

AMENDED AGENDA



SPECIAL SESSION
MAYOR and COMMON COUNCIL
Of the
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street #106
WEDNESDAY, APRIL 8, 2009
6:30 p.m.
5:00 P.M.

1. **Call to Order**
2. **Roll Call**
3. **Discussion, consideration, and possible approval of Ordinance 2009-A364, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Sections 2-1-4, Vacancies in Council, and 15-2-5, Assuming Office, and declaring an emergency. (Staff Resource: Debbie Barber)**
4. **Possible administration of the Oath of Office and seating of Council Member-Elect Pete Roulette. (Staff Resource: Debbie Barber)**
5. **Discussion, consideration, and possible appointment of a Council member to serve on the Non-Profit Funding Committee. (Staff Resource: Debbie Barber)**
6. **Discussion, consideration, and possible authorization for the Mayor to sign a multi-governing body letter to Representative Andy Tobin urging opposition to a statewide suspension, rollback or moratorium on development impact fees as part of the FY 2010 budget or any proposed economic stimulus plan. (Staff Resource: Mayor Gioia)**
7. **Presentation and discussion relative to water rights and water rights acquisition for the Town of Camp Verde. Speakers on this item include Payson Mayor Kenny Evans, Camp Verde Water Company Representative Stan Bullard, and representatives from Eureka Ditch and SRP. (Staff Resource: Mayor Gioia)**
8. **Discussion or consultation with the Town Attorney and designated SRP representatives relative to settlement discussions in connection with the Gila River General Stream Adjudication, now pending in the Maricopa County Superior Court. Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation, in pending or contemplated litigation, or in settlement discussions in order to avoid or resolve litigation. (Staff Resource: Mayor Gioia)**
9. **Adjournment**

Posted by: D Jones

Date/Time: 4-6-09 8:45 am

Note: Pursuant to A.R.S. §38-431.03.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.



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

Meeting Date: 4-8-09

Meeting Type: Regular Session

Type of Presentation: Verbal Only

REFERENCE DOCUMENT:

AGENDA TITLE: (Be Exact):

Discussion, consideration, and possible approval of Ordinance 2009-A364, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Sections 2-1-4, Vacancies in Council, and 15-2-5, Assuming Office and declaring an emergency.

PURPOSE AND BACKGROUND INFORMATION:

At the 4-1-09 Regular Session, Council directed staff to prepare an ordinance that would bring the Town Code in line with ARS 16-230, which states in part, "A person who is elected to fill the remainder of an unexpired term of a vacant office may take the oath of office and begin the remainder of the term of office at any time within 90 days after the canvass of the election." The emergency clause in the ordinance allows it to become effective immediately after its adoption.

STAFF RECOMMENDATION(S): (Suggested Motion)

Move to approve Ordinance 2009-A364, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Sections 2-1-4, Vacancies in Council, and 15-2-5, Assuming Office and declaring an emergency.

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount

N/A

Comments:

Fund:

Line Item:

Submitting Department: Clerk's Office

Contact Person: Debbie Barber

Town Manager/Designee:

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



ORDINANCE 2009-A364

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
AMENDING TOWN CODE SECTIONS 2-1-4, VACANCIES IN COUNCIL, AND
15-2-5, ASSUMING OFFICE, AND DECLARING AN EMERGENCY**

Section 2-1-4 Vacancies in Council is amended as follows:

The Council shall fill by appointment for the unexpired term any vacancy on the Council, including Mayor that may occur for any reason, within 60 days of the vacancy, unless (I) a primary election for Council is set within 120 days and (II) all statutory requirements for filing candidacy papers can be satisfied. A PERSON WHO HAS BEEN ELECTED TO FILL THE REMAINDER OF AN UNEXPIRED TERM OF A VACANT OFFICE MAY TAKE THE OATH OF OFFICE AND BEGIN THE REMAINDER OF THE TERM OF OFFICE AT ANY TIME AFTER THE CANVASS OF THE ELECTION. The vacancy shall not reduce any Council quorum requirements.

Section 15-2-5 Assuming Office is amended as follows:

Candidates receiving the necessary number of votes to be elected in the Primary Election will be sworn into office in the same manner and within the same time period as candidates elected during the General Election, EXCEPT AS PROVIDED IN SECTION 2-1-4, VACANCIES IN COUNCIL. If a General Election is unnecessary because all offices are filled at the Primary Election, candidates are not sworn in until after the date that the General Election would have been held.

Whereas it is deemed necessary to fill the position of Councilperson immediately, an emergency is declared to exist and this ordinance shall be effective immediately after its adoption.

PASSED AND ADOPTED in open meeting by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, on the 8th day of April 2009.

Approved as to form:

Tony Gioia, Mayor

Town Attorney

Attest:

Deborah Barber, Town Clerk

Date

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TOWN OF CAMP VERDE



*GENERAL OATH OF OFFICE
STATE OF ARIZONA, COUNTY OF YAVAPAI
TOWN OF CAMP VERDE*

I, **Pete Roulette** DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES OF AMERICA, AND THE CONSTITUTION AND THE LAWS OF THE STATE OF ARIZONA, THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME AND DEFEND THEM AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC, AND THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGE THE DUTIES OF THE OFFICE OF **Council Member** FOR THE TOWN OF CAMP VERDE, ARIZONA, ACCORDING TO THE BEST OF MY ABILITY, SO HELP ME GOD.

April 8, 2009
DATE

SIGNATURE

*Subscribed and sworn to before me this 8th Day April **2009**.*

Deborah Barber
Town Clerk
Town of Camp Verde

Certificate of Election



*State of Arizona
County of Yavapai
Town of Camp Verde*

This is to certify that at the Primary Election held in the Town of Camp Verde on the Tenth day of March 2009,

Pete Roulette

was duly elected to the office of Town Council in and for said Town for the term of Two years, beginning April 8, 2009. All of which appears by the official returns canvassed by the Mayor and Common Council of the Town of Camp Verde on March 18, 2009, and filed in the Office of the Clerk of the Town of Camp Verde.

In witness whereof, I have herewith set my hand and affixed the seal of the Town of Camp Verde this Thirtieth day of March 2009.

Deborah Barber

Clerk of the Town of Camp Verde

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

Meeting Date: 4-8-09

Meeting Type: Regular Session

Type of Presentation: Verbal Only

REFERENCE DOCUMENT:

AGENDA TITLE: (Be Exact):

Discussion, consideration, and possible appointment of a Council member to serve on the Non-Profit Funding Committee.

PURPOSE AND BACKGROUND INFORMATION:

The Committee is to consist of at least one Council member and one staff member. However, Council elected to appoint citizens-at-large. Charlie German served as a committee member on behalf of Council. Charlie has indicated his desire to continue to serve as a citizen participant. The Non-Profit Committee meets on an as-needed basis to review applications and make recommendations to the Council, as a whole. A meeting is scheduled this Friday at 9:00 a.m. to review applications from the Camp Verde Cavalry and the Verde Valley Veteran's Vans. Applications for FY 09-10 are due by May 1, 2009. Meetings will be scheduled to review applications received. If approved, the applications will be submitted for consideration in the 09-10 budget cycle.

STAFF RECOMMENDATION(S): (Suggested Motion)

Appoint a Council member to serve on the Non-Profit Funding Committee.

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount N/A

Comments:

Fund:

Line Item:

Submitting Department: Clerk's Office

Contact Person: Debbie Barber

Town Manager/Designee:

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

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[Jerome]

March 31, 2009

The Honorable Andy Tobin
Arizona House of Representatives
1700 W. Washington
Room 217
Phoenix, AZ 85007

Re: Development Impact Fees

Dear Representative Tobin:

On behalf of our communities in Yavapai County, we are writing to urge you to oppose any efforts to establish a statewide suspension, rollback or outright moratorium on development impact fees as part of the FY 2010 budget or any proposed economic stimulus plan.

A moratorium will not create jobs – it will take away the jobs supported by city and town construction. [more].

A moratorium will not increase efficiency for developers – without impact fees, developers cannot count on credits against impact fees to help with the improvements required by rezoning or subdivision, needed to make the land safe and useful. If impact fees are suspended, credits must be suspended too.

A moratorium will not increase efficiency for cities and towns – without the ability to require new development to address the costs of infrastructure in a scalable way, as impact fees do, the only other options are: (a) infrastructure requirements on rezoning, subdivision, or with building permits; or (b) compel existing residents and businesses to pay the costs for the infrastructure. A basic principle of fairness is that those who create new burdens for their own benefit should bear that burden and receive that benefit. Our residents have been clear to their elected officials – development should pay the costs of the infrastructure necessary to support their projects. In Yavapai County, and all over Arizona, our citizens are struggling with increasing taxes. Asking these same citizens to subsidize growth by eliminating a community’s right to levy impact fees will not help our economy at the local or State level.

A moratorium will grossly interfere with cash flow, the core problem that caused the recession in the first place – municipalities have counted on this income when issuing construction contracts and bonds. A change in state law will not rescue towns caught owing contracts and bondholders. A change in state law will not rescue developers caught having already built improvements and expecting credits on new building permits, especially those with development agreements that count on impact fees.

A moratorium is not necessary – Representative Andy Biggs is currently mediating public policy discussions between and those elements of the development community most concerned by impact fees. As Majority Whip in the House, you are no doubt aware of the progress being made on HB2259. While the issues under discussion are complex, the process allows for all sides to clearly communicate their issues. Our communities may not be in agreement with all the provisions of HB2259, however, the provisions in the bill are preferable to an effort to suspend, rollback or establish an outright moratorium on the use of development impact fees under the guise of a budget provision or stimulus package. We urge you to use your leadership position to influence the outcome of HB2259, rather than allowing those efforts to disintegrate and be replaced by some sort of reactionary moratorium.

A moratorium will not reduce local government “waste” – development fees can only be used to build infrastructure and cannot subsidize operational costs. Eliminating or suspending the use of impact fees will only reduce the number of infrastructure projects that are undertaken, thereby reducing potential job creation.

This is not economic stimulus, nor is it wise public policy.

Again, we urge you to oppose any efforts to establish a statewide suspension, rollback or outright moratorium on development impact fees as part of the FY 2010 budget and/or any proposed economic stimulus plan. Development fee reform legislation is already on its way, and the legislature certainly has more important issues to deal with than to circumvent the work that has occurred in the development of HB2259.

Please do not hesitate to contact any of us if you have any questions relating to this or other issues.

Tony Gioia, Mayor
Town of Camp Verde

Al Palmieri, Mayor
Town of Jerome

Doug Von Gausig, Mayor

Jack D. Wilson, Mayor

Representative Andy Tobin

March 31, 2009

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Town of Clarkdale

City of Prescott

Karen Fann, Mayor
Town of Chino Valley

Harvey Skoog, Mayor
Town of Prescott Valley

Diane Joens, Mayor
City of Cottonwood

Rob Adams, Mayor
City of Sedona

Earl Goodwin, Mayor
Town of Dewey-Humboldt

Thomas Thurman
Chairman, Board of Supervisors
Yavapai County