services – Uniform License and Affidavit and Uniform Application/Affidavit		

By memorandum dated June 4, 2018 and January 2, 2019, we advised the Town of Chapter 331 (the “Act”) adopted by the 2018 Legislature related to cable television regulation. Cable television is now referred to as “video services”, at least as to incumbent providers who elect to terminate their existing cable television licenses after December 31, 2018.

We advised the on or before July 1, 2019, all cities and towns must adopt a form of Uniform application/Affidavit and Uniform Video Service License that comply with the Act. A.R.S. Section 9-1411B provides:

On or before July 1, 2019, each local government shall adopt a standard form of uniform video service license agreement for video service providers to be used by the local government and a standard form of application and affidavit as described in section 9-1414. A local government shall prescribe other forms only as necessary to implement this chapter.

The Act specifically limits the contents of the Uniform Video Service Application/Affidavit and Uniform Video Service License. We worked with a subcommittee of the Statewide Telecom Group (government entities) and Cox Communications to prepare the Uniform Application/Affidavit and Uniform License that the subcommittee recommends be adopted by the Town Council. A copy of those forms are enclosed. Please place these items on the Council’s agenda for approval prior to July 1, 2019. They can be approved by a simple motion as follows:

Motion to adopt the attached forms of Uniform Video Service Application/Affidavit and Uniform Video Service License as required by A.R.S Section 9-1411 as the standard forms for the Town for Uniform Video Services Application/Affidavit and Uniform Video Services License.

Cox Communications has advised that a representative of Cox will attend the meeting at which these forms are adopted. Please advise Rachel Aja at Cox of that date.

Prior to December 31, 2019, the Town should repeal its current Cable Television Regulatory Ordinance and adopt an ordinance that complies with the Act. We are preparing that ordinance for your review.

The Town should also review its right-of-way regulation ordinance for persons and entities who work in the right-of-way. If there are any updates that need to be made, this is a good time to do that. We will provide recommendations for revisions that are required or recommended related to compliance with the Act and updates permitted by the Act.

As we previously advised, the cable companies who have existing licenses may elect to terminate those licenses and use the Uniform Video Service License. This election must occur between January 1, 2020 and June 30, 2020. No Council approval is required or permitted. If the election is not made, the existing license will continue until its expiration as set forth in that license.

We will be happy to discuss this with you further at your convenience.

Enclosures: Forms of Uniform Video Service Application/Affidavit and Uniform Video Service License

Cc: Terri Nolan, Mayor (w/Enclosures)

Draft: 4-12-19

APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE
(Pursuant to Title 9, chapter 13, Arizona Revised Statutes)

Local Government: City/Town of _____

I. Applicant:

Date:		
Applicant's Name:		
Principal Place of Business:		
Phone:	Address:	
City/Town:	State:	Zip:
Type of Entity:	Jurisdiction of Formation:	Email:

II. Applicant's principal executive officers or general partners:

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

III. Person(s) authorized to represent Applicant before Local Government:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

IV. Check one pursuant to Arizona Revised Statutes Section 9-1411(C)(4):

- ☐ Applicant is an Incumbent Cable Operator as provided in Arizona Revised Statutes, Section 9-1401(13).
- ☐ Applicant is not an Incumbent Cable Operator. The date on which the Applicant expects to provide Video Services in the Service Area identified below under Section 9-1411(C)(5) is:

Date:

V. For All Applications:

Draft: 4-12-19

- A. Applicant will timely file with the Federal Communications Commission all forms required by that agency before Applicant offers Video Service in the Service Area, including the forms required by 47 Code of Federal Regulations Section 76.1801.
- B. The term of the uniform video service license shall be (not to exceed ten years):
- | |
|-------|
| Years |
|-------|
- C. Applicant agrees to pay all lawful fees and charges imposed by Local Government as provided in Arizona Revised Statutes, Section 9-1414(B)(4).
- D. Applicant agrees to notify Local Government in writing of changes to the above information within thirty days after the change occurs as provided in Arizona Revised Statutes, Section 9-1414(B)(2).
- E. Provide an exact description of the Service Area as set forth in Arizona Revised Statutes, Section 9-1411(C)(5), as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.

Select one:

The Service Area consists of all the territory within the Boundaries of Local Government:

The Service Area consists of all the territory within the area described on attached Exhibit A.

Applicant Verification

I certify that the information contained in this application for a video service license in the [City/Town] of _____ is true and correct. I further affirm that I am authorized by _____ [NAME OF APPLICANT] to file this application on behalf of applicant and to bind the applicant with respect to the representations made in Section V, Paragraphs A through D of this application. A copy of the authorization is attached to this application.

Name and Title (printed):

Signature:

Date:

Local Government Receipt

The foregoing Application and Affidavit for Uniform Video Service License was received by Local Government this _____ day of _____, 202#; at _____.

[insert NAME of City//Town], an Arizona municipal corporation ("Local Government")

By _____

Print Name _____

Title _____

Address _____

City, State, Zip _____

Draft: 4-12-19

Phone

Fax

Email

Date

Model Uniform Video Service License Agreement

Date of Issuance: _____

This Uniform Video Service License Agreement ("License") is made on the date of issuance hereof by and between the City/Town of _____, an Arizona municipal corporation ("Licensor") and _____, a _____ ("Licensee").

WHEREAS, Licensee has filed a completed application and affidavit under Title 9, Chapter 13, Arizona Revised Statutes ("Licensing Statute"), for Licensor to issue a Uniform Video Service License to Licensee; and

WHEREAS, Licensee is authorized under the laws of the State of Arizona to provide Cable Service.

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated herein and the mutual covenants set forth herein, the Parties agree as follows:

1. Definitions. Capitalized terms that are not defined herein have the same meaning prescribed in the Licensing Statute, including A.R.S. Section 9-1401.

2. Licensee Information. The following appear on Exhibit A attached hereto and are incorporated herein by this reference:

2.1 The name of Licensee, its type of entity and its jurisdiction of formation.

2.2 The address and telephone number of Licensee's principal place of business.

2.3 The names, titles and addresses of Licensee's principal executive officers or general partners.

2.4 The names, titles, telephone and fax numbers and email addresses of any persons authorized to represent Licensee before Licensor.

3. Grant of License. Under the Licensing Statute, Licensor hereby issues to Licensee, and Licensee hereby accepts from Licensor, a nonexclusive Uniform Video Service License.

3.1 The Service Area in which this License authorizes Licensee to provide Video Service in the area described on Exhibit B attached hereto and incorporated herein by this reference.

3.2. Licensor grants Licensee authority in the delivery of Video Service to use and occupy, and to construct and operate a Video Service Network in, Highways in the Service Area in compliance with the Licensing Statute and this License .

3.3 Licensee may operate and maintain facilities installed in the Highways in the Service Area to provide services pursuant to and subject to all the following: A.R.S. Section 9-584 and A.R.S. Title 9, Chapter 5.

4. Licensee Compliance with Law. Licensee shall comply with and be subject to:

4.1 All valid and enforceable federal and state laws.

4.2 All generally applicable, nondiscriminatory Local Laws, including highway use, mapping, insurance, performance bonds, security fund, indemnification, letter of credit or similar requirements that apply to the use and occupation of any highway and that conform to the Licensing Statute.

4.3 All public, education and government programming requirements of the Licensing Statute.

4.4 All customer service rules of the Federal Communications Commission under 47 Code of Federal Regulations Section 76.309(c) applicable to Cable Operators.

4.5 All consumer privacy requirements of 47 United States Code Section 551 applicable to Cable Operators.

5. Commencement of Video Service; Revocation. If Licensee is an incumbent cable operator, Licensee shall begin to provide Video Services under this License on the date of issuance of this license. If Licensee is not an incumbent cable operator, Licensee shall provide video service to at least one subscriber within each service area authorized by this License not later than twenty-four months after the date of issuance of this License. Failure of a non-incumbent cable operator to provide video service to at least one subscriber within each service area as set forth above shall result in revocation of this License unless the Licensee establishes to the satisfaction of the City/Town that such failure was for reasons beyond the Licensee's control.

6. License Fee. Licensee is required to pay the License Fees required under the Licensing Statute and all other lawful fees, taxes and charges imposed by Licensor. The initial rate of the License Fee shall be [five (5)] percent.

7. Federal Filing Requirement. Licensee is required to file in a timely manner with the Federal Communications Commission all forms required by that agency before Licensee offers Video Service in the Service Area, including the forms required by 47 Code of Federal Regulations Section 76.1801.

8. Term. The term of this License is ten (10) years and shall begin on the date of issuance.

9. Compliance with Law. Licensor and Licensee agree that they are subject to and must comply with the Licensing Statute. This License is subject to A.R.S. Section 38-511.

Licensor

Licensee

[City/Town] of _____, an Arizona
municipal corporation

By: _____
Its: _____
Date: _____

By : _____
Its: _____
Date: _____

ATTEST:

[City/Town] Clerk

APPROVED AS TO FORM:

[City/Town] Attorney

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day
of _____, 20__ by _____, the _____ of
_____, a _____ on behalf of Licensee.

(Seal)

Notary Public

STATE OF ARIZONA)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day
of _____, 20__ by _____, Mayor of the [City/Town] of
_____, an Arizona municipal corporation, on its behalf.

(Seal)

EXHIBIT A

[Information about Licensee]

I. Licensee:

Date:		
Applicant's Name:		
Principal Place of Business		
Phone:	Address:	
City:	State:	Zip:
Type of Entity:	Jurisdiction of Formation:	Email:

II. Licensee's principal executive officers or general partners:

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

III. Person(s) authorized to represent Licensee before Local Government:

Name:		Title:
Address:		
Phone:	Fax:	Email:

Name:		Title:
Address:		
Phone:	Fax:	Email:

Name:		Title:
Address:		
Phone:	Fax:	Email:

EXHIBIT B
[Service Area]



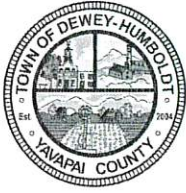
TOWN OF DEWEY-HUMBOLDT
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Phone 928-632-7362 ▪ Fax 928-632-7365
www.dhaz.gov

TOWN STUDY SESSION & SPECIAL REGULAR MEETING
June 4, 2019 – 6:30 p.m. Town Council Meeting Chambers

To: Mayor and Town Council Members
From: Edward L. Hanks, Jr., Interim Town Manager
Date Submitted: May 29, 2019

- 4.A.** Discussion and possible action on the adoption of an Ordinance adding a second Regular Council meeting each month to fall on the first and third Tuesday. Change the Study Session meeting from the first Tuesday to the second Tuesday and adjust the time from 2:00 p.m. to 6:30 p.m. In addition, limit the Study Sessions to disallow action items and restrict Special Meetings from being held in conjunction with a Study Session.

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TOWN OF DEWEY-HUMBOLDT

P.O. BOX 69

HUMBOLDT, AZ 86329

Phone 928-632-7362 • Fax 928-632-7365

RECEIVED

MAY 29 2019

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: ☒ Regular ☐ Special ☐ Work SessionMeeting Date: 6/04/19Date of Request: 5/29/19Requesting: ☒ Action ☐ Discussion or Report OnlyType 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):

To Review the hiring of a Town Manager

Purpose and Background Information (Detail of requested action).

To look at the possibility of using a Head Hunter for interviewing & hiring a Town Manager

Staff Recommendation(s):

Budgeted Amount: ?

List All Attachments:

Type of Presentation: OralSpecial 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.