

#15

June 1, 2009

Copied Council and Staff D.B.  
m.s.

Honorable Mayor and Council:

During my term as a Council member, I was appointed to and served with great pleasure on MATForce – Yavapai County Substance Abuse Coalition since its inception in March 2006. The Coalition consists of an Executive Committee, the Prescott Area Steering Committee, the Verde Valley-Sedona Steering Committee and various work groups, volunteers and supporters who work to accomplish the MATForce Goal Statements. The goals of MATForce include:

- Support Prevention Programs for Youth and Family
- Influence Public Opinion and Policy
- Increase the Capacity to Intervene and Treat
- Address Issue of Underage Drinking in Yavapai County

Some of the activities that we sponsored included drug awareness activities such as, “Dump-the-Drugs Day” which provides people the opportunity to safely dispose of outdated prescriptions, The March against Meth parades, we sponsored the Teen Maze, and several other activities. Last year, we provided scholarship monies to Camp Verde for the Prom Safety project. We also had signs for the school buses.

As a Council member, I know how difficult it becomes to stay involved in all the committees to which you are assigned. Because I was there from the inception of this program, the assignment is near and dear to my heart, as well as vital to the health and well-being of our youth and families. When you vote on this assignment, I will no longer be a Council member. Since MATForce is made up of private, corporate, and governmental representatives and individuals, I respectfully request that I be permitted to continue to represent the Town of Camp Verde on this worthwhile organization. I will remain as committed to serving the interests of the Town on this committee as I was as a Council member. Further, if I am appointed to serve, I will continue to provide reports on the activities and accomplishments so that Council is always aware of the latest developments in MATForce.

Thank you for your consideration.

  
Brenda Hauser

**AMENDED AGENDA  
JUNE 3, 2009  
REGULAR SESSION**

**ADDITIONAL LANGUAGE ADDED TO AGENDA ITEM'S 16 AND 17**

**ADDITIONAL INFORMATION**

**ITEM #14  
CORRECTED SIGNATURE LINE ON RESOLUTION**

**ITEM #15  
INCLUDED IS CORRECTED COUNCIL ASSIGNMENT SHEET  
INFORMATION REGARDING CAMP VERDE EDUCATION  
FOUNDATION**

**INFORMATION REGARDING MATFORCE**

AMENDED AGENDA



REGULAR SESSION  
MAYOR AND COUNCIL  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
473 S. Main Street, Room #106  
WEDNESDAY, JUNE 3, 2009  
at 6:30 P.M.

If you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off when you enter Council Chambers. All Presentations are limited to 10 minutes.

1. **Call to Order**
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) Regular Session – May 20, 2009
  - b) **Set Next Meeting, Date and Time:**
    - 1) June 10, 2009 at 5:00 p.m. – Special Session
    - 2) June 17, 2009 at 6:00 p.m. – Special Session
    - 3) June 17, 2009 at 6:30 p.m. – Regular Session
    - 3) June 24, 2009 at 6:30 p.m. – Council Hears Planning & Zoning
  - c) **Possible approval of Ordinance 2009-A365, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending section 12-3-6 of the Town Code.** This amendment corrects inconsistencies and conflicts with State Statutes as they relate to Handicapped Parking. (Staff Resource: David R. Smith)
  - d) **Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle the Marcum/Marbach et al. v. Town of Camp Verde litigation.** This is an unbudgeted item. (Staff Resource: Michael Scannell)
  - e) **Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle Funkhouser v. Town of Camp Verde litigation.** This is an unbudgeted item. (Staff Resource: Michael Scannell)
  - f) **Possible renewal of a 2-year agreement with Thomas K. Kelly, P.C. Attorneys at Law for prosecution services in the amount of \$71,000 per annum.** This is a budgeted item in the General Fund. (Staff Resource: Michael Scannell)
5. **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.)
6. **Swearing in and seating of the newly elected Council, Mayor Bob Burnside and Council members, Jackie Baker, Bob Kovacovich, and Robin Whatley.** (Staff Resource: Judge Overholser)
7. **Presentation of plaques to outgoing Mayor Tony Gioia, Vice Mayor Brenda Hauser, and Council member Ron Smith.** (Staff Resource: Mayor Burnside)
8. **Call to the Public for Items not on the Agenda.**
9. **Discussion, consideration, and possible appointment of a Vice Mayor.** (Staff Resource: Mayor and Council)
10. **Discussion, consideration, and possible approval of Resolution 2009-773, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona establishing that the widening and improvements to State Route 260 is the top priority for the Town of Camp Verde and the Verde Valley.** (Staff Resource: Former Council member Ron Smith)
11. **Discussion, consideration, and possible approval of the Special Event Liquor License for the Verde Valley Mounted Sheriff's Posse for the Annual Cornfest scheduled for July 18, 2009.** (Staff Resource: Lynda Moore)
12. **Discussion, consideration, and possible appointment to the Board of Adjustment and Appeals.** This term expires September 2011. There is one application for this position from Jim Bullard, Jr. (Staff Resource: Debbie Barber)

Councilors Garrison & Baker requested the following item:

13. **Discussion, consideration, and possible direction to staff relative to continued funding for the Camp Verde Chamber of Commerce and possible notice to vacate the premises by December 31, 2009 per the Lease Agreement.**
14. **Discussion, consideration, and possible approval of Resolution 2009-766, a resolution of the Mayor and Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolutions 98-403, 99-426, 99-432, 00-447, 02-538, 03-568, 08-745, and 08-751 and establishing Town Council Rules and Procedures for Council and all Town Boards, Commissions, and Committees.** (Staff Resource: Debbie Barber)
15. **Discussion, consideration, and possible appointment of Council members to serve on various state, local, and regional committees.** These committees are comprised of elected officials. (Staff Resource: Debbie Barber)
16. **Discussion, consideration, and possible direction to staff relative to authorizing Town Manager Michael Scannell and Town Attorney Bill Sims to complete those legal documents that will facilitate the refinancing of the Koch Financial Lease Purchase Agreement #2 to include amending the Intergovernmental Agreement between the Town of Camp Verde and the Camp Verde Sanitary District. Town Council may elect to approve such documentation if completed in sufficient time to allow Town Council to review prior to this meeting.** Note: 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 ARS §38-431.03(A)(4) DISCUSSION OR CONSULTATION WITH THE TOWN ATTORNEY IN ORDER TO CONSIDER COUNCIL'S POSITION AND INSTRUCT THE ATTORNEY REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, INPENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION (Staff Resource: Michael Scannell)
17. **Discussion or consultation with the Town Attorney for the purposes of updating and advising the newly seated Mayor and Council regarding pending THE CALIFORNIA HOTWOOD, INC., AND BUSINESS ENTITIES AND AFFILIATES RELATED TO THE ZELLNER FAMILY litigation.** Note: 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 ARS §38-431.03(A)(4) FOR DISCUSSION OR CONSULTATION WITH THE TOWN ATTORNEY IN ORDER TO CONSIDER COUNCIL'S POSITION AND INSTRUCT THE ATTORNEY REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, INPENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION . (Staff Resource: Town Attorney Bill Sims)
18. **Call to the Public for Items not on the Agenda.**

**There will be no Public Input on the following items:**

19. **Advanced Approvals of Town Expenditures**
  - a) **There are no advanced approvals.**
20. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and 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.
21. **Adjournment**

Posted by: \_\_\_\_\_

Date/Time: 6-1-09

11:45 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.

#14



**RESOLUTION 2009-766**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE  
TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,  
SUPERSEDING RESOLUTIONS 98-403, 99-426, 99-432, 2000-447, 02-538, 03-568, 08-745, and 08-751  
AND ESTABLISHING TOWN COUNCIL RULES AND PROCEDURES  
FOR COUNCIL AND ALL TOWN BOARDS, COMMISSIONS AND COMMITTEES**

**WHEREAS**, the Legislature made substantial modifications to the Open Meeting Law (OML), ARS Sections 38-431 through 38-431.09, effective July 18, 2000; and

**WHEREAS**, changes in the law concerning executive sessions, meetings, open calls to the public and enforcement has been adopted by the Council as a policy and procedural directive to staff; and

**WHEREAS**, it is in the best interest of the Town to adopt Rules, Policies and Procedures, and place these in one document for the benefit of all parties; and

**WHEREAS**, it is in the best interest of the Town to adopt policies and procedures for meetings and conduct applicable not only to the Council but also to its boards, commissions, and committees, collectively named "public bodies" herein,

**NOW THEREFORE**, the Mayor and Common Council of the Town of Camp Verde hereby resolve to approve and adopt the "Town of Camp Verde Town Council Rules and Procedures" for all elected and appointed officials.

**ADOPTED AND APPROVED** by a majority vote of the Common Council at the regular meeting of June 3, 2009.

\_\_\_\_\_  
Mayor Bob Burnside

Approved as to form:

Attest:

\_\_\_\_\_  
Town Clerk Deborah Barber

\_\_\_\_\_  
Town Attorney

Exhibit A attached

#15

## 2009 Council Committee Assignments

### Council representation is recommended at the following meetings:

AZ League of Cities & Towns Functions  
 Governor's Conference on Rural Development  
 Verde Valley Intergovernmental Meetings

### Council representation is recommended for the following committees:

Committees:	Current Member	2009 appointed
Arizona Town Hall	Gioia	
Camp Verde Schools Education Foundation	Garrison/Hauser	
Chamber of Commerce Board	Hauser	
Cocopai Resource Conservation & Development(RC&D)	Smith	
Council Liaison to Yavapai Apache Nation	Gioia	
Intergovernmental Association	Gioia/All Council	
MAT Force (meth task force)	Hauser/Garrison	
NACOG Regional Council	Garrison	
Sanitary District Liaison	Smith	
Verde Valley Transportation Organization	Smith	
Verde Valley Land Preservation Institute	Hauser/Gioia	
<b>Water-related Committees:</b>		
Verde River Basin Partnerships	Hauser/Gioia	
Verde Valley Water Users Liaison	Kovacovich/Gioia	
Verde Watershed Association	Hauser/Gioia	
Yavapai County Local Drought Impact Group	Kovacovich/Smith	
Yavapai County Water Advisory Committee	Hauser/Gioia	
<b>Inactive Committees:</b>		
Arizona Art Share		INACTIVE
Arizona Watershed Alliance		INACTIVE
Library Design Committee		DELETED
Natural Resource Committee		INACTIVE
Middle Verde Basin Planning Group		INACTIVE
NAMWA –The Town is no longer a Member		DELETED
Verde River Enhancement		INACTIVE
Verde Valley Natural Resource Committee		INACTIVE
Yavapai College Regional Skills Center		INACTIVE
Economic Development Committee Liaisons		INACTIVE

BYLAWS OF  
THE CAMP VERDE EDUCATION FOUNDATION  
Adopted June 12, 2007

SECTION 1

1.1 **Name.** The name of this foundation, which is an Arizona non-profit foundation, shall be Camp Verde Education Foundation.

1.2 **Purpose.** Camp Verde Education Foundation is a broadly based nonprofit community organization whose purpose is to solicit and receive funds and to provide enhanced educational opportunities to the students and citizens who reside in the Camp Verde Unified School District No. 28 of Yavapai County, Arizona (the "District"). The Board of Directors shall set all guidelines concerning the distribution of funds of the foundation. The Board of Directors shall not establish guidelines, which are not compatible with the goals, objectives, or operational policies established by the Governing Board for the operation of the Camp Verde Unified School District.

The activities and affairs of this foundation will be conducted and all corporate powers will be exercised by or under the direction of the Board of Directors. Further, it is the fiduciary duty of the Board of Directors to the private donors to assure that the foundations affairs and its funds are managed in accordance with the purposes of the foundation, as stated herein, and all applicable laws.

SECTION 2

DIRECTORS

2.1 **Number.** The Board of Directors shall consist of not less than three or more than fifteen members. The initial number of directors shall be fixed at five. The number of directors may be increased, or decreased to not less than three directors, by resolution of a majority of the directors then in office, provided that any new directorships created shall be filled in accordance with Section 2.3 hereof. Any decrease in the number of directors shall not have the effect of shortening the term of an incumbent director.

2.2 **Appointment/Election.** The initial Board of Directors shall be named by the Governing Board of the District. Subsequent appointments and elections of the Board of Directors shall be in accordance with the provisions of 2.3 and 2.4 hereof by majority vote of the directors then in office. The Board of Directors shall not include more than one member of the Governing Board of the District. Each director shall hold office until the annual meeting of directors in the year his term expires and until his successor shall have been appointed by the Board of Directors and shall qualify. Members of the Board of Directors, including the initial Board, shall serve for a term of three years. A member of the Board of Directors may serve any number of additional three-year terms.

2.3 **Vacancies.** Vacancies and new directorships resulting from an increase in the authorized number of directors shall be filled by a majority of directors then in office, though less than a quorum, or by the sole remaining director. Any appointment to fill a vacancy shall be for the unexpired term of office created by such vacancy.

2.4 **Removal of Directors.** Any director may be removed, with or without cause, by the unanimous vote of other members of the Board of Directors.

2.5 **Powers and Duties.** Subject only to the express provisions of the for the Yavapai County Community Foundation and these Bylaws, the Board of Directors shall have the sole power and authority over the affairs of the foundation. Specifically, and without limitations, it shall be the duty of the Board of Directors to control and manage the business of the foundation. It shall be the duty of the Board of Directors to (a) cause to be kept a complete record of its foundation affairs and present a statement thereof to the directors at the annual meeting of the directors or at any special meeting, (b) supervise all officers, agents and employees of this foundation, and to see that their duties are properly performed, and (c) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate.

2.6 **Place of Meetings.** All meetings of the Board of Directors shall be held at such a place in Arizona as may be fixed from time to time by the Board of Directors, as shall be stated in the notice of the meeting or in a duly executed waiver of notice thereof. Such meetings may also be held by telephone conference call or similar communication arrangements whereby those participating can all hear and participate in deliberations.

2.7 **Annual Meeting.** The annual meeting shall be held in the month of March as prescribed by the Board of Directors and at any time and place as prescribed by the Board of Directors. If the annual meeting is not held in the month prescribed herein, the annual meeting shall be held at such other time and place as prescribed by the Board of Directors.

2.8 **Regular Meetings.** Regular meetings of the Board of Directors shall be held at such place and time as may be fixed by resolution of the Board of Directors.

2.9 **Special Meetings.** Special meetings of the Board of Directors shall be held when called by the president of the foundation, or by any two directors, after not less than three days notice to each director. Notice shall be in writing and shall be delivered by hand delivery, facsimile transmission, United States mail (postage prepaid), e-mail, or by private overnight courier service to the address maintained in the foundations register of director's addresses. Notice shall be deemed given upon the earlier of actual receipt or two days after deposit, postage prepaid, into the United States mail.

2.10 **Quorum.** A majority of the voting directors shall constitute a quorum, and the concurrence of a majority of those voting directors present shall be sufficient to conduct the business of the Board of Directors, except as may be otherwise

specifically provided by statute or the for the Yavapai County Community Foundation or these Bylaws. If a quorum shall not be present at any meeting of the Board of Directors, the directors present thereat may adjoin the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.

2.11 **Action Without a Meeting.** Unless otherwise restricted by the for the Yavapai County Community Foundation or these Bylaws, any action required or permitted to be taken at any meeting of the Board of Directors may be taken without a meeting, if all the voting members of the Board consent thereto in writing and the written consent is filed with the minutes of proceedings of the Board.

2.12 **Waiver of Notice.** Attendance of a director at a meeting shall constitute waiver of notice of such meeting, except when the person attends the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Any director may waive notice of any annual, regular or special meeting of the Board of Directors by executing a written waiver of notice either before or after the time of meeting.

### SECTION 3

#### OFFICERS

3.1 **Designation of Titles.** The officers of the foundation shall be chosen by the Board of Directors and shall consist of a president, a vice president, a secretary, a treasurer, and such other officers as may be determined by the Board of Directors from time to time, each of whom shall perform such duties as may be designated by the Board of Directors. The Board of Directors may designate one or more assistant secretaries to execute documents in the absence of the secretary. Any two or more offices may be held by the same person except the offices of President and Secretary.

3.2 **Election of Officers.** The officers of the foundation shall be elected annually by the Board of Directors at its annual meeting and each shall hold office for one year unless he or she shall sooner resign, be removed from office, or otherwise be disqualified to serve. If the election of officer shall not be held at such meeting, such election shall be held as soon thereafter as may be convenient. Each officer shall hold office until his successor shall have been elected or until his death, resignation or removal. A vacancy in any office shall be filled by the Board of Directors for the unexpired portion of the term. The Board of Directors at any time may appoint such other officers and agents as it shall deem necessary who shall hold their offices at the pleasure of the Board of Directors and who shall exercise such powers and perform such duties as shall be determined from time to time by the Board of Directors.

3.3 **Removal.** Any officer or agent may be removed by the Board with or without cause at any time, but such removal shall be without prejudice to the contract

right, if any, over the person so removed. Election or appointment of an officer or agent shall not of itself create contract right.

**3.4 Resignation.** Any director or other officer may resign his office at any time by giving written notice of his resignation to the President or Secretary of the foundation. Such resignation shall take effect at the later of the time specified therein or the time of receipt thereof and acceptance thereof shall not be necessary to make it effective.

**3.5 Special Appointments.** The Board of Directors may elect each officer as the affairs of the foundation may require. Each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine. Officers do not need to be members of the Board of Directors.

**3.6 President.** The President shall be the principal executive officer of the foundation and, subject to the control of the Board of Directors, shall in general, supervise and control all business and affairs of the foundation. He or she shall, when present, preside at all meetings of the Board of Directors. He or she may sign with the Secretary or any other proper officers of the foundation thereunto authorized by the Board of Directors, deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws to some other officer or agent of the foundation, or shall be required by law to be otherwise signed or executed; and in general, shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

**3.7 Vice President.** The Vice President shall, in the absence or disability of the President, exercise all powers and perform the duties of the President. He or she shall also generally assist the President and exercise such other power and perform such other duties as may be prescribed by the Board of Directors from time to time. In the case of the permanent absence or inability of the President to act, the office shall be declared vacant by the Board of Directors and a successor chosen by the Board.

**3.8 Secretary.** The Secretary shall: (a) keep the minutes of the Board of Directors' meetings in one or more books provided for the purpose, (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law, (c) be custodian of foundation records and of the seal of the foundation and see that the seal of the foundation is affixed to all documents, the execution of which on behalf of the foundation under its seal is duly authorized in accordance with these Bylaws, (d) keep a register of mailing addresses of each Board member which shall be furnished to the Secretary by such Board member, and (e) in general, perform all duties incident to the office of Secretary as such other duties as from time to time may be assigned to him or her by the President of Board of Directors.

3.9 **Treasurer.** The Treasurer shall have the custody of all funds, securities, evidences of indebtedness and other personal property of the foundation and shall deposit the same in such bank or trust company as shall be designated by the directors or President; he or she shall receive and give receipts and a quittances for monies paid in on account of the foundation and shall pay out the funds on hand all bills, payrolls, and other just debts of the foundation of whatever nature upon maturity of the same; he or she shall enter regularly in the books of the foundation to be kept by him or her for that purpose, full and accurate accounts of all monies received and paid out by him or her on account of the foundation, and he or she shall perform all other duties incident to the office of Treasurer. The Treasurer shall have charge of the preparation and filing of such reports, financial statements and returns as may be required by law.

#### SECTION 4

#### COMMITTEES

4.1 **Committees.** The Board of Directors, by resolution adopted by the majority of directors in office, may designate from among its members one or more committees, each of which shall have and may exercise such authority as it is delegated to it by the Board of Directors in such resolution. The Board of Directors, with or without cause, may dissolve any such committee or remove any member thereof at any time. A designation of authority to one or more committees shall not operate to relieve the Board of Director, or any individual director, of any responsibility imposed on it by him or her by law.

#### SECTION 5

#### CONTRACTS, CHECKS, DEPOSITS OR FUNDS

5.1 **Contracts.** The Board of Directors may authorize any officer or officers, agent or agents of the foundation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the foundation, and such authority may be general or may be confined to specific instances.

5.2 **Checks.** All checks, drafts, or order for the payment of money, notes, or other evidence of indebtedness issued in the name of the foundation, shall be signed by such officer or officers, agent or agents of the foundation and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be approved by any two (2) officers of the foundation.

5.3 **Expenditures.** The Board of Directors, during a regular board meeting, shall review all expenditures. The Board of Directors shall establish a budget for the general operation of the foundation and a separate budget for each special project. Any expenditure, not included in one of the said budgets, which exceeds \$5,000, must

have prior approval of the Board of Directors. The foundation shall have annual audits or reviews.

5.4 **Deposits.** All funds of the foundation shall be deposited from time to time to the credit of the foundation in such banks, trust companies, or other depositories as the Board of Directors may select.

The Board of Directors may accept on behalf of the foundation any contribution, gift, bequest, or device for any purpose of the foundation.

5.5 **Funds from Government Agencies.** Any moneys placed in the foundation by the city or county governments or the Camp Verde Unified School District shall be returned to the respective agencies if the foundation shall cease to exist. This will include any remaining principal from the agency as well as any unspent or uncommitted interest.

## SECTION 6

### MEMBERS

6.1 **Members.** This foundation may have members. Membership shall be attained by payment of an annual membership fee, which shall be determined by the Board of Directors. Membership in this foundation is not transferable or assignable. Members shall have no voting powers. Any action that would otherwise require the vote of members shall require only a vote by the directors. All rights that would otherwise vest in members shall vest in the Board of Directors of this foundation.

## SECTION 7

### GENERAL

7.1 **Principal Office.** In addition to its known place of business, which shall be in the office of its statutory agent, the foundation may maintain a principal office in Camp Verde, Arizona.

7.2 **Other Offices.** The foundation may also maintain offices at such other place or places, either within or without the state of Arizona, as may be designated from time to time by the Board of Directors, where the business of the foundation may be transacted with the same effect as though done at the principal office.

7.3 **Foundation Seal.** A foundation seal shall not be requisite to the validity of any instrument executed by or on behalf of the foundation, but nevertheless if in any instance a foundation seal be used, the same shall, at the pleasure of the officer affixing the same, be either (a) a circle having the name of the foundation on the circumference thereof, and in the center "Established 2004 Arizona" or (b) a circle containing the words "Foundation Seal" in the center thereof.

30. 7.4 **Fiscal Year.** The fiscal year end of the foundation shall be June

SECTION 8

AMENDMENTS

8.1 **Amendments.** These Bylaws may be repealed, altered, or amended at a regular or special meeting of the Board of Directors only by a vote of two-thirds majority of the Board of Directors.

The foregoing sets forth the Bylaws as amended through June 12, 2007.

CAMP VERDE EDUCATION FOUNDATION

**Debbie Barber**

---

**From:** "norma" <mgarrison@sedona.net>  
**To:** "Jackie & Bill Baker" <sarge\_jb@msn.com>; "Robin Whatley" <rcwhatley@msn.com>; "Carol German" <dcgerman@msn.com>; "Mayor Bob" <bburnside@ypeinc.com>; "Pete Roulette" <pdroulette@msn.com>  
**Cc:** "Debbie Barber" <dbarber@cvaz.org>  
**Sent:** Monday, June 01, 2009 8:12 AM  
**Subject:** MATforce Committee

**Sharing information.....I am trying to track down each and every Council Committee.....This one was Brenda's and I was her back up person. I have attended a few of these meetings and my name is on the PARTNERS list below, Verde Valley-Sedona Steering Committee. (330 partners)  
 Norma**

*\*\* To ensure compliance with the Open meeting Law, recipients of this message should not forward it to other Council members. Council members may reply to this message, but they should not send a copy of the reply to other Council members. \*\**

\* **MATForce - Yavapai County Substance Abuse Coalition**

What is MATForce? MATForce is a community-wide grass-roots effort working to eliminate substance abuse in Yavapai County. What is the coalition? The coalition is our community, represented by hundreds of people from all walks of life who have joined together with the common goal of fighting substance abuse and its effects.

**The Vision**

Working together to eliminate substance abuse in Yavapai County

**The Coalition**

MATForce was created in March 2006 as the result of an agreement among three local agencies to join forces in order to collectively address substance abuse in Yavapai County. People from all segments of the community were invited to join the coalition, including:

- Law enforcement
- Business community
- Schools
- Youth
- Parents and caregivers
- Faith-based community
- Government
- Youth-serving agencies
- Media
- Healthcare agencies
- Treatment community
- Recovery community

Goals – "Strategic Plan"

A county-wide strategic plan was developed in 2007 by over 70 coalition members, representing various groups, agencies and communities. Input for this plan was generated from 330 participants who attended one of 14 community forums held throughout the County. Mission and goal statements were also developed through these community forums. Each year, coalition members gather to review MATForce's goals, aligning our projects with current substance abuse issues and trends.

MATForce  
Yavapai County Substance Abuse Coalition

The Vision - Working together to eliminate substance abuse in Yavapai County.

GOAL STATEMENTS

**SUPPORT PREVENTION PROGRAMS FOR YOUTH AND FAMILY**

Work to increase the number of youth participating in coalition sponsored activities and provide support for successful prevention programs.

**INFLUENCE PUBLIC OPINION AND POLICY**

Implement a comprehensive plan that includes a media campaign, promotional marketing, a Speaker's Bureau, educational programs and various community activities to raise awareness and to advocate for positive changes in substance abuse issues and public policies.

**INCREASE THE CAPACITY TO INTERVENE AND TREAT**

Provide educational resources for treatment professionals, strengthening treatment options and promoting prevention programs.

**ADDRESS ISSUE OF UNDERAGE DRINKING IN YAVAPAI COUNTY**

Develop a public awareness campaign to educate the community about the problem of underage drinking and develop strategies that produce change.

**THE COALITION**

The Coalition consists of an Executive Committee, the Prescott Area Steering Committee, the Verde Area Steering Committee and various Work Groups, volunteers and supporters who work to accomplish the MATForce Goal Statements.

**PARTNERS**

**Honorary Members**

Robert M. Brutinel  
Sheila Polk  
Don Ostendorf

Carl Brown  
Tracey McConnell

#### Executive Committee

Sheila Polk, Yavapai County Attorney  
Douglas Bartosh, Cottonwood City Manager  
Randy Oaks, Prescott Police Chief  
Kim Haddow, Community Member  
Lori Deutsch, Executive Director, Youth Count  
Ann Sult, Chairman for Advocates for Positive Choices & DEXTER  
Richard Dehnert, Verde Valley Guidance Clinic  
Billie Grobe, Chief Deputy, Yavapai County Adult Probation Office

#### Staff

Merilee Fowler, Yavapai County Substance Abuse Coordinator - Youth Count  
Jeanne Wellins, Public Relations Assistant

#### Prescott Area Steering Committee

Sheila Polk, Yavapai County Attorney, Co-Chair  
Randy Oaks, Prescott Police Chief, Co-Chair  
Tim Barnett, CEO, Yavapai Regional Medical Center, Co-Chair  
Andi Mayer, Administrative Assistant, Prescott Unified School District  
Ann Sult, Chairman for Advocates for Positive Choices & DEXTER  
Bill Fessler, Sgt., Partners Against Narcotic Trafficking  
Billie Grobe, Chief Deputy, Yavapai County Adult Probation Office  
Bob Bell, Councilman, City of Prescott  
Buz Davies, CEO, Coalition for Compassion & Justice  
Casey Knight, Chief Professional Officer, Boys & Girls of Central Arizona  
Cathy David, Administrative Assistant, Yavapai County Sheriff's Office  
Dana Owens, Deputy County Attorney, Yavapai County Attorney's Office  
Dave Kuns, Assistant Police Chief, Chino Valley Police Department  
Dean Trebesch, Public Defender's Office  
Dolores Cordova, Assistant Program Manager, DES/Child Protective Services  
Ed Gogek, Psychiatrist  
Gary Arnold, Program Manager, DES/Child Protective Services  
Henry Schmitt, Superintendent, Humboldt Unified School District  
Howard Hinson, Judge, Yavapai County Superior Court  
Jade Riley, Financial Consultant, A.G. Edwards & Sons, Inc.  
James Horton, President, Yavapai College  
James Maxson, Police Chief, Prescott Valley Police Department  
Janet Lincoln, Public Defender, Yavapai County Public Defender's Office  
Joe Tarrer, MainStreet Associates  
John Ryder, Assistant Chief Deputy Probation Officer, Yavapai County Adult Probation Department  
Judy Bandy Denton, Director of Emergency, YRMC  
Karen Fann, Chino Valley Mayor

Kathleen Murphy, CEO/President, Big Brothers and Big Sisters  
 Kathy McLaughlin, Director, Family Advocacy Center  
 Kevin Kapp, Superintendent, Prescott Unified School District  
 Kim Haddow, Community Member  
 Larry Green, CEO, West Yavapai Guidance Clinic  
 Lauren Millette, Prescott eNews  
 Lora Lee Nye, Councilwoman, Town of Prescott Valley  
 Lori Deutsch, Director, Youth Count  
 Louie Gomez, Drug Court Alumnae  
 Merilee Fowler, Coordinator, Yavapai County Substance Abuse Coalition  
 Mike Kabbel, Deputy Chief Prescott Police Department  
 Michael Saint-Amour, YESA  
 Pat Dallabetta, Superintendent of Mayer Unified School District  
 Pat Huntsman, Police Chief, Chino Valley Police Department  
 Pat Kuykendall, Antelope Hills  
 Penny Cramer, Administrative Assistant, Yavapai County Attorney's Office  
 Rick Street, Regional Sales Manager, CableONE  
 Robert Brutinel, Presiding Judge, Yavapai County Superior Court  
 Robert Reed, Police Chief, Yavapai-Prescott Tribal Police Department  
 Sandy Griffis, Executive Director, Yavapai County Contractors Association  
 Scott Daravanis, City Editor, The Daily Courier  
 Steve Francis, Captain, Yavapai County Sheriff's Office  
 Steve Waugh, Sheriff, Yavapai County Sheriff's Office  
 Susan Sammarco, Director of office of Public Info, Yavapai College  
 Terry Taranto, Yavapai College Chief of Police  
 Tim Carter, Superintendent, Yavapai County School Superintendent's Office  
 Tom Thurman, Member, Yavapai County Board of Supervisor's  
 Vicki Gray, Administrative Assistant, Yavapai County Board of Supervisor's

### **Verde Valley-Sedona Steering Committee**

Sheila Polk, Yavapai County Attorney, Co-Chair  
 Douglas Bartosh, Cottonwood City Manager, Co-Chair  
 Robert Cartia, CEO, Verde Valley Regional Medical Center, Co-Chair  
 Barbara U'ren, Superintendent, Cottonwood-Oak Creek School District  
 Bob McDonald, Youth Advocate  
 Brenda Hauser, Councilwoman, Town of Camp Verde  
 Carol Quasula, Director, Verde Valley Catholic Charities  
 Chas Harper, Therapist  
 Chip Davis, Chairman, Yavapai County Board of Supervisors  
 Christian Oliva del Rio, Office Manager/Executive Assistant Cottonwood Chamber of Commerce  
 Cindy Trembley, Assistant Program Manager, DES/Child Protective Services  
 Dan Tomlinson, Juvenile Probation  
 Dave Kessel, General Manager, Yavapai Broadcasting  
 David Smith, Marshal, Camp Verde Marshal's Office  
 Dee Zenk, Health Educator, Yavapai County Community Health Services  
 Diane Joens, Mayor, City of Cottonwood  
 Earl Huff, Lieutenant, Camp Verde's Marshall's Office  
 Georgette Cooley, Human Resource Manager, Home Depot

Grant Hafley, Owner, Yavapai Broadcasting  
 Hallie Gray, Assistant, Yavapai county's Sheriff's Department  
 Harvey Grady, Cornucopia Community Advocates  
 Jana Genovese, Executive Director, Verde Valley Big Brothers/Big Sisters  
 Jay Parkison, Lieutenant, Yavapai County Sheriff's Office  
 Jay Wick, Director, The Wick Home  
 Jesse Alvey, Police Chief, Yavapai-Apache Police Department  
 Jesse Gamble, Pastor, The Garden Community Church  
 Jody Fanning, Chief of Police, Cottonwood Police Department  
 Joe Vernier, Police Chief, Sedona Police Department  
 Karen Pfeifer, City of Cottonwood  
 Kellyn Boilau, Desert Canyon Treatment Facility  
 Lloyd Jones, Community Member  
 Lou Rangel, Manager, Wal-Mart Supercenter  
 Louis Rios, Community Member  
 Lu Stitt, Reporter, Larson Newspapers  
 Marc Sterling, Sedona City Council  
 Marcos Benites, AZ Families First  
 Merilee Fowler, Grant Coordinator, Yavapai County Substance Abuse Coalition  
 Michelle Goodman, Juvenile Probation Officer  
 Mike Aylstock, Superintendent, Sedona-Oak Creek joint Unified School District  
 Nate Hansen, Writer, Larson Newspapers  
 Norma Garrison, Councilwoman, Town of Camp Verde  
 Oscar Leon, Media Director  
 Pam Hood, Publisher, Verde Valley Newspapers  
 Paul David, News Director, Yavapai Broadcasting  
 Randy Moffitt, Sgt., Partners Against Narcotics Trafficking  
 Richard Dehnert, Verde Valley Guidance Clinic  
 Rob Adams, Councilman, City of Sedona  
 Ronald Wheeler, Commander, Sedona Police Department  
 Sandra Cravens, Pharmacist, Bashas-Sedona  
 Scott Mabery, Chief Deputy, Yavapai County Juvenile Probation Office  
 Shawna Bowen, Abuse Counselor  
 Steve Estes, The Mingus Center  
 Steve Waugh, Sheriff of Yavapai County  
 Tamara Christian, Executive director, Mingus Center  
 Tiffany Irvin, School Resource Officer, Cottonwood Police Dept.  
 Tim Hall, Pastor, Evangel Worship Center  
 Tom Schumacher, Executive Dean Yavapai College, Clarkdale  
 Tomas Bialek, Director, Latin American Center

#### Community Partners

##### Businesses

A.G. Edwards & Sons, Inc.  
 Antelope Hills Inn - Suites  
 Big Bug Economic Development Alliance  
 Home Depot  
 Main Street Associates  
 Raskins Jewelers

Sir Speedy Printing  
The Mentor Dynamic, Inc.  
Wal-Mart

Civic Organizations

Big Brothers/Big Sisters of Yavapai County  
Boys and Girls Club of Central Arizona  
Catholic Charities  
Center of Human Potential  
Choices for Youth and Family  
Coalition for Compassion & Justice  
Cornucopia Community Advocates  
Generations United of Yavapai County  
Girl Scouts  
Latin American Center  
League of Women Voters of Central Yavapai County  
Partnership for Drug-Free America-Arizona Chapter  
Salvation Army  
The Good Gun Foundation  
Yavapai County Contractors Association  
Yavapai Family Advocacy Center  
Youth Count, Inc.

Criminal Justice

Yavapai County Attorney's Office  
Yavapai County Adult Probation Department  
Yavapai County Juvenile Probation Department  
Yavapai County Public Defender's Department  
Yavapai County Superior Court

Education

Acorn Montessorri Charter School  
Beaver Creek School District  
Camp Verde Unified School District  
Chino Valley Unified School District  
Cottonwood-Oak Creek Elementary School District  
Dexter Family Center  
Embry-Riddle Aeronautical University  
Excel Education Centers  
Humboldt Unified School District  
Mayer Unified School District  
Mingus Union High School  
Mingus Union High School District  
Paulden Elementary School District  
Prescott Unified School District  
Sedona-Oak Creek Joint Unified School District  
Yavapai College  
Yavapai County School Superintendent's Office

Faith-based

Evangelical Worship Center  
The Garden Community Church

Funding Sources

Drug Free Community Grant through Substance Abuse Mental Health Services  
Administration  
(SAMSHA)

State Incentive Grant through the State of Arizona Governor's Office for Children,  
Youth and Families

Division of Substance Abuse Policy through SAMHSHA  
Parent's Commission Grant through the State of Arizona Governor's Office for Children,  
Youth and  
Families

Health Care

AA - Alcoholics Anonymous

Arizona Department of Economic Security – Child Protective Services

Arizona Families First

Chas Harper, Therapist

Decision Point & New Alternatives for Families

Ed Gogek, Psychiatrist

Northern Arizona Regional Behavioral Health Authority

Shawna Bowen, Abuse Counselor

TASC

The Mingus Center

The Wick Home

Verde Valley Guidance Center

Verde Valley Medical Center

West Yavapai Guidance Clinic

Yavapai County Community Health Services

Yavapai County Department of Medical Assistance

Yavapai Family Advocacy Center

Yavapai Regional Medical Center

Public Safety

Arizona Department of Liquor Licenses and Control

Arizona Department of Public Safety

Arizona Rangers

Camp Verde Marshal's Office

Chino Valley Police Department

Clarkdale Police Department

Cottonwood Police Department

Jerome Police Department

Mayor Fire Department

Partners Against Narcotics Trafficking

Prescott Police Department

Prescott Valley Police Department

Sedona Police Department

Yavapai-Apache Tribal Police Department

Yavapai College Police Department

Yavapai County Sheriff's Office  
Yavapai-Prescott Tribal Police Department

**Media**

Cable One  
Cable Vision  
Camp Verde Bugle  
El Latino Newspaper  
KAZM 780 AM  
KPPV 106.7 FM  
KYCA 1490 AM/KAHM  
Larson Newspapers  
Magic 99.1/KNOT 1450 AM  
Sedona Red Rock News  
The Daily Courier  
The Verde Independent  
Western Newspapers, Inc.  
Yavapai Broadcasting

**Towns & Municipalities**

City of Cottonwood  
City of Prescott  
City of Sedona  
Town of Camp Verde  
Town of Chino Valley  
Town of Clarkdale  
Town of Dewey-Humboldt  
Town of Jerome  
Town of Prescott Valley  
Yavapai County  
Yavapai-Apache Tribal Nation  
Yavapai-Prescott Indian Tribe

---

**FREE Animations for your email - by IncrediMail!**

**Click Here!**



## AGENDA



REGULAR SESSION  
MAYOR AND COUNCIL  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
473 S. Main Street, Room #106  
WEDNESDAY, JUNE 3, 2009  
at 6:30 P.M.

*If you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off when you enter Council Chambers. All Presentations are limited to 10 minutes.*

1. **Call to Order**
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) Regular Session – May 20, 2009
  - b) **Set Next Meeting, Date and Time:**
    - 1) June 10, 2009 at 5:00 p.m. – Special Session
    - 2) June 17, 2009 at 6:00 p.m. – Special Session
    - 3) June 17, 2009 at 6:30 p.m. – Regular Session
    - 3) June 24, 2009 at 6:30 p.m. – Council Hears Planning & Zoning
  - c) **Possible approval of Ordinance 2009-A365, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending section 12-3-6 of the Town Code.** This amendment corrects inconsistencies and conflicts with State Statutes as they relate to Handicapped Parking. (Staff Resource: David R. Smith)
  - d) **Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle the Marcum/Marbach et al. v. Town of Camp Verde litigation.** This is an unbudgeted item. (Staff Resource: Michael Scannell)
  - e) **Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle Funkhouser v. Town of Camp Verde litigation.** This is an unbudgeted item. (Staff Resource: Michael Scannell)
  - f) **Possible renewal of a 2-year agreement with Thomas K. Kelly, P.C. Attorneys at Law for prosecution services in the amount of \$71,000 per annum.** This is a budgeted item in the General Fund. (Staff Resource: Michael Scannell)
5. **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.)
6. **Swearing in and seating of the newly elected Council, Mayor Bob Burnside and Council members, Jackie Baker, Bob Kovacovich, and Robin Whatley.** (Staff Resource: Judge Overholser)
7. **Presentation of plaques to outgoing Mayor Tony Gioia, Vice Mayor Brenda Hauser, and Council member Ron Smith.** (Staff Resource: Mayor Burnside)
8. **Call to the Public for Items not on the Agenda.**
9. **Discussion, consideration, and possible appointment of a Vice Mayor.** (Staff Resource: Mayor and Council)
10. **Discussion, consideration, and possible approval of Resolution 2009-773, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona establishing that the widening and improvements to State Route 260 is the top priority for the Town of Camp Verde and the Verde Valley.** (Staff Resource: Former Council member Ron Smith)
11. **Discussion, consideration, and possible approval of the Special Event Liquor License for the Verde Valley Mounted Sheriff's Posse for the Annual Cornfest scheduled for July 18, 2009.** (Staff Resource: Lynda Moore)
12. **Discussion, consideration, and possible appointment to the Board of Adjustment and Appeals.** This term expires September 2011. There is one application for this position from Jim Bullard, Jr. (Staff Resource: Debbie Barber)

Councilors Garrison & Baker requested the following item:

13. **Discussion, consideration, and possible direction to staff relative to continued funding for the Camp Verde Chamber of Commerce and possible notice to vacate the premises by December 31, 2009 per the Lease Agreement.**
14. **Discussion, consideration, and possible approval of Resolution 2009-766, a resolution of the Mayor and Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolutions 98-403, 99-426, 99-432, 00-447, 02-538, 03-568, 08-745, and 08-751 and establishing Town Council Rules and Procedures for Council and all Town Boards, Commissions, and Committees.** (Staff Resource: Debbie Barber)
15. **Discussion, consideration, and possible appointment of Council members to serve on various state, local, and regional committees.** These committees are comprised of elected officials. (Staff Resource: Debbie Barber)
16. **Discussion, consideration, and possible direction to staff relative to authorizing Town Manager Michael Scannell and Town Attorney Bill Sims to complete those legal documents that will facilitate the refinancing of the Koch Financial Lease Purchase Agreement #2 to include amending the Intergovernmental Agreement between the Town of Camp Verde and the Camp Verde Sanitary District. Town Council may elect to approve such documentation if completed in sufficient time to allow Town Council to review prior to this meeting.**(Staff Resource: Michael Scannell)
17. **Discussion or consultation with the Town Attorney for the purposes of updating and advising the newly seated Mayor and Council regarding pending litigation.** Note: 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. (Staff Resource: Town Attorney Bill Sims)
18. **Call to the Public for Items not on the Agenda.**

**There will be no Public Input on the following items:**

19. **Advanced Approvals of Town Expenditures**
  - a) **There are no advanced approvals.**
20. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and 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.
21. **Adjournment**

Posted by:

*V Jones*

Date/Time:

*5-29-09*

*8:45 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.

[Back to Top](#)

**MINUTES  
REGULAR SESSION  
MAYOR AND COUNCIL  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
WEDNESDAY, MAY 20, 2009  
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 Garrison, Smith, Kovacovich, German and Roulette were present.

**Also Present:** Town Manager Mike Scannell, Community Development Director Nancy Buckel, Parks & Recreation Director Lynda Moore, Mayor-Elect Bob Burnside and Councilors-Elect Robin Whatley and Jackie Baker, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

**3. Pledge of Allegiance**

The Pledge was led by Gioia.

**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) Regular Session – May 6, 2009

**b) Set Next Meeting, Date and Time:**

1) May 18, 2009 at 2:15 p.m. – Budget Work Session

2) May 20, 2009 at 2:15 p.m. – Budget Work Session

3) May 20, 2009 at 6:30 p.m. – Regular Session

4) May 27, 2009 at 6:30 p.m. – Council Hears Planning & Zoning

**c) Possible approval of a Memorandum of Understanding between the Arizona Counter Terrorism Information Center and the Camp Verde Marshal's Office to allow CVMO to establish computer connectivity to the Arizona Department of Public Safety's Terrorism Information Center.** There is no cost to the Town. (Staff Resource: Marshal David R. Smith)

**d) Possible approval of Resolution 2009-770, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, pertaining to the submission of projects for consideration in Arizona's 2010 Fiscal Year Highway Safety Plan.** (Staff Resource: Marshal David R. Smith)

**e) Possible acceptance of a letter of resignation from Trails Committee Member Bea Richmond and presentation of a Certificate of Appreciation for her services.** (Staff Resource: Debbie Barber)

**f) Possible approval of Wells Fargo Self Administration Authorization form establishing the Town Manager and Senior Accountant as the Dual Control Administrators for the Wells Fargo Online Banking system.** (Staff Resource: Lisa Elliott)

**g) Possible approval of an agreement with FOUR-D LLC (Peter de Blanc) a Telecommunications Consultant to provide an assessment relative to the Town's network and telecommunications infrastructure needs for the next one to five years and to assist with the implementation of the InCode Software and other services to be identified.** This will be budgeted in the FY 09/10 budget. (Staff Resource: Michael Scannell)

On a motion by Hauser, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented, with the exception of Item 4.g).

Councilor German requested that Item 4.g) be pulled for discussion.

**4.g) Possible approval of an agreement with FOUR-D LLC (Peter de Blanc) a Telecommunications Consultant to provide an assessment relative to the Town's network and telecommunications infrastructure needs for the next one to five years and to assist with the implementation of the InCode Software and other services to be identified.**

On a motion by German, seconded by Garrison, the Council unanimously voted to approve Item 4.g) on the Consent Agenda.

German commented that some public concern had been expressed questioning whether the proposed project had been subject to an RFP to give others a chance to perhaps bid on it; she felt it would be helpful for the Town Manager to explain the process that had been followed. German also noted a minor error in the Consultant Agreement, Page 2, Section I, which incorrectly referred to "Section V"; it should have referenced Section IV.

Scannell explained that Mr. de Blanc has served a number of municipalities in the area; Dewey-Humboldt has gone through the RFP process and pursuant to the Procurement Code, the Town of Camp Verde is allowed to "piggy-back" on jurisdictions that have followed the RFP process, and that is what the Town elected to do. This Consultant has particular knowledge about the InCode software system, has assisted other municipalities, and is highly qualified to counsel the Town about implementation of the system.

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

(Comments from the following individuals are summarized.)

**Bob Johnson**, a resident of Camp Verde, reported on the condition of the trees recently planted at the entrance to Camp Verde; the system is not working at the east end, and the trees appear to be dying. (*Gioia advised him that staff will contact ADOT regarding that concern.*)

**Sandi Ashton** said that in less than 24 hours she had collected 298 signatures to protest the Tuesday budget meeting proposal to close the animal shelter. Yavapai County taking over would result in delays in responding to various problems that are now handled locally.

**Kathy McCurdy** stated that in only three hours she had gathered 273 signatures in protest as well, and believes that the issue causes real concern to the Town's social conscience; society is measured by the way it treats its animals. Ms. McCurdy compared the obligation to take care of animals the same as to children, and said that she would prefer closing the pool over closing the animal shelter.

There was no further public input.

6. **Council Informational Reports**

**Smith** thanked Gioia for being Mayor the last four years and for serving on the Council for six years prior to that, and congratulated Bob Burnside, Mayor-elect. Smith suggested that everyone pick up the campaign signs and help get them off the streets.

**Garrison** said she had no new information from the meetings she has attended; there is only continuing bad news on the financial condition of the State.

**Hauser** is attending all assigned meetings to tell everyone goodbye; she reported on the successful NACOG Summer Youth Employment Program that has included a good response from employers; next year should be even more successful. MatForce has nothing particular going at this time, other than planning for Verde River Days; there was a program on drugs presented by the PANT officers. The Teen Center is having a grand opening on May 29<sup>th</sup> at 5:00 p.m.; everyone should attend.

**Gioia** reported on his attendance at ADOT's statewide Regional Board meeting, and the status of the 5-year plan for the 4-lane for Hwy 260, and the representatives from the Verde Valley who had joined him in supporting the effort to get funding for the project. Gioia said he requested that the Board place a line item for the \$7 million that Gioia understands remains in the ADOT budget for Hwy 260, giving 5-year plan status to Hwy 260; there also may be stimulus funding available for Hwy 260. An announcement and a decision should be forthcoming in June when the ADOT Board meets in Cottonwood. Gioia congratulated Bob Burnside on his election to Mayor, and thanked him for conducting a clean campaign.

**Note: Councilor Roulette announced that he was recusing himself from hearing the following Item 8, and left the Chambers.**

7. **Discussion, consideration, and possible approval of the Special Event Liquor License for the Verde Valley Mounted Sheriff's Posse for the Annual Cornfest scheduled for July 18, 2009.** (Staff Resource: Lynda Moore)

On a motion by Gioia, seconded by Smith, the Council unanimously voted to delay a decision on this item until the Council meeting next week.

Parks & Recreation Director Moore said that although no representative is present at this meeting, the item involves the Special Event License for the upcoming Cornfest, a one-day event at which the Sheriff's Posse would like to have a Beer Garden.

Garrison expressed concern over the lack of a diagram indicating the specific location of the proposed Beer Garden; Moore briefly explained the usual arrangement, but added that the group is being asked to submit a modified layout because of the sidewalks that are currently being constructed. Although it was deemed possible to vote on approval of the liquor license subject to a revised diagram, there was further concern expressed regarding control of alcohol consumption on premises where children are present, the past problems in perceived lack of accountability, and the need for an amended diagram to reflect the proper layout where certain activities will be taking place in order to make an informed decision. It was recommended that it would be helpful for a representative from the Sheriff's Posse be present to personally outline their plans and security measures.

**PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Bob Burnside** said that if a diagram is to be submitted with an application it should conform to the instructions; he is glad to know the decision will be delayed until next Council meeting.

**Jackie Baker** believes that the discussion shows why the Town has turned events over to other people; she described her experience finding that it was very difficult to monitor the consumption of alcohol and presence of under-age youth in certain areas; Camp Verde is one of the few towns in the entire State that allows alcohol at special events.

There was no further public input.

German commented that the Town is trying to get groups to take over special events, and everyone should really give the issue some careful thought. German agrees that liquor should not be around children, but it is a fact of life; she believes there will be controls in place.

**Note: Councilor Roulette returned to the Council Chambers and resumed his seat of office.**

8. **Census 2010 presentation by Arizona Partnership Specialist Gail M. Sadler, followed by discussion, consideration, and possible approval of a proclamation proclaiming full support of and participation in the overwhelming success of the Census 2010 through the formulation of a Complete Count Committee and the execution of the Town of the 2010 Census Partnership Agreement.** (Staff Resource: Debbie Barber)

On a motion by Hauser, seconded by Garrison, the Council unanimously approved the Town of Camp Verde, Arizona, Proclamation in support of the next Decennial Census to be taken in the year 2010.

**Gail Sadler**, a Partnership Specialist for the U. S. Census, said it has been her pleasure to travel all over Northern Arizona working with cities and counties on the formation of Complete Count Committees to make sure that there is education and awareness of the importance of arriving at the census count for each municipality. Ms. Sadler explained that the theme of the Census 2010 is, "It's In Our Hands," and stressed that it is not only the responsibility of each city and town, but to the benefit of each to participate in encouraging its residents to step up and be counted. Ms. Sadler pointed out that justification for a funding formula or revenue sharing is based on the census numbers on record. Citizenship does not enter into the count, only the number of residents, whether or not citizens. Ms. Sadler described how the census has changed in the last ten years, illustrating how critical the 2010 census will be for funding during the next ten years of growth. She outlined the plans for hiring census takers, and reviewed the steps that will be taken to distribute and have the completed census questionnaires returned. Ms. Sadler also stressed that none of the information collected is shared with any other government agency.

Garrison expressed her objection to the requirement for personal information such as race, male or female, child or adult; Ms. Sadler detailed how such information was necessary in determining Federal program funding for the types of services needed by the different communities. Mayor Gioia reiterated the importance of everyone helping to make the upcoming census as successful as possible, and that it is vital to include all those people living in the town, in whatever circumstances, and whether or not they are citizens.

There was no public input.

9. **Presentation by Community Development staff relative to Regional Planning Activities followed by possible discussion.** (Staff Resource: Nancy Buckel)  
There was no action taken.

Community Development Director Buckel presented a comprehensive review of the last ten years of the regional planning effort conducted by a group of planners made of professional staff, other agency representatives and community groups in the Verde Valley, and the implementation actions that were achieved through their efforts. During the review Buckel outlined the historical documentation and information that had been provided, and outlined the activities in connection with current projects and planning. There was also input from Chad Daines, County Development Services Director, who was accompanied by Tammy DeWitt, County Planner. Mr. Daines commented on the important element of preserving open space, and the reason for bringing back the issue of regional planning activities which was to acquaint everyone with the work being done, and to make sure that the right direction is being followed.

There was no public input.

10. **Discussion, consideration, and possible direction to staff relative to establishing an opening date of the Camp Verde Heritage Pool.** (Staff Resource: Lynda Moore)

On a motion by Gioia, seconded by Hauser, the Council unanimously directed staff to open the Heritage Pool as soon as possible.

Moore advised the Council that staff was moving forward with preparations to open the pool in response to direction from Council. The necessary repairs have been made; all that is left is the pool cover and installing the mandatory drain covers, which may delay the opening as much as a couple of weeks more.

The members discussed with Moore some suggestions for getting the drain covers installed and the possible use of volunteers. Included in the discussion there was a review of the costs associated with operating the pool, the loss of the funding from the school district, a comparison of the estimated costs resulting from the pool being open for shorter or longer hours or periods of time, and an estimate of the saving in fuel cost once the pool cover is in use. It was finally agreed that the immediate goal was to have the pool opened as soon as possible, with any further decision delayed pending more research on operation costs and budget considerations.

**PUBLIC INPUT**

(Comments from the following individual are summarized.)

**Howard Parrish** described the problem recently publicized regarding the strong suction from pool drains causing some deaths by drowning. (Moore explained that the new drain covers have been mandated by law to prevent that problem in the future.)

There was no further public input.

11. **Call to the Public for Items not on the Agenda.**  
There was no public input.

12. **Advanced Approvals of Town Expenditures**
  - a) **There are no advanced approvals.**  
There were no advanced approvals.
13. **Manager/Staff Report**  
There was no Manager/staff report.
14. **Adjournment**  
On a motion by Hauser, seconded by Smith, the meeting was adjourned at 8:12 p.m.

---

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 20<sup>th</sup> day of May 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

---

Debbie Barber, Town Clerk

[Back to Top](#)

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

**Meeting Date:** 6-3-09

**Meeting Type:** Regular Session

**Type of Presentation:** Verbal Only

**REFERENCE DOCUMENT:**

**AGENDA TITLE: (Be Exact):**

Discussion, consideration, and possible approval of Ordinance 2009-A365, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 12-3-6 of the Town Code.

**PURPOSE AND BACKGROUND INFORMATION:**

Article 12-3-6 of the Town Code addresses Handicapped Parking. Judge Overholser has advised that he has been dismissing parking citations because the Town Code conflicts with Arizona Revised Statutes. This ordinance corrects the conflicts.

**STAFF RECOMMENDATION(S): (Suggested Motion)**

Approve Ordinance 2009-A365.

**Type of Document Needing Approval:**

**Finance Director Review**

Budgeted/Amount

N/A

**Comments:**

**Fund:**

**Line Item:**

**Submitting Department:** Marshal's Office

**Contact Person:** Marshal 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.



**ORDINANCE 2009-A365**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL  
OF THE TOWN OF CAMP VERDE,  
YAVAPAI COUNTY, ARIZONA,  
AMENDING SECTION 12-3-6 OF THE TOWN CODE**

**Article 12-3-6, Handicapped Parking is amended as follows:**

A. Except as provided in subsection C of this section, a person shall not stop, stand, or park a motor vehicle within any specially designated and marked parking space provided in accordance with this section for physically disabled persons unless the motor vehicle is transporting a person who has been issued a valid placard or international symbol of access special plates and either:

1. The motor vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard.
2. The motor vehicle displays international symbol of access plates that are currently registered to the vehicle.

B. If a law enforcement officer or a parking enforcement specialist finds a motor vehicle in violation of this ordinance, the person shall issue a complaint to the operator or other person in charge of the motor vehicle, or, if neither is present, to the registered owner of the vehicle for a civil traffic violation. The minimum civil sanction, if the court finds the party responsible, shall be fifty dollars (\$50.00), plus the penalty assessments prescribed by statute.

C. Any person who is chauffeuring a person with a physical disability without a placard or international symbol of access special plates may park momentarily in a parking space provided pursuant to this article for the purpose of loading or unloading the person with a physical disability, and a complaint shall not be issued to the driver for the momentary parking.

D. The posting of the handicapped parking spaces shall be designated by owners or persons having control of a parking lot or parking area for business customers. Each such parking space shall be prominently outlined with paint and posted with a permanent sign located not less than three feet or more than six feet above the grade and of a color and design approved by the Department of Transportation bearing the internationally accepted wheelchair symbol and the caption, "Reserved Parking." The designation of such parking spaces as provided herein or as required by the Town of Camp Verde shall authorize law enforcement officers and other duly authorized agents to enforce the provisions of this section and related state statutes and shall constitute a waiver of any objection by the owner or person in possession of such property to the enforcement of this section and related state statutes, and such owner shall be deemed to have consented to the access of such property.

E. The Town Marshal/Police Chief will have the authority to institute a Volunteer Handicapped Parking Enforcement Specialist Program. The Marshal/Chief may authorize special volunteers to issue citations only to persons who violate this section of this chapter or A.R.S. §28-884.

**PASSED AND ADOPTED in open meeting by the Mayor and Common Council of the Town of Camp Verde,  
Yavapai County, Arizona, on the 3<sup>rd</sup> day of June 2009.**

\_\_\_\_\_  
Bob Burnside, Mayor

Approved as to form: \_\_\_\_\_

Town Attorney

Attest:

Date:

\_\_\_\_\_  
Deborah Barber, Town Clerk

\_\_\_\_\_

## **ARTICLE 12-3**

### **PARKING**

12-3-1 Method of Parking

12-3-2 Blocking Traffic

12-3-3 Parking Adjacent to Schools

12-3-4 Authority to Erect Signs Restricting Parking

12-3-5 Parking Vehicles on Sidewalks

12-3-6 Handicapped Parking

#### **Section 12-3-1 Method of Parking**

A. Except as otherwise provided by resolution of the Council, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right hand curb.

B. Except as otherwise provided, where there is no adjacent curb, vehicles should be parked off main traveled portions of the roadway facing in direction of travel.

C. It is a civil traffic violation for anyone to leave any type of vehicle unattended without first having secured such vehicle to prevent it from rolling or moving, so as to constitute a hazard.

#### **Section 12-3-2 Blocking Traffic**

A. It is a civil traffic violation for any person to stop, stand, or park any vehicle upon a street in the town in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers, or when necessary, in the observance of traffic signs or signals of a police officer.

B. It is a civil traffic violation for any person to park a vehicle within an alley or entrance to a private driveway except for the loading or unloading of materials, and such loading or unloading of materials can only be done when it can be accomplished without blocking the alley to the free movement of vehicular traffic.

### Section 12-3-3 Parking Adjacent to Schools

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day.

### Section 12-3-4 Authority to Erect Signs Restricting Parking

The town manager, upon approval by the Council, may cause to be placed signs requiring parking at an angle to the curb, notifying drivers that parking is prohibited, or restricting parking in any way that may be necessary. No parking restrictions shall become effective until such restricted parking area is specifically designated by resolution of the Council, and signs have been erected as authorized by this section. It is a civil traffic violation for any person to stop or stand a vehicle in disobedience to such parking restrictions.

### Section 12-3-5 Parking Vehicles on Sidewalks

It is a civil traffic violation for any person to park any vehicle, whether in usable condition or not, or for an owner to permit his vehicle to be parked upon any sidewalk in the town.

### Section 12-3-6 Handicapped Parking

A. Except as provided in subsection C of this section, a person shall not stop, stand, or park a motor vehicle within any specially designated and marked parking space provided in accordance with this section for physically disabled persons unless the motor vehicle is transporting a person who has been issued a valid placard or international symbol of access special plates and either:

1. The motor vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard.
2. The motor vehicle displays international symbol of access plates that are currently registered to the vehicle.

B. If a law enforcement officer or a parking enforcement specialist finds a motor vehicle in violation of this ordinance, the person shall issue a complaint to the operator or other person in charge of the motor vehicle, or, if neither is present, to the registered owner of the vehicle for a civil traffic violation. The minimum civil sanction, if the court finds the party responsible, shall be fifty dollars (\$50.00), plus the penalty assessments prescribed by statute.

C. Any person who is chauffeuring a person with a physical disability without a placard or international symbol of access special plates may park momentarily in a parking space provided pursuant to this article for the purpose of loading or

**Deleted:** no

**Deleted:** may

**Deleted:** eligible for the distinguishing insignia placard or displays number plates bearing the international wheelchair symbol, which are currently registered to the vehicle as provided by law.

**Formatted:** Bullets and Numbering

**Deleted:** A

**Deleted:** officer

**Deleted:** may

unloading the person with a physical disability, and a complaint shall not be issued to the driver for the momentary parking.

**D.** The posting of the handicapped parking spaces shall be designated by owners or persons having control of a parking lot or parking area for business customers. Each such parking space shall be prominently outlined with paint and posted with a permanent sign located not less than three feet or more than six feet above the grade and of a color and design approved by the Department of Transportation bearing the internationally accepted wheelchair symbol and the caption, "Reserved Parking." The designation of such parking spaces as provided herein or as required by the Town of Camp Verde shall authorize law enforcement officers and other duly authorized agents to enforce the provisions of this section and related state statutes and shall constitute a waiver of any objection by the owner or person in possession of such property to the enforcement of this section and related state statutes, and such owner shall be deemed to have consented to the access of such property.

Deleted: B.

**E.** The Town Marshal/Police Chief will have the authority to institute a Volunteer Handicapped Parking Enforcement Specialist Program. The Marshal/Chief may authorize special volunteers to issue citations only to persons who violate this section of this chapter or A.R.S. §28-884.

Deleted: C. Any person who is chauffeuring a physically disabled person shall be allowed, without a distinguishing insignia, a placard or number plates bearing the international wheelchair symbol to park momentarily in a handicapped designated space for the purpose of loading or unloading such disabled person. No complaint shall be issued to the driver for such momentary parking.

#### Section 12-3-7 Unarmed Police Aides

Unarmed police aides may be employed by the Marshal's Office and shall be empowered to commence an action or proceeding before a court or judge for any violation of Town ordinances or this code regulating the standing or parking of vehicles. The authority of the unarmed police aide shall be strictly limited to the enforcement of the ordinances and codes regulating the standing or parking of vehicles and such aides are not granted any other powers or benefits to which peace officers of the Town are entitled.

Deleted: D.

[Back to Top](#)

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

**Meeting Date: June 3, 2009**

**Meeting Type: Regular**

**Type of Presentation: Verbal**

**AGENDA ITEM: Litigation Settlement**

**AGENDA TITLE:** Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle Marcum/Marbach, et al. v. Town of Camp Verde litigation.

**PURPOSE AND BACKGROUND INFORMATION:** The above claim has been concluded and Southwest Risk has invoiced the Town for the \$5,000 insurance deductible due to them.

**STAFF RECOMMENDATION(S):** Approve the \$5,000 deductible payment to Southwest Risk to settle Marcum/Marbach, Et al.v. Town of Camp Verde litigation.

**Finance Director Review**

Budgeted/Amount No

**Fund:** 01-20-17

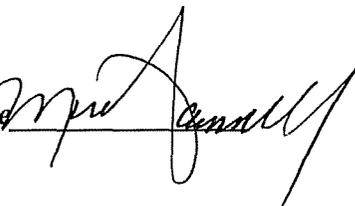
**Line Item:** 7220

**Comments:**

Attorney Review Yes No N/A X

**Submitting Department:** Administration/Manager

**Contact Town Manager Michael K. Scannell:** Signature



[Back to Top](#)

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

**Meeting Date: June 3, 2009**

**Meeting Type: Regular**

**Type of Presentation: Verbal**

**AGENDA ITEM: Litigation Settlement**

**AGENDA TITLE:** Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle Funkhouser v. Town of Camp Verde litigation.

**PURPOSE AND BACKGROUND INFORMATION:** The above claim has been concluded and Southwest Risk has invoiced the Town for the \$5,000 insurance deductible due to them.

**STAFF RECOMMENDATION(S):** Approve the \$5,000 deductible payment to Southwest Risk to settle Funkhouser v. Town of Camp Verde litigation.

**Finance Director Review**

Budgeted/Amount No

**Fund:** 01-20-17

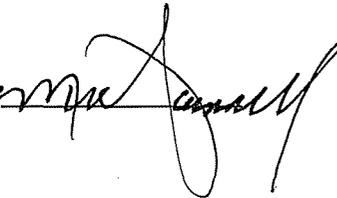
**Line Item:** 7220

**Comments:**

Attorney Review Yes No N/A X

**Submitting Department:** Administration/Manager

**Contact Town Manager Michael K. Scannell:** *Signature*



[Back to Top](#)

TOWN OF CAMP VERDE  
Council Agenda Action Form  
Consent Agenda

Meeting Date: June 3, 2009

Meeting Type: Regular

Type of Presentation: Verbal

**AGENDA ITEM: 2-year Prosecution Services Agreement**

**AGENDA TITLE: Discussion, consideration and possible renewal of a 2-year agreement with Thomas K. Kelly, P.C. Attorneys at Law for prosecution services in the amount of \$71,000 per annum. (Staff Resource: Michael K. Scannell)**

**PURPOSE AND BACKGROUND INFORMATION:**

Thomas Kelly's Law Firm has provided prosecution services for the Town for a number of years. Mr. Kelly offered to continue the agreement for another 2 years, at \$71,000 per annum. The prior 2 year agreement with Mr. Kelly was also for an amount of \$71,000.

**STAFF RECOMMENDATION(S): Approve the renewal of a 2-year agreement with Thomas K. Kelly, P.C. Attorneys at Law for prosecution services in the amount of \$71,000 per annum.**

**Finance Director Review**

Budgeted/Amount Yes X No N/A

**Fund:** 01-20-16

**Line Item:** 7120

**Comments:**

Attorney Review Yes X No N/A

**Submitting Department:** Administration/Manager

**Contact Town Manager Michael K. Scannell: Signature** 

[Back to Top](#)

# **Town of Camp Verde**

## **Contractor Agreement**

For Professional Services  
For  
Town Prosecution Services  
Between the  
**Town of Camp Verde**  
Camp Verde, Arizona  
And  
**Thomas K. Kelly, P.C., Attorney at Law**

This INDEPENDENT CONTRACTOR AGREEMENT ("Agreement") is by and between Thomas K. Kelly, P.C., Attorney at Law, with a business address of 425 E. Gurley Street, Prescott, Arizona 86301, an Attorney at Law ("Contractor") and the Town of Camp Verde, a municipal corporation ("Town") and is awarded pursuant to Project #09-068.

This Agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Contractor will be an independent Contractor and not an employee of the Town for all purposes, including, but not limited to, the Fair Labor Standards Act, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the Internal Revenue Code (and any other Arizona income tax laws), the Arizona state workers' compensation laws, the Arizona State unemployment insurance laws and any of the Town's benefit plans for the Town's employees. Contractor agrees that it is a separate and independent enterprise from the Town, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform any work performed for the Town. This Agreement shall not be construed as creating any joint employment relationship between Contractor and the Town. The Town will not be liable for any obligation incurred by the Contractor, including but not limited to unpaid minimum wages and/or overtime premiums. This Agreement shall not be construed to authorize the Contractor to act as an agent for the TOWN in any manner.

The parties further agree and acknowledge that the Town is engaging Contractor as an independent Contractor to provide services to the Town under the terms of this Agreement and that the Town shall not be required, under any circumstance(s), to assume liability for the direct payment of any salary, wage, or other compensation to any person employed by the Contractor before, during, or after this agreement is in effect.

The Town shall not withhold from sums becoming payable to the Contractor under this Agreement any amounts for federal, state or local taxes, including federal or state income taxes, employment taxes (including Social Security and Medicare taxes), and unemployment taxes. The Town shall report all payments to Contractor on Internal Revenue Service Form 1099. The Contractor agrees that any tax obligation of Contractor arising from the payments made under this Agreement will be the Contractor's sole responsibility. The Contractor will indemnify the Town for any tax liability, interest, and/or penalties imposed upon the Town by any taxing authority based upon the Town's failure to withhold any amount from the payments for tax purposes.

In performance of services hereunder, CONTRACTOR shall determine his/her necessary hours of work. CONTRACTOR shall provide whatever employees, tools, equipment, vehicles, and supplies CONTRACTOR may determine to be necessary in performance of services hereunder.

## Section I. Period of Service

The term of this Agreement shall be for the period commencing on July 1, 2009 with the Town Council approval of this Agreement and shall continue for twenty-four (24) months until June 30, 2011 unless terminated sooner by the parties, pursuant to Section IV. below.

## Section II. Compensation

Contractor shall provide Prosecutorial Contractor Services. The Town and Contractor shall mutually agree upon the specific work product, scope of services and cost of any work performed.

The rates Contractor will be paid as consideration for performance of prosecutorial services on a monthly bases through a flat fee system. CONTRACTOR shall be paid Five-Thousand, Nine-Hundred, and Sixteen Dollars and sixty-seven cents {\$5,916.67} per month (\$71,000 annually) in professional fees and costs. No further payment will be made for routine facsimile, telephone, postage, copy, or travel costs. Extraordinary costs shall be submitted for prior approval and reimbursement to CONTRACTOR through the Town Attorney if any one particular case requires over 14 hours of attorney/paralegal work. If approval of such work is granted, the TOWN will compensate CONTRACTOR at One Hundred Dollars (\$100) an hour for attorney time and Fifty Dollars (\$50) an hour for paralegal time for each hour billed in excess of 14 hours on that case.

## Section III. Billing

Contractor shall provide Contractor services to the Town, based on the written needs of the Town as outlined in Exhibit "A". The Town shall pay Contractor, monthly, based upon work performed, completion to date and submission of invoices pursuant to Section II. Invoices should be mailed to the following address:

Town of Camp Verde  
Finance Department  
395 S. Main Street  
Camp Verde, AZ 86322

## Section IV. Termination

The Town or the Contractor reserves the right to cancel the whole or part of this Agreement with or without cause and for any reason or no reason by giving 60 days written notice to the Contractor.

However, in the event that this Agreement is terminated the Town shall pay Contractor in full for all services already rendered pursuant to Section II, exclusive of any markup for profit or expected compensation following such termination, and all future obligations under this Agreement shall cease. This Agreement is subject to termination pursuant to A.R.S. § 38-511.

## Section V. Successors and Assigns

Neither this Agreement, nor any obligation of Contractor hereunder, shall be assigned in whole or in part by Contractor without the prior written consent of the Town Manager.

## Section VI. Waiver and Severability

A waiver of any part of this Agreement, whether express or by conduct, shall not constitute a continuing waiver of such part (unless explicitly stated to be so), or a waiver of any other part, nor shall a waiver of any breach of this Agreement, or any part of it, whether express or by conduct, constitute a waiver of any succeeding breach. The provisions of this Agreement shall be severable such that if any provision shall be deemed to be invalid and unenforceable for any reason, such invalidity or unenforceability shall not affect the remaining provisions hereof.

## **Section VII. Whole Agreement**

This Agreement, represent the parties' whole Agreement. There are no other promises, terms, conditions or obligations, and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written.

## **Section VIII. Construction**

This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.

## **Section IX. Professional Liability Insurance**

The Contractor agrees to procure and maintain, at Contractor's sole expense, and to provide the following:

1. Certificate of Insurance (CIO) for a General Liability Insurance Policy with a limit of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate against claims for bodily injury, death and property damage and names the Town of Camp Verde, AZ as an additional insured in connection with the consulting services as provided herein.
2. To procure and maintain, at consultant's sole expense, and provide Certificate of Insurance for a Professional Liability Insurance Policy with a limit of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate against claims for bodily injury, death and property damage as a result of the Town Prosecution Services.
3. Certificate of Insurance showing workers' compensation coverage.
4. The Consultant shall keep said policies in force for the duration of the Agreement and for any possible extension thereof.
5. All COI's captioned above and the fully executed said Agreement shall be returned simultaneously to the Town. Upon the Town's receipt of all the aforementioned documents the Agreement will be considered fully executed.
6. The Consultant's liability under this Agreement is not in any way limited by the insurance required by this Agreement.

## **Section X. Indemnity**

The Contractor agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Town, its elected officials, officers, directors and employees (collectively, the "Indemnified Parties") against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Contractor's negligent performance of professional services under this Agreement or willful misconduct.

## **Section XI. Compliance with Federal and State Laws**

The Contractor understands and acknowledges the applicability to it of the Americans with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989.

Under the provisions of A.R.S. §41-4401, Contractor hereby warrants to the Town that the Contractor and each of its SubContractors ("SubContractors") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter "Contractor Immigration Warranty").

A breach of the Contractor Immigration Warranty shall constitute a material breach of the Agreement and shall subject the Contractor to penalties up to and including terminations of this Agreement at the sole discretion of the Town.

The Town retains the legal right to inspect the papers of any Contractor or SubContractor's employee who works on this Agreement to ensure that the Contractor or any SubContractor is complying with the Contractor Immigration Warranty. Contractor agrees to assist the Town in regard to any such inspections.

The Town may, at its sole discretion, conduct random verification of the employment records of the Contractor and any of the SubContractors to ensure compliance with Contractor's Immigration Warranty. Contractor agrees to assist the Town in regard to any random verifications performed.

Neither the Contractor nor any of the SubContractors shall be deemed to have materially breached the Contractor Immigration Warranty if the Contractor or SubContractor establishes that is has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement in duplicate originals, this the \_\_\_\_ day of \_\_\_\_\_, 2009.

APPROVED AS TO FORM:

Town of Camp Verde:

\_\_\_\_\_  
Bill Sims, Town Attorney

By: \_\_\_\_\_  
Bob Burnside, Mayor

Contractor:

By: \_\_\_\_\_  
Thomas K. Kelly, P. C.  
Town Prosecutor

Date: \_\_\_\_\_

ATTEST:

The Mayor and Council approved this agreement for execution at the regular session of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Town Clerk

The contract was reviewed and delivered, as signed by the Town, to the Contractor on \_\_\_\_\_

\_\_\_\_\_ 2009 by \_\_\_\_\_

## Scope of Services

### I

CONTRACTOR shall provide those services set forth herein and under the following terms and conditions included herein.

### II

The conduct and control of work under this Agreement lies solely with CONTRACTOR, and the TOWN is interested only in final results to be achieved. The TOWN shall be permitted to retain other CONTRACTORS performing the same or similar tasks, and CONTRACTOR shall be permitted to provide services to other parties, consistent with CONTRACTOR'S obligation to complete the services undertaken pursuant to the terms of this Agreement and consistent with CONTRACTOR'S ethical obligations.

### III

If CONTRACTOR is unable to handle prosecution of a case due to a conflict of interest or other good cause shown, the case shall be handled through the Town Attorney or a qualified, licensed attorney in good standing with the State Bar of Arizona, acting as the outside conflict prosecutor.

### IV

CONTRACTOR shall provide quarterly written reports concerning the performance of services under this Agreement and meet with the Town staff to review the quarterly reports. Also, upon expiration or other termination of this Agreement, CONTRACTOR shall provide a written report to the TOWN summarizing the results of the services performed hereunder and the state of the prosecutorial operations.

### V

All reports and other work products produced by CONTRACTOR, as a part of the services rendered under this Agreement shall be provided to and be the sole property of the TOWN. CONTRACTOR shall not release such work product or other information obtained or produced pursuant to this Agreement without the prior written consent of the TOWN.

### VI

The parties agree to comply with Arizona Executive Order 99-4, prohibiting discrimination in employment by government Contractors, to the extent applicable to this Agreement.

### VII

CONTRACTOR agrees to attend all Town Council meetings at the request of the Town Council or staff as related to the prosecution services for the TOWN and the terms and conditions of this Agreement.

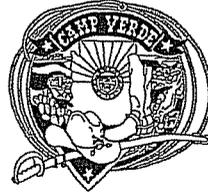
### VIII

CONTRACTOR agrees to provide on-going training with the Town Marshal's office, and to coordinate necessary training with any other governmental entities, necessary for the continued cooperation and communication between TOWN prosecution services and law enforcement services, as deemed necessary by the TOWN, Town Attorney or CONTRACTOR.

### IX

All books, accounts, reports, files and other records relating to this Agreement shall be maintained and shall be subject at an reasonable times to inspection and audit by the TOWN for five (5) years after completion of this Agreement. Such records shall be produced by a place designated by the TOWN, upon reasonable notice to the CONTRACTOR.

# TOWN OF CAMP VERDE



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

I, **Bob Kovacovich** 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** FOR THE TOWN OF CAMP VERDE, ARIZONA, ACCORDING TO THE BEST OF MY ABILITY, SO HELP ME GOD.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

*Subscribed and sworn to before me this 3<sup>rd</sup> day of June, 2009.*

\_\_\_\_\_  
Rodger Overholser, Magistrate  
Town of Camp Verde

## TOWN OF CAMP VERDE



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

I, ***Robin Whatley*** 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*** FOR THE TOWN OF CAMP VERDE, ARIZONA, ACCORDING TO THE BEST OF MY ABILITY, SO HELP ME GOD.

\_\_\_\_\_  
DATE

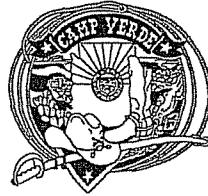
\_\_\_\_\_  
SIGNATURE

*Subscribed and sworn to before me this 3<sup>rd</sup> day of June, 2009.*

\_\_\_\_\_  
Rodger Overholser, Magistrate  
Town of Camp Verde

[Back to Top](#)

## TOWN OF CAMP VERDE



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

I, **Jackie Baker** 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** FOR THE TOWN OF CAMP VERDE, ARIZONA, ACCORDING TO THE BEST OF MY ABILITY, SO HELP ME GOD.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

*Subscribed and sworn to before me this 3<sup>rd</sup> day of June, 2009.*

\_\_\_\_\_  
Rodger Overholser, Magistrate  
Town of Camp Verde

[Back to Top](#)

## TOWN OF CAMP VERDE



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

I, **Bob Burnside** 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 **Mayor** FOR THE TOWN OF CAMP VERDE, ARIZONA, ACCORDING TO THE BEST OF MY ABILITY, SO HELP ME GOD.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

*Subscribed and sworn to before me this 3<sup>rd</sup> day of June, 2009.*

\_\_\_\_\_  
Rodger Overholser, Magistrate  
Town of Camp Verde

[Back to Top](#)

#10



**TOWN OF CAMP VERDE  
AGENDA ACTION FORM**

**Meeting Type:** Regular **Meeting Date:** Jun 3, 2009 **Type of Presentation:** Verbal

**Reference Document:**

Resolution

**Agenda Title: (Be Exact):**

Discussion, consideration and possible approval of Resolution 2009-773, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona establishing that the widening and improvements to State Route 260 is the top priority for the Town of Camp Verde and the Verde Valley.

**Purpose and Background Information:**

Former Council Member Ron Smith requested this item at the May 27, 2009 meeting.

**Staff Recommendation(s): (Suggested Motion)**

Approve Resolution 2009-773, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona establishing that the widening and improvements to State Route 260 is the top priority for the Town of Camp Verde and the Verde Valley.

**Comments:**

Staff has included in the packet a copy of the letter from Chip Davis and the Resolution.

**Fund:** N/A **Line Item:** **Attorney Reviewed**  Yes  No  N/A

**Comments from Attorney:**

**Submitting Department:** Clerk **Contact Person:**

Back to Top Rev 2-09

[Back to Top](#)



**RESOLUTION 2009-773**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL  
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,  
ESTABLISHING THAT THE WIDENING AND IMPROVEMENTS  
TO STATE ROUTE 260 FROM I-17 TO THOUSAND TRAILS  
IS A TOP PRIORITY OF THE TOWN OF CAMP VERDE  
AND THE VERDE VALLEY**

**WHEREAS**, numerous and fatal accidents have occurred on this stretch of State Route 260; and

**WHEREAS**, the State, Local, and County governments are charged with protecting the health, safety, and welfare of the citizens of Camp Verde and the Verde Valley; and

**WHEREAS**, the Verde Valley Transportation Planning Organization (VVTPO) met and voted unanimously that SR 260 is a top priority in the Verde Valley; and

**WHEREAS**, the Verde Valley communities will submit letters and resolutions of support at the June 19, 2009 State Transportation Board meeting and submit for the Transportation Investment Generating Economic Recovery (TIGER) stimulus competitive program;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Common Council of the Town of Camp Verde strongly support the VVTPO's unanimous vote to declare that the SR 260 Highway Corridor as the most significant and needed road project for the Verde Valley region with the following criteria: 1) intersections no less than one mile apart on the remaining eight-mile stretch; and 2) to pursue the construction of the Forest Service alignment from Thousand Trails to General Crook Trail if intersections become less than one mile apart. **WHEREAS**, the health, safety, and welfare of the citizens of Camp Verde and the Verde Valley is vital consideration; and

**PASSED AND ADOPTED** by the Mayor and Council of the town of Camp Verde, Arizona, this 3<sup>rd</sup> day of June 2009.

\_\_\_\_\_  
Bob Burnside, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Deborah Barber, Town Clerk

\_\_\_\_\_  
Town Attorney

# Board of Supervisors District 3



**A.G. "CHIP" DAVIS**  
**Supervisor, District 3**  
10 S. Sixth Street  
Cottonwood, AZ 86326  
(928) 639-8110

May 27, 2009

**TO:** Honorable Mayor Tony Gioia, Town of Camp Verde  
Honorable Mayor Doug Von Gausig, Town of Clarkdale  
Honorable Mayor Diane Joens, City of Cottonwood  
Honorable Mayor Al Palmieri, Town of Jerome  
Honorable Mayor Rob Adams, City of Sedona  
Honorable Chairman Thomas Beauty, Yavapai-Apache Nation

**RE:** State Route 260 – Regional Priority

Dear Verde Valley Mayors and Chairman:

Would you and your Councils consider the establishment of SR 260 highway corridor as the most significant and needed road improvement project for our region?

We would like to take a two-prong approach and establish this corridor on ADOT's five year plan and also apply for the Transportation Investment Generating Economic Recovery (TIGER) stimulus competitive program.

At our May 27<sup>th</sup> Verde Valley Transportation Planning Organization (VTPO) meeting those attending agreed and voted unanimously that SR 260 is the top priority with the following criteria:

- Intersections no less than one mile apart on the remaining eight mile stretch.
- Pursue the construction of the forest service alignment from Thousand Trails to General Crook Trail if intersections become less than one mile apart.

We would like to present a united front at the June 19, 2009 State Transportation Board meeting to be held in Cottonwood and let them know SR 260 is our priority for road improvements. If your Councils vote is positive, please submit a support resolution or letter to our office. We will package the support letters/resolutions for the State Transportation Board presentation on June 19<sup>th</sup> and submit for the TIGER stimulus program.

Thank you and we look forward to hearing from you soon.

Best regards,

A handwritten signature in black ink, appearing to be "A.G. Davis", written in a cursive style.

A.G. "Chip" Davis  
District 3 Supervisor

# 11

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

Meeting Date: **June 3, 2009**

Meeting Type: **Regular Session**

Type of Presentation:

**REFERENCE DOCUMENT:**

Cornfest Liquor Licenses

**AGENDA TITLE: (Be Exact):**

Discussion, consideration and possible approval of the Special Event Liquor License for the Verde Valley Rangers Mounted Sheriff's Posse for the Annual Cornfest scheduled for July 18, 2009.

**PURPOSE AND BACKGROUND INFORMATION:**

On February 18, 2009, you approved the Verde Valley Rangers Mounted Sheriff's Posse's annual event calendar in which they would sell alcohol. This is the liquor license for the Annual Cornfestg.

**STAFF RECOMMENDATION(S): (Suggested Motion)**

Approve the special event liquor license for the Verde Valley Rangers Mounted Sheriff's Posse for the Annual Cornfest that is scheduled for July 18, 2009.

**Type of Document Needing Approval:**

**Finance Director Review**

Budgeted/Amount

Attorney Review  Yes  No

Attorney Comments

Fund:

Line Item:

Submitting Department: **Parks & Recreation**

Contact Person: **Lynda Moore**

Town Manager/Designee:

[Back to Top](#)



10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?  
 YES  NO (attach explanation if yes)

11. This organization has been issued a special event license for 6 days this year, including this event  
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event?  YES  NO  
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.  
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL  
EVENT LIQUOR SALES.**

Name VERDE VALLEY MOUNTED SHERIFF'S ROSE 100%  
Percentage  
Address P.O. BOX 2866, CAMP VERDE, AZ 86322

Name \_\_\_\_\_ Percentage \_\_\_\_\_  
Address \_\_\_\_\_  
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.  
**"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."**

15. What security and control measures will you take to prevent violations of state liquor laws at this event?  
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

2 # Police  Fencing  
5 # Security personnel  Barriers

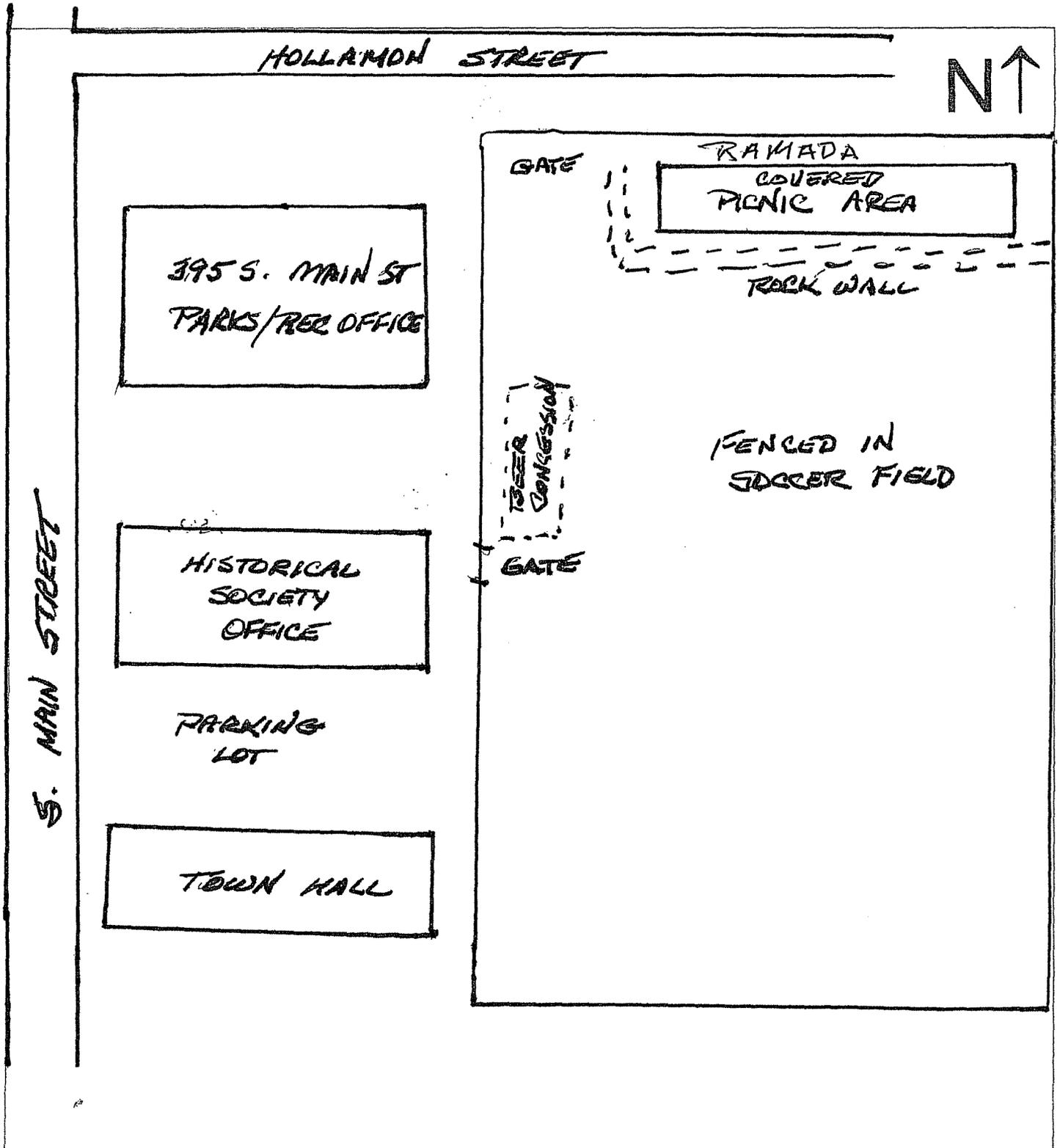
16. Is there an existing liquor license at the location where the special event is being held?  YES  NO  
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use?  YES  NO  
**(ATTACH COPY OF AGREEMENT)**

\_\_\_\_\_  
Name of Business ( ) Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

**SPECIAL EVENT LICENSED PREMISES DIAGRAM**  
(This diagram must be completed with this application)

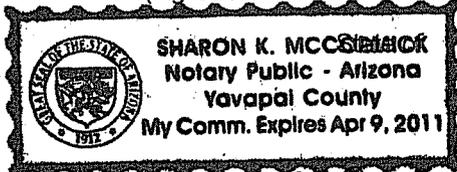
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)  
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



**THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1**

18. I, DAVID REZZONICO declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] (Signature) CAPT (Title/Position) 5/15/09 (Date) (928) 301-1007 (Phone #)



Yavapai County of Arizona  
The foregoing instrument was acknowledged before me this 15<sup>th</sup> May 2009  
Day Month Year

My Commission expires on: 4-9-2011 (Date)

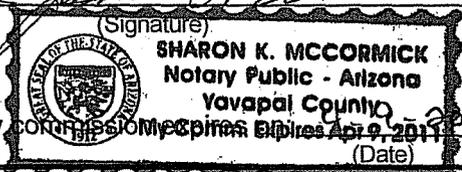
Sharon K. McCormick (Signature of NOTARY PUBLIC)

**THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6**

19. I, JAMES L. WILLIAMS declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X [Signature] (Signature)

State of Arizona County of Yavapai  
The foregoing instrument was acknowledged before me this



26<sup>th</sup> May 2009  
Day Month Year

My Commission expires on: 4-9-2011 (Date)

Sharon K. McCormick (Signature of NOTARY PUBLIC)

**You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.**

**LOCAL GOVERNING BODY APPROVAL SECTION**

20. I, \_\_\_\_\_ (Government Official) \_\_\_\_\_ (Title) hereby recommend this special event application on behalf of \_\_\_\_\_ (City, Town or County) \_\_\_\_\_ (Signature of OFFICIAL) \_\_\_\_\_ (Date)

**FOR DLLC DEPARTMENT USE ONLY**

Department Comment Section:

\_\_\_\_\_  
(Employee) \_\_\_\_\_ (Date)

APPROVED  DISAPPROVED BY: \_\_\_\_\_  
\_\_\_\_\_  
(Title) \_\_\_\_\_ (Date)

#12



**TOWN OF CAMP VERDE  
AGENDA ACTION FORM**

**Meeting Type:** Regular **Meeting Date:** Jun 3, 2009 **Type of Presentation:** Verbal

**Reference Document:**

Letter

**Agenda Title: (Be Exact):**

Discussion, consideration and possible appointment to the the Board of Adjustment and Appeals. The Term of Office expires September 2011.

**Purpose and Background Information:**

We have one vacancy on the Board of Adjustments. Staff has been advertising and received 2 letters of interest, but one person decided to withdraw his Letter.

**Staff Recommendation(s): (Suggested Motion)**

Move to fill the vacancy on the Board of Adjustments for a term of office expiring September 2011.

**Comments:**

**Fund:** N/A **Line Item:** **Attorney Reviewed**  Yes  No  N/A

**Comments from Attorney:**

Not Applicable

**Submitting Department:** Clerk

**Contact Person:** Deborah Barber

Back to Top Rev 2-09

[Back to Top](#)



05-18 0904:34 RVD

Name: Jim Bullard Date: 5-18-09

Home Address: 2250 N. Amorice Dr., Camp Verde, AZ 86322

Mailing Address, if different:

Email Address: jb2squared@hotmail.com

Home Telephone: cell 928-301-8011 Work Telephone:

Are you a resident of the Town of Camp Verde?  Yes  No

Do you own commercial property in the Town of Camp Verde?  Yes  No

Length of residency in the Town of Camp Verde: 45 yrs.

Do you operate a business in Camp Verde?  Yes  No

Name and address of business (if applicable): Camp Verde Water System

If you are not in business in The Town of Camp Verde, please list your occupation; or if retired, please indicate your former occupation or profession:

Are you now serving, or have you ever served, on a Town of Camp Verde board or commission?  Yes  No If yes, please list names of board/commission and dates served:

**Board & Commission preference (s):** Refer to the last page for a list of Boards & Commissions. List your choices in order of preference:

1. Board of adjustments & appeals 3.

2. 4.

**Education and Community Service**

Schools Attended:	Degree:	Year:
<u>Camp Verde</u>	<u>HS</u>	<u>1970</u>
<u>NAU</u>		<u>1978-1973</u>

Civic Activities-Service Organizations	Office Held:	Year Begun:	Year Ended:
<u>E.V. Planning &amp; Zoning Commission</u>		<u>2002?</u>	<u>2006?</u>
<u>IL</u>			

Please state why you would like to be appointed to a Town Board, Commission, or Committee: It sounds like need people & I want to help our community

What do you believe is the key responsibility of Board, Commission or Committee member to: (a) The Town Council, (b) The citizens of Camp Verde (c) other Board, Commission or Committee members?

(a) Follow The Town Code at best of my ability & be Respectful

(b) Same as A.

(c) Same as A

Please state the reasons why you feel you are qualified to serve on a Board, Commission or Committee:

*I was a class B General Housing contractor. Went to school for 12 yrs in Camp Verde. Saw a lot of changes and have a great respect for our community*

Applications are kept on file for two years. During that time, your application will be considered when there is an opening for the Board or Commission for which you have applied. As a candidate to a Board, Commission or Committee, your name, address and telephone number will be available to the media and public.

Please notify the Clerk's Office at (928) 567-6631, extension 100 if you move or no longer wish to be considered for appointment.

If you have a current resume and/or certificate that may be applicable to your Board, Commission or Committee interest, please attach a copy to this application.

Mail or deliver your completed application to: Town of Camp Verde, Attn: Clerk's Office, 473 S. Main Street, Camp Verde, AZ 86322.

If appointed to a Board/Commission/Committee, I understand that Members of boards or commissions may be removed for cause including excessive lack of attendance, absences of three consecutive meetings or more than half of all scheduled meetings in any municipal year, or improper conduct as determined by the Mayor and Council.

Applicant's Signature: Jim Bullard Date: 5-18-09

	Date:
Date Contacted & Invited to Appear before Council:	
Staff Contacting Individual:	
Date Appointed by Council:	
Board or Commission appointed to:	

[Back to Top](#)

**Agreement for Contracted Services  
Between  
The Town of Camp Verde  
and the  
Camp Verde Chamber of Commerce**

This agreement is entered into this 2 day of Sept., 2008 by and between the Chamber of Commerce, a non-profit corporation, hereinafter referred to as "Chamber" and the Town of Camp Verde, a municipal corporation, hereinafter referred to as "Town"

**WHEREAS**, pursuant to A.R.S. § 9-500.11, the Town desires to appropriate funds to promote development and enhance tourism by promoting Camp Verde as a destination and by assisting visitors to Camp Verde with information and facilities which improve the quality of their experience when in Camp Verde; and

**WHEREAS**, the Town receives a significant portion of its tax revenue from tourist spending in the community and sales tax revenue from businesses; and

**WHEREAS**, the Town desires to maintain a strong and vital local economy and to assist in the retention of existing businesses and the attraction of new businesses that are deemed desirable; and

**WHEREAS**, the Chamber is qualified and has the experience, organization and facilities to provide business services to new commercial and retail businesses coming into the community; and

**WHEREAS**, the Town and Chamber both have the desire and the commitment to build a strong local economy and promote Camp Verde.

**PURPOSE OF THE AGREEMENT**

Town hereby retains the Chamber to promote, develop and enhance tourism and economic development for the Town and its surrounding areas, and to render specific professional and technical services to the Town. It is understood and agreed that the Chamber, while retained under this Agreement, will also be rendering other services to its members.

***NOW, THEREFORE IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS OF THE PARTIES, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:***

1. The Town agrees to appropriate, Seventy Thousand Dollars (\$70,000.00) for the fiscal year 2008-2009. The funding will be allocated as follows: FORTY-SEVEN THOUSAND, TWO HUNDRED and FIFTY DOLLARS (\$47,250.00) will be used for the purposes of staffing and operating a Visitor Center. TWENTY-TWO THOUSAND, SEVEN HUNDRED and FIFTY (\$22,750) will be used for tourism in promoting and marketing Camp Verde as a destination point. The Town agrees to make payment to the Chamber in four (4) installments (equal to \$17,500.00) on July 1, 2008; October 1, 2008; January 1, 2009; and April 1, 2009.
2. In addition, to the budgeted base funding, during FY 2008/2009 as a performance based incentive the Town agrees to advance the Chamber FIFTY PERCENT (50%) of the Town of Camp Verde Bed Tax Revenues in *EXCESS* of ONE HUNDRED and THIRTY-FIVE THOUSAND DOLLARS (\$135,000) up to a *MAXIMUM* of TWENTY-THOUSAND DOLLARS (\$20,000).
3. The Chamber shall maintain and staff the Visitor Center within the Town. The Visitor Center will be open to the public during the weekdays and weekends to answer all correspondence, telephone, or walk-in inquiries for general information relating to Camp Verde. The Visitor Center will be open, except Christmas, Thanksgiving and the New Year's holiday and for special day like Easter and the Fourth of July
4. The Chamber will utilize Destination Marketing to attract tourists to Camp Verde for overnight visitation.

In addition, the Town agrees to make a one-time payment of SIXTEEN THOUSAND, TWO HUNDRED, and SIXTY-ONE DOLLARS (\$16,261.00) for the Arizona Office of Tourism TEAM Grant Matching Funds Grant. The Town's required match of SIXTEEN THOUSAND, TWO HUNDRED, and SIXTY-ONE DOLLARS (\$16,261.00) will be used by the Chamber for funding specific Destination Marketing per Arizona TEAM Grant specifications and the Marketing Plan submitted to the Arizona Office of Tourism by the Chambers in the Verde Valley Region.

5. The Chamber agrees to help in the promotion of the two (2) major Town events (Wine & Pecan Festival and Fort Verde Days) by submitting PSA's to newspapers in Arizona and scheduling radio and TV interviews when event coordinators can support this activity. The Chamber's responsibility for event marketing is areas outside a 60-mile radius of Camp Verde due to the provisions of the Arizona Office of Tourism Team Grant. Promotional information needs to be submitted to the Chamber six (6) months prior to the event.
6. Reporting: the Chamber will meet with the Town Council Liaison to the Chamber and the Town Manager on an as needed basis, but not less frequently than on a quarterly basis.
7. Coordination: The representatives as referenced in item 6 will meet periodically with the Chamber of Commerce to discuss the coordination between the Town and the Chamber on items of mutual interest that promote tourism, economic development and visitor information.
8. The Chamber agrees to provide the Town with a copy of its annual financial statement. The Town shall have the right to conduct such audits of the Chamber, as may deem necessary, with reasonable notice to the Chamber.
9. TERMINATION: if and in the event that, a dispute between the parties arises as to the service to be provided under this agreement, then the Town and the Chamber shall attempt to resolve said dispute.
10. TERM: this agreement is will be in force from July 1, 2008 through June 30, 2009. The Town will provide use of the Visitor Center to the Chamber of Commerce under the terms and conditions as exist under the current lease July 1, 2008 (see lease). **Please Note the termination clause in this years' lease.** Effective upon termination of said lease, it is the Town of Camp Verde's intention to utilize the building for purposes of occupying the facility with Town activities.
11. Town Duties
  - a. At the request of the Chamber, the Town shall disclose to the Chamber any information that pertains to the business community that may be legally released.
  - b. Town shall make available Town's facilities as it deems necessary to accommodate activities associated with Chamber business.
  - c. Town shall manage the Business Recruitment Program.
  - d. Town shall provide the Chamber with information in regard to Business Recruitment Program as it pertains to Chamber's projects.
12. This agreement is entered into in the State of Arizona and shall be construed and interpreted under the laws of the State of Arizona including, without limitation, the provisions of A.R.S. § 38-511.

*INDEPENDENT CONTRACTOR*

1. The parties agree that the Chamber provides specialized services and that the Chamber enters this agreement with the Town as an independent contractor. Nothing in this contract shall be construed to constitute the Chamber, nor any of its personnel, volunteers, or directors, as agents, employees, or representatives of the Town of Camp Verde.
2. As an independent contractor, the Chamber is solely responsible of all labor and expenses in connection with this agreement and for any and all damages, which may arise during the operation of this agreement.
3. The Chamber of Commerce tenant agrees to procure and maintain - at its sole expense - a policy of General Liability insurance limit of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate against claims for bodily injury, death and property damage and names the of Town of Camp Verde, AZ as an Additional Insured in connection with the Chamber of Commerce facilities as provided herein; the tenant shall keep said policy in force for the duration of this lease, and for any extension thereof. The tenant shall provide the town with the Certificate of Insurance (COI) evidencing such insurance coverage. This aforementioned COI and the fully executed lease agreement shall be returned simultaneously to the Town. Upon the Town's receipt of both the aforementioned documents the agreement will be considered fully executed.
4. It is understood and agreed that the Chamber is free to contract with other parties or to otherwise provide additional services.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials on Sept. 2 2008.

Tony Gioia 9/2/08  
Tony Gioia, Mayor

Attest: Deborah Barber  
Debbie Barber, Town Clerk

APPROVED AS TO FORM:

Bill Sims  
Bill Sims, Town Attorney

APPROVAL AND EXECUTION BY TENANT

PASSED AND APPROVED BY CHAMBER OF COMMERCE ON THE \_\_\_\_\_  
\_\_\_\_\_ Day of \_\_\_\_\_ 2008

Camp Verde Chamber of Commerce  
By: Mary Taylor  
Mary Taylor, Chamber of Commerce President

ATTEST:

Camp Verde Chamber of Commerce  
By: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Municipal Lease  
Between  
The Town of Camp Verde  
and the  
Camp Verde Chamber of Commerce**

August 20, 2008

LANDLORD: Town of Camp Verde, an Arizona municipal corporation  
473 South Main Street, Ste. 102  
Camp Verde, AZ 86322

TENANT: Camp Verde Chamber of Commerce  
385 South Main Street  
Camp Verde, AZ 86322

**WHEREAS**, the Landlord and Tenant agree it would be in the public interest to establish larger facilities for use by the Chamber of Commerce, and other related public agencies, for promotion of economic development and tourism as a visitor's center; and

**WHEREAS**, the Town has provided a remodeled building at 385 South Main Street, formerly known as "Custards", and related parking areas, located at the entrance to Fort Verde Historic State Park from Main Street that would serve as a gateway center for future development connecting the downtown area and the Fort; and

**WHEREAS**, the parties have entered into a contract for promotion of tourism and economic development,

***NOW, THEREFORE, THE LANDLORD AGREES TO EXECUTE THIS LEASE WITH THE TENANT ON THE FOLLOWING MUTUALLY AGREEABLE TERMS AND CONDITIONS:***

1. **Property and Use:** Tenant shall lease the 385 South Main Street building, other than areas reserved by the Town for municipal use, and adjoining parking areas, for its office facility both to fulfill the terms of services contract with the Town, and its role as the administration center for its member businesses and the public. Tenant shall allow other public agencies, as authorized by the Town Manager, space for displays and volunteers from those agencies that will present tourist and related information to visitors. A conference room will be available for Town Staff's use to be scheduled by the Town Manager (or his/her designee), through the Chamber Director. The Chamber will be responsible for all scheduling and coordinating use of the building.
2. **Term:** The term of the lease shall be for one and half (1.5) years from July 1, 2008 to December 31, 2009. The Term may be reduced if the service contract

between the Town and the Chamber is terminated. Effective upon termination of said lease, it is the Town of Camp Verde's intention to utilize the building for purposes of occupying the facility with Town activities.

3. **Improvements:** Tenant will not make any modifications or improvements to the property without the prior consent of the Landlord. Any office equipment, supplies, or other fixtures brought to the property shall remain the property of the Tenant.
4. **Rent:** Payment of rent during the term of the lease shall be the nominal sum of \$1.00 *per year*, acknowledging that the occupancy and use of the premises for visitor services will be a benefit of the citizens of the Town and the surrounding communities.
5. **Utilities:** Costs of the utilities to the premises such as electrical service and any separate heating/cooling costs, where they may be prorated, shall be the responsibility of the Tenant.
6. **Sublease:** Tenant will not sublease any portion of the premises without the written consent of the Landlord.
7. **Insurance:** The Chamber of Commerce tenant agrees to procure and maintain - at its sole expense - a policy of General Liability insurance limit of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate against claims for bodily injury, death and property damage and names the of Town of Camp Verde, AZ as an Additional Insured in connection with the Chamber of Commerce facilities as provided herein; the tenant shall keep said policy in force for the duration of this lease, and for any extension thereof. The tenant shall provide the town with the Certificate of Insurance (COI) evidencing such insurance coverage. This COI and the fully executed lease agreement shall be returned simultaneously to the Town. Upon the Town's receipt of both the aforementioned documents the agreement will be considered fully executed.
8. **Maintenance:** Tenant will maintain the premises in the condition of the facility at the time of initial occupancy, and Landlord shall maintain the heating/cooling and other services.
9. **Signs:** Tenant will not install any exterior signage on the building without the prior approval of the Landlord.
10. **Remodeling:** The building and surrounding property are an integral part of the pending Main Street/Hollamon Street redesign project that will link the historic areas of the Town with Fort Verde Historic State Park. The Landlord reserves the right to effect changes in the building structure, parking, and access consistent with the project and surrounding parking areas that indicates the primary uses of the facility.

right to effect changes in the building structure, parking, and access consistent with the project and surrounding parking areas that indicates the primary uses of the facility.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials on Sept, 2 2008.

Tony Gioia 9/2/08  
Tony Gioia, Mayor

Attest: Deborah Barber  
Debbie Barber, Town Clerk

APPROVED AS TO FORM:

Bill Sims  
Bill Sims, Town Attorney

APPROVAL AND EXECUTION BY TENANT

PASSED AND APPROVED BY CHAMBER OF COMMERCE ON THE \_\_\_\_\_  
\_\_\_\_\_ Day of \_\_\_\_\_ 2008

Camp Verde Chamber of Commerce  
By: Mary Taylor  
Mary Taylor, Chamber of Commerce President

ATTEST:

Camp Verde Chamber of Commerce  
By: \_\_\_\_\_

Print Name: \_\_\_\_\_

There was no public input.

A recess was called at 8:03 p.m.; the meeting was called back to order at 8:14 p.m.

Note: Items 14 and 17 were heard in advance of the following Item 9.



9. **Presentation by a Chamber of Commerce Representative followed by discussion, consideration and possible direction to the Manager with respect to the Town's financial support of the Chamber's FY 2009/10 Budget, 12 month funding request as follows: 1)\$70,000 for the Chamber Visitors' Center and tourism operations; 2) An amount not to exceed \$35,000 for matching funds as required by the Chamber of Commerce's application to the Arizona Office of Tourism for the local and regional TEAM Grant that will be used for marketing, advertising, and promoting Camp Verde. (Staff Resource: Michael K. Scannell)**  
On a motion by Gioia, seconded by Garrison, the Council voted unanimously to accept the recommendation of staff to allow a quarterly draw-down for the first quarter, including backing the TEAM Grant.

\* Town Manager Scannell indicated that he was asking for Council guidance on responding to the request from the Chamber for future funding for the year beginning on July 1, 2009, and proposed funding for the subject TEAM Grant. Scannell added that at this time he is recommending funding for only the first quarter, but anticipated that he subsequently will be requesting funding for the remainder of the fiscal year, for a total of \$70,000. Scannell pointed out that he believes the Chamber has been doing an outstanding job and deserves the assistance.

Mary Taylor gave an update on the programs and successes of the Chamber of Commerce, and allocation of the requested funding and the effect of State grants that have been cut this year; her presentation was followed by a brief discussion with the Council on the benefits to the Town that she had outlined; without adequate funding for the Chamber it may become just a Visitors' Center. Ms. Taylor said that the small staff of the Chamber would make it impossible to take over a major event, as had been suggested; they could help with coordination of volunteers only.

#### **PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Ginger Mason** wanted to also mention that a lot of the folks involved with the Chamber are volunteers; Board members do help to market events through the Chamber and will continue to do so, no matter who takes over the events discussed earlier.

**Jackie Baker** commended Ginger Mason and Mary Taylor as two of the best volunteers anyone could ask for; she is encouraged by the allocation of the funding as outlined by Ms. Taylor, as well as evidence of the Chamber's efforts to publicize Camp Verde. Baker believes that the events can certainly be handled by volunteers.

There was no further public input.

10. **Presentation, discussion and possible direction to staff concerning the attached recommendation of the merchant group for addressing their concern with the recently adopted amendment to Section 118 of the Planning and Zoning Ordinance dealing with A-Frame signs. (Staff Resource: Nancy Buckel)**  
On a motion by Hauser, seconded by Garrison, the Council voted 4-2 to accept the recommendation by staff as set forth in the Agenda packet, to follow the outlined procedure, and that the \$620 blanket variance fee not be waived; with 'no' votes by Smith and Kovacovich.

Community Development Director Buckel outlined the history of dealing with the A-Frame signs issue, including the public meetings held by both the Planning & Zoning Commission and Council, ending with direction to staff to meet with the business community to work out a strategy that would more fairly address the needs of the merchants in light of the current economic situation. The resulting agreement has been memorialized in a letter from the merchants outlining the proposed process; however, staff is recommending that the Council not approve the request for the \$620 blanket variance fee. The merchants are requesting only a period of two years. Letters have been sent to all the business owners notifying them of the opportunity to participate in the merchant group.

**Bill Carter**, on behalf of the merchants group, said that they are elated at the support and guidance received from staff and the Town Manager regarding how to negotiate the proposed variance process. Carter confirmed that the merchants are requesting a two-year blanket variance from the current prohibition of A-frame signs, and that the fee of \$620 for the blanket variance be waived. The Council discussed with Mr. Carter the number of merchants currently

#14

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

**Meeting Date:** 6-3-09

**Meeting Type:** Regular Session

**Type of Presentation:** Verbal Only

**REFERENCE DOCUMENT:**

**AGENDA TITLE: (Be Exact):**

Discussion, consideration, and possible approval of Resolution 2009-766, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolutions 98-403, 99-426, 99-432, 00-447, 02-538, 03-568, 08-745, and 08-751 and establishing Town Council Rules and Procedures for Council and all Town Boards, Commissions, and Committees

**PURPOSE AND BACKGROUND INFORMATION:**

Council directed staff to prepare a Policy & Procedures Documents that incorporated Robert's Rules and Order in March 2009. A draft copy was given to Council members in May. The attorney reviewed 3 sections of the document and Council members provided comments and suggestions. The document changes are noted in the attached memo. The document before you is ready for review and approval.

**STAFF RECOMMENDATION(S): (Suggested Motion)**

Approve Resolution 2009-766, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolutions 98-403, 99-426, 99-432, 00-447, 02-538, 03-568, 08-745, and 08-751 and establishing Town Council Rules and Procedures for Council and all Town Boards, Commissions, and Committees

**Type of Document Needing Approval:**

**Finance Director Review**

Budgeted/Amount

N/A

**Comments:**

**Fund:**

**Line Item:**

**Submitting Department:** Clerk's Office

**Contact Person:** Deborah Barber

**Town Manager/Designee:**

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

# Memorandum Clerks Office



---

**To:** Mayor and Council  
**From:** Debbie Barber, Town Clerk  
**Date:** June 3, 2009  
**Re:** Council Rules and Procedures Manual

---

The attached document was distributed to Council members and Council Members-elect for review and comment in May 2009. I received outstanding comments and suggestions and the majority of them have been incorporated into the document that is before you for approval. Because the comments were valid and important, I chose not to perform a 'track changes' type of document, but rather I will list below the sections that were rewritten so that you could have a 'clean document' for your consideration and approval. I received comments from Council members German, Whatley, and former Mayor Gioia.

I wish to extend my sincere appreciation to Council Member Carol German who lent her expertise with Robert's Rules of Order to ensure that this document was comprehensive, well written, and accurate with regard to the 'form' of Robert's Rules that we will follow now and into the future.

The changes are as follows:

- Section 7.5 Motion to Table – rewritten
- Section 8.1.B – added "if called for by voice, roll call, or other method"
- Section 8.4 – Reconsideration – rewritten
- Section 4.4.C – rewritten
- Section 5.10 – changed to "This will be monitored by the Mayor or Chair."
- Section 5.1 – added "as approved by the Mayor and Manager."
- Section 5.2 – last paragraph – deleted "and before a motion is made".
- Section 5.11.B – Consent Agenda – added "proclamations" to items that will be read aloud.
- Section 5.12.B – deleted reference to Speaker Request Forms.
- Section 7.4 Motion to Postpone – rewritten
- Section 7.5 Motion to Table – rewritten
- Section 10.1 Conflict of Interest Law – added "or proprietary"
- Section 10.4 Disclosure of Interest – deleted duplicate sentence
- Section 10.5 Withdrawal from Participation – removed "dais" and added "room"
- Section 10.9 Non-Statutory Conflicts of Interest - rewritten
- Section 11.2.D – deleted 'next'
- Section 11.2.F – deleted reference to a tie vote
- Section 13.2.A – last sentence – added "pertaining to Town business"
- Section 13.3.F – Mail Distribution – added, "Documents will only be maintained as confidential if permitted under the Arizona Public Records Act."
- Section 15.5 H – Limit Requests for Staff Support – added, "Unless permitted under the Arizona Public Records Act."

Council member Whatley presented a list of suggestions that for various reasons could not be included in the Manual. They were excellent questions that deserve answers and because they could be of interest to the entire Council, I have incorporated them into this memo. Her questions and my answers follow.

1. **Question:** "I would like the agenda meeting to remain as it is. What if I could attend a few of these meetings, but cannot because other Council members have been appointed?"

**Answer:** The agenda meetings are used to review the draft agenda for appropriateness, comprehensiveness, and order only. The agenda meetings are not to be used for discussion or deliberation of the items on the draft agenda, as this could be a violation of Open Meeting Laws (OML). Further, to avoid potential OML violations, no more than three elected officials may attend. Council members are not 'appointed' to attend Agenda Meetings. Section 2-3-6.A of the Town Code states that the Manager shall prepare the agenda in consultation with the Mayor and Council members. Interested Council members may attend, but are not required to attend.

2. **Question:** "What if we put public input first – before Council discussion? That way the public is allowed to express their concerns, then the Council discusses and votes. I think this would streamline agenda items as public would speak once and Council once."

**Answer:** This is a Council decision. Council member German also made this suggestion.

3. **Question:** "What is the time prescribed by law?"

**Answer:** This question references e-mail and cannot be answered simply. The Town's records actually belong to the State of Arizona. As a municipal government, we are entrusted and bound by state law and the constitution relative to managing and preserving public records. The Arizona State Library, Archives Public Records, Records Management Division is charged with ensuring that cities and towns throughout the state have established a sound records management system. Thus, we are bound by law to follow the Records Retention and Disposition for Arizona Municipalities. There are various requirements for each type of record. For example, let us say that you have e-mails that address a personnel matter, an executive session matter, and a complaint from a citizen; all three records have differing retention schedules. The best management practice is to forward ALL copies of e-mails related to Town business to the Clerk's Office.

You should take note that if you decide not to forward your e-mails to the Clerk's Office to manage in the public record and you fail to produce a record when requested or you destroy a record in contradiction to the Records Retention and Disposition Manual, you could be charged with various misdemeanors and/or felonies.

In summary, I cannot define the 'time prescribed by law' until I know what the record is. The best management practice is to make sure that the Clerk's Office receives copies of all of your e-mails that are related to Town business or that could be related to Town business at some point in the future.

4. **Question:** "What is this here? I understand this provision if we were serving in Washington D.C. and might be hired by a lobbying group after leaving office, but I hardly think anything like that will happen in Camp Verde."

**Answer:** This question refers to Section 15.2 where it states, "Former members of the Town Council who speak to the current Town Council about a pending issue should disclose for whom they are speaking." Council unanimously approved by resolution, a Code of Conduct in September 2008 and this statement was included in this code. A copy of this code is provided to every commission member and is in the back of Council's agenda books for easy reference.

This suggestion requires a Council decision. It can be removed from the Manual if Council so instructs.

5. **Suggestion:** "These groups should be encouraged to elect a spokesperson (as happened with the A frame sign group.)"

**Response:** This suggestion refers to Section 15.6 where the Mayor is permitted to shorten the time limit if many speakers are anticipated. This suggestion requires a Council decision and can be added to the Manual if Council so instructs.

6. **Suggestion:** "I looked up this statute and it is a section on definitions. I don't see these as being exceptions. I would like the specific exceptions \*if that is what this is) written out and included in Section 16.5. There is a section on conflict of interest, ARS 38-503. Perhaps we need the instances of conflict of interest written out, as well as any exceptions.

**Response:** These statutes refer to Conflicts of Interest. The one thing that is constant with the law is that with every election and every new legislative session, it changes. If we were to list specifics and something was left out or something changed, we would open a completely new source of potential litigation. If Council ever has any question or doubt about any laws, rules, or requirements, you should speak to the attorney, the manager, or the clerk to get clarification before you take action.

This concludes Council member Whatley's list of questions and suggestions.

After Council approves the Rules and Procedures Manual, staff will forward copies to all Commission members and place copies in Council's agenda books. I would like to thank Council for the opportunity to work on this project. I feel strongly that it will be an invaluable resource for elected and appointed officials and staff alike. It will also serve as an aid in eliminating much of the disorder and confusion both during and following the meetings. Again, thank you for this opportunity.

Sincerely,

  
Debbie Barber, MMC  
Town Clerk



**RESOLUTION 2009-766**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE  
TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,  
SUPERSEDING RESOLUTIONS 98-403, 99-426, 99-432, 2000-447, 02-538, 03-568, 08-745, and 08-751  
AND ESTABLISHING TOWN COUNCIL RULES AND PROCEDURES  
FOR COUNCIL AND ALL TOWN BOARDS, COMMISSIONS AND COMMITTEES**

**WHEREAS**, the Legislature made substantial modifications to the Open Meeting Law (OML), ARS Sections 38-431 through 38-431.09, effective July 18, 2000; and

**WHEREAS**, changes in the law concerning executive sessions, meetings, open calls to the public and enforcement has been adopted by the Council as a policy and procedural directive to staff; and

**WHEREAS**, it is in the best interest of the Town to adopt Rules, Policies and Procedures, and place these in one document for the benefit of all parties; and

**WHEREAS**, it is in the best interest of the Town to adopt policies and procedures for meetings and conduct applicable not only to the Council but also to its boards, commissions, and committees, collectively named "public bodies" herein,

**NOW THEREFORE**, the Mayor and Common Council of the Town of Camp Verde hereby resolve to approve and adopt the "Town of Camp Verde Town Council Rules and Procedures" for all elected and appointed officials.

**ADOPTED AND APPROVED** by a majority vote of the Common Council at the regular meeting of June 3, 2009.

\_\_\_\_\_  
Mayor Tony Gioia

Approved as to form:

Attest:

\_\_\_\_\_  
Town Clerk Deborah Barber

\_\_\_\_\_  
Town Attorney

Exhibit A attached

**EXHIBIT A  
Resolution 2009-766**

**TOWN OF CAMP VERDE  
TOWN COUNCIL RULES AND PROCEDURES**

**TABLE OF CONTENTS**

<b>Section 1</b>	<b><u>Rules of Procedure/Authority</u></b>
	1.1 Procedures
	1.2 Parliamentary
	1.3 Points of Order
	1.4 Quorum
<b>Section 2</b>	<b><u>Presiding Officer for Meetings</u></b>
	2.1 Mayor as Presiding Officer
	2.2 Chairperson as Presiding Officer
<b>Section 3</b>	<b><u>Meetings of Town Council and Boards, Commissions and Committees</u></b>
	3.1 Regular Meetings
	3.2 Special Meetings
	3.3 Executive Sessions
	3.4 Work Sessions
	3.5 Emergency Meetings
	3.6 Adjourned Meetings
	3.7 Meetings to be Open to the Public
	3.8 Conduct and Decorum
<b>Section 4</b>	<b><u>Meeting Agendas and Notices</u></b>
	4.1 Agenda Item Submittal for Regular and Special Meetings and Work Sessions
	4.2 Agenda Item Submittal for Executive Sessions
	4.3 Council Packets
	4.4 Preparation of Agenda
	4.5 Amended Agendas
	4.6 Preparation and Posting of Meeting Notices
	4.7 Distribution of Agendas and Notices
<b>Section 5</b>	<b><u>Order of Business for Town Council and Commission Meetings</u></b>
	5.1 Order of Business
	5.2 Regular Meetings
	5.3 Special Meetings
	5.4 Work Session Meetings
	5.5 Executive Sessions
	5.6 Items Considered in Order
	5.7 Mayor and Council Members Reports on Current Events
	5.8 Manager/Staff Report on Current Events
	5.9 Presentations
	5.10 Consent Agenda
	5.11 Business
	5.12 Adjournment

- Section 6**      **Procedures for Conducting the Meeting**
- 6.1      Call to Order
  - 6.2      Participation of Presiding Officer
  - 6.3      Introduction/Explanation of Agenda Items
  - 6.4      Maintenance of Order
- Section 7**      **Motions**
- 7.1      Motion Procedure
  - 7.2      Motion to Approve or Adopt
  - 7.3      Motion to Deny or Disapprove
  - 7.4      Motion to Postpone
  - 7.5      Motion to Table
  - 7.6      Motion to Close, Limit, or to Extend Discussion
  - 7.7      Motion to Amend
  - 7.8      Motion to Continue
  - 7.9      Division of Question
- Section 8**      **Voting Procedure**
- 8.1      Casting a Vote
  - 8.2      Abstention and Recusal
  - 8.3      Tie Votes
  - 8.4      Reconsideration
  - 8.5      Appointments by the Town Council of Board, Commission and Committee Members
- Section 9**      **Meeting Records; Minutes**
- 9.1      Meeting Records
  - 9.2      Minutes
- Section 10**      **Conflict of Interest**
- 10.1      Arizona Conflict of Interest Law – Introduction
  - 10.2      Purpose of Conflict of Interest Laws
  - 10.3      Applicability of Arizona Conflict of Interest Law
  - 10.4      Disclosure of Interest
  - 10.5      Withdrawal from Participation
  - 10.6      Rule of Impossibility
  - 10.7      Improper Use of Office for Personal Gain
  - 10.8      Sanctions for Violations
  - 10.9      Non-Statutory Conflicts of Interest
- Section 11**      **Boards, Commissions, and Committees**
- 11.1      Boards, Commissions, and Committees
  - 11.2      Selection of Board, Commission, and Committee Members
  - 11.3      Qualifications for Appointment
  - 11.4      Terms, Vacancies, and Removal
  - 11.5      Applicability of Arizona’s Open Meeting Law and Conflict of Interest Law
- Section 12**      **Council and Candidate Relations with Town Staff**
- 12.1      Use of Town Staff
  - 12.2      Information Provided to All Candidates
  - 12.3      Staff Communications through Town Manager
  - 12.4      Staff Communications through Town Clerk
  - 12.5      Prohibition against Using Town Resources for Election

**Section 13**      **Correspondence Policies, Use of Personal Computers and Personal Electronic Devices For Town Business**

- 13.1**    **Definitions**
- 13.2**    **Public Access and Storage of E-Mail**
- 13.3**    **Correspondence Policies**

**Section 14**      **Council Budget**

- 14.1**    **Adoption of Town Council Budget**
- 14.2**    **Use of Budgeted Funds; Procedures**

**Section 15**      **Council Code of Conduct**

- 15.1**    **Summary**
- 15.2**    **Overview of Responsibilities**
- 15.3**    **Policies & Protocol Related to Conduct**
- 15.4**    **Council Conduct with One Another**
- 15.5**    **Council Conduct with Town Staff**
- 15.6**    **Council Conduct with the Public**
- 15.7**    **Council Conduct with Other Public Commissions**
- 15.8**    **Council Conduct with Boards and Commissions**
- 15.9**    **Council Conduct with the Media**
- 15.10**    **Enforcement of the Ethics Policy**
- 15.11**    **Sanctions**
- 15.12**    **Principles of Proper Conduct**
- 15.13**    **Checklist for Monitoring Conduct**

**Section 16**      **Summary of Good Government Rules for Elected and Appointed Officials**

- 16.1**    **Summary and Notice of Statutory Authority**
- 16.2**    **The Public's Property**
- 16.3**    **Public Money**
- 16.4**    **Public Procurements**
- 16.5**    **Conflicts of Interest**
- 16.6**    **Compensation**
- 16.7**    **Favoritism**
- 16.8**    **Public Records**

## **Section 1      Rules of Procedure/Authority**

### **1.1      Procedures**

All meetings of the Town Council and its appointed Boards, Commissions, and Committees shall be governed by these procedures, as applicable. In addition, such meetings shall be governed by the following:

- A.      Applicable provisions of the Arizona Revised Statutes ("A.R.S."), including, but not limited to, the Arizona Open Meeting Law (A.R.S. §§ 38-431 *et seq.*, as amended) and the Arizona Conflict of Interest Law (A.R.S. §§ 38-501 *et seq.*, as amended); and
- B.      The Town of Camp Verde Town Code.
- C.      Where not inconsistent with these rules and procedures, the Arizona Revised Statutes and the Town of Camp Verde Town Code, and ***the current version of Robert's Rules of Order*** will be used as a supplementary guideline.
- D.      As used herein, the term "Member" shall refer to either a member of the Town Council or Board, Commission or Committee, as applicable. The term "Meeting" shall refer to a meeting of the Town Council, Board, Commission or Committee, as applicable.

### **1.2      Parliamentarian**

- A.      The Town Clerk shall serve as Parliamentarian for all Town Council meetings. The Deputy Clerk shall serve as Parliamentarian in the absence of the Town Clerk.
- B.      The Town Clerk shall also serve as Parliamentarian for those Board, Commission, and Committee meetings that he or she attends.
- C.      The Chairperson of a Commission or Committee shall serve as Parliamentarian for each respective Board, Commission, or Committee meeting. The Vice-Chairperson shall serve as Parliamentarian in the absence of the Chairperson. The Chairperson Pro Tem shall serve in the absence of the Chairperson and the Vice-Chairperson.

### **1.3      Points of Order**

The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any member to appeal to the entire Town Council or any Board, Commission or Committee. In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

### **1.4      Quorum**

Four or more Council members shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of four (4) votes, to enact any measure, resolution, ordinance, or other business on the agenda.

**Section 2      Presiding Officer for Meetings**

**2.1      Mayor as Presiding Officer**

The Mayor is the Presiding Officer of all meetings of the Town Council. In the Mayor's absence, the Vice-Mayor shall serve as the Presiding Officer. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk, whereupon the Town Clerk shall immediately call for the selection of a Presiding Officer Pro Tem. The Council members present shall, by majority vote, select a Presiding Officer Pro Tem for that meeting.

**2.2      Chairperson as Presiding Officer**

The Chairperson is the Presiding Officer of all meetings of the Board, Commission or Committee. In the Chairperson's absence, the Vice-Chair shall serve as the Presiding Officer. In the absence or disability of both the Chairperson and the Vice-Chair, the meeting shall be called to order by the Town Clerk or principal Town staff present, whereupon the Town Clerk or Town staff shall immediately call for the selection of a Presiding Officer Pro Tem. The Members present shall, by majority vote, select a Presiding Officer Pro Tem for that meeting.

**Section 3      Meetings of Town Council and Boards, Commissions and Committees**

**3.1      Regular Meetings**

- A.      The Council shall establish regular meeting dates, times, meeting place by Resolution in January of each year for Town Council and all Boards, Commissions, and Committee meetings.
- B.      When the day for a Regular Meeting falls on a legal holiday, no meeting shall be held on such holiday. The meeting shall be cancelled and be convened at the time and the location as designated by the Town Council or Board, Commission, or Committee.

**3.2      Special Meetings**

- A.      The Mayor, after a public vote of the Council may schedule a special session within the jurisdiction of the Town and shall direct staff to schedule a special session; or the Mayor and Manager may jointly schedule a special session to be held in appropriate facilities within Town limits, to begin at the time and place as designated in the motion.
- B.      Special and emergency meetings, as permitted by law, shall be called and posted in the same manner as regular meetings by the Mayor or the Town Clerk, after confirmation of the availability of a quorum.
- C.      Notices and agendas will be posted for the special sessions as required by law and additionally posted at the alternate site if applicable.
- D.      Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on controversial topics likely to interest citizens of the Town in general rather than a particular neighborhood.
- E.      A Board, Commission, or Committee may, upon majority vote and approval of the Town Manager, set a special meeting or work session.

### **3.3 Executive Sessions**

- A. The Town Council or Board, Commission, or Committee may hold an Executive Session pursuant to A.R.S. §§ 38-431.01.
- B. All information distributed and all discussions during an executive session shall remain confidential indefinitely and are not to be divulged or provided to or discussed with persons who were not parties to the executive session or members of the Council or Board, Commission or Committee, except as permitted or required by A.R.S. § 38-431.03 or a court order.

### **3.4 Work Sessions**

The Town Council or Board, Commission or Committee may schedule work or study sessions for the purpose of presentations and discussions on such issues that require more in-depth consideration by the Town Council or Board, Commission or Committee than may be possible at a Regular Meeting. No formal action may be taken by the Town Council or Board, Commission or Committee at such meetings, other than a general consensus or conveying direction to Town Staff for further action.

### **3.5 Emergency Meetings**

As provided for in ARS § 38-431.02(D) and (E), Special Emergency Meetings, including a Special Emergency Executive Sessions, may be called to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. In such event, the meeting shall be held upon such notice as is appropriate or practicable to the circumstances. A Notice of an Emergency Meeting will be posted within 24-hours following the holding of an Emergency Meeting. The Notice will include the Agenda and a brief and complete description of the nature of the emergency.

### **3.6 Adjourned Meetings**

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next Regular Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion.

### **3.7 Meetings to be Open to the Public**

- A. Pursuant to the Arizona Open Meeting Law, with the exception of Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions, and Emergency Meetings shall be open to the public.
- B. All public meetings may be recorded or photographed by means of audio, video, or photographic equipment; provided however, that there is no interference with the orderly conduct of the meeting and the equipment is placed in non-hazardous locations as designated by Town Staff.

### **3.8 Conduct and Decorum**

#### **A. Members:**

1. Any Member desiring to speak shall address the Presiding Officer and upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition. However, the Presiding Officer may call for a vote as to whether to continue a repetitive discussion or motion.
2. When two or more Members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.

3. While a Member is speaking, no other Member shall interrupt except to make a point of order or point of personal privilege. A point of order is raised when a Member raises a question of whether there has been a breach of the procedures. A point of privilege is raised when a disturbance occurs or when anything affecting the rights of the Members occurs and a Member states the problem; the Presiding Officer decides the question.
4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.
6. The Town Council will not tolerate harassment, personal attacks, or discrimination against each other or by members of appointed Boards, Commissions, or Committees. Any Town Council appointee who violates this provision will be subject to removal by a majority vote. Elected Officials who violate this section may be subject to the provisions of Section 15.11 Sanctions.
7. If a Member acts in violation of these rules, the Presiding Officer shall, or any Member may, call that Member to order. The Member so called shall immediately cease speaking, but may appeal to the Town Council or Board, Commission or Committee, as applicable. Any such appeal shall be decided by a majority vote without debate. See Section 1.3.

B. Town Staff:

Town Staff and employees of the Town shall observe the same rules of procedure and decorum as the members of the Town Council.

C. Public:

Members of the public attending meetings shall observe the same rules of order and decorum applicable to the Town Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. The Presiding Officer, or the Council or Board, Commission or Committee as applicable, by majority vote may, after issuing a verbal warning to persons causing such disturbances, direct a police officer to remove such offender(s) from the meeting.

**Section 4      Meeting Agendas and Notices**

**4.1      Agenda Item Submittal for Council Regular and Special Meetings and Work Sessions**

- A. Items may be placed on a Regular, Special or Emergency Meeting Agenda or Work Session Agenda for Town Council discussion and possible action by any Council member and Town staff.
- B. Contracts, ordinances, resolutions and other documents requiring review by the Town Attorney shall be provided to the Town Attorney prior to placing the item on the Agenda and in sufficient time for legal review.
- C. Any item placed on an agenda must be accompanied by supporting documents and an Agenda Action Form that contains, at a minimum, the following information:
  1. Background information on the item;
  2. Financial impact if approved; and
  3. Proposed action.

The documents and Agenda Action Form must be submitted sufficiently in advance to be included in the council packet. If the agenda item is requested by a Council member, it will be noted on the agenda and the requesting member should sign the Agenda Action Form.

#### **4.2 Agenda Item Submittal for Executive Sessions**

Items may be placed on the Agenda for a Town Council Executive Session for discussion if in compliance with the Town Code, these Rules of Procedure, and applicable provisions of the Arizona Revised Statutes, by the following process:

- A. Items may be placed on an Agenda for Executive Session discussion by Council members, Town Staff, and the Town Attorney.
- B. The Town Attorney shall review all items submitted for Executive Session discussion prior to placement on the Agenda to ensure that the item is legally permissible to be discussed in Executive Session pursuant to A.R.S. § 38-431.03.

#### **4.3 Council Packets**

- A. Town Council packets contain the Agenda, unapproved Minutes of previous Town Council Meetings, Town Council communications, and any ordinances, agreements, or resolutions to be acted upon including Agenda Action Forms, and other documentation that may be attached to support items contained on a Town Council Agenda for all noticed meetings of the Town Council.
- B. Full packets for all noticed Town Council Meetings (except Executive Session documentation) are placed in the Council member's box. Every effort will be made to distribute full packets by the Friday prior to each Regular Town Council Meeting and not less than 24 hours prior to any Special Session.
- C. Material that is not received in a timely manner to include in the Council packets will be distributed to Council members with a bright green sheet attached, noting the agenda item number to which the document applies. These green sheets are used only in connection with agenda items to alert Council members that there is additional meeting information.

#### **4.4 Preparation of Agenda**

- A. An Agenda is the formal description of items to be considered by the Town Council at a noticed meeting of the Town Council. Complete agenda items, the Agenda Action Form, and all supporting documentation must be submitted to the Clerk's Office no later than noon the Wednesday before the meeting. Incomplete agenda requests and/or late agenda items will be returned to the submitting department.
- B. The Town Clerk shall prepare the agendas for all meetings of the Town Council based on the Agenda Action Forms that are submitted to the Clerk's Office. The Town Clerk may prepare an addendum to the Agenda for items that have emerged after the Agenda has already been distributed with the approval of the Town Manager AND the Mayor.

Addenda will be prepared on bright-green colored paper to catch the attention of Council members. Bright-green colored paper is reserved for agenda matters only and shall not be used by other Town staff.

- C. Agenda Meetings are held no later than the Wednesday before the Council meetings at a time set by the Mayor and Manager. Agenda Meetings are attended by the Mayor, Manager, Town Clerk, and no more than two (2) interested Council members for the purpose of reviewing the agenda for appropriateness, comprehensiveness, and order only. The Agenda Meeting will not be used for discussion or deliberation of

the proposed agenda items. **Note: to avoid potential violations of Open Meeting Laws, no more than two Council members, in addition to the Mayor, may attend Agenda Meetings.** To avoid a possible quorum in attendance at an Agenda Meeting, interested members must notify the Town Clerk prior to an Agenda Meeting that he or she plans to attend.

Incomplete or inaccurate items and/or the timeliness of items may cause them be removed from the agenda and returned to the appropriate department with a request to resubmit the item(s) upon resolution of the issue.

Special Session agendas are usually reviewed by the Manager and the Mayor only.

- D. The final Agenda must be posted by Friday at noon prior to the Town Council's regular meetings. Special, Executive, and Work Session agendas must be posted no later than 24-hours prior to the meeting.

#### **4.5 Amended Agendas**

The Town Clerk may amend a published Agenda, but not less than twenty-four (24) hours prior to the designated Meeting and only upon approval from the Mayor and the Town Manager. The Town Clerk may amend the agenda to correct minor errors upon notification to the Manager and/or Mayor. Subsequent amended Agendas will indicate the sequential number of the amendment and the date amended.

#### **4.6 Preparation and Posting of Meeting Notices**

Council Agendas are posted at each of the following locations at least 24 hours before each meeting:

1. The bulletin board on the wall outside Town Hall
3. The bulletin board at Basha's
3. The bulletin board at the Post Office, and
4. on the Town's Website.

Commission agendas are posted at the Town Hall Bulletin Board and on the Town's webpage.

#### **4.7 Distribution of Agendas and Notices**

- A. The Town Clerk shall ensure that the Mayor and Town Council members receive copies of all Town Council Meeting Notices and Agendas, and any documentation provided for said Meeting, not less than twenty-four (24) hours prior to the Meeting.
- B. The Town Clerk shall ensure that the Town Council Meeting Notices, Agendas, and documentation, as deemed necessary, are distributed to the Town Manager and the Town Attorney and necessary Town Staff.

### **Section 5 Order of Business for Town Council Meetings**

#### **5.1 Order of Business**

The Order of Business of each meeting of the Town Council shall be as contained in the Agenda as prepared by the Town Clerk and approved by the Mayor and Manager. The Agenda shall be sequentially numbered by topic and list each item included under each agenda category followed by a brief description, including a dollar amount where appropriate.

## 5.2 Regular Meetings

The general form of the Agenda shall be as follows and may be changed as necessary:

### AGENDA

Members of the Camp Verde Town Council may attend either in person or by telephone conference call.

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consent Agenda
- V. Call to the Public
- VI. Council Informational Reports
- VII. Business
- VIII. Call to the Public
- IX. Manager/Staff Report
- X. Adjournment

Presentations to the Town Council will be limited to 10 minutes, unless otherwise designated by a majority vote. Responses from the audience shall be limited to 3 minutes per speaker. Public input on items other than the Call to the Public for items not on the agenda is at the discretion of the Council; however, public input is usually encouraged on non-administrative matters and occurs after Council discussion.

All Agendas shall have the following statement placed at the bottom of the Agenda: Persons with special accessibility needs should contact the Town Hall, 928-567-6631, at least 24-hours prior to the meeting.

## 5.3 Special Meetings

A. For Special Meetings, the Agenda will generally be prepared in the following order:

### AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Business
- IV. Executive Session (optional)
- V. Adjournment

## 5.4 Work Session Meetings

Questions may be directed by the Town Council to a member of the public or another interested party, or in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item or a particular question related to an Agenda item. Presentations to the Town Council will be limited to 10 minutes for the presentation and discussion period, unless otherwise designated by a majority vote. Citizens may attend work-study sessions, but can speak only after an open Call for Public Input. Speakers will be limited to 3 minutes per speaker.

The Agenda generally will be prepared in the following order:

### **AGENDA**

- I. **Call to Order**
- II. **Pledge of Allegiance**
- III. **Agenda Items for Discussion (Items numbered for order). Normally, work session items listed are for discussion only. No Action will be taken unless the item(s) is properly agendized for action.**
- IV. **Adjournment**

#### **5.5 Executive Sessions**

The Agenda for an executive session generally will be prepared in the following order:

- I. **Call to Order**
- II. **Agenda Items for Discussion**
- III. **Adjournment**

#### **5.6 Items Considered in Order**

- A. The Presiding Officer, or the Town Council by a majority vote, may consider items out of sequence from the printed Agenda for the meeting.
- B. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda. However, the action must subsequently be noticed in accordance with A.R.S. §38-431.02, as amended.

#### **5.7 Mayor and Council Members Report on Current Events**

This is the time that Council members may present a brief summary on current events, attendance at meetings, and other important information. Open Meeting Laws prohibit the Town Council from proposing, discussing, deliberating, or taking any legal action on the information presented unless the specific item is listed on the Agenda.

#### **5.8 Manager/Staff Report on Current Events**

The purpose of this section of the Agenda is to afford the Town Manager and/or staff an opportunity to provide the Town Council and the public with status reports or updates on Town projects and to alert them to upcoming Town events or regional events of potential interest. No discussion or action may be taken unless the specific item is listed on the Agenda.

#### **5.9 Call to the Public**

- A. Presentation of petitions or public comments on Non-Agenda items are heard under "Call to the Public." All citizens and interested parties will be limited to a maximum of three (3) minutes to address the Town Council on a non-agenda item. However, the time limit may be waived by vote of the Town Council.
- B. At the conclusion of all citizen comments, the Mayor or any Councilmember may take any or all of the following actions:
  1. Ask Town Staff to review the matter.
  2. Ask that the matter be put on a future Agenda.

3. Thank the citizens for their comments.

If a citizen has criticized one or more members of the Council, the Council may respond to such criticism, but only at the conclusion of the Call to the Public.

#### **5.10 Presentations**

This section of the Agenda is for allowing the Mayor, Council members, Town Staff, and invited interested parties to make informational presentations to the Town Council and the public. Presentations are limited to no more than ten minutes for the presentation and discussion. Such informational items may only be discussed if specifically listed on the Agenda. No action may be taken on Presentation items unless properly agendaized. The Mayor or the Chair will monitor this.

#### **5.11 Consent Agenda**

- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be needed or required or (ii) have been previously studied by the Town Council. These items may be adopted by a single motion, second, and affirmative vote of a majority (4) Council members. All routine, administrative-type items, such as contract awards and approvals, etc. shall be placed on the Consent Agenda.
- B. Consent Agenda items will NOT be read aloud, except for resolution and ordinance titles and proclamations.
- C. There is no discussion on items listed under the Consent Agenda beyond asking questions for simple clarification, unless a Council member requests that an item be removed for discussion.
- D. If an item is pulled from the Consent Agenda for discussion, public input may be allowed on that item.

#### **5.12 Business**

- A. The Presiding Officer will introduce each Business item by reading its title or description from the Agenda. Consent Agenda items will NOT be read aloud.
- B. If a public hearing is required for a business item, the following sequence of events will generally be followed: Appropriate Town Staff will present its report and recommendation (if any). Council members will then have an opportunity to question Town Staff. The Presiding Officer will then open the public hearing. The first speaker will be the applicant (if any), who will have an opportunity to present comments, testimony, or arguments to the Town Council. The Presiding Officer will then ask for public comment. The applicant will then be afforded an opportunity for rebuttal and concluding comments. The public hearing will then close and no further public comments will be taken. The Town Council will then deliberate and take action.
- C. Those speaking before the Town Council, other than the applicant, will be allowed three (3) minutes to address the Town Council, but time limits may be waived upon consensus of the Town Council.

#### **5.13 Adjournment**

The open public meeting of the Town Council may be adjourned by a motion, a second, and an affirmative majority vote.

### **Section 6 Procedures for Conducting the Meeting**

Where practicable, executive sessions will be held prior to the regular business meetings, as opposed to during a meeting and/or following a meeting. Meetings will conclude at 10:00 p.m. unless a majority of Council votes to

continue the meeting to a later time. Council member discussion may be limited by a majority vote if the agenda is large and the meeting is expected to last past 10:00 p.m. A break will be scheduled as close to 8:00 p.m. as possible.

#### **6.1 Call to Order**

All meetings shall be called to order by the Presiding Officer.

#### **6.2 Participation of Presiding Officer**

The Presiding Officer shall conduct the meeting. The Presiding Officer may debate and vote, subject only to such limitations of debate as are imposed on all Members.

#### **6.3 Introduction/Explanation of Agenda Items**

Except for Consent Agenda Items, the Presiding Officer shall introduce each Agenda item by reading its full title and description, if any, and may provide whatever additional information he or she deems necessary or reasonable.

#### **6.4 Maintenance of Order**

The Presiding Officer is responsible for the maintenance of order and decorum at all times. All questions and remarks shall be addressed to the Presiding Officer.

### **Section 7 Motions**

#### **7.1 Motion Procedure**

- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- B. The maker of the motion has the right to modify his or her motion or to withdraw it entirely. If the motion is modified, the Member who has seconded it has the right to withdraw or affirm his or her second.
- C. If a modification to a motion made by another Member is accepted by the maker of the motion, the Member who seconded the unmodified motion shall be requested to reaffirm his or her second after modification. If the Member refused to reaffirm the second, the second is presumed made by the Member suggesting the modification.
- D. In the case of a tie in votes on any motion, the motion shall be considered defeated.

#### **7.2 Motion to Approve or Adopt**

A motion to approve or to adopt shall be to approve the Agenda item as proposed or as proposed with an amendment(s) or stipulation(s). After the motion is made and seconded, it shall require an affirmative majority vote (4 votes) to pass, unless the matter is subject to a super majority vote (two-thirds or three-quarters majority). If the motion fails, the Agenda item shall be deemed defeated, unless a new motion is introduced and seconded.

#### **7.3 Motion to Deny or Disapprove**

A motion to deny or to disapprove shall be to reject the Agenda item as proposed. After the motion is made and seconded, it shall require an affirmative majority vote (4 votes) to defeat the item. If the motion fails, the Agenda item will not be deemed approved, unless a separate motion to approve or adopt is made and seconded and passes by the requisite majority vote.

#### **7.4 Motion to Postpone**

A motion "to postpone" is used to postpone an item on the Agenda until a definite time or indefinitely. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

#### **7.5 Motion to Table**

Motions to table or more properly, to "lay on the table" is a proposal to suspend consideration of the pending motion. Under Robert's Rules of Order, a motion to table is properly used only when it is necessary to suspend consideration of a main motion in order to deal with another matter that has unexpectedly arisen and which must be dealt with before the pending motion can be properly addressed.

The use of a motion "to table" in order to 'kill' a motion is improper. A Member that seeks to avoid a direct vote on a main motion while cutting off debate should make a motion that requires a 2/3 vote, such as an "objection to consideration of the question" which is in order *before* debate has begun or a motion to "postpone indefinitely" (in order at any time with a simple majority), followed by an immediate motion for the "previous question" (2/3 vote required).

Although the motion is undebatable, the Chair can ask the maker of the motion to state his or her reason in order to establish the urgency and legitimate intent of the motion or the maker can state it on his or her own initiative.

#### **7.6 Motion to Close, Limit, or to Extend Discussion**

Commonly referred to as "Calling the Question," this motion is used to limit or close debate on, or further amend, the main motion. This motion cuts off debate. The Presiding Officer may either immediately call for a vote on the main motion or ask the Members to vote on whether to call for a vote on the main motion.

#### **7.7 Motion to Amend**

- A. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to the amendment shall not be in order.
- B. A substitute motion on the same subject shall be acceptable and shall be voted on before a vote on the amendment.
- C. Amendments shall be voted on first, then the main motion as amended.

#### **7.8 Motion to Continue**

Motions to continue shall be to a definite time. Such motions shall be amendable and debatable only as to the propriety of postponement and the time set.

#### **7.9 Division of Question**

If the question or motion contains two or more propositions that could be divided, the Presiding Officer may, upon his or her own initiative or upon the request of a Member, divide the question or motion into multiple questions or motions for separate consideration and action.

## **Section 8      Voting Procedure**

### **8.1      Casting a Vote**

- A.      In acting upon every motion, the vote shall be taken by casting an affirmative ("yes" or "aye") or negative ("no" or "nay") voice, roll call, or other vote method as determined by the Presiding Officer from which the vote of each Member ***can be clearly ascertained***.
- B.      The vote on each motion shall be entered into the Record by number of and the names of Members casting votes for and against, if called for by voice, roll call, or other method.
- C.      If a Member has declared a Conflict of Interest and is absent during the roll call vote, the Town Clerk shall include "Absent for the vote due to declared conflict of interest" in the Official Minutes as part of the results of the vote.

### **8.2      Abstention and Recusal**

- A.      If a Member has a conflict of interest on a matter before the Council or Board, Commission or Committee, he or she shall declare a conflict of interest pursuant to Section 10 and recuse him or her from voting on a particular Agenda item on grounds of a declared conflict of interest.
- B.      Sometimes a Member may have a reason other than a statutory or non-statutory conflict of interest that he or she believes hinders, compromises, or impairs his or her ability to cast a vote for or against a particular Agenda item. In such event, the Member may abstain from voting. However, if the abstention results in the lack of a quorum, the abstention shall be counted as an affirmative vote.

### **8.3      Tie Votes**

When there is a tie vote on a motion requiring a majority vote (4 votes) for adoption or approval, the motion shall be deemed defeated. When all Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Town Council or Board, Commission or Committee takes other action to further consider the matter.

### **8.4      Reconsideration**

Any Member who voted with the majority may, at the same meeting, move for reconsideration of any action taken at that meeting. A request may be made at a subsequent meeting to have the item be placed on the next available Agenda for reconsideration and action. Thus, a reconsideration provides ample opportunity for staff and Council to further research the matter.

After a motion for reconsideration has been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Town Council or Board, Commission or Committee.

### **8.5      Appointments by the Town Council of Board, Commission and Committee Members**

A nomination that does not receive a second fails. The vote of a majority of the quorum (4 votes) is required for appointment of Board and Commission members.

## **Section 9**      **Meeting Records; Minutes**

### **9.1**      **Meeting Records**

The official record of each Town Council Meeting shall consist of any legal actions formally adopted or approved by the Town Council during the Meeting, including any attachments or exhibits thereto, and the final approved Minutes of the Meeting. The record shall also include any documents or other tangible matter submitted to the Town Council, Board, Commission or Committee or the Town Clerk for inclusion in the record by persons addressing the Council or Board, Commission or Committee in connection with agenda items during the Meeting. These records shall be maintained and preserved by the Town Clerk as the official custodian of records for the Town.

### **9.2**      **Minutes**

- A.      The Town Clerk's office shall provide staff support at all Council meetings to include Regular, Special, and Emergency Meetings and Work and Executive Sessions for the purpose of taking notes and/or audio recordation of the Meeting or Session, as appropriate.
- B.      For Regular, Special, and Emergency Meetings, written action Minutes instead of verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town Clerk. The Minutes shall reflect Member attendance for the entire meeting (including notations indicating when a Member arrives late or leaves early). Audio or video recordings of meetings will be retained 90 days after being transcribed or in accordance with the current State of Arizona approved Records Retention and Disposition Schedules.
- C.      Executive Session Minutes shall be confidential. Executive Session Minutes shall be taken in summary form and shall be restricted to indicating the topic discussed, the speakers, and a brief summary of what was said by each speaker. Executive Session Minutes shall be kept in a separate secure confidential file in the Office of the Town Clerk. Executive Session Minutes may be accessed only as provided by the Arizona Revised Statutes or court order.
- D.      All Minutes of Meetings are Public Records under the Arizona Public Records Law (A.R.S. §§ 39-121 *et seq.*, as amended), with the exception of Executive Session Minutes. Audiotapes and videotapes of public Meetings are also Public Records.

## **Section 10**      **Conflict of Interest**

### **10.1**      **Arizona Conflict of Interest Law – Introduction**

Sometimes a member of the Town Council or Board, Commission or Committee may face a situation which requires that Member not to participate in a discussion and voting on an agenda item. This situation exists when the member has a pecuniary or proprietary interest in the outcome of the vote. (*This results in a "conflict of interest" as defined by the Arizona conflict of interest law, A.R.S. §§ 38-501, et seq.*) This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision that may unduly affect their personal interests or those of their close relatives.

### **10.2**      **Purpose of Conflict of Interest Laws**

The purpose of Arizona's conflict of interest law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, that may bear on an official's decision, as well as to discourage deliberate dishonesty.

### **10.3 Applicability of Arizona Conflict of Interest Law**

The Arizona conflict of interest law, as now in effect and as it may be amended in the future, applies to all matters considered by and all actions taken by the Town Council or Boards, Commissions and Committees.

### **10.4 Disclosure of Interest**

Any Member who believes he may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the Arizona conflict of interest law. Any Member who has a conflict of interest in any agenda item or other matter discussed by the Council or Board, Commission or Committee must disclose that interest. The Member must file a signed written disclosure statement fully disclosing the interest, and declare the existence of the conflict and the reasons therefore at a Town Council or Board, Commission or Committee meeting. The Disclosure of the conflict shall include a statement that the Member withdraws from further participation regarding the matter. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Member.

### **10.5 Withdrawal from Participation**

Having disclosed the conflict of interest and withdrawn from the matter, the Member must not participate in the decision-making process of the Council or Board, Commission or Committee. Further, the Councilmember should remove himself/herself from the room while the matter is being considered and decided.

### **10.6 Rule of Impossibility**

In the unlikely situation that a majority (4) of the Members have a conflict of interest on a matter such that the Town Council or Board, Commission or Committee is unable to act in its official capacity, less than a quorum may act on the matter upon approval of the Town Attorney.

### **10.7 Improper Use of Office for Personal Gain**

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

### **10.8 Sanctions for Violations**

Violations of the conflict of interest provisions set forth herein shall be punished as provided for by state law.

### **10.9 Non-Statutory Conflicts of Interest**

The Council is committed to an open and transparent government and as such, endeavors to avoid all *appearances* of impropriety. As such, if a Member feels ethically constrained from participating in the discussion and voting on an agenda item, even though the circumstances may not technically amount to a conflict of interest under the Arizona conflict of interest law. Such conflicts may not violate the state law, but may create an appearance of impropriety. Under such circumstances, the Member should consider disclosing the conflict on the record, formally recusing himself, and stepping down from the dais until the Town Council or Board, Commission or Committee has concluded the public hearing and its discussion and voting upon the item.

## **Section 11 Boards, Commissions, and Committees**

The Town Council may create such Boards, Commissions, and Committees, as it deems necessary to assist in the conduct of the operation of Town government.

### **11.1 Boards, Commission, and Committees**

- A. All Boards, Commissions, and Committees of the Town shall be classified as a regularly scheduled or unscheduled Board, Commission, or Committee. Regularly scheduled Boards, Commissions, and Committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled Boards, Commissions, and Committees meet on an as called basis. All Boards, Commissions and Committees serve at the pleasure of the Council.
- B. The Town's current regularly scheduled Boards, Commissions, and Committees are:
  - 1. Planning and Zoning Commission
  - 2. Parks & Recreation Commission
  - 3. Library Advisory Commission
  - 4. Trails & Pathways Commission
  - 5. Housing Commission (meets on a quarterly basis)
- C. The Town's current unscheduled Boards, Commissions, and Committees are:
  - 1. Board of Adjustment
  - 2. Design Review Board
- D. Any Board, Commission, or Committee the Town creates shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by the Town Council.

### **11.2 Selection of Board, Commission, and Committee Members**

- A. The Town Council generally makes appointments to the Town's Boards, Commissions, and Committees in January of each year and on an as-needed basis. The Town continually accepts applications from Camp Verde residents interested in serving on a Board, Commission, or Committee. The application form is available from the Town Clerk or on the Town's web site. Completed applications are kept on file for consideration when vacancies occur.
- B. A call for applications to fill vacant seats shall be published via media public service announcements, advertising where budget permits, posting, web site, and other means available to the Town.
- C. Persons applying for the vacant seats must fill out and submit the Town application form to the Town Clerk.
- D. After reviewing the completed applications, the Town Clerk shall place selection of the new Board, Commission, or Committee members on the next available Regular Meeting Agenda. The Council Packet for the meeting shall include copies of all applications received for the vacant seats.
- E. All applicants shall be notified of the time and date of the public meeting for selection of the new Board, Commission, or Committee members and shall be invited to attend so that they may answer questions by the Town Council. The public will not be able to ask questions of the applicants.
- F. At the conclusion of the question and answer session, the Council members shall vote to fill each vacancy by casting a vote in favor of one of the applicants.

The applicant receiving the lowest number of votes will be dropped, and the Council will continue to vote until one applicant receives a majority of four (4) votes.
- G. Each vacancy will be voted on separately.

### **11.3 Qualifications for Appointment**

- A. All members of Boards, Commissions, and Committees shall meet the following minimum qualifications upon their appointment, unless the Town Council by a majority vote waives or alters the requirement:
  - 1. At least eighteen years of age.
  - 2. A full-time resident of the Town of Camp Verde for at least one year. Residency will be determined in the same manner as residency is determined for purposes of voting in Town elections.
- B. Town employees or appointed officers shall not be eligible for appointment to any Board, Commission, or Committee, but may be requested to provide support thereto. Council members may serve on Committees or as a liaison to a Board or Commission, unless provided otherwise.

### **11.4 Term, Vacancies, and Removal**

- A. All members of the Town's Boards, Commissions, and Committees shall serve at the pleasure of the Council and any Board, Commission, or Committee member may be removed by the Town Council.
- B. A vacancy on a Board, Commission, or Committee shall be deemed to have occurred upon the following:
  - 1. Death or resignation of a member of a Board, Commission, or Committee.
  - 2. A member ceasing to be a Town of Camp Verde resident.
  - 3. Three consecutive unexcused absences by a member from Board, Commission, or Committee meetings.
  - 4. Failure to attend mandatory meetings as set by Council (i.e. work sessions, Quarterly Report meetings, or the Annual Training meeting for all Boards and Commissions).

### **11.5 Applicability of Arizona's Open Meeting Law and Conflict of Interest Law**

All Boards, Commissions, and Committees are subject to the Arizona Open Meeting Law and Conflict of Interest Law.

## **Section 12 Council and Candidate Relations with Town Staff**

### **12.1 Use of Town Staff**

No Councilmember shall request any staff project without first seeking approval of the Town Manager.

Section 3-2-1.E of the Town Code: Council to Act through Manager: Except for the purpose of inquiry, the council and its members shall deal with the administrative branch solely through the manager, and neither the council nor any member thereof shall give orders or instructions to any subordinate of the manager either publicly or privately. The Town Manager shall take his orders and instructions from the Council only when sitting in a duly convened meeting of the Council and no individual Council member shall give orders or instructions to the Town Manager.

### **12.2 Information Provided to All Candidates**

- A. For purposes of these Rules of Procedure, Town Council "candidates" shall be those who qualify as candidates when the nominating period closes. For purposes of these Rules of Procedure, the time period between when nominations close and the final election shall be known as the "Campaign Period."

- B. Once the candidates, including incumbents running for re-election, have been identified, all candidates shall receive Council Packets for each Town Council Meeting that is scheduled during the Campaign Period.
- C. During the Campaign Period, when one candidate submits a public information request to the Town, all of the other candidates shall be notified that the request has been made and, if the information is provided to the requestor, shall be afforded the opportunity to request and obtain the same information.

**12.3 Staff Communications through Town Manager**

At all times, all formal communications by Town Council members to Town Staff shall be made through the Town Manager or the appropriate department head.

**12.4 Staff Communications through Town Clerk**

During the Campaign Period, all communications to Town staff regarding the pending election by Town Council members running for re-election and candidates to Town Staff shall be made through the Town Clerk, and the Clerk shall notify all other candidates of each communication. This provision shall not preclude a Councilmember speaking directly to the Town Manager regarding any matter related to Town business.

**12.5 Prohibition against Using Town Resources for Election**

Pursuant to A.R.S. § 9-500.14, no Town Council member or other representative of the Town may use Town personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome of an election. In addition, copies of candidate filings will not be provided free of charge. This rule applies to all candidates, including incumbents.

**Section 13 Correspondence Policies and Use of Personal Computers and Personal Electronic Devices for Town Business**

**13.1 Definitions**

- A. Personal Computers (PCs) means: home, business, and lap top computers not owned by the Town.
- B. Personal Electronic Devices or (PEDs) means cell phones, palm pilots, and any other equipment capable of sending or receiving electronic messages.
- C. E-Mail means messages and communications sent to or received by others through any type of technological device concerning Town business and/or matters that are or could be a future agenda item.
- D. Legal Opinions means an opinion given by the Attorney.
- E. Incidental Correspondence means routine items that do not set policy.
- F. Policy Correspondence means that which purports to set or explain official Town policy.
- G. Implementation Correspondence means that which implements a policy or a position that is already established by Council.
- H. Citizen Complaint Correspondence means a written complaint form that has been filed by a citizen.
- I. Mail Distribution means incoming mail that is distributed by Clerk's Office staff to the appropriate party.

### 13.2 Public Access and Storage of E-Mail

- A. The Town cannot guarantee that PCs and PEDs used by Town Council members in conducting Town business will be protected from public access. All public records are subject to public records requests. In addition, e-mails, and other documents related to Town business not otherwise classified as public records may be subject to discovery orders in litigation. Thus, all e-mails or other correspondence pertaining to Town business that is received or sent by a Council member should be copied to the Town Clerk for the public record.
- B. Town Council members who send or receive e-mails related to Town business from PCs or PEDs shall copy the e-mail to the Town Clerk at the [townclerk@cvaz.org](mailto:townclerk@cvaz.org) e-mail address each time an e-mail is sent or received. The copies will be distributed either electronically or hard copied to all Council members.
- C. The Town shall maintain a repository for all e-mails that are received or sent by Town Council members for the time prescribed by law. The repository will be subject to public records, discovery, and other lawful requests. The Town does not have resources to delete personal comments from e-mails. Town Council members shall have no expectation of privacy with respect to the contents of e-mails copied to or forwarded to the repository.
- D. E-mails and documents related to Town business shall be retained on PCs and PEDs only for such time as needed and may be deleted from PCs and PEDs after they have been copied to or forwarded to the Camp Verde e-mail address.

### 13.3 Correspondence

- A. **Incidental Correspondence** are routine items that do not set policy for the Town, such as acknowledging receipt of documents, public relations responses, letters of appreciation, and congratulations for special activities and events. Incidental correspondence may be answered by the Mayor or other Council members. Note cards with the Town logo are available for Council use. Individual Council members may review the correspondence and comment to the Mayor or a Council member on a particular response or request a review by the full Council.
- B. **Policy Correspondence** is that which purports to set or explain official policy of the Town, such as letters of support, expressions of position or opinion, or assertions of intent. It must first receive approval of a majority (4) of the Council at public meeting and will then be signed by the Mayor or other such member authorized by Council on behalf of the Council.

At the first meeting in January of each year, Council shall adopt a Policy Statement that authorizes the Mayor, as the Town's Chief Elected Official, to support or oppose bills introduced during Legislative Sessions when they adversely affect the Town's interests and require an immediate response.

- C. **Implementation Correspondence** is that which implements a policy or position already established by the Council, such as continuing letters of support on legislation, positions on actions by other governmental agencies, responding to public information requests, and other administrative steps identified in the initial representation of the issue and approved by the Council. It will be signed by the Mayor and/or other such members authorized by Council.
- D. **Public Inspection** each type of correspondence will be kept chronologically in a separate binder available for public inspection.
- E. **Citizen Complaints** is that correspondence that is addressed to the Town, the Mayor, and/or any other Council member and that is signed or otherwise verified and identified to be a citizen complaint concerning any issue(s) relating to official Town business or responsibility as authorized by statute or

other legal authority shall be directed to the Town Manager upon receipt to assign appropriately for resolution. Appropriate tracking measures shall be established in order for resolution to be reported back to the Town Manager, complainant, and the Town Council.

- F. **Mail Distribution** takes place upon receipt of mail addressed to the Town of Camp Verde, the Council as a whole, or to a particular staff member or department. Mail addressed to the Mayor and/or Council will be opened, date stamped, and copied to the entire Council. Documents will only be maintained as confidential if permitted under the Arizona Public Records Act. Thus, all mail marked "Personal and confidential" or "Confidential" will be opened and placed in the appropriate Council member's box. Should the Mayor or individual Council member determine that a complaint is being made by a citizen or citizens, the correspondence shall be immediately referred to the Town Manager in order for the appropriate assignments to be made and allowing for the resolution process to be started. Note: all personnel matters MUST be kept confidential unless the attorney advises otherwise.

Staff and department mail will not be opened; however, the envelopes will be date-stamped and placed in the appropriate box.

## **Section 14      Council Budget**

### **14.1      Adoption of Town Council Budget**

The annual budget for the Town adopted by the Council will contain a line item designated for Council members' expenditures. This line item shall be the maximum amount that may be reimbursed to or expended by individual Council members pursuant to this section. This line item is a part of the approved Town Council Budget.

### **14.2      Use of Budgeted Funds; Procedures**

- A. The Council budget may be used only for expenses incurred by individual Council members for participation in business activities and events at which a Council member is representing the Town in the Councilmember's official capacity.
- B. In order to receive reimbursement for amounts expended for participation in activities or events described in Paragraph A, a Councilmember shall submit a receipt(s) to the Finance Director showing the amount expended and the purpose of the expenditure. If no receipt was received for the expenditure, reimbursement may be given if satisfactory evidence of the expenditure is submitted to the Finance Director. If there is uncertainty regarding whether the expenditure is an expense for which the Council member may be reimbursed pursuant to this section, the Finance Director shall obtain approval from the Town Manager prior to providing reimbursement to the Councilmember.

## **Section 15      Code of Conduct for Elected and Appointed Officials**

### **15.1      Summary**

The Three Rs of Camp Verde Government Leadership: Roles, Responsibilities and Respect

The Town Code provides information on the roles and responsibilities of Council Members, the Vice Mayor and the Mayor. This is a Code of Conduct for the Town of Camp Verde's elected officials.

This Code of Conduct is designed to describe the manner in which Council Members and appointed officials of the Town (collectively, "Public Officials") should treat one another, Town staff, constituents, and others they come into contact with in representing the Town of Camp Verde. It reflects the work of defining more clearly the behavior,

manners and courtesies that are suitable for various occasions. This is designed to make the public meetings and the process of governance run more smoothly.

The content of this Code of Conduct includes:

- Overview of Roles and Responsibilities
- Policies and Protocol Related to Conduct
- Council Conduct with One Another
- Council Conduct with Town Staff
- Council Conduct with the Public
- Council Conduct with Other Public Agencies
- Council Conduct with Boards and Commissions
- Council Conduct with the Media
- Sanctions
- Principles of Proper Conduct
- Checklist for Monitoring Conduct

The constant and consistent theme through all of the conduct guidelines is "respect." Public Officials experience significant workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Public Officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Public Officials to do the right thing in even the most difficult situations.

## **15.2 Overview of Roles and Responsibilities**

Other resources that are helpful in defining the roles and responsibilities of Public Officials can be found in the Town of Camp Verde Code and in the Elected Officials Guide published by the League of Arizona Cities & Towns.

### **Mayor**

- Is directly elected by the people pursuant to ARS §9-232.03. (Town Code, Section 2-2-1)
- Acts as the official head of the Town for all ceremonial purposes
- Chairs Council meetings (Town Code, Section 2-2-4)
- Calls for special meetings (Town Code, Section 2-3-2)
- Recognized as spokesperson for the Town of Camp Verde
- Makes judgment calls on proclamations, agendas, etc.
- Recommends subcommittees as appropriate for Council approval
- Leads the Council into an effective, cohesive working team
- Sign documents on behalf of the Town of Camp Verde

### **Vice Mayor**

- Serves at the pleasure of the Council (Town Code, Section 2-2-2)
- Performs the duties of the Mayor if the Mayor is absent (Town Code, Section 2-2-2)
- Chairs Council meetings in the absence of the Mayor
- Represents the Town at ceremonial functions at the request of the Mayor

### **All Council Members**

All members of the Town Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more authority than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in Town Council meetings and other public forums while demonstrating kindness, consideration, and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the Town at ceremonial functions at the request of the Mayor or at the request of the Council.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Camp Verde government
- Provide contact information with the Town Clerk in case of an emergency or urgent situation arises while the Council Member is out of Town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

### **Meeting Chair**

The Mayor will chair official meetings of the Town Council, unless the Vice Mayor or another Council Member is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda items under consideration
- Makes parliamentary rulings. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

### **Former Council Members**

Former members of the Town Council who speak to the current Town Council about a pending issue should disclose for whom they are speaking.

## **15.3 Policies and Protocol Related to Conduct**

### **A. Ceremonial Events**

Requests for a Town representative at ceremonial events will be handled by Town staff. The Mayor will serve as the designated Town representative. If the Mayor is unavailable, then Town staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

### **B. Correspondence Signatures**

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. The Town Clerk will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or the Town Clerk.

If correspondence is addressed only to one Council Member, then that Council Member may check with staff on the best way to respond to the sender.

**C. Endorsement of Candidates**

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official Town meetings.

**D. Public Announcements in Council Meetings**

Council Members who want to speak during the Call to the Public or Council Members Report portion of the Council meeting should notify the Chair in advance. Council Members, like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest. Matters that may require Council action or direction should not be discussed and those items on the agenda should not be used for any form of campaigning.

**E. Public Hearing Protocol**

The applicant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. All speakers should be heard. All statements should be made to and through the Chair. The applicant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Council Members should not express opinions during the public hearing portion of the meeting, except to ask pertinent questions of the speaker or staff. All Council Member comments or questions should be directed to the Chair. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. Council Members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for the question or a point of order. Only Council Members, who voted on the prevailing side, may make motions to reconsider. Motions to reconsider must be made prior to adjourning the meeting.

**F. Travel Expenses**

The policies and procedures related to the reimbursement of travel expenses for official Town business by Council Members is according to the Town of Camp Verde Financial Operations Guide, as may be amended. All Council travel in excess of the allowed budget, in which the Council Member expects to officially represent the Town and/or be reimbursed by the Town for travel costs, must be approved in advance by the Council. In addition, all out of state travel for which the Council Member expects to officially represent the Town and/or be reimbursed by the Town for related travel costs, must be approved by the entire Council PRIOR to taking the trip. The travel policy and budget for Council should be reviewed at each annual budget cycle.

**15.4 Council Conduct with One Another**

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

**A. IN PUBLIC MEETINGS**

**1. Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make

belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

**2. Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

**3. Avoid personal comments that could offend other Council Members**

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

**4. Demonstrate effective problem-solving approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

**B. IN PRIVATE ENCOUNTERS**

**1. Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

**2. Be aware of the lack of security of written notes, voicemail messages, and e-mail**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

**3. Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Remember the open meeting law prohibits conversations of four or more council members or the "linking" together through a common source of four or more individual conversations.

**4. Other Town Public Officials**

The foregoing guidelines concerning "Conduct with One Another" shall be followed not only by Council Members but also by other Town Public Officials.

**15.5 Council Conduct with Town Staff**

Governance of a Town relies on the cooperative efforts of elected officials, who set policy, and Town staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

**A. Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Inappropriate behavior towards staff is not acceptable.

**B. Limit contact to specific Town staff**

Consequently, remember Town staff is accountable to their supervisors. Tasks performed by staff that comes from outside the normal chain of supervision could cause staff confusion, inadequate work product and inefficient performance. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager, Town Clerk or Department Heads, or the Department Head's designee. The Office of the Town Manager should be copied on any request. In accordance with Town Code Section 3-2-1-E, no Council Member shall give orders or instructions to any subordinate of the Town Manager other than instructions for the purpose of inquiry without the consent of the Town Manager.

Requests for follow-up questions to staff should be made only through or with the consent of the Town Manager. When in doubt about what staff contact is appropriate, Council Members should ask the Town Manager for direction. Materials supplied to a Council Member in response to a request will be made available to all members of the Council so that all have equal access to information.

**C. Do not disrupt Town staff from their jobs**

Council Members should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

**D. Never publicly criticize an individual employee**

Council should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the Town's personnel rules and limit the Town's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

**E. Do not get involved in administrative functions**

Council Members must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits.

**F. Check with Town staff on correspondence before taking action**

Before sending correspondence, Council Members should check with the Town Manager to see if an official Town response has already been sent or is in progress.

**G. Do not attend meetings with Town staff unless requested by staff.**

Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

**H. Limit request for staff support**

Routine secretarial support will be provided to all Council Members by Clerk's Office staff. Routine secretarial support consists of simple requests that consume minimum staff time, such as an occasional letter or note, travel arrangements for Council-approved events, or providing copies of requested material. Secretarial support does not include making phone calls or other support for non-Council-sanctioned events and/or maintaining an appointment calendar.

The Clerk's Office staff will prepare and/or process all correspondence and documents that have been approved in a duly convened Council meeting by a majority of the members. All requests for secretarial support must be made through the Town Clerk.

Requests for additional staff support – even in high priority or emergency situations – should be made through the Town Manager who is responsible for allocating Town resources in order to maintain a professional, well-run Town government.

The Clerk's Office opens all mail for Council Members and distributes per the Correspondence policy. Mail delivered to Town Hall and marked 'confidential' will not be treated as confidential unless permitted under the Arizona Public Records Act, but will be distributed according to the Correspondence policy.

I. **Do not solicit political support from staff**

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff; to do so could violate the law. Town staff may, as private citizens with constitutional rights, support political candidates for other government entities but all such activities must be done away from the workplace.

J. **Other Town Public Officials**

The foregoing guidelines concerning "Conduct with Town Staff" shall be followed not only by Council Members but also by other Town Public Officials.

**15.6 Council Conduct with the Public**

A. **IN PUBLIC MEETINGS**

1. **Making the Public Feel Welcome** is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with respect

Be fair and equitable in allocating public hearing time to individual speakers

Generally, each speaker will be allocated three minutes. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he/she exhibits inappropriate behavior. After the close of the public hearing, no more public testimony will be accepted.

2. **Give the appearance of active listening**

It is disconcerting to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

3. **Ask for clarification, but avoid debate and argument with the public**

Only the Mayor, no individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal

opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

4. **No personal attacks of any kind, under any circumstances**

Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

**B. IN UNOFFICIAL SETTINGS**

1. **Make no promises on behalf of the Council**

Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Town staff will do something specific (fix a pothole; remove a library book; plant new trees, etc.)

2. **Make no personal comments about other Council Members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

3. **Remember Camp Verde is a Small Town**

Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Camp Verde. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

**Other Town Public Officials**

The foregoing guidelines concerning "Conduct with the Public" shall be followed not only by Council Members but also by other Town Public Officials.

**15.7 Council Conduct with Other Public Agencies**

A. **Be clear about representing the Town or personal interests**

If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority or minority opinion of the Council.

Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement in order to assure their independence and impartiality on behalf of the common good. Public Officials should not use their official positions to influence government decisions in which they have a substantial financial interest or a relationship that may give the appearance of a conflict of interest. Public Officials should abstain from participating in deliberations and decision-making where conflicts of interest may exist as defined under Arizona law. Public Officials should discuss issues of conflict of interest with the Town Attorney.

B. **Correspondence also should be equally clear about representation**

Town letterhead may be used when the Council Member is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record.

Town letterhead should not be used for correspondence of Council Members representing a personal point of view, and is best not used to express a dissenting point of view from an official Council position. However, should Council Members use Town letterhead to express a dissenting point of view, the official Town position must be stated clearly, so the reader understands the difference between the official Town position and the viewpoint of the Council Member.

C. **Other Town Public Officials**

The foregoing guidelines concerning "Conduct with Other Public Agencies" shall be followed not only by Council Members but also by other Town Public Officials.

**15.8 Council Conduct with Boards and Commissions**

The Town has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

A. **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by a Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

B. **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

C. **Remember that Boards and Commissions serve the community, not individual Council Members**

The Town Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

D. **Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

E. **Keep political support away from public forums**

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Town Council Member.

F. **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council.

## 15.9 Council Conduct with the Media

Council Members are frequently contacted by the media for background and quotes.

- A. **The best advice for dealing with the media is to never go “off the record”**  
Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.
- B. **The Mayor is the official spokesperson for the Town.**  
The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official Town position or a personal viewpoint.
- C. **Choose words carefully and cautiously**  
Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.
- D. **Other Town Public Officials**  
The foregoing guidelines concerning “Conduct with the Media” shall be followed not only by Council Members but also by other Town Public Officials.

## 15.10 Enforcement of the Ethics Policy

- A. **Complaints**
  1. Public Officials themselves have the primary responsibility to assure compliance with this Code of Conduct.
  2. The Chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of the Public Officials appear to be in violation of this Code of Conduct.
  3. If the Mayor or the chair of the applicable board, commission or committee fails to intervene, two members of the Council, board, commission may request the Mayor or the chair of the applicable public body to intervene. If the complaint arises out of actions or inactions of the Mayor or the chair, the matter shall be directed to the vice-mayor or vice-chair. If the Mayor, chair, vice-mayor or vice-chair fails to intervene, then the matter shall be referred to the Town Attorney.
  4. The Town Attorney shall review the complaint and shall simultaneously notify in writing the Town official subject to the complaint of such review.
  5. Within 30 days, the Town Attorney shall submit the results of his or her review to the complainant, to the official who is the subject of the complaint, and to the Mayor or chair of the public body on which the official who is the subject of the complaint sits. If the matter cannot be resolved within ten days, the matter shall be referred to the Town Council. The Town Council shall consider the Town Attorney's report at a public meeting. If the Town Council finds an ethical violation by a person serving on a commission, board or committee, then the Town Council may remove the member from the Town board, commission, or committee. In resolving a complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.

6. In addition, the Town Council may impose sanctions on Public Officials whose conduct does not comply with this Code of Conduct, such as reprimand, censure, loss of seniority or committee assignment, or official travel restrictions.

**B. Resolving Complaints against the Mayor and/or other Members of the Town Council.**

1. When complaints are levied against the Mayor or members of the Town Council, the Town Attorney shall have the authority to decide either to (a) act directly on any complaint filed against the Mayor and/or other members of the Town Council pursuant to subparagraph A above, or (b) refer a complaint to an independent reviewing authority such as a city or town attorney from another jurisdiction or an attorney from the office of the county attorney.

**15.11 Sanctions**

**A Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

**B. Inappropriate Staff Behavior**

Council Members should refer to the Town Manager any Town staff that does not follow proper conduct in their dealings with Council Members, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

**C. Council Members Behavior and Conduct**

In addition to sanctions imposed pursuant to paragraph A.6 above, Town Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the Town of Camp Verde or with inter-government agencies) or have official travel restricted.

**15.12 Principles of Proper Conduct**

**Proper conduct IS . . .**

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

**Proper conduct IS NOT . . .**

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors

- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

*If all comes down to respect*

**Respect for one another as individuals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.**

---

### **15.13 Checklist for Monitoring Conduct**

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

## **Section 16 Summary of Good Government Rules for Elected and Appointed Officials**

**16.1 Summary and Notice of Statutory Authority.** The following is a brief summary of many of the items addressed in this document, along with the statutory authority. If you have a question or concern about any situation, it is best to speak to your Department Liaison, the Town Clerk, or the Town Manager *before* taking action.

**16.2 The Public's Property.** Public property belongs to the people in general, and should not be used to benefit specific public officers. *Examples* of misuse of public property are requiring employees to do tasks for superiors that are not work-related; using public computers or personnel for a personal side business; claiming false travel expenses; destroying public records; using public vehicles for personal errands; and using public employees, equipment, supplies, or facilities for political campaigns.

- Personal use of public resources is *theft* (ARS §13-1802)
- Making false representations to obtain a benefit is punishable *fraud* (ARS §13-2310)
- Computer fraud occurs when a person exceeds authorization of use of any computer (ARS §13-2316)
- Destroying, altering, or falsifying a public record is *tampering with a public record* (ARS §13-2407/§38-421)
- Using public personnel or equipment to influence the outcome of an election is *prohibited political activity* (ARS §500.14.A)

- 16.3 Public Money.** Arizona law strictly regulates the receipt, custody, control, and expenditure of public money to protect taxpayers (ARS §35-196/301). Arizona Constitution, Article IX, Section 7, prohibits governmental bodies from expending public monies to give advantage to special interests or engage in non-public enterprises. **Use of public money must always be for a public purpose.**
- 16.4 Public Procurements.** Laws regulate the expenditure of public money for procurement or any materials, services, construction, or property in order to promote competition, obtain the best product or service at the lowest price, and treat vendors equally. *Examples* of violations of this policy are sharing confidential bid information with vendors or third parties; purchasing an item outside of the required process simply because the product or price seems superior; obligating public funds without authorization; contracting for services without a purchase order (PO) and without quotes; bid-rigging to eliminate competition; and misuse of change orders to exceed budget or authorization. Intentional violations of the State code are class 4 felonies, with lesser penalties for violations of local ordinances. Personal civil liability even for inadvertent violations may also attach, including a 20% penalty, interest, costs, and damages. (ARS §41-2616.A). Contracts may be canceled and all amounts paid recovered by the public body. (ARS §38-506.A/511). State and federal *antitrust laws* apply, regardless of which procurement code is being followed, and procurement personnel risk being implicated in an anti-competitive combination if a vendor seeks direct influence by writing the specifications, seeks removal of a competitor from a vendor list, seeks inside information about competitors' bids before a bid award, asks about competitors' prices, or seeks modification of the contract after the bid is awarded. There are treble civil damages and criminal penalties for violations.
- 16.5 Conflicts of Interests.** Public policy requires that personal interests not exist as a possible factor influencing a public official in the performance of his duties. Any pecuniary or proprietary interest, direct or indirect, of public officers or employees (or their relatives), is deemed a "substantial interest" which triggers a conflict, unless it falls within one of the 11 statutory exceptions set out in ARS §38-502.10. A conflict must be declared on the public record and by filing a paper signed by the public officer or employee which fully discloses the substantial interest (ARS §38-502.3). The filing shall be in a special file established pursuant to ARS §38-509. If a conflict is made known, it is not enough to simply refrain from voting. The public officer or employee may not participate in the discussion or decision of the matter on which there is a conflict with other members of the public body before, during, or after the meeting. These steps must be taken even if there is little or no likelihood that the public servant would participate in the matter, and even if the person is confident that neither his nor her objectivity nor the public interest would be harmed by participation. The conflict of interest statutes are mandatory. Criminal penalties apply for knowing violations of the statutes, and public servants may be subject to prosecution even if they were unaware of a conflict when they took official action (ARS §38-510.A.2). In addition to civil and criminal penalties, assessment of damages, attorneys fees and costs, removal from office, and other equitable relief, a contract made on behalf of the public agency in violation of the conflict of interest laws is voidable at the discretion of the agency (ARS §38-506.A/511).
- 16.6 Compensation.** Arizona law prohibits all public officers and employees from receiving any money, tangible thing of value, or financial benefit, whether directly or indirectly, for any service rendered in connection with their duties (ARS §38-505)(Class 4 felony under ARS §38-444). The acceptance of a gift, even if given in the best intentions (without attempting to influence the public servant though rarely will gifts be brought by persons other than those who are dealing with the Town!), can still violate the law. State code section R2-5-501.C.4 prohibits employees from receiving anything of economic value as a gift, gratuity, favor, entertainment, or loan, which may even appear to be designed to influence the employee's official conduct.
- 16.7 Favoritism.** Federal and state laws are numerous which prohibit discrimination, and the reverse conduct of favoritism. Related to this are requests by constituents for assistance in dealing with other agencies or branches of government. Public officials should not use their positions to improperly influence the outcome of proceedings in which they play no official role, such as matters in other agencies or branches of

government. Responses to requests by constituents should be limited to inquiry about the status of a matter, and to help the constituent understand the procedures that may be involved, and not directly or indirectly interfere.

- 16.8 Public Records.** Public records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person (ARS §39-121). The public records include records reasonably necessary or appropriate to maintain an accurate knowledge of the public officer's or public body's official activities. "Other matters" means documents which are not required by law to be filed as public records, and are held by the public officer in his or her official capacity, and in which the public's interest in disclosure outweighs the governmental interest in confidentiality. These may include informal communications such as notes, memos, calendars, and e-mail that is related to or could be related to some future Town business. *Examples* of problems areas are refusing to produce public records; purposefully delaying the release; refusing to release records based on speculation that they may contain information that does not need to be produced; refusing to disclose records because they are "only drafts" or are incomplete; refusing to disclose because of a promise of confidentiality when there is no statutory basis of confidentiality. One example of confidentiality of interest is that during and for 2 years following a public servant's position, that person may not disclose or use for personal profit confidential information acquired in the course of official duties (ARS §38-504.B). Portions of personnel files containing a peace officer's home address, home telephone number and personal cell phone, and photograph if serving or scheduled to serve as an undercover agent, are confidential.

[Back to Top](#)

#15

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

**Meeting Date:** 6-3-09

**Meeting Type:** Regular Session

**Type of Presentation:** Verbal Only

**REFERENCE DOCUMENT:** Council Committee Assignments

**AGENDA TITLE: (Be Exact):**

Discussion, consideration, and possible appointment of Council members to serve on various local, regional, and state committees.

**PURPOSE AND BACKGROUND INFORMATION:**

Council members volunteer and/or are appointed to serve on various state, local, and regional committees that are comprised of elected officials and/or other appointed members. This year, we have attached a chart that describes the committee functions and the dates & times of the meetings. Please note that I have also included information that was obtained from web pages for those committees on which Council members served, but did not provide the Clerk's Office with a committee description.

**STAFF RECOMMENDATION(S): (Suggested Motion)**

Assign Council members to the committees.

**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.

## 2009 Council Committee Assignments

**Council representation is recommended at the following meetings:**

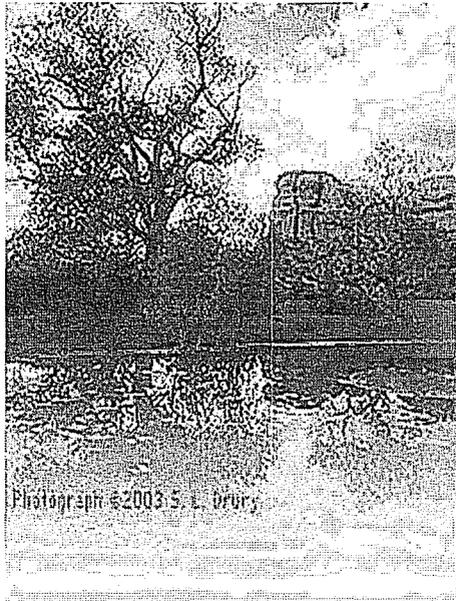
AZ League of Cities & Towns Functions  
 Governor's Conference on Rural Development  
 Verde Valley Intergovernmental Meetings

**Council representation is recommended for the following committees:**

Committees:	Current Member	2009 appointed
Arizona Town Hall	Garrison	
Camp Verde Schools Education Foundation	Hauser	
Chamber of Commerce Board	Hauser	
Cocopai Resource Conservation & Development(RC&D)	Smith	
Council Liaison to Yavapai Apache Nation	Gioia	
Intergovernmental Association	Hauser/Gioia	
Library Design Committee	Hauser/Garrison	
MAT Force (meth task force)	Hauser	
NACOG Regional Council	Garrison	
Sanitary District Liaison	Smith	
Verde Valley Transportation Organization	Hauser/ Gioia	
Verde Valley Land Preservation Institute	Gioia	
<b>Water-related Committees:</b>		
Natural Resource Subcommittee Verde Watershed Assoc	Garrison	
Verde River Basin Partnerships	Hauser/Gioia	
Verde Valley Water Users Liaison	Hauser/Gioia	
Verde Watershed Association	Hauser/Gioia	
Yavapai County Local Drought Impact Group	German	
Yavapai County Water Advisory Committee	Kovacovich/Gioia	
<b>Inactive Committees:</b>		
Arizona Art Share		INACTIVE
Arizona Watershed Alliance		INACTIVE
Natural Resource Committee		INACTIVE
Middle Verde Basin Planning Group		INACTIVE
NAMWA –The Town is no longer a Member		DELETED
Verde River Enhancement		INACTIVE
Verde Valley Natural Resource Committee		INACTIVE

### Committee Assignment List

Committee	Committee Description	Meeting Date & Time	Current Member
Arizona Town Hall			
Camp Verde Education Foundation	Education	April, May & August/ third Wednesday 8:00 a.m. High School Conference Room	Garrison
Chamber of Commerce	Networking, tourism	Third Tuesday	Hauser
Cocopai Resource	RC & D	Every 60 days/ third Monday	Smith
Council Liaison to YAN			
EDC (Nacog subcommittee)	Economic Development Council	Every other Month 10:00 a.m.	Garrison
Education Foundation	review grant requests, fundraising and scholarship information for the staff and students of the District.	Every three months	Garrison
Intergovernmental Association			
Local Drought impact Group	Drought awareness	when needed	Kovacovich
MatForce	This is a county wide drug task force	2nd & 4th Wednesday 12- 1:30 p.m.@Public Safety Bldg, Cottonwood	Hauser
NACOG	NACOG assists local governments with the acquisition and implementation of common economic and other resource opportunities, such as federal and state aid for regional and local projects in order to meet the infrastructure and social needs of the communities and residents.	4th Thursday of the even Months Flagstaff 9:00 a.m to 1:00 p.m.	Garrison
Natural Resource	A sharing of water information meeting with Mayors or respresentatives from all Verde Valley communities. Hosted by Bob Hardy	2nd or 3rd Monday 9:30 a.m., Cottonwood	Hauser
Sanitary District Liaison	Liaison for Council on Sanitary Board	Monthly & Special Sessions	Smith
Tourism (Nacog subcommittee)	Tourism	8:45 a.m. to 10 a.m.	Garrison
Verde Valley Transportation	Verde Valley Transportation and Planning Organization	Every 60 days/ fourth Monday 8 a.m. - 10 a.m.	Smith
Verde Valley Water Users Inc.	Water rights in the Verde Valley	Annually - Spring-time	Kovacovich
Verde Watershed Association	Water reports, information, attended by a broad group of citizens, public and officials	3rd Wednesday, alternating Ctwd and Prescott	Hauser
WAC	water		Gioia/Hauser
Youth Coalition	Teen Center working with the Youth Count, Boys & Girls Club	Random- every couple months, usually at 4 p.m.	Hauser



Photograph ©2003 S. L. Drury

"... to preserve and enhance the natural open space of the Verde Valley"

# Verde Valley Land Preservation Institute

Home • Goals • Projects • Preserve Your Land • Membership • Accomplishments • Contact • Links

***Our Mission** is to develop and implement immediate and long-range strategies to preserve and enhance the natural open space of the Verde Valley. The Institute will ensure a public collaborative process involving scientific research, education, planning, and land acquisition, management, development, and preservation techniques.*



**CURRENT ACTIVITIES**

**OPEN SPACE MAP**

**CONSERVATION EASEMENTS**

**BOARD of DIRECTORS**

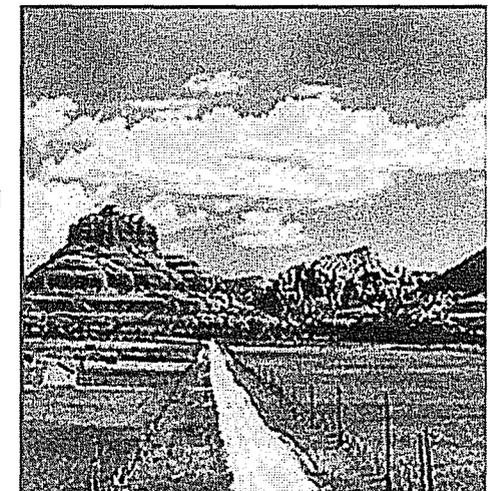
**JOIN NOW**

**Verde Valley Land Preservation Institute** is an Arizona nonprofit corporation operating within the Verde Valley of Arizona for the purpose of acquiring, managing and enhancing the natural open space in the Verde Valley region.

### ***Our Vision:***

The Verde Valley Land Preservation Institute envisions a high quality of life in a region where open space and the beautiful vistas are it's defining characteristics:

- Communities have maintained and enhanced their individual distinctiveness and are separated by healthy, diverse natural open space that includes interconnected greenways and trail systems.
- Watersheds, viewsheds, sensitive ecosystems, wildlife corridors, steep slopes and cultural resources (sacred, archeological, historical, and agricultural), and outdoor recreational areas have been protected.



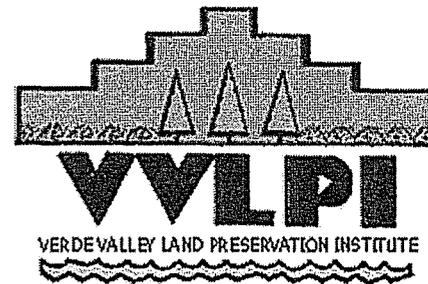
A regional open space plan is in place that has maintained a balance between natural and human communities and encouraged responsible growth and economic prosperity:

- It has been achieved through a citizen-driven, science-based (biological, physical, and social) planning effort conducted in collaboration with all affected Verde Valley legal jurisdictions and has been successfully integrated into their plans.
- All stakeholders have come together and are continually working together to achieve responsible stewardship of the Verde Valley's open space for future generations.

-TOP-

[\[Home\]](#) [\[Goals\]](#) [\[Projects\]](#) [\[Preserve Your Land\]](#) [\[Membership\]](#) [\[Accomplishments\]](#) [\[Contact\]](#) [\[Links\]](#)

©2003-2009 All Rights Reserved



Verde Valley Land Preservation Institute  
P.O. Box 3356  
Cottonwood AZ 86326

[Saltwater Systems](#)  
[Web Design | Web Hosting](#)  
[Sedona AZ](#)



"... to preserve and enhance the n  
open space of the Verde

# Verde Valley Land Preservation Institute

Home • Goals • Projects • Preserve Your Land • Membership • Accomplishments • Contact • L

## Goals and Objectives

### I Facilitate The implementation of the Open Space Section in The Verde Valley Regional Land Use Plan

- Achieve protection of carefully identified parcels based on certified criteria
- Protect the viewsheds; riparian values and flow of the rivers; forests that clean the air and mediate global warming; wildlife corridors; and cultural and historic values of the area
- Consult with identified owners and managers of parcels designated for preservation, such as, the Coconino and Prescott National Forests, the Arizona State Parks, the Arizona State Land Department, the cities and towns, ranchers, developers, the Yavapai-Apache Nation and other private land owner
- Consider the use of appropriate land trades, exchanges and conservation easements

### II Acquire Interest In and/or Title To Priority Open Space Land

- Seek funding through all possible sources, such as, the Arizona Heritage Fund, grants, foundations, Verde Valley tourism programs and a local open space acquisition tax
- Negotiate targeted land acquisitions
- Create a management structure to compliment other Verde Valley land managers

### III Upgrade and Update the Open Space Planning Map

- Continue to gather all information available on parcels identified for preservation, working with all interested parties, cities and towns; and from all possible sources, including available reports and studies
- Incorporate the Verde Valley Trails and Pathway Plan as it is completed



## CURRENT ACTIVITIES

## OPEN SPACE MAP

## CONSERVATION EASEMENTS

## BOARD of DIRECTORS

## JOIN NOW

### Board of Directors

President  
Bob Rothrock  
Secretary  
Pat Williams  
Treasurer

*Walter Miller*

**Directors**

*Dick Byrnes  
Marybeth Carlile  
Dick Dahl  
Tim Elinski  
Dick Ellis  
Brenda Hauser  
Jane Moore  
Chip Norton  
Fred Shute*

**Supporters**

**Individuals:**

*Margie Beach  
Stephan Block  
Chip Davis  
Tom O'Halleran  
Jane Whitmire  
Marshall Whitmire*

**Groups:**

*Big Park Regional  
Coordinating Council  
City of Cottonwood  
City of Sedona  
Cornville Community  
Association  
Town of Camp Verde  
Town of Clarkdale  
Town of Jerome  
The Nature Conservancy  
Yavapai County Supervisors*

**IV Participate in Mutual Projects with Organizations with Complimentary Missions**

- Continue to work with the Nature Conservancy and Arizona State Parks to help identify and acquire riparian links along the Verde River, known as The Verde Greenway
- Seek partnerships with other organizations, as well, such as, the Central Arizona Land Trust, The Sonoran Institute, the Northern Arizona University Ecological Monitoring and Assessment Program and Friends of The Well

**V Continue To Educate and Obtain Public Feedback**

- Hold community events that are directly tied to VVLPPI projects
- Whenever possible co-sponsor public events elated to open space
- Create classroom materials to assist the younger generation to appreciate our beautiful Verde Valley
- Take the VVLPPI message to organized community groups

-TOP-

**Organizational Strategies**

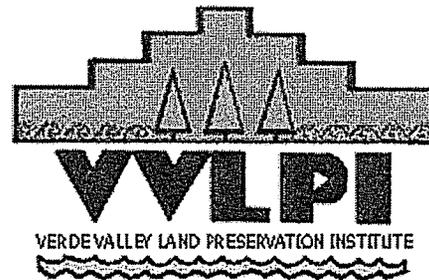
- Develop and maintain cooperative relationships with public land management agencies, e.g., the USF (Yavapai and Coconino Forests), National Park Service, Arizona State Land Department, and Arizona State Parks Department
- Establish and maintain positive and productive working relationships with incorporated Verde Valley jurisdictions, Yavapai-Apache Nation, Yavapai and Coconino Counties, and unincorporated community organizations
- Establish and maintain regular and effective communication with Verde Valley citizens
- Establish and maintain positive and productive working relationships with key private sector entities, e.g., large land owners and developers and water rights holders
- Establish and maintain positive and productive relationships with conservation/preservation organizations

- Establish and maintain positive media relations
- Fully utilize the resources of educational institutions in achieving the mission of VVLPI
- Utilize a broad array of public/private funding mechanisms and groups to support preservation planning, acquisition, and management of open space in the Verde Valley
- Continue to sponsor public workshops and seminars related to open space issues and preservation

-TOP-

[\[Home\]](#) [\[Goals\]](#) [\[Projects\]](#) [\[Preserve Your Land\]](#) [\[Membership\]](#) [\[Accomplishments\]](#) [\[Contact\]](#) [\[Links\]](#)

©2003-2009 All Rights Reserved

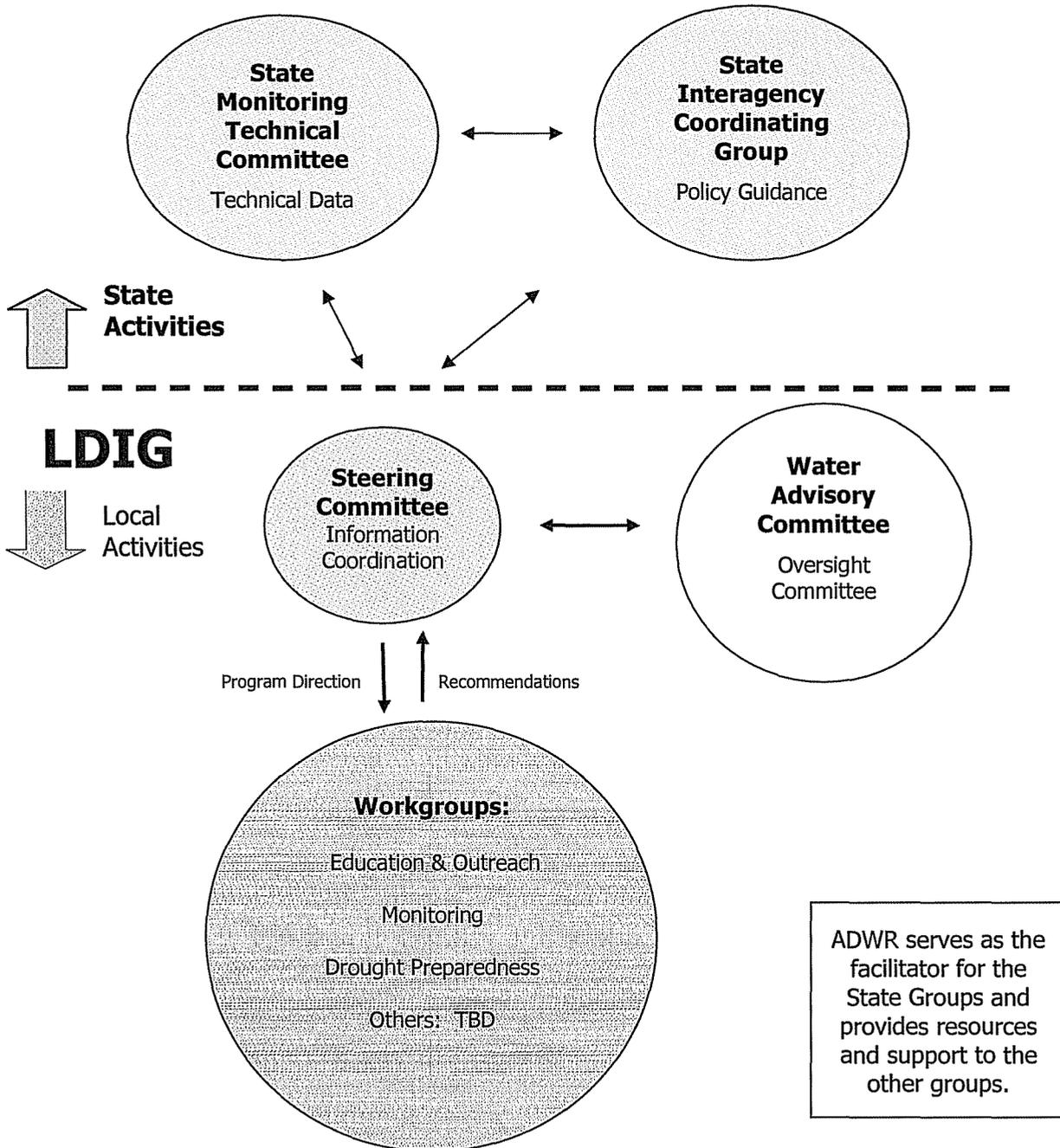


Verde Valley Land Preservation Institute  
P.O. Box 3356  
Cottonwood AZ 86326

[Saltwater Systems](#)  
[Web Design](#) | [Web Hosting](#)  
[Sedona AZ](#)

## Yavapai County Local Drought Impact Group (LDIG)

### Proposed Organizational Structure



Note: LDIG bubble size roughly reflects number of participants (e.g. steering committee is only about 5 or 6 people, whereas many people are involved in workgroups).



## LDIG **Steering Committee**

### **Responsibilities/Duties**

- “Run” the LDIG
- Serve as point of contact for the project (LDIG)
- Coordinate LDIG activities with other committees and the State
- Presents Workgroup and Steering Committee Project Summaries to the Oversight Committee (WAC)
- Coordinate with the WAC to modify Workgroup and Steering Committee activities as necessary.
- Identify and bring forth things that need Oversight approval
- Responsible for functioning of the workgroups (e.g. tasking, interacting with, and approving work plans)
- Help recruit Workgroup members
- Coordinate with WAC regarding decisions of Drought Guidelines
- Deliver reports to the WAC for final endorsement (such as approval of the Mitigation and Response Guidelines)
- Understand, contrast, and communicate the purpose and scope of the “project”
- Set messaging
- Interact with the state (information conduit)
- Submit data and information to the state
- Convenes LDIG when Drought triggers occur

### **Membership**

- 2 people from Oversight Committee (WAC) consisting of one “technical” and one “political” person.
- 1 Chair of each Working group (Education & Outreach (1), Monitoring (1), and Drought Preparedness (1)) (Envisioned to consist of Cooperative Extension Representative, Natural Resources Conservation Service (NRCS) Representative, and County Emergency Management Representative)
- Member NRCD (?)
- Alternates for each.

LDIG



## **Oversight Committee (WAC)**

### **Responsibilities/Duties**

- Oversee LDIG
- Coordinate with Steering Committee
- Understand LDIG process and “output”
- Serve as one conduit of information to WAC communities
- Receive Reports from Workgroups and Steering Committee (*via* Steering Committee)
- Review, comment and approve Mitigation and Response Guidelines (from Drought Preparedness Workgroup)
- Review, comment on, and consider endorsing Education Program
- Review, comment on, and consider endorsing Monitoring Program
- Be fiduciary entity (in the event funds occur)
- Coordinate with Steering Committee to create new Working groups (such as Funding Workgroup if deemed necessary)

### **Membership**

Yavapai County Water Advisory Committee (WAC)

LDIG



## **Workgroups**

Workgroups report to Steering Committee

### **Monitoring Workgroup**

#### **Responsibilities/Duties**

- Data Collection (types, location, times, etc.)
- Data Organization
- Data Transfer
- Work with Steering Committee and State as assigned

#### **Membership**

- NRCS (chair), People to supply data (NRCD, NRCS, ADWR, Individuals (Farmers, Ranchers, etc.))

### **Drought Preparedness**

#### **Responsibilities/Duties**

- The written mitigation and response guidelines (triggers, drought levels (w/state), define drought specific responses, mitigation and response procedures)
- Work with Steering Committee and State as assigned

#### **Membership**

- County Emergency Management (chair), TAC, NRCS, County Extension, others ...

### **Education and Outreach**

#### **Responsibilities/Duties**

- Get buy-in
- Explain process and plan to public
- Awareness programs

#### **Membership**

- County Extension (chair), others to be determined



## **State Groups (Relative to LDIG)**

Local information is received from the Steering Committee to assist in implementation of the Arizona Drought Preparedness Plan

### **Monitoring Technical Committee Responsibilities/Duties**

#### **Membership**

### **Interagency Coordinating Group Responsibilities/Duties**

#### **Membership**

**See website and fact sheet for details:**

<http://www.azwater.gov/dwr/drought/>

<http://www.azwater.gov/dwr/Drought/LocalDroughtGroups/Cochise/files/LDIG%20Fact%20Sheet%200816.pdf>

ADWR serves as the facilitator of the Monitoring Technical Committee and the Interagency Coordinating Group, provides staff support and web services, and assists with report development and public outreach.

ADWR consults with both committees to determine the potential severity of drought conditions and the expected impacts. The appropriate drought status is then decided and mitigation and response measures are recommended by the LDIG for the County.

[Home](#) » [Board of Supervisors](#) » [Boards & Commissions](#) » [Water Advisory Committee](#)

## Water Advisory Committee

**Charter:** The Yavapai County Water Advisory Committee is a committed coalition of communities and selected stakeholders that are dedicated to developing a management plan for the sustainable use of our regional water

**Mission Statement:** The Yavapai County Water Advisory Committee is committed to preserving sustainable water resources for future generations while enhancing the economic viability of our County. We are dedicated to meet long-term water resource needs of our customers - the citizens of the Yavapai County region. We will accomplish our goals by developing and enacting a total water management strategy through a consensus of our coalition members

**Situational Analysis:** Historic uses of water and new demands for water may have created changes to the condition of the water resources of the region. Water levels have declined in some local aquifers, pointing to a change in the resource system. It is imperative that measures are taken to obtain a better understanding of the county's water resources and to ensure the good health of our surface water and groundwater systems.

**Critical Planning Assumptions:** The factors and events that are likely to occur with a high degree of probability near future:

1. The Prescott AMA Tri-City Communities will continue with plans to construct a pipeline and develop the E groundwater basin as well as mitigate impacts from pumping.
2. The Verde Valley downstream water right holders and residents plan to oppose this proposed pipeline.
3. Other groups represented by committee members will also move forward with water acquisition & infrastructure projects.
4. Growth (and demand for water) will continue.
5. Hydrologic and other scientific studies will continue.
6. New legislation will change how we do business within AMAs and with AMAs.
7. Additional or new water supplies will be needed for the Yavapai County region.
8. Water Rights, Water Law and the Regulatory Framework of water management will play a very significant role in the development of water resources.
9. The least costly sources of water have already been developed; additional water sources will likely be more expensive.

### Key Objectives:

- I. Goal No. 1: Develop regional Yavapai County water management and conservation strategies that ensure sustained use of water resources and that protect the base flows of the County's rivers and streams.
- II. Goal No. 2: Establish strong communication links among federal, tribal, state, county, local government, citizens and all other stakeholders.
- III. Devise and promote enabling legislation that will provide a local basis for management of water resources

### Tactics:

- I. For Goal No. 1: Develop regional Yavapai County water management and conservation strategies that ensure sustained use of water resources and that protect the base flows of the County's rivers and streams.
  - a. Inventory municipal, private, tribal and downstream ownerships of water resources.
  - b. Inventory the location of all known sub-basin aquifers
  - c. Inventory existing scientific studies to include total water resources (e.g. surface, ground and effluent)
  - d. Through development of scientific information, allow the water resource to drive the water management strategy.
  - e. Participate in local, state, federal water policy issues that impact our ability to manage regional water resources.
  - f. Outcome: Yavapai Countywide consensus on water resource use and its management.
  - g. Develop a subcommittee structure to address specific issues such as, but not limited to, conservation

education issues.

- II. For Goal No. 2: Establish strong communication links among federal, tribal, state, county, local government, individual citizens and all other stakeholders.
  - a. Develop trust among citizens, cities & towns, and individuals via news media(s) and town hall meetings.
  - b. Continue timely reporting to the Yavapai County Board of Supervisors.
  - c. Keep current on legislative and regulatory issues.
  - d. Provide opportunities for representation and presentations from regulatory agencies.
  - e. Outcome: Heightened awareness of total water management and support of those goals.
- III. Support implementation of goals 1 and 2 by utilizing the collective strength of the WAC membership.

Last Update

---

Copyright © 2009 Yavapai County

[Back to Top](#)

**Item # 16**

**Additional information may follow**

FEE
\$ 14
\$
\$5
\$1
\$ 23



B-4515 P-369  
Page: 1 of 14  
AG 4146666

**When Recorded and Return to:**

Fred H. Rosenfeld, Esq.  
201 E. Washington, Suite 800  
Phoenix, Arizona 85004-2327

**ASSIGNMENT AGREEMENT**

**BETWEEN**

**CAMP VERDE SANITARY DISTRICT OF YAVAPAI COUNTY, ARIZONA**

**AND**

**KOCH FINANCIAL CORPORATION**

**Dated: June 13, 2007**



This Assignment Agreement entered into this 13th day of June, 2007 between the Camp Verde Sanitary District of Yavapai County, Arizona (the "Assignor") and Koch Financial Corporation (the "Assignee").

In order to secure payment of lease payments (the "Lease Payments") under that certain Lease-Purchase Agreement, dated of even date herewith, the Assignor sells, assigns and sets over to the Assignee all payments (the "IGA Payments") that it may receive under that certain Intergovernmental Agreement by and between the Assignor and the Town of Camp Verde, Arizona (the "Town") dated the 11 day of May, 2007 (the "IGA"), a copy of which is attached hereto and marked Exhibit A.

This Assignment shall be null and void upon payment of all Lease Payments have been made and, in such event, the Assignor shall have no further rights hereunder.

All IGA Payments shall henceforth be made to the Assignee at the address set forth below: ~~{To be inserted.}~~

Koch Financial Corporation  
P.O. Box 70072  
Chicago, IL 60673-0072

DATED THIS 13th day of June, 2007

CAMP VERDE SANITARY DISTRICT OF  
YAVAPAI COUNTY, ARIZONA, ASSIGNOR

By: [Signature]  
Chair, Board of Directors

KOCH FINANCIAL CORPORATION

By: [Signature]  
Its: VP, Operations



ACCEPTANCE

The assignment of the IGA Payments to Koch Financial Corporation, as set forth above, is approved and accepted by the Town of Camp Verde, Arizona. The Town will make all future payments under the IGA to the Assignee at the address set forth above.

DATED this 13th day of June, 2007

TOWN OF CAMP VERDE, ARIZONA

By: \_\_\_\_\_



EXHIBIT A

**COPY OF INTERGOVERNMENTAL AGREEMENT**



WHEN RECORDED RETURN TO:

Town of Camp Verde  
473 South Main Street  
Camp Verde, Arizona 86322  
Attn: Town Clerk

INTERGOVERNMENTAL AGREEMENT  
Between  
THE TOWN OF CAMP VERDE  
and  
THE CAMP VERDE SANITARY DISTRICT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between the TOWN OF CAMP VERDE, a municipal corporation of the State of Arizona (the "Town") and the CAMP VERDE SANITARY DISTRICT, a tax-levying public improvement district of the State of Arizona (the "District") and is dated as of May \_\_\_\_\_, 2007 ("Effective Date").

A. WHEREAS, the Town and the District are authorized, pursuant to A.R.S. § 11-952, to enter into agreements for joint or cooperative action; and

B. WHEREAS, the Town and the District desire to upgrade and expand the wastewater treatment facilities currently owned and operated by the District; and

C. WHEREAS, the Town desires to make funds available to the District in order to assist the District in financing the upgrade of the District's wastewater treatment facilities (the "Project").

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

1. Dissolution of District.

1.1 District Election. The District shall approve a resolution to dissolve the District and initiate action to cause a vote of the property owners ("District Property Owner Vote") within the District on the dissolution of the District pursuant to A.R.S. § 48-2029 at the November 4, 2008 election.

1.2 Town Election. The Town shall call a special election ("Town Special Vote") on the question of whether to assume trusteeship of the District pursuant to A.R.S. § 48-2029 to be held at the November 4, 2008 election.

1.3 Transfer of District Property. Upon affirmative District and Town elections pursuant to Sections 1.1 and 1.2 of this Agreement, the Town will assume trusteeship of the District pursuant to A.R.S. § 48-2029; subject, however, to any outstanding leases, including ground leases and lease-purchase agreements (i.e., lease and leaseback transactions) entered into by the District prior to the elections.

2. Town Assistance.

2.1 Town Pledge.

2.1.1 The Town hereby agrees to pledge to the District



Excise Taxes to be used in connection with the construction by the District of a wastewater treatment plant ("Treatment Plant Project"), pursuant to A.R.S. § 9-500.11(A), in the amount of \$135,000 per year ("Town Pledge"), until the three hundredth (300th) Pledge Payment shall have been made ("Pledge Payments"). All such Pledge Payments shall be made to a trustee to be named by the Town for payment to the Owners of certificates of participation related to one or more lease and leaseback transactions. The Town Pledge will be payable in monthly amounts of \$11,250, ("Monthly Sales Tax Payment").

For purposes of this Agreement the term "Excise Taxes" shall mean:

"Excise Taxes" means the unrestricted transaction privilege (sales) tax, business license and franchise fees, parks and recreation fees and permits and fines and forfeitures which the Town imposes; provided that the Mayor and Council of the Town may impose other transaction privilege taxes in the future, the uses of revenue from which will be restricted, at the discretion of such Council and which, if so restricted, will not be deemed Excise Taxes for purposes of this Agreement.

For purposes of this Agreement the term "Parity Lien Obligations" shall mean:

"Parity Lien Obligations" mean any later obligations that the Town is permitted to incur pursuant to Section 2.1.6 hereof and pursuant to the existing loan repayment agreement between the Town and GADA (the "GADA Loan") that are coequal as to the pledge of and lien on the Excise Taxes and the State Shared Revenues with the Pledge Payments and the GADA Loan and which share ratably, without preference, priority or distinction, as to the source or method of payment from the revenues from the Excise Taxes and the State Shared Revenues with the Pledge Payments, the GADA Loan and any other Parity Lien Obligations hereafter issued or incurred by the Town.

For purposes of this Agreement the term "State Shared Revenues" shall mean:

"State Share Revenues" means any amounts of excise taxes, transaction privilege (sales) taxes and income taxes imposed by the State of Arizona or any agency thereof and returned, allocated or apportioned to the Town, except the Town's share of any such taxes which by State law, rule or regulation must be expended for other purposes, such as motor vehicle fuel taxes.

2.1.2 Limited Unconditional Obligation.

(a) The obligation of the Town to make Pledge Payments shall be limited to payment from the revenues from the Excise Taxes and the State



Shared Revenues which are by this Agreement pledged to the Pledge Payments. The obligation of the Town to make the Pledge Payments from the Excise Taxes and the State Shared Revenues and to perform and observe the other agreements contained herein shall be absolute and unconditional and shall not be subject to any defense or any right of set-off, abatement, counterclaim, or recoupment arising out of any breach by the District of any obligation to the Town or otherwise, or out of indebtedness or liability at any time owing to the Town by the District. Until such time as all Pledge Payments shall have been fully paid or provided for, the Town (i) shall not suspend or discontinue any Pledge Payments, (ii) shall perform and observe all other agreements contained in this Agreement, and (iii) shall not terminate the term of this Agreement for any cause, including, without limiting the generality of the foregoing, failure of the District to complete, as applicable, the acquisition, construction and installation of the Treatment Plant Project, the occurrence of any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, destruction of or damage to the Treatment Plant Project, the taking by eminent domain of title to or temporary use of any or all of the Treatment Plant Project, commercial frustration of purpose, abandonment of the Treatment Plant Project by the District, any change in the tax or other laws of the United States of America or of the State or any political subdivision of either or any failure of the District to perform and observe any agreement, whether express or implied, or any duty, liability or obligation arising out of or connected with this Agreement. Notwithstanding the foregoing sentence, the District shall be required to give the Town ninety (90) days' notice of any intent to abandon the Treatment Plant Project and shall, at the Town's option, permit the Town to negotiate the assignment of any and all contracts related to the Treatment Plant Project to the Town for the purpose of avoiding abandonment of the Treatment Plant Project. Nothing contained herein shall be construed to release the District from the performance of any of the agreements on its part herein contained and in the event the District shall fail to perform any such agreements on its part, the Town may institute such action against the District as the Town may deem necessary to compel performance so long as such action does not abrogate the obligations of the Town herein.

(b) The Town shall pay all Pledge Payments by wire transfer in immediately available funds to the Trustee to be named by the District pursuant to Section 2.2.1.

2.1.3 Pledge. The Town hereby irrevocably pledges for the payment of the Pledge Payments the revenues from the Excise Taxes and the State Shared Revenues. The Town intends that this pledge shall be a first lien pledge upon such amounts of the revenues from the Excise Taxes and the State Shared Revenues as will be sufficient to make the Pledge Payments pursuant hereto when due subject to the Parity Lien Obligations. The Town agrees and covenants to make said Pledge Payments from the revenues from the Excise Taxes and the State Shared Revenues, except to the extent it chooses to make the Pledge Payments from other funds pursuant to Section 2.1.5. Said pledge of, and said lien on, the revenues from the Excise Taxes and the State Shared Revenues is hereby irrevocably made and created for the prompt and punctual



payment of the amounts due hereunder according to the terms hereof as hereinafter specified in this Agreement. All of the Pledge Payments hereunder are coequal as to the pledge of and lien on the revenues from the Excise Taxes and the State Shared Revenues pledged for the payment thereof and share ratably, without preference, priority or distinction, as to the source or method of payment from the revenues from the Excise Taxes and the State Shared Revenues or security therefore on a parity with the existing loan repayment agreement between the Town and the Greater Arizona Development Authority of Arizona ("GADA") and any other Parity Lien Obligations as hereinafter defined. Except as otherwise limited by the GADA Loan or any other Parity Lien Obligations, the rights of the Town to payment from the revenues from the Excise Taxes and the State Shared Revenues are on a parity with the rights to payment from the revenues from the Excise Taxes and the State Shared Revenues of any obligations hereafter issued on a parity with this Agreement as permitted hereto. The obligation of the Town to make Pledge Payments of any amounts due under this Agreement, including amounts due after default or termination hereof, is limited to payment from the revenues from the Excise Taxes and the State Shared Revenues and shall under no circumstances constitute a general obligation or a pledge of the full faith and credit of the Town, the State, or any of its political subdivisions, or require the levy of, or be payable from the proceeds of, any ad valorem taxes.

**2.1.4 Excess Revenues.** The revenues from the Excise Taxes and the State Shared Revenues in excess of amounts, if any, required to be paid under this Agreement, the GADA Loan and the Parity Lien Obligations, shall constitute surplus revenues and may be used by the Town for any lawful purpose for the benefit of the Town, including the payment of obligations to which the revenues from the Excise Taxes and the State Shared Revenues may from time to time be pledged on a basis subordinate to this Agreement, the GADA Loan and the Parity Lien Obligations. If at any time the Excise Taxes held for Pledge Payments are not sufficient to make the required Pledge Payments, any such deficiency shall be made up from the first moneys thereafter received and available for such Pledge Payments under the terms of this Agreement, and the payment of the Pledge Payments in arrears as may be necessary to make up any such deficiency shall be in addition to the then-current Pledge Payments required to be made pursuant thereto.

**2.1.5 Use of Other Funds at the Option of the Town.** The Town may, at the sole option of the Town, make such Pledge Payments from its other funds as permitted by law and as the Town shall determine from time to time, but the District acknowledges that it has no claim hereunder to such other funds. No part of the Pledge Payments payable pursuant to this Agreement shall be payable out of any ad valorem taxes imposed by the Town or from bonds or other obligations, the payment of which the Town's general taxing authority is pledged, unless (i) the same shall have been duly budgeted by the Town according to law, (ii) such payment or payments shall be within the budget limitations of the statutes of the State, and (iii) any such bonded indebtedness or other obligation is within the debt limitations of the Constitution of the State.



**2.1.6 Parity Lien Obligations.** So long as any amounts due hereunder remain unpaid or unprovided for, the Town shall not further encumber the revenues from the Excise Taxes and the State Shared Revenues on a basis equal to the pledge hereunder unless the revenues from the Excise Taxes plus the State Shared Revenues, when combined mathematically for such purpose only, in the most recently completed fiscal year of the Town, shall have amounted to at least two (2) times the highest combined interest and principal requirements for any succeeding fiscal year of the Town for this Agreement, the GADA Loan and any Parity Lien Obligations secured or so proposed to be secured by such pledge of the revenues from the Excise Taxes and the State Shared Revenues on a parity of lien therewith. For purposes of this Section, any variable rate indebtedness shall be assumed to bear interest at the maximum permissible rate.

**2.1.7 Town Control Over Revenue Collection.** The amount of the State Shared Revenues is determined by statutory formula, and the Town has not covenanted and has no power to set or maintain rates or otherwise impose taxes to increase, replace or supplement the State Shared Revenues to provide for the Pledge Payments due hereunder.

**2.1.8 Effluent for Irrigation of Town Parks.** Within thirty (30) days of the first pledge payment pursuant to Section 2.1.1, of this Agreement, the District and the Town agree to enter into an agreement whereby the District will provide to the Town, at no charge, treated wastewater effluent in such amounts as necessary to irrigate Town parks. The District will have no obligation to construct any facilities for delivery or added treatment of such effluent. The Town will have no rights to sell this effluent, and all rights to the sale of this effluent will remain with the District. The District makes no warranties or representations that indicate that the District's Aquifer Protection Permit permits use of such effluent for the Town's intended purposes.

**2.1.9 Ground Lease Agreement.** Within thirty (30) days of the first pledge payment pursuant to Section 2.1.1 of this Agreement, the District and the Town agree to enter into a ground lease whereby the District will lease to the Town fifteen (15) acres of land reasonably acceptable to the Town and the District. The Town agrees to develop the leased (15) acres as reasonably acceptable to the District and the Town. The Town further agrees to obtain all necessary zoning and building permits for any anticipated developments. The term of the lease will be until the twenty-fifth (25<sup>th</sup>) anniversary of the Effective Date of this Agreement at a rental rate of \$100.00 per year.

**2.1.10 Operating agreement.** Within thirty (30) days of the execution of this Agreement, the District and the Town will enter into an operation agreement to use Town employees to operate and oversee waste water treatment operations. This operation agreement will be in two phases which will include the Town hiring a certified operator and a district administrator, who may be the same person, and additional inspectors and sanitation operators as necessary in the first phase. The second phase will be for the Town to take over all of the accounting and billing duties of the District, on or before January 1, 2008. This operation agreement will include the operation and maintenance of



the sanitary district plant and collection lines, as well as the administrative duties of the District, for review and inspection of projects within the sanitary district. The Town will provide the District with the estimate of the cost of providing this service and the District will bear this cost through monthly payments to the Town. The cost of maintenance over and above the maintenance provided in the operation agreement will be born by the District. The District will retain Town employees in an at-will employment relationship.

2.1.11 HURF Funds. The Town agrees to make available to the District \$240,000 of HURF funds, to be dedicated to Project chip sealing costs and paid out on a schedule submitted to the town based upon the completion of the chip sealing. Such payment will require timely payment and be subject to a substantial late fees if not paid on time.

2.1.12 The Town as a Third Party Beneficiary. Subject to vender, contractor, lender, payment bonding company and performance bonding company approval, the Town may become a third party beneficiary with any independent contractors who are constructing the waste water treatment facility, collection lines, and/or supplying related construction services.

3. Term. This Agreement expires upon the earlier to occur of (i) receipt of the three hundredth payment after the Effective Date of this Agreement or (ii) the rejection of all bids for the Treatment Plant Project.

4. District and Town Cooperation.

4.1 Development Agreements. Following bid opening for the treatment plant component of the Treatment Plant Project, the Town and the District agree to negotiate Development Agreement(s), if necessary, to address any gap between the funding available for the Project and the funding necessary to complete the Project.

4.2 Bid Alternates. The district has already selected bid alternates based upon the availability of funds and will not be seeking consultation from the town in reference to bid alternates.

4.3 Authorization of Funds. The District must receive the Town Manager's prior written approval before authorizing the withdrawal of funds to pay for the construction and design of the Treatment Plant Project.

4.4 Confirmation of Pledge. The Town will confirm the pledge it has made herein to any lenders, bond underwriters, and/or bonding agencies. The Town agrees to execute and obtain any necessary signatures, as required by any lenders, bond underwriters, and/or bonding agencies.

5. Notices. Any notice permitted or required under this Agreement will be delivered to the following or their successors in the indicated positions and becomes effective upon delivery of the notice and the copies:

For the Town: Town Manager *JA*  
Town of Camp Verde  
473 South Main, #102  
Camp Verde, Arizona 86322

With a copy to: William J. Simms, III, Esq.



Town Attorney  
1850 North Central Avenue, #1000  
Phoenix, Arizona 85004

For the District Rob Witt, Chairperson  
Camp Verde Sanitary District  
P. O. Box 1205  
Camp Verde, Arizona 86322

With a copy to: James E. Ledbetter, Esq.  
The Ledbetter Law Firm, P.L.C.  
315 South Willard Street  
Cottonwood, Arizona 86328

6. Termination for Conflict of Interest. This Agreement is subject to cancellation pursuant to A.R.S. § 38-511.

7. Governing 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.

8. Binding Agreement. This Agreement is binding upon the successors and assigns of the Town and the District. The Town will provide, at the District's expense, an opinion of a qualified bond counsel to the effect that the this Agreement constitutes a valid, existing, continuing pledge of the Excise Taxes, a continuing disclosure agreement acceptable to the underwriter of any obligations issued by the District secured by, or payable all or in part from, the Town's Pledge Payments ("District Obligations"), and the Town will also provide appropriate certificates as to any litigation concerning this Agreement or the application for or submission of a referendum seeking to require the Town's governing body's approval of this Agreement to be submitted to a vote of the Town's electors and as to other matters that may be reasonably required by the underwriter of any District Obligations. The Town further agrees that if the electors of District and the Town both agree to dissolve the District at the elections to be held in November of 2008, no merger will occur as to the District and the Town that will permit the Town to cease making the Pledge Payments. The Town acknowledges that the District will assign the Pledge Payments and other rights under this agreement to a trustee for the benefit of persons or entities who may purchase participating interests in a lease-purchase agreement or agreements to be issued, either by or on behalf of the District, to pay for portions of the Treatment Plant.

9. Entire Agreement. This Agreement constitutes the entire agreement and understanding of the Town and the District with respect to the subject matter hereof. This Agreement may not be amended, modified, extended, or renewed except in writing executed by the Town and the District.

10. Unenforceable Provision. If any provision of this Agreement is unenforceable, the remainder of the Agreement will remain in effect, provided that the intent and purpose of the parties in entering this Agreement is not materially vitiated by such unenforceability, provided further the parties will, in good faith,



negotiate and enter into an amendment to this Agreement in light of such occurrence.

11. No Partnership. It is understood and agreed between the parties hereto that nothing herein contained shall be deemed, held, or construed as the creation of a partnership or joint venture as between the parties hereto.

12. Captions. The captions and headings of the various sections of this Agreement are for convenience and identification only, and shall not be deemed to limit or define the contents of the respective sections.

13. Time Periods. All time periods contained herein shall refer to calendar days, except where express reference is made to business days. Business days shall be defined to mean all days except Saturdays, Sundays, and legal holidays. If any time period specified in this Agreement expires on a non-business day, such time period shall be extended to the next business day.

14. Legal Determination. Attached hereto and incorporated herein is a written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this Agreement and that this Agreement is in proper form.

IN WITNESS WHEREOF, the Town and the District have caused their respective duly authorized representatives to execute this Agreement on their behalf as of the date first above stated.

TOWN OF CAMP VERDE, a municipal corporation of the State of Arizona

By: *Randy Alvin 5/11/07*

Its: Mayor

ATTEST:

*Town Virginia Jones*  
City Clerk *Deputy Town Clerk*

Date: *5-11-07*

The above Agreement has been reviewed pursuant to A.R.S. § 11-952, by the undersigned attorney for the Town of Camp Verde, Arizona, who has determined that it is in the proper form and is within the powers and authority granted to the Town of Camp Verde, Arizona.



Approved as to form

WLD 5/16/02  
Town Attorney Date

Attorney for Town of Camp Verde

CAMP VERDE SANITARY DISTRICT, a  
tax-levying public improvement district  
of the State of Arizona

By: RL Witt

Name: Rob Witt

Title: Chairman



The above Agreement has been reviewed pursuant to A.R.S. § 11-952, by the undersigned attorney for the Camp Verde Sanitary District, who has determined that it is in the proper form and is within the powers and authority granted to the Camp Verde Sanitary District.

Attorney for Camp Verde Sanitary District