

AGENDA



**REGULAR
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, FEBRUARY 7, 2007
at 6:30 P.M.**

1. **Call to Order**

As a reminder, if you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off at this time to minimize disruption of tonight's meeting.

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) Approval of the Minutes:

- 1) Special Session – January 31, 2007
- 2) Council Hears Planning & Zoning – January 24, 2007
- 3) Executive Session – January 24, 2007

b) Set Next Meeting, Date and Time:

- 1) Regular Session – February 21, 2007 at 6:30 p.m.
- 2) Council Hears P&Z – February 28, 2007 at 6:30 p.m.
- 3) Regular Session – March 7, 2007 at 6:30 p.m.
- 4) Regular Session – March 21, 2007 at 6:30 p.m.
- 5) Council Hears P&Z – March 28, 2007 at 6:30 p.m.

c) Possible authorization to purchase two (2) patrol and one (1) animal control vehicles for the Camp Verde Marshal's Office for \$60,391. There is \$73,000 budgeted in the CIP for the purchase of CVMO vehicles.

d) Possible authorization to install ductwork and air conditioning in the Adult Literacy section of the Community Center building. There is \$10,000 budgeted for this project in the CIP Fund.

e) Possible approval of a short-term lease agreement with Out of Africa for the use of tram/train equipment and generator that was recently purchased by the Town from State Surplus.

5. **Call to the Public for Items not on the Agenda.**

6. **Presentation by Gwen Gunnell, Director, Camp Verde Adult Reading Program (CVARP), regarding CVARP activities and the Adult Literacy Week, and possible approval of a proclamation declaring February 18-24, 2007 as *Arizona Adult Literacy Week*.**

Mayor Gioia requested Item #7:

7. **Presentation by Christine Bryson-Lazo, President and Chair, Verde Valley Seniors in Action Coalition, followed by discussion, consideration, and possible approval of a cooperative agreement for advocacy and representation for senior citizen matters.**

8. **Presentation and update by staff and Wilbert Odem from the NAU College of Engineering and Technology regarding the evaluation and possible funding sources and construction alternatives for the low-water crossing project on Verde Lakes Drive followed by possible direction to staff concerning next steps.**

Mayor Gioia requested Item #9:

9. **Discussion, consideration, and possible direction to staff regarding adding Council members, Commission members, and volunteers to the mandatory drug testing procedures as set forth by the Town's Personnel Manual, Section 307.** Note: Council may vote to go into Executive Session pursuant to ARS38-431.03.A.3 for legal advice with the Town Attorney.

Councilors Parrish and Parry requested Item #10:

10. **Discussion, consideration, and possible approval of/or direction to staff regarding mandatory background checks for all elected, appointed officials, and volunteers.** Note: Council may vote to go into Executive Session pursuant to ARS38-431.03.A.3 for legal advice with the Town Attorney.
11. **Receipt of legal advice followed by discussion, consideration, and possible direction to staff concerning the acceptance of the street improvements in the Verde Cliffs Subdivision.** Note: Council may vote to go into Executive Session pursuant to ARS38-431.03.A.3 and A.4 for legal advice with the Town Attorney and for discussion and consultation with the Town Attorney in order to consider Council's position and instruct the attorney regarding settlement discussions conducted in order to avoid or resolve litigation.
12. **Call to the Public for Items not on the Agenda.**

There will be no Public Input on the following items:

13. **Advanced Approvals of Town Expenditures**
 - a) **There are no advanced approvals.**
14. **Manager/Staff Report**
15. **Council Informational Reports** Individual members of the Council may provide brief summaries of current events and activities. These summaries are strictly for informing the public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.
16. **Adjournment**

Posted by: *U Jones*

Date/Time: 2-2-07 8:47 a.m.

Note: Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

**MINUTES
SPECIAL SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, JANUARY 31, 2007
at 6:00 P.M.**

1. **Call to Order**

Mayor Gioia called the meeting to order at 6:13 p.m.

2. **Roll Call**

Mayor Tony Gioia, Vice Mayor Brenda Hauser, Councilor Jackie Baker, Councilor Bob Kovacovich, Councilor Howard Parrish, Councilor Mike Parry, Councilor Ron Smith

Also Present

Finance Director Dane Bullard, Town Manager Bill Lee, Economist.com Representative Dan Jackson, and Town Clerk Deborah Barber

Town Attorney Bill Sims was present telephonically.

3. **Pledge of Allegiance**

Councilor Baker led the Pledge of Allegiance.

4. **Discussion, consideration, review, and possible direction to staff regarding the Economist.com appraisal of Camp Verde Water System.**

Following a recommendation by the Town Attorney, and a motion by Baker, seconded by Kovacovich, the Council voted to adjourn the Special Session and enter an Executive Session pursuant to ARS §38-431.03 (A)(7) for discussion or consultations with designated representatives in order to consider Council's position and instruct representatives regarding the negotiations for the purchase, sale, or lease of real property and (A)(3) for discussion or consultation for legal advice with the attorney to discuss this matter. Councilor Smith voted no.

5. **Adjournment**

The meeting was adjourned at 6:14 p.m.

Tony Gioia, Mayor

Deborah Barber, Town Clerk

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Special Session of the Town Council of Camp Verde, Arizona, held on the 31st day of January 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2007.

Deborah Barber, Town Clerk

**MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, JANUARY 24, 2007
6:30 P.M.**

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Council motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion.

1. **Call to Order**

The meeting was called to order at 6:30 p.m.

2. **Roll Call**

Mayor Gioia, Vice Mayor Hauser, Councilors Smith, Baker, Kovacovich, Parrish and Parry were present.

Also Present: Community Development Director Nancy Buckel; Town Attorney Brad Woodford (by telephone conference), and Recording Secretary Margaret Harper; Town Manager Bill Lee arrived at 7:09 p.m.

3. **Pledge of Allegiance**

The Pledge was led by Kovacovich.

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) Approval of the Minutes:

1) There are no minutes for approval.

b) Set Next Meeting, Date and Time:

1) Special Session – January 31, 2007 at 6:00 p.m.

2) Regular Session – February 7, 2007 at 6:30 p.m.

3) Regular Session – February 21, 2007 at 6:30 p.m.

4) Council Hears P&Z – February 28, 2007 at 6:30 p.m.

c) Possible acceptance of the Board of Adjustment's and Planning & Zoning Quarterly Reports.

On a motion by Baker, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented.

5. **Call to the Public for Items not on the Agenda.**

There was no public input.

6. **Presentation and discussion of CR 2006-01, an application submitted by Tom Pender of Pender Engineering, agent for RH Development/Thearem Investments, LLC, owners for a conceptual review of their Master Development Plan, the Crossings @ Cherry Creek that includes approximately 96 acres. This development is proposed to include 154 single family units (25 acres), 145 multiple family units (17.5 acres), 115 apartments (4.9 acres), 23 acres of commercial development and 25.5 acres of open space. The site for this development is located on the west side of SR 260, 6/10ths of a mile north of the Cherry Road intersection.**

There was no action taken.

Community Development Director Buckel explained that the developer will be presenting the project and reviewing the design and site plan and answering questions regarding the project. Because of the size and scope and potential for high development in the area, as well as proposed development of a waste treatment plant, staff felt it would be helpful to preview the

project. The developer is looking for issues and concerns from the Council that can be addressed before the development moves forward, with the goal that it meets the General Plan and the desires of the community. A General Plan Amendment request will be heard next month; that will not be a part of this discussion. Buckel said that no official action will be required; she then introduced the project manager, Tom Pender of Pender Engineering, who represents the owners.

Tom Pender, following an overview of the proposed development, gave an extensive Power Point presentation, stressing that one of the goals throughout the planning of the project was to meet the community plan. Mr. Pender also distributed printed copies of the presentation for further study by the members. In summary, Mr. Pender said that the developer believes the proposed development meets the goals and vision of the General Plan, will provide traffic enhancements, utility infrastructure, economic benefit, workforce housing, and preserve open space. Following the presentation, several concerns were expressed by the members and discussed with Mr. Pender, with input from Sean Gray, Vice President of Read Homes, in general as follows:

- Connecting trails to the Town trails system, and composition of trails;
- Consideration of "green building"; *V.P. Gray indicated willingness to incorporate that;*
- Traffic access; status of working with ADOT; previous owner's access availability;
- Proposed construction of waste water treatment facility; working with Y-A Nation;
- Design of proposed two parks; children's neighborhood play areas;
- Decrease in commercial area shown on General Plan while increasing residential;
- Suggestion to consider a commercial strip as a buffer between project and Out Of Africa, from the standpoints of buffering sound and discouraging vandalism;
- Attainable housing; *V.P. Gray volunteered trying to achieve costs in the 160-175,000 range, with the goal of under 200,000;*
- Retaining a percentage of native vegetation;
- Availability of water.
- Concern over future homeowners possibly protesting against and jeopardizing the existence of Out Of Africa.

Mayor Gioia expressed appreciation for the opportunity to preview the proposed development, and also encouraged the applicant to meet with the Housing Commission to discuss mutual help.

PUBLIC INPUT

Dale Rizzi asked if there were any pictures of the proposed houses available. *Pender said they will bring some in.*

Bob Johnson wondered if any alternative had been considered if the Water Company cannot supply the water. *Pender said that, in that event, the developer will work with the Town to resolve that one way or the other.*

Dean Harrison, Out Of Africa, said they had met with principals of Read Homes; Harrison's primary concern is the liability issue about individuals gaining access to the animals and being injured, and the need for a safety buffer. Harrison also expressed concern regarding access from 260, and also addressed the possible impact to the business of future homeowners objecting to Out Of Africa.

Paul Clawson spoke at length on the road access issue, the great increase in traffic entering and leaving the development, with no plan yet in place. He commended the builder on considering planning on green building.

Gary Blair questioned a possible problem with Fire District response time, and whether the development would provide an extra tax base that would allow hiring another person.

There was no further public input.

7. **Presentation and possible discussion of the list of street names with historical significance.**

Staff was directed to submit a memo to Council every six months on the status of the street name list, to include new names or changes made.

Director Buckel first commented on the extensive research and hard work done by P&Z Commissioner Dave Freeman on helping to compile the lists of the roads. There are two lists, including streets that are not available, historic names, and a list that will be given to developers showing names that are available. The lists will be revised as projects come through and street names are chosen.

Following a brief discussion of the lists, procedure for adding names to the lists, and a commendation regarding Freeman's involvement, the members decided that they would review every six months any street name changes or additions; Buckel will submit memos accordingly.

There was no public input.

7.a **Receipt of legal advice and discussion, consideration, and possible direction to staff regarding Camp Verde v. Kyllingstad litigation as it relates to the Main Street Beautification Project.**

On a motion by Hauser, seconded by Baker, the Council voted unanimously to go into Executive Session.

There was no further action taken.

(NOTE: Items 8 through 11 were addressed prior to adjourning for the Executive Session.)

8. **Call to the Public for Items not on the Agenda.**

There was no public input.

9. **Advanced Approvals of Town Expenditures**

There were no advanced approvals of Town expenditures.

10. **Manager/Staff Report**

There was no Manager/Staff Report.

11. **Council Informational Reports**

Hauser reminded the members of the MATForce invitation she had given each.

A recess was called at 8:21 p.m. to go into Executive Session; the meeting was reconvened at 8:35 p.m.

12. **Adjournment**

On a motion by Hauser, seconded by Baker, the meeting was adjourned at 8:36 p.m.

Tony Gioia, Mayor

Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 24th day of January 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2007.

Debbie Barber, Town Clerk

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: February 7, 2007

Consent: **Executive Session/Confidential:** Type(s) of Presentation: Verbal Only

AGENDA TITLE: (Be Exact): Discussion, consideration, and possible approval to purchase (2) two patrol vehicles and (1) one truck for animal control. These are budgeted items under the CIP.

PURPOSE AND BACKGROUND INFORMATION: We need to replace the animal control truck and two other vehicles all with well over 100,000 miles and major mechanical problems. We budgeted \$73,000 in the CIP for vehicle replacement. Under state bid pricing, we can purchase and equip the animal control truck and the two patrol vehicles for a total of \$60,391.

STAFF RECOMMENDATION(S): Approve

LIST ALL ATTACHMENTS:

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Finance Director Review

Budgeted/Amount Yes \$ OK/db

Comments:

Fund: CIP

Line Item/:

Submitting Department: Marshal's Office

Contact Person: David R. Smith

Town Manager/Designee: _____

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

TOWN OF CAMP VERDE
Council Agenda Action Form

Meeting Type: Regular

Meeting Date: February 7, 2007

Consent: **Executive Session/Confidential:** Type(s) of Presentation: Visual

AGENDA TITLE: (Be Exact): Discussison, consideration and possible approval of funds in the amount of \$10,000 from the CIP Fund for Duct Work and Air Conditioning on Adult Literacy Building.

PURPOSE AND BACKGROUND INFORMATION: This is a CIP project in the current budget. The work that would be done includes new duct work, installation of Town owned units, electrical and gas hook up on the Adult Literacy and Weightroom.

STAFF RECOMMENDATION(S): Approve

LIST ALL ATTACHMENTS: Budget sheet CIP Fund

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Finance Director Review

Budgeted/Amount N/A \$!0,000



Comments:

Fund: CIP

Line Item/: 03-50-00-5091

Submitting Department: Parks & Recreation **Contact Person:** Lynda Moore

Town Manager/Designee: _____

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

Run date: 01/04/2007 @ 14:34
 Bus date: 01/04/2007

TOWN OF CAMP VERDE, ARIZONA
 R/E Act vs Bud W/Encumbrance

Select.: AX X-XX XXXX
 GLREAB4.L02 Page 30

03 50-00 CIP FUND

Description	Fiscal year thru period ending 12/31/2006					
	Month to date	Year to date	Ytd encumbrnce	Annual budget	Annual var	% used
5015 VERDE LAKES DRIVE	.00	.00	.00	150,000.00	150,000.00	.0%
5016 FINNIE FLATS DRAINAGE	.00	.00	.00	30,000.00	30,000.00	.0%
5035 WATER CO DEBT SERVICE ENCUMBER	.00	.00	.00	250,000.00	250,000.00	.0%
5080 CVMO VEHICLES	.00	57,001.16	.00	73,000.00	15,998.84	78.1%
5081 POLICE RADIO UPGRADES	.00	.00	.00	5,200.00	5,200.00	.0%
5086 PARKS VEHICLES	.00	10,293.25	.00	.00	(10,293.25)	-
5089 POOL REMODEL	.00	.00	.00	30,000.00	30,000.00	.0%
5091 DUCT WORK-ADULT LITERACY	.00	.00	.00	10,000.00	10,000.00	.0%
5095 ROLLING FILE CABINETS	.00	.00	.00	20,000.00	20,000.00	.0%
5096 COURT REMODEL	401.21	6,457.21	.00	10,000.00	3,542.79	64.6%
5111 CVMO WELL	.00	35.84	.00	.00	(35.84)	-
5115 CVMO REMODEL	.00	141,156.06	.00	397,000.00	255,843.94	35.6%
5116 CVMO REMODEL-FURNITURE/EQUIP	.00	2,666.97	.00	.00	(2,666.97)	-
5180 IMPACT FEE STUDY	.00	4,644.00	.00	45,000.00	40,356.00	10.3%
6094 P&Z CONSULTANT	.00	.00	.00	4,000.00	4,000.00	.0%
6095 PERMIT SOFTWARE (COMM DEV)	.00	.00	.00	80,000.00	80,000.00	.0%
8090 CHAMBER OF COMMERCE	33,669.00	101,007.00	.00	134,676.00	33,669.00	75.0%
Total EXPENDITURE	34,070.21	323,261.49	.00	1,238,876.00	915,614.51	26.1%

TOWN OF CAMP VERDE
Council Agenda Action Form

Meeting Type: Regular

Meeting Date:Feb. 7, 2007

Consent: **Executive Session/Confidential:** Type(s) of Presentation: Verbal Only

AGENDA TITLE: (Be Exact):Discussion, consideration and possible approval of lease agreement with Out of Africa for equipment recently purchased from State Surplus. The Town's lease cost to Out of africa is \$3.00.

PURPOSE AND BACKGROUND INFORMATION: This short-term lease of six (6) months would provide Out of Africa use of the trams and generator until such time that the Town is able to have a public auction on the equipment. Out of Africa will provide liability and general insurance while the equipment is in their possession.

STAFF RECOMMENDATION(S): Approve

LIST ALL ATTACHMENTS: Lease Agreement w/Exhibit A

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Acceptance/Approval | <input checked="" type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Finance Director Review

Budgeted/Amount N/A \$0

Comments:

Fund:

Line Item/:

Submitting Department:Adm.

Contact Person:Bill Lee

Town Manager/Designee: _____



Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

PERSONAL PROPERTY LICENSE AGREEMENT

THIS PERSONAL PROPERTY USE AGREEMENT (“**Agreement**”) is entered into as of the 7 day of February, 2007 by and between the TOWN OF CAMP VERDE, a political subdivision of the State of Arizona (the “**Town**”) and OUT OF AFRICA WILDLIFE PARK, LLC, an Arizona limited liability company (“**Licensee**”).

RECITALS:

A. WHEREAS, the Town has procured certain personal property described on Exhibit A (collectively “**Personal Property**”) as State surplus property under the authority of a A.R.S. § 9-500.11 for the purpose of economic development activities; and

B. WHEREAS, the Town intends to auction such property no earlier than August 15, 2007, and Licensee intends to guarantee a minimum payment for the individual items of the Personal Property pursuant to the terms of this Agreement; and

C. WHEREAS, prior to such auction, in order to limit the cost of insurance for the Personal Property and to provide for the use of such property the parties desire to enter into this Agreement.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

AGREEMENT:

1. Minimum Price. Licensee agrees to guarantee a minimum price for each item of Personal Property as set forth on Exhibit A.

2. License.

2.1 Grant. The Town hereby grants Licensee a license to use and operate each item of Personal Property for a period (“**License Period**”) of at least six (6) months from the date hereof until such time that an auction for the Personal Property (the “**Auction**”) is conducted by the Town.

2.2 Payment. Until such auction, Licensee may use the Personal Property in consideration for the license payments in the amounts set forth on Exhibit A.

2.3 Insurance. Licensee shall maintain property insurance for each item of Personal Property in the amounts set forth on Exhibit A. Licensee shall name the Town as an additional insured on Licensee’s automobile insurance and commercial general liability insurance in connection with the use and operation of the Personal Property.

3. Maintenance. During the License Period, Licensee shall maintain each item of Personal Property in good working order.

4. Termination.

4.1 Any party hereto may terminate this Agreement, with or without cause, by giving the other parties hereto sixty (60) days' advance written notice.

4.2 This Agreement shall terminate upon the date of the Auction.

5. Agreement. This Agreement sets forth the entire agreement between the parties. No provision of this Agreement shall be altered, amended, revoked, or waived, except by an instrument in writing signed by the parties.

6. Applicable Law. This Agreement and all documents executed and delivered hereunder will be deemed to be contracts under the State of Arizona and for all purposes will be construed in accordance with such laws. Suit to enforce any provision of this Agreement or to obtain any remedy with respect hereto may be brought only in Superior Court, Yavapai County, Arizona.

7. Attorneys' Fees. In the event suit is brought or an attorney is retained by either party to enforce the terms of the Agreement or to collect any monies due hereunder or to collect money damages for breach hereof, the prevailing party will be entitled to recover, in addition to any other remedy, reimbursement for reasonable attorneys' fees, court costs, costs of investigation, and other related expenses incurred in connection therewith.

8. Headings. The headings in this Agreement are for reference only and do not limit, enlarge, or otherwise affect any terms or provisions of this Agreement.

9. Severability. If any provision of this Agreement is held to be invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions will not, in any way, be affected or impaired thereby.

10. Time of Essence. Time is of the essence to this Agreement.

11. Notices. All notices, requests, and other communications hereunder must be given in writing and either (i) personally served on the party to whom it is given, (ii) mailed by registered or certified mail, postage prepaid, return receipt requested, or (iii) sent by private overnight courier such as Federal Express or Airborne, addressed as follows:

Town of Camp Verde:
473 South Main Street, Suite 102
Camp Verde, AZ 86322
Attn: Town Manager

Out of Africa Wildlife Park, LLC:
4020 N. Cherry Road
Camp Verde, AZ 86322
Attn: Dean and Prayerie Harrison

All notices will be deemed given when delivered or, if mailed as provided above, on the second day after the mailing, and if sent by overnight courier, on the next day after the date of deposit with the courier. Any party may change its address for the receipt of notices at any time giving written notice thereof to the other parties in accordance with the terms of this section. The inability to deliver notice because of a changed address of which no notice was given or a refusal to accept any notice will be deemed to be the effective receipt of the notice as of the date of such inability to deliver or refusal.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

TOWN OF CAMP VERDE, a political
subdivision of the State of Arizona

**OUT OF AFRICA WILDLIFE PARK,
LLC**, an Arizona limited liability company

By: _____
Tony Gioia, Mayor

By: _____

Its: _____

EXHIBIT A

PROPERTY	LEASE PAYMENT	PROPERTY INSURANCE AMOUNT	MINIMUM BID PRICE
1998 Tram/Train VIN: A9GA1H17W1366026	1.00	Town to be indemnified for \$500,000	3000 +1413 (s/h) +145 (int)
1998 Tram/Train 1A9HF1G13W1366032	1.00		3000 +1412 (s/h) +145 (int)
Generator	1.00		750 + 75 (s/h) + 10 (int)
Total	3.00		6,750 + 2900 + 300 = \$9,950.



**TOWN OF CAMP VERDE
PROCLAMATION**



Declaring February 18 – 24, 2007 as

Arizona Adult Literacy Week

Whereas, Adult Literacy is a major problem in Arizona today, adversely affecting the quality of life and economic standards of many families; and

Whereas, the Town of Camp Verde believes there should be help for those who need to learn to read and for those who wish to improve their reading and learning skills; and

Whereas, the Town of Camp Verde supports educational opportunities for all,

Now, therefore, be it resolved that the Mayor and Common Council of the Town of Camp Verde designate the week of February 18 – 24 as *Arizona Adult Literacy Week* and resolve that this Official Proclamation be presented to the Camp Verde Adult Reading Program with sincere appreciation of their efforts to assist those in need.

Issued this 7th day of February 2007.

ATTEST:

Tony Gioia, Mayor

Deborah Barber, Town Clerk

Cooperation Agreement for Advocacy and Representation

This Cooperation Agreement made and entered into by and between the Town of Camp Verde, Arizona, hereinafter referred to as "**Town**" and the Verde Valley Seniors in Action Coalition, hereinafter referred to as "**VVSAC**" establishing a connection for VVSAC to act as an advisory agency on aging issues to the Town prescribing the powers and duties on the agency and authorizing the establishment of rules and procedures.

Section 1. Creation

Town authorizes VVSAC as the advisory agency on aging issues to the Town.

Section 2. Purpose

VVSAC shall have the following purposes:

- A) To serve as a voice for seniors by understanding, recognizing and making recommendations to the Town Council on issues that promote and sustain a safe, healthy and positive environment for seniors.
- B) To serve as a catalyst with local businesses, churches and senior organizations, governmental entities and the media to support, promote and recommend programs and services that improve the quality of life for seniors.
- C) To provide leadership, strategic planning, policy development and coordination for the advocacy and education of older citizens and their families within local government in order to raise the level of awareness and response to the needs of our seniors.
- D) To provide a regional approach and view on senior issues

Section 3. Powers and Duties

VVSAC shall make recommendations to the Town Council and implement recommendations adopted and approved by the Council.

VVSAC shall have the following functions:

- 1. Identify the unmet needs of seniors through personal contact with seniors, church officials, service providers and others.
- 2. Act in an advisory capacity to the Town Council on matters pertaining to the senior population, especially as related to municipal programs and projects.
- 3. Develop a constructive working relationship with those organizations and sections of the community that are working with seniors to establish priorities for senior services that will promote a better quality of life for seniors.
- 4. Develop a Community Advocacy Committee that will serve as a mechanism for seniors to express their ideas, issues and concerns and help identify programs and services needed in the community.

5. Facilitate, at least once a year, a senior summit, charrette or other method, which will provide a platform to receive input on senior issues from all sectors of the community.
6. Develop and disseminate information for collaboration and coordination of services that affect the elders of the Town and within the Verde Valley.
7. Encourage and support intergenerational communication and programs.
8. Promote regional cooperation for grant writing and development and expansion of senior programs and services.
9. Recognize seniors making significant contributions to the community.
10. Conduct all of its meetings in compliance with the Arizona Open Meetings law, ARS §38-431.

Section 4. Committee Representation

- A. VVSAC Community Advocacy Committee shall be composed of at least three (3) members, two (2) of whom shall be residents of the Town. Chairperson of the Community Advocacy Committee for Camp Verde will reside within the town limits.
- B. VVSAC members should demonstrate significant interest in and be committed to improving the quality of life for seniors. This may be evidenced by either their current involvement in a local senior organization or previous employment or volunteer work in the senior provider field.
- C. All VVSAC members shall serve without pay.

Section 5. Severance Clause

IF any action, subsection, sentence, clause, word or phase of this agreement is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof,

PASSED AND ADOPTED by the Mayor and Council of the Town of Camp Verde,
 Arizona this day of , 2007.

 Mayor

 Christine Bryson-Lazo
 President & Chair
 Verde Valley Seniors in Action Coalition

ATTEST:

 Town Clerk

APPROVED AS TO FORM

 Town Attorney

V

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Mission Statement: The mission of the VERDE VALLEY SENIORS IN ACTION COALITION (VVSAC) is to raise the quality of life for people over 60 in the Verde Valley area.

Purpose: The purpose of the VERDE VALLEY SENIORS IN ACTION COALITION is to (i) provide leadership and advocacy to improve the quality of living for older persons (ii) provide advice and information to decision makers, elected officials, agencies, and organizations regarding public issues and proposals of interest to older persons (iii) develop communication, collaboration and coordination of services between agencies and care providers in the Verde Valley and (iv) develop training and educational programs for caregivers and older persons.

VVSAC meets the fourth Wednesday of the month
(except for November & December –first Wed. in December)

1:30 – 3:00 PM

2007 Schedule

DATE	LOCATION
January 24	Sedona- Yavapai College - Sedona Arts and Technology campus
February 28	Cottonwood – Verde Valley Senior Center, 6 th & Cherry
March 28	Beaver Creek Senior Center
April 25	Camp Verde – Camp Verde Senior Center
May 23	Sedona Community Center
June 27	Cottonwood – Verde Valley Senior Center, 6 th & Cherry
July 25	Beaver Creek Senior Center
August 22	Sedona- Yavapai College - Sedona Arts and Technology campus
September 26	Cottonwood – Lighthouse Foundation
October 24	Camp Verde – Camp Verde Senior Center
December 5	Sedona- Yavapai College - Sedona Arts and Technology campus

Verde Valley
Seniors in Action
Coalition
PO Box 305
Sedona AZ 86339-0305

P: 928.282.1122
F: 928.282.5074

www.vvsac.org
Email:
vvsac11@gmail.com

BOARD MEMBERS:
Christine Bryson-Lazo,
President & Chair

Kristy Davidson

Harvey Grady

JoAnne Haines

Mariene Latham

Sophia Tarila

Schedule subject to change.

For more information, contact Christine Bryson-Lazo, chairperson of the Verde Valley Seniors in Action Coalition.

MEMBERSHIP APPLICATION

"Be not afraid of growing older, but of standing still." - Japanese Proverb

Name: _____

Organization/Business: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Fax: _____

Email: _____

Dues: _____

I am interested in participating in:

- Community Advocacy Committee
- Education Committee
- Newsletter & Website Committee
- Seniors in Action Business Alliance

Verde Valley Seniors in Action Coalition

PO Box 305
 Sedona AZ 86339-0305
 Phone (928) 282-1122
 Fax (928) 282-5074
 Email: vvsac111@gmail.com
www.VVSAC.org

WHEN

General meeting of the Verde Valley Seniors in Action Coalition meets the fourth Wednesday of the month, except for November & December when the meeting is scheduled for first Wednesday in December. Ask for our meeting schedule.

WHERE

Our main meeting location is at Yavapai College, Sedona Campus at 4215 Arts Village Drive in the Administration Center's Lounge/Conference Room. The Coalition meets in other locations throughout the Verde Valley on a rotating schedule. Call for location or ask for a meeting schedule. If you would like to host a meeting at your organization or center, please contact us to schedule.

HOW TO GET INVOLVED

Anyone over the age of 18 may join the Verde Valley Seniors in Action Coalition. We invite you to join in the process of broadening your awareness and advocating for senior issues before your local, regional, state and federal governments. Annual membership dues are \$25.00 for individuals and \$100.00 for organizations and businesses.

Visit our next meeting: _____

VERDE VALLEY SENIORS IN ACTION COALITION



Advocates for Older Adults in the Verde Valley

VERDE VALLEY SENIORS IN ACTION COALITION

MISSION

The mission of the Verde Valley Seniors in Action Coalition (VVSAC) is to raise the quality of life for people over 60 in the Verde Valley area.

PURPOSE

The purpose of the Verde Valley Seniors in Action Coalition is to

1. Provide leadership and advocacy to improve the quality of living for older persons.
2. Provide advice and information to decision makers, elected officials, agencies and organizations regarding public issues and proposals of interest to older persons.
3. Develop communication, collaboration and coordination of services between agencies and care providers in the Verde Valley.
4. Develop training and educational programs for caregivers and older persons.

HISTORY

As a result of the Sedona Academy Forum in 2000, "Aging in Sedona - Challenges and Opportunities," it was concluded that the community of Sedona wanted a task force on aging, a "Hub" information Clearinghouse, and a Sedona Commission on Aging. The Sedona - Verde Valley Task Force on Aging was created for this purpose and decided to broaden its vision to represent the entire Verde Valley.

Since 2001, the task force has developed partnerships, created outreach networks, and used multiple methods to research and educate the Verde Valley community on aging issues. We have supported the production of seminars, art exhibitions, business training programs, educational opportunities, dispensing of information about aging, and have aided in developing a larger health interactive internet website in Northern Arizona. In 2004, the task force decided to become a 501(c)3 organization and changed its name to the **VERDE VALLEY SENIORS IN ACTION COALITION (VVSAC)**.

Some of partners and members include AARP, Yavapai College, Yavapai County Coalition of Care for the Aging (YCCCA), Verde Valley Caregivers, The Center for Successful Aging, Osher Lifelong Learning Institute (OLLI), LightHeart Foundation, Sedona Community Center, Verde Valley Senior Center, Northern Arizona Council of Governments (NAGOC), Area Agency on Aging (AAA), Generations United of Yavapai County, the Fiduciary of Yavapai County, and many individuals from the Verde Valley and Yavapai County.

Without a sense of caring, there can be no sense of community.

WHAT WE DO

- Educate
- Motivate
- Facilitate
- Advocate

HOW WE DO IT

We actively participate in our community and research the issues confronting and affecting our older population. Our activities include:

- o Conducted the Sedona Commission on Aging Study Committee recommending:
 - o Provide easy access to information through a Senior Information Referral Specialist
 - o Recognize VVSAC as the official advocate advising city council on issues affecting seniors by a Cooperation Agreement signed on May 16, 2006
- o Assisted Verde Valley Senior Center for Meals on Wheels funding from Town of Camp Verde & City of Cottonwood
- o Seniors in Action Business Alliance (SABA) creating an ongoing dialogue between seniors & business owners

TOWN OF CAMP VERDE
Council Agenda Action Form

Meeting Type: Regular

Meeting Date:2-7-07

Consent: **Executive Session/Confidential:** Type(s) of Presentation: PowerPoint

AGENDA TITLE: (Be Exact):Presentation and update by staff and Wilbert Odem from the College of Engineering and Technology at NAU regarding the evaluation and possible funding sources and alternatives for the low water crossing project on Verde Lakes Drive, followed by discussion and possible direction to staff concerning the next steps

PURPOSE AND BACKGROUND INFORMATION:

STAFF RECOMMENDATION(S): None

LIST ALL ATTACHMENTS:

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Finance Director Review

Budgeted/Amount N/A \$

Comments:

Fund:

Line Item/:

Submitting Department:

Contact Person:Mike Casebier

Town Manager/Designee: _____



Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

Town of Camp Verde

February 7, 2007

Verde Lakes Drive Low Water Crossing 2007



Michael Casebier

Grants Administrator

Ron Long

Director of Public Works

Dr. Wilbert Odem

Environmental Engineering, NAU

With information from:

Stephanie Treptow

EnviroSystems

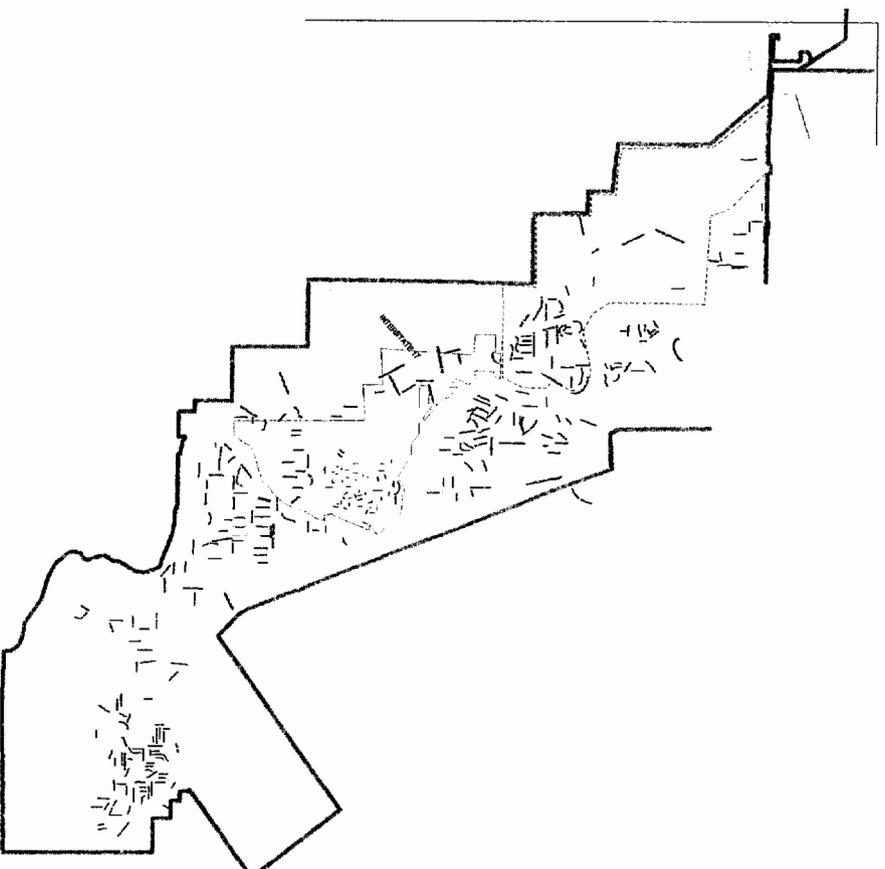
Caleb Lanting

Arizona Engineering

Verde Lakes Drive Low Water Crossing 2007

- 1. Project Location**
- 2. History of West Clear Creek – Dr. Wilbert Odem**
- 3. Sample of Road Closure Data From 2004 – 2005**
- 4. Property Right of Way (ROW) Issues**
- 5. Environmental Issues and Impacts**
- 6. Proposed Engineering Solutions**
- 7. Cost Projections**
- 8. Federal Funding Sources and BCA**
- 9. State Funding Sources**

**Verde Lakes Drive
Low Water Crossing 2007
Map of Verde Lakes in Camp Verde
Location of Project**



**Verde Lakes Drive
Low Water Crossing 2007**

Dr. Wilbert Odem, Northern Arizona University



Verde Lakes Drive Low Water Crossing 2007 Location of Box Culvert or Elevated Road

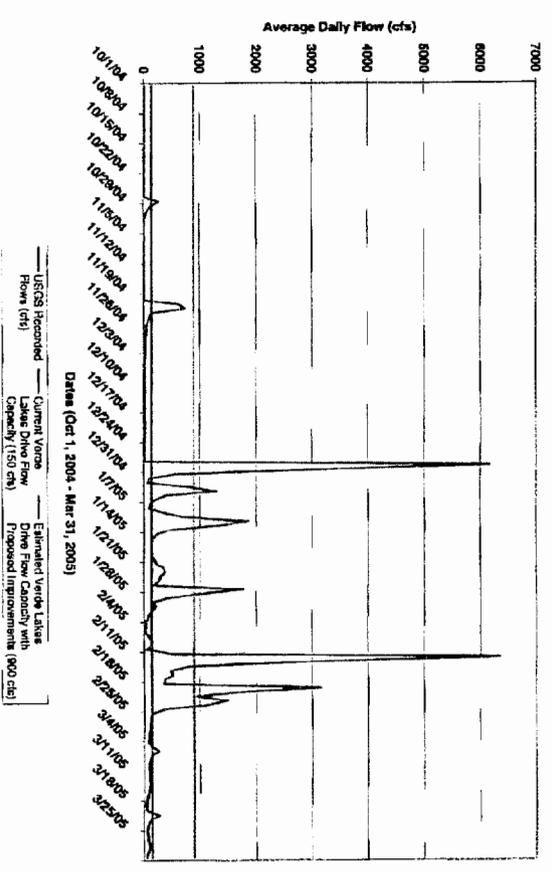


Verde Lakes Drive Low Water Crossing 2007

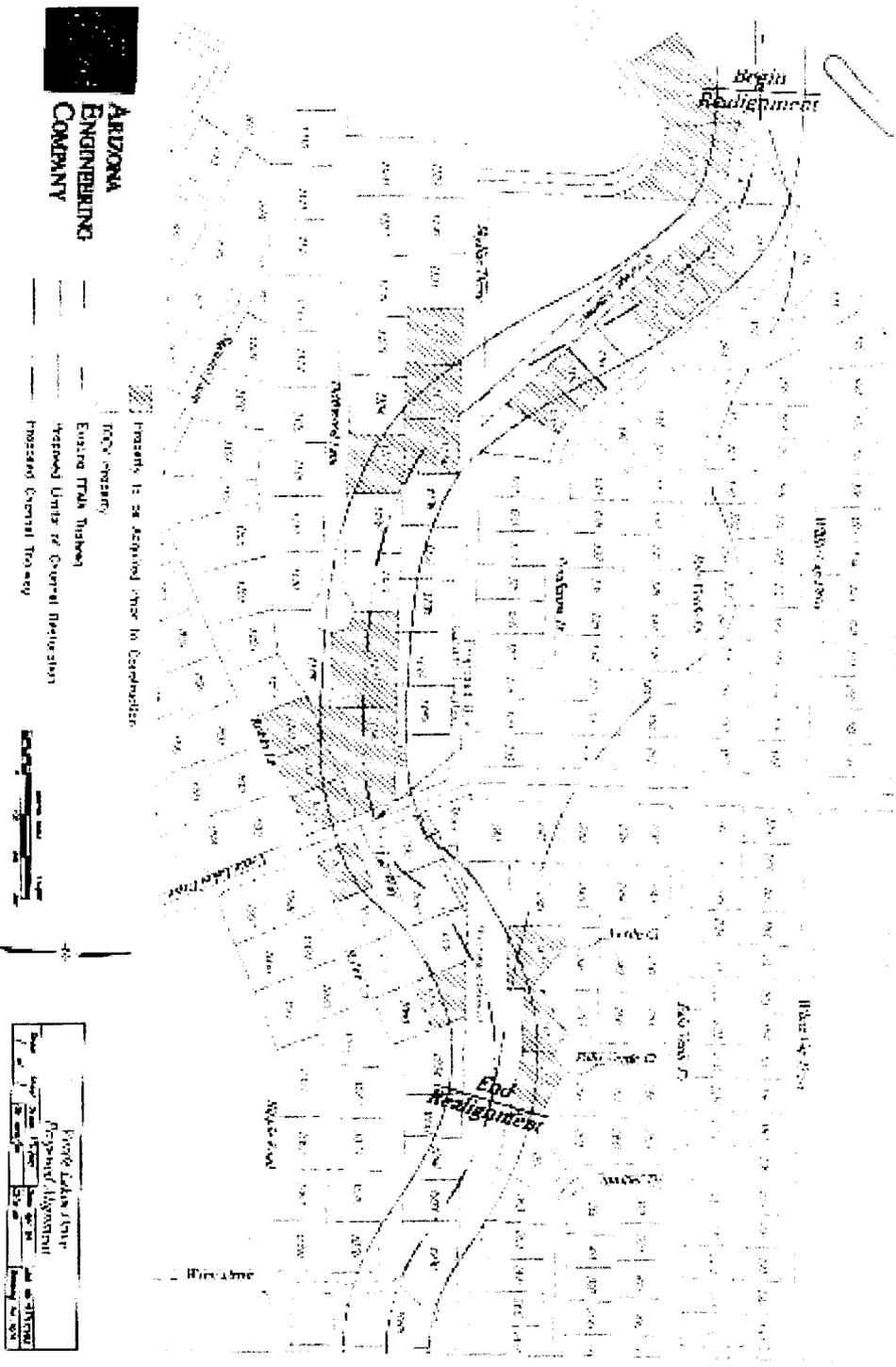
Average Daily Flow and Road Closures 10-04 to 3-05

2004 Verde Lakes Drive closed: 52 days
Box culverts would reduce closure to: 13 days

Verde Lakes Drive Closures



Verde Lakes Drive Low Water Crossing 2007 Properties in Right of Way of Proposed Project



Verde Lakes Drive

Low Water Crossing 2007

Properties in Right of Way of Proposed Project

- Town of Camp Verde currently owns 28 properties in the proposed project Right of Way
- Town of Camp Verde would have to purchase 21 additional properties in the proposed project Right of Way. At \$25k per property that would amount to an additional expense of \$525,000.

Verde Lakes Drive Low Water Crossing 2007

Environmental Considerations and Impact

In August 2005 the Town of Camp Verde was notified by the Army Corps of Engineers (ACE) that we had performed unauthorized work in the area of West Clear Creek. A small amount of non native material (broken concrete) was placed as fill in order to stabilize erosion in an area near the Verde Lakes Drive crossing. The result was that The Town faced criminal fines of up to \$50,000/day and civil fines of up to \$25,000/day and possible imprisonment for up to three years. Fortunately, we were able to resolve this situation by removing the material in question.

The most inexpensive fix for the crossing is the Box Culvert replacement which includes over 2800 feet of re-channelizing in the river itself! This is highly invasive and requires intensive environmental mitigation.

This illustrates why it is important to obtain environmental services, determinations, scoping and design and have approval by the ACE before proceeding.

Additionally, any applications for funding filed with any agency have a very small chance for success until this work is finalized and documentation is complete.

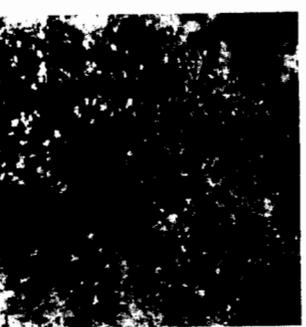


Verde Lakes Drive Low Water Crossing 2007

Endangered or Threatened Wildlife and Plants

West Clear Creek including (Verde Lakes Drive Crossing Area) Has Been Identified as Possible Riparian and Wetlands Habitat and Could Contain the Following Endangered Species. (Envirosystems 2006 Report)

Spikedace, Willow Flycatcher, Loach Minnow and Cliff Rose





**Verde Lakes Drive
Low Water Crossing 2007**

Brief Project History

The Town asked Arizona Engineering Company to look into a solution that would alleviate the flooding of Verde Lakes Dr

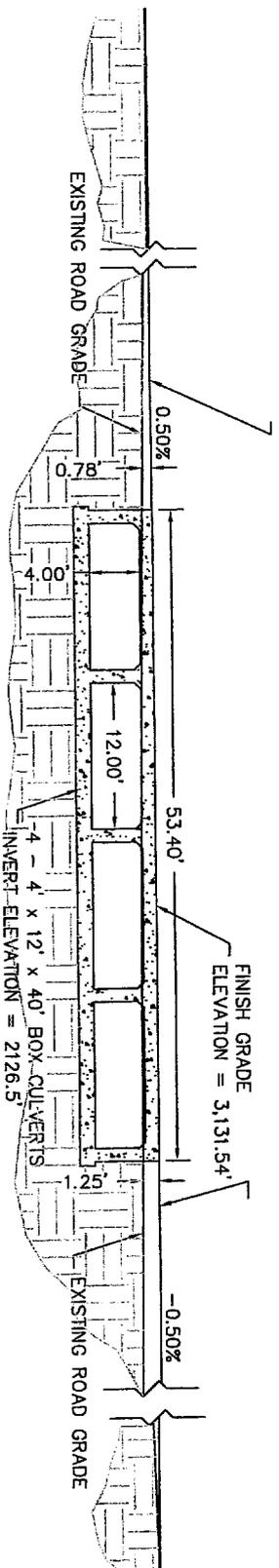
- As with all engineering solutions cost must be weighed against, function, benefit, necessity, etc.**
- We proposed an initial solution**

Verde Lakes Drive

Low Water Crossing 2007

Arizona Engineering Proposed Solution #1, Box Culvert
4 - 4'x12' barrels 40 feet wide and ~ 50 feet long

Re - Channelizing 2850 Feet of River in Front of Culvert





Verde Lakes Drive Low Water Crossing 2007

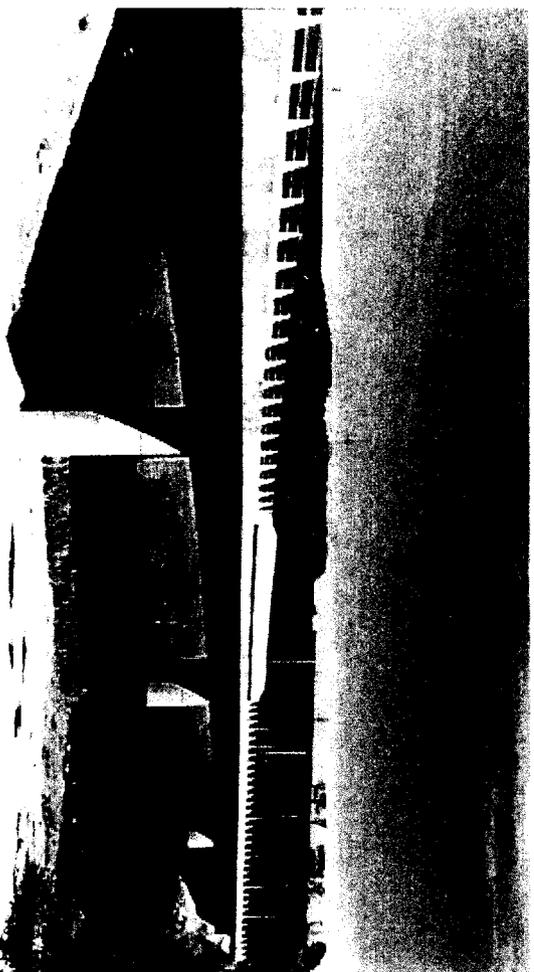
Box Culvert Issues

- 2004 Verde Lakes Drive closed: 52 days
- Box culverts would reduce closure to: 13 days
- Even with the Box Culvert runoff events larger than 900cfs, the road will still close.
- The expected road closure in 2004 would have been 13 days.
- There is no guarantee that the stream will stay within the proposed channel.
- If the creek moves, the Town would have to go through the 404 permitting process again to re-channelize the creek .
- The proposed design will change the downstream flow path of West Clear Creek.
- There is a possibility that the creek will no longer flow adjacent to the homes along the creek and could cause downstream irrigation managers to be concerned with the new stream path.
- High cost for Environmental study, design and mitigation

Verde Lakes Drive Low Water Crossing 2007

Proposed Solution #2 - Elevated Roadway
900 foot span, two lanes

~\$4-5 million not including Engineering or Permitting fees





Verde Lakes Drive Low Water Crossing 2007

Elevated Roadway Issues and Benefits

- **Road stays open all the time**
- **Work occurs in road “prism” so
Environmental impact/cost is negligible**
- **River can “move” and not impact project**
- **No purchase of property for ROW needed**
- **Very expensive**

Verde Lakes Drive

Low Water Crossing 2007

Cost Estimates for Project

(figures are approximate)

- Box Culvert Replacement includes Engineering and Channel work – \$1,200,000
- Purchase of properties in ROW - \$525,000
- Environmental, planning, design and mitigation - \$250,000
- 404 permitting - \$25,000
- Town Staff, Grants and Administration (2 years) - \$50,000
- **Total - \$2,050,000***

- 900 foot elevated roadway, includes Engineering – \$4,000,000
- Environmental, planning, design and mitigation - \$50,000
- 404 permitting - \$25,000
- Town Staff, Grants and Administration (2 years) - \$50,000
- **Total - \$4,125,000***

*Does not include a budget contingency of 15 -20%



**Verde Lakes Drive
Low Water Crossing 2007
Potential Funding Sources**

Federal

- **CDBG – Community Development Block Grants**
- **HMGF – Hazard Mitigation Grant Program**
- **PDM – Pre-disaster Mitigation Grant Program**
- **USACE – U.S. Army Corps of Engineering**
- **USFW – U.S. Fish and Wildlife**
- **USDA – NRCS Natural Resources Conservation Service**

Verde Lakes Drive Low Water Crossing 2007

Benefit Cost Analysis and Federal Grant Funds

In order to apply for federal funds, a Benefit Cost Analysis must be performed first. A BCA is an excel spreadsheet template designed by FEMA in order to determine objectively if a project can qualify for federal assistance. This spreadsheet allows input variables such as cost of the project, number of people benefiting from the project, amount of estimated property damage during 25, 50 and 100 year flood events, economic impact, and life safety issues as well as the number of years the project will be in effect. Ultimately the BCA must score a “+1” or better in order to be eligible to even apply and compete with other projects.

Working closely with Mimi Diaz from the Arizona

Department of Emergency Management the BCA for this project scored .48. Federal agencies will not review our application unless we scored a “1” or better.

**Verde Lakes Drive
Low Water Crossing 2007
Potential Funding Sources**

State of Arizona

- **ADWR – Arizona Department of Water Resources
Grants for Riparian Restoration Work**
- **ADEQ – Arizona Department of Environmental Quality
WIFA Grants and Loans, Point Source Pollution Prevention**
- **YCF – Yavapai County Flood Control**

John Rasmussen



Verde Lakes Drive Low Water Crossing 2007

- Environmental issues must be dealt with first. The box culvert solution contains channelizing and mitigation work that could easily take 2-3 years and +\$250,000 to accomplish if approved. Even eliminating the channelizing component of this project you must still deal with the endangered species previously listed. If any of these species are found in this area the project will not be allowed to proceed regardless of funding availability unless you are improving the habitat.
- Construction funding will remain the largest cost issue based on several factors including, inability to qualify for competitive Federal Funds based on low BCA numbers, alternative access, difficulty in coordinating environmental permits and approvals with any grant funding cycles, difficulty in “combining” multiple grants from different agencies and their attendant guidelines, match requirements and associated administrative workloads.



Verde Lakes Drive Low Water Crossing 2007

- The management, organization and funding of this complex and multifaceted project would require a highly qualified and diverse team several years to accomplish assuming that the environmental challenges could be overcome.
- The largest impediments to funding and or success of this project are the environmental issues/species and the existence of an alternative access or route in and out of Verde Lakes sub-division.
- As Council is undoubtedly aware, significant amounts of time and money have been expended in the last several years looking into the various issues associated with this project. Even a cursory accounting shows that between Town Staff and private consultants the Town has spent several tens of thousands of dollars.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: 2/7/07

Submitting Department: Council

Contact Person: Mayor Gioia

Consent: **Regular:** **Requesting Action:** **Report Only:**

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input checked="" type="checkbox"/> Other: | |

Agenda Text (Be Exact): Discussion, consideration, and possible direction to staff regarding adding Council members, Commission members, and volunteers to the mandatory drug testing procedures as set forth by the Town's Personnel Manual, Section 307.

Recommendation: Approve Budgeted/Amount No \$ _____

Direct staff to add Council/Commission/Volunteers to the drug testing policy and to include any extra costs in the FY07-08 Budget.

Finance Director Review (if item in unbudgeted, under budgeted, or exceeds budgeted amount)

Line Item/Fund:

Purpose of Item and Background Information: 10% of all Town employees undergo drug testing every 6 months. I believe it is appropriate for policy makers and those volunteers that dedicate themselves to working with our community's children to hold themselves to a higher standard and be willing to submit to random drug testing alongside our Town employees.

List All Attachments as Follows: _____

Type(s) of Presentation: Verbal Only

Signatures of Submitting Staff:

Name: _____ **Title:** _____

D. Procedures:

1. Conditions:

- a. No person may be employed if such employment results in that person supervising or being supervised by a relative directly or through the chain of command up to and including Department Head of the department the person would be employed in.
- b. A relative is any individual who is related by blood or marriage within the third degree.
- c. Any work relationships which are in violation of this policy must be immediately restructured to avoid this conflict.

SECTION 305

Marshals' Department Personnel

- A. Marshals' Department Personnel are subject to additional testing and background requirements as specified in the Marshal's policies and procedures manual and applicable law.

SECTION 306

Residency

- A. Residency requirements for employees will be noted in their respective job description.
- B. All employees must immediately notify the Personnel Director of any change in residence.

SECTION 307

Drug And Alcohol Policy.

A. **Drug and Alcohol Testing Procedures**

Camp Verde is committed to a drug and alcohol free workplace. In order to ensure the safety of its employees and the general public, as well as to comply with federal law, the Town has adopted the following policy. We take pride in employees who perform critical duties in a truly effective manner with safety foremost in their minds. This policy strengthens our commitment to a safe and healthy workplace. All covered employees shall receive a copy of the policy and educational materials on alcohol and substance abuse are available upon request.

The Personnel Director is designated as the Drug/Alcohol Testing Program Administrator. The Program Administrator is responsible for answering questions from employees or the general public. The Program

Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may provide information necessary to enable the appropriate supervisor to take the appropriate action to ensure compliance with this policy.

This policy applies equally to all regular full-time, part-time, seasonal, on-call, temporary employees and those who are required to hold a Commercial Driver's License (CDL) for their position. All applicants are required to pass a drug test as a prerequisite of employment prior to final hiring. Any applicant who fails a drug test shall not be hired, although he/she may re-apply for employment in the future.

All CDL employees subject to drug and alcohol testing must be in compliance with this policy at all times while working for the Town. This includes all time spent operating commercial vehicles, as well as time spent maintaining or repairing those vehicles.

Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of federal law and are responsible for compliance. The Town will not provide or pay for tests, evaluation, or rehabilitation for independent contractors or their employees. We shall make compliance with the law a condition of any contract that requires a CDL driver.

When drug and alcohol screening is required by this policy, a breath test and/or urine test will be given to detect the following:

- Alcohol
- Marijuana
- Cocaine
- Amphetamines
- Phencyclidine (PCP)
- Opiates

Employees covered by this policy may use prescription drugs and over-the-counter medications provided that:

- the prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.

- the employee does not consume prescribed drugs more often than prescribed by the employee's physician.
- any employee who has been informed that the medications could cause adverse side effects while working shall inform his/her supervisor prior to using these substances.

The Town at all times reserves the right to have a licensed physician determine whether use of a prescription drug or medication by an employee produces an adverse effect on an employee's performance or fitness for duty. If such a finding is made, the Town shall notify the employee, who may consult with his/her doctor to determine if other medications are available that would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town may limit or suspend the employee's work activities. With the employee's permission, the physician for the Town may discuss the matter with the employee's physician to attempt to find a resolution.

All employees subject to this policy shall be tested for alcohol and/or controlled substances in the following circumstances:

- **Pre-employment.** Drug tests will be conducted when an offer is made to hire an employee. The offer of employment is contingent on the applicant passing these tests. This includes all existing employees, including those who are applying for CDL positions.
- **Random (CDL).** Drug and alcohol tests will be conducted on a random, unannounced basis. The number of annual drug tests shall equal 50% of the number of CDL required positions while the number of annual alcohol tests shall equal 25% of the CDL required positions. The Town has entered into an agreement with a third party administrator (TPA) to randomly select the CDL employees for testing and then notify the Program Administrator of the person or persons chosen.
- **Random (All others).** Drug and alcohol tests will be conducted on a random, unannounced basis. The number of annual drug tests shall equal 10% of the number of required positions while the number of annual alcohol tests shall equal 25% of the required positions. The Town has entered into an agreement with a third party administrator

(TPA) to randomly select the employees for testing and then notify the Program Administrator of the person or persons chosen.

- **Post-accident.** As soon as is practicable after an accident, the employee shall be tested for alcohol and drugs if: (a) the accident involved the loss of human life; or (b) the employee received a citation for a moving traffic violation arising from the accident.
- **Reasonable suspicion.** All employees who exhibit to a trained supervisor signs and symptoms of alcohol and /or drug abuse while on the job, prior to reporting to work, or just after work, will be required to submit to an alcohol and/or drug test. The supervisor shall document the specific facts, symptoms or observations by completing a "Reasonable Suspicion Record" form. NOTE: An employee will not be allowed to drive him/herself to the testing facility for a reasonable suspicion test. Instead, the supervisor or another employee will provide transportation to the testing facility.
- **Return-to-duty.** Any employee who previously tested positive for a controlled substance or alcohol will be required to submit to a drug and alcohol test before returning to work following substance abuse treatment. To return to duty, the employee must test negative and be released by a substance abuse professional.
- **Follow-up.** An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) a year.

B. Drug Testing

Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A Chain of custody document is completed in the presence of the employee, and the

specimen is shipped to a laboratory that is certified in accordance with Department of Health and Human Services (DHHS) guidelines or equivalent guidelines.

All urinalysis procedures are required to include split-specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test, the employee will be notified and may within 72 hours of notification, request that the split specimen may be used for a second confirmation test if requested by the employee. During testing, an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over-the-counter medications are not reported as positive results.

If the analysis of the primary specimen results in a confirmed positive test, the employee may, within, 72 hours, request that the split specimen also be tested at a certified laboratory of his choice. The second test is at the employee's expense unless the test result is negative, in which case the Town will reimburse the employee.

All test results are reviewed by a Medical Review Officer (MRO) prior to results being reported to the Town. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive results (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative. If the MRO is unable to contact the employee, the employer will be contacted and requested to advise the employee to contact the MRO. Urine samples shall be provided in a private test room, stall, or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and wear hospital gowns while they are providing test samples in order to ensure that there is not tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.

An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness (of the same gender) and not be required to disrobe and wear a hospital gown.

C. **Alcohol Testing**

Alcohol testing will be conducted using an evidential breath testing (EBT) device. A certified Breath Alcohol Technician (BAT) trained in the use of EBT and alcohol-testing procedures must perform the breath test. Under certain circumstances, post-accident tests conducted by law enforcement or medical personnel will be acceptable.

Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentrations is considered a negative result. Any result of 0.02 or greater requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.

CDL employees shall not:

- report to work and/or remain on duty with an alcohol concentration of 0.04 or greater;
- possess any alcohol while on duty;
- use any alcohol while on duty;
- use any alcohol within four (4) hours before going on duty;
- use any alcohol within eight (8) hours after an accident for which the CDL employee must be tested for alcohol concentration;
- refuse to submit to the following alcohol and/or controlled substance tests: random test, reasonable suspicion test, post accident test, or follow up test;
- report to or remain on duty if the employee tests positive for controlled substances; or
- report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL employee in

writing that the use will not affect the safe operations of a commercial vehicle or, for non-CDL employees that the medications will not adversely affect the employee's fitness for duty. (In the case of a written warning by the physician. The employee shall report this to his/her supervisor immediately.)

Failure to comply with these rules is a violation of this policy and may result in disciplinary action up to and including termination.

D. **Discipline for Failure/Refusal to Test**

An employee's failure to submit to testing may result in disciplinary action up to and including dismissal and is also grounds for referral to a substance abuse professional. Failure to submit to a test by an applicant will result in denial of employment. Specifically, the following circumstances may be considered a refusal to test:

- failure to report to the designated testing area immediately after being notified to submit to an alcohol or drug test;
- failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined to be unable to do so; or
- engaging in conduct that clearly obstructs or delays the testing process.

Any employee whose alcohol test results in a concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform any safety-sensitive function for at least 24 hours following the test. The employee will not be paid for work-time lost as a result of this section unless he/she works in another capacity during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater but less than 0.04, nor will a return-to-duty test be required unless there is reasonable suspicion that the employee is still under the influence of alcohol or drugs.

Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.

E. **Promotions**

All recruitment announcements for any CDL position, including in-house recruitment and promotion, will disclose that a drug-screening test will be required of the applicant.

Any employee who violates this policy shall be immediately removed from the safety-sensitive function and will be advised by the Town of the resources available for evaluating and resolving drug and alcohol abuse problems. The employee is required to be evaluated by a substance abuse professional. All evaluation and rehabilitation shall be at the employee's expense unless otherwise agreed by the Town. An employee shall not be allowed to return to the safety-sensitive function until he/she has a return-to-duty alcohol test result of less than 0.02 or a return-to-work drug test with a verified negative result.

F. **Discipline for Policy Violations**

In addition, any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment, or dismissal is imposed following a confirmed positive drug test, the employee shall have the opportunity to participate for up to six (6) months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program unless otherwise agreed by the Town. Factors to be considered in determining the appropriate disciplinary response include, but are limited to the following: employee's work history, length of employment, current job performance, and existence of past disciplinary actions.

Further grounds for discipline or dismissal under our policy include, but are not limited to:

- Refusal to submit to a rehabilitation program after testing positive.
- Failure within six (6) months to successfully complete a rehabilitation program after commencing the program, or failure to pass a return-to-duty drug or alcohol test.
- Evidence that the employee has substituted, adulterated, diluted, or otherwise tampered with his/her sample.

- Failure to contact a substance abuse professional within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the improper use of alcohol or unauthorized substances.

G. **Transfer Pending Results**

During the period the Town is awaiting an employee's test result for a post-accident test, reasonable suspicion test, or return-to-duty test, the Town may transfer the employee to another position without reduction in pay or benefits. The Town also reserves the right to place an employee on unpaid suspension to reduce any possible safety hazard. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be based on, but is not limited to: who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the employee's work history; length of employment; current job performance and the existence of past disciplinary actions. Action taken by the Town under this subsection is a matter of our policy and is not imposed by federal law.

H. **Consequences of a Positive Test**

In the event of a confirmed positive test result, employees and job applicants shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done within 72 hours after notification of the confirmed result. No further action will be taken if there is a justified explanation or if there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

I. **Return to Work after Treatment**

Any employee with a positive test result may, upon written request to the Program Administrator, have the right to any information relating to the test result and procedures. A job applicant may request information concerning the test result within 60 days after the decision on his/her employment application.

Upon successfully completing a rehabilitation program within 3 months after it commences and upon passing a return-to-duty drug test, the employee is entitled to return to his/her previous job with full pay (but not back pay) and accrued benefits, unless conditions unrelated to the employee's previous test make the employee's return impossible or

inappropriate. The rehabilitation or treatment provider in consultation with the Program Administrator shall determine whether the employee has successfully completed the rehabilitation program. The Town is not required to hold the employee's job open for more than 3 months after the employee commences a rehabilitation program. The employee may apply accrued vacation and sick leave, if any, against any time period where he or she is unavailable for work due to drug abuse rehabilitation.

J. **Confidentiality**

Unless the employee or applicant consents, all information acquired by the Town in connection with the test process is confidential and may not be released to any person other than to the employee or applicant who is tested, the Program Administrator, officials with a need to know, and the rehabilitation provider. The foregoing shall not prevent the release of information that is required to be permitted by state or federal law or the use of information in any grievance procedure, administrative hearing, or lawsuit relating to the imposition of the test or the use of the test results.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date:02-07-07

Consent: **Executive Session/Confidential:** Type(s) of Presentation: Verbal Only

AGENDA TITLE: (Be Exact):Discussion, consideratio and possible approval, or direction to staff regarding mandatory back ground checks for all elected, appointed officials, and all volunteers.

PURPOSE AND BACKGROUND INFORMATION:

STAFF RECOMMENDATION(S): Approve

LIST ALL ATTACHMENTS:

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Finance Director Review

Budgeted/~~A~~mount N/A \$

Comments:

Fund:

Line Item/:

Submitting Department:Council

Contact Person:Mike Parry and Howard Parrish

Town Manager/Designee:_____

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: February 7, 2007

Consent: **Executive Session/Confidential:** Type(s) of Presentation: Verbal

AGENDA TITLE: (Be Exact): Receipt of legal advice and discussion, consideration and possible direction to staff concerning **Verde Cliffs Parkways** public street acceptance. Note: Council may vote to go into an Executive Session pursuant to § 38-431-03 (a) (3) and (4) for legal advice with the Town Attorney and for discussion and consultation with the Town Attorney in order to consider its position and instruct its attorney regarding settlement discussions conducted in order to avoid or resolve litigation.

PURPOSE AND BACKGROUND INFORMATION: None

STAFF RECOMMENDATION(S): None

LIST ALL ATTACHMENTS: None

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|---|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Finance Director Review

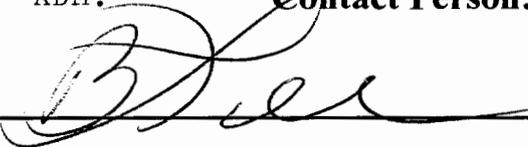
Budgeted/Amount N/A \$0

Comments:

Fund:

Line Item/:

Submitting Department: ADM. **Contact Person:** Bill Lee

Town Manager/Designee: 

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.