

## AGENDA



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

1. **Call to Order**

*As a reminder, if you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off at this time.*

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) October 24, 2007 – Executive Session
- 2) October 24, 2007 – Council Hears P&Z
- 3) October 24, 2007 – Special Session

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

- 1) Regular Session – November 14, 2007 at 6:30 p.m.
- 2) Regular Session – November 21, 2007 at 6:30 p.m. – **CANCELLED**
- 3) Council Hears Planning & Zoning – November 28, 2007 at 6:30 p.m.

c) **Possible approval to amend the FY 07/08 Budget to include the grant award from the Arizona Department of Housing for both federal HOME funds and Arizona Housing Trust Funds to reimburse the Town for the rehabilitation of four (4) program-qualified homes located within the Town of Camp Verde.** The total amount is anticipated at approximately \$434,000. (Staff Resource: Matt Morris)

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

6. **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.

7. **Attorney presentation, update, and discussion of Open Meeting Laws, particularly executive session topics, sanctions, and penalties.** (Staff Resource: Town Attorney)

8. **Public Hearing, discussion, consideration, and possible recommendation for approval of Application for Liquor Licenses for the following:** (Staff Resource: Debbie Barber)

- **Beto's Corner** – located at 10 E. Cliffhouse Drive. This is an application for a new Series 12 license (Hotel-Motel and Restaurant).
- **Clear Creek Vineyard & Winery, LLC** – located at 4053 E. Hwy 260, applicant Ignacio Moreno Mesa. This is an application for a new Series 13 license (Domestic Farm Winery).

9. **Discussion, consideration, and possible appointment of a member to the following Commissions: Planning & Zoning Commission for a term that expires in September 2008.** (Staff Resource: Debbie Barber)

- **Planning & Zoning Commission** – for a term that expires in September 2008
- **Trails & Pathways Commission** – for a term that expires in September 2010

10. **Discussion, consideration, and possible approval of a part time 16-hour per week position for the new Beaver Creek Branch Library.** Yavapai County Library District will reimburse all expenses related to the position. (Staff Resource: Gerry Laurito)
11. **Discussion, consideration, and possible approval of the revised Personnel Manual.** (Staff Resource: David R. Smith)
12. **Discussion, consideration, and possible approval of Resolution 2007-731, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona authorizing the Town Manager to bid.** This resolution authorizes the Town Manager to act as the Town's agent in negotiations and presentation of a \$2.4 million minimum opening bid, together with other amounts as directed by Council at the on-line auction for the community park property known as Parcel "A" of the USFS Administrative site consisting of approximately 118 plus acres located of SR 260 and McCracken Lane and to obtain a preliminary title insurance on the property of approximately \$500. This is a budgeted item in the Parks Fund. (Staff Resource: Mike Scannell)
13. **Discussion, consideration, and possible approval of funding in an amount not to exceed \$400 for cooked turkey/ham/pork and/or roast beef and a Disc Jockey for the December 15, 2007 Town employee, commission, volunteer, and Council Holiday Party.** This is a budgeted item in Public Relations. (Staff Resource: Mike Scannell)
14. **Call to the Public for Items not on the Agenda.**

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

15. **Advanced Approvals of Town Expenditures**
  - a) **Possible approval of \$976.28 for a locking file cabinet for the Finance Department.** This is an underbudgeted item in the General Fund. (Staff Resource: Michael Scannell)
16. **Manager/Staff Report**
  - **Update on the preparation of a plan/timeline for acquisition and/or assumption of the Camp Verde Sanitary District.**
17. **Adjournment**

Posted by: *J. Jones*

Date/Time: 11-2-07 10:20 a.m.

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

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

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

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

1. **Call to Order**

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

2. **Roll Call**

Mayor Gioia, Vice Mayor Hauser, Councilors Smith, Garrison, Kovacovich, Elmer and Parry were present.

**Also Present:** Town Manager Mike Scannell, Town Attorney Brad Woodford, *by telephone conference*, Community Development Director Nancy Buckel, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Councilor Elmer.

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) October 10, 2007 – Work Session
- 2) October 3, 2007 – Executive Session
- 3) October 3, 2007 – Regular Session
- 4) October 3, 2007 – Work Session
- 5) September 26, 2007 – Council Hears P&Z

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

- 1) Regular Session – November 7, 2007 at 6:30 p.m.
- 2) Regular Session – November 14, 2007 at 6:30 p.m.
- 3) Regular Session – November 21, 2007 at 6:30 p.m. – **CANCELLED**
- 4) Council Hears Planning & Zoning – November 28, 2007 at 6:30 p.m.

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

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

(Comments from the following individuals are summarized.)

**Bea Richmond** expressed appreciation for the Town Clerk's presentation at the Trails Commission meeting on the Open Meeting Law; she also requested that consideration be given to maintaining the public building thermostats at a higher temperature in the summer and lower in the winter. *Gioia advised Ms. Richmond that the Town Manager is looking into that issue.*

**Robert Johnson** said he believes that because of what he understands is the water shortage, developers should have to drill their own wells to provide water to their developments.

**Jim Bullard** stated that the Camp Verde Water system has four times the amount of water needed by the existing population; also, the Water Company is in the process of getting the 100-year water supply.

6. **Council Informational Reports**

Mayor Gioia explained that this item has now been moved up from the end of each meeting as a courtesy to the community in order to share with them the information on the Council members'

activities and projects.

**Elmer** reported on his research regarding incorporating the Rural/Western look for buildings; the main problem is adapting the new building materials to accomplish that.

**Hauser** said that Camp Verde has lost a good friend and wonderful citizen with the passing of Jesse Reeves, highlighting his many contributions to the community. Hauser shared the appreciation of her granddaughter for the parade honoring her, and reminded everyone about the upcoming Halloween Main Street event, and invited their help.

**Garrison** reported on her work on the policy for Council donations; the Town Manager will now finish the project. Garrison also commented on a very productive meeting at the Education Foundation Board.

**Smith** said that Jesse Reeves will be greatly missed; his Memorial Service will be held Saturday at 11:00 a.m. at the soccer field. Smith described the Albuquerque Balloon Festival that he had attended, saying it was the best, most professionally run event he has ever enjoyed.

**Gioia** also commented on the Albuquerque Balloon Fiesta events in which he had participated in the past, and the clockwork precision of the launching of the balloons. ***Gioia requested that the Council Donations Policy be included on the next agenda; a request will be forthcoming from the Veterans' group regarding funds for the van.*** Gioia welcomed Lance Corporal Hollamon home for her brief visit. In addition, the League of Women Voters has scheduled a workshop for creating a community landscape vision for the Verde Valley, set for November 8, 2007, from 6:00 p.m. to 8:30 p.m. at the Cottonwood Public Safety Building. *Gioia then requested a moment of silence in honor of Jesse Reeves.*

7. **Discussion, consideration, and possible appointment of a staff member to the Conflict Resolution Team that was established by the Yavapai County Board of Supervisors on the recommendation of the Regional Planning Group as an implementation element of the Verde Valley Regional Land Use Plan.**

On a motion by Parry, seconded by Hauser, the Council voted unanimously to appoint Nancy Buckel as a staff member to the Conflict Resolution Team that was established by the Yavapai County Board of Supervisors on the recommendation of the Regional Planning Group as an implementation element of the Verde Valley Regional Land Use Plan.

Community Development Director Buckel explained that the proposed Conflict Resolution Team is part of the implementation strategy in connection with the Verde Valley Regional Land Use Plan. The group would deal with conflicts among communities arising from developments in one area that may possibly affect other areas; the Highway 260 issue is one prime example. After a brief discussion, Buckel volunteered to participate as the staff member from Camp Verde, confirming that she would look for direction from the Council on how she would try to negotiate or recommend any concessions.

There was no public input.

8. **Discussion, consideration, and possible approval of a request by American Heritage Academy to refund their building permit fees in the amount of \$5,287.85.**

On a motion by Gioia, seconded by Hauser, the Council voted unanimously to deny the request for refund of building permit fees in the amount of \$5,287.85, regrettably, to American Heritage Academy.

Buckel said that upon the request from American Heritage Academy to refund building permit fees, staff conducted a research on the permits that have been issued over the years to different public or charter schools. Only two waivers were granted between 1989 and 1995 for the Camp Verde School District, and during that time no building inspections were being conducted. Staff

believes there should be consistency in applying building permit fees and that the subject request for refund should not be approved, and is asking for direction from the Council. The members agreed on the desire to be supportive of educational facilities, but also pointed out the costs involved in conducting building inspections as well as the need to be consistent and fair to all businesses or entities in imposing those fees.

The Council reminded Mr. Anderson that the requirement for engineering certification was for the protection of his facility itself, not for the Town, and does not affect the building permit fees one way or another. Mr. Anderson discussed with the members the curriculum of the Academy that stressed development of leadership qualities, and the Council noted that the decision it had to make was a very difficult one.

### **PUBLIC INPUT**

(Comment from the following individual is summarized.)

**Steve Anderson**, the Director and Founder of American Heritage Academy, outlined the successful 13-year background of the Academy, said he understood the issue of fiscally responsibility, and explained that his non-profit charter school receives no public funds for construction of buildings and never is on property tax rolls. Mr. Anderson said that the Council is actually being asked to consider that all schools of any kind in the future be considered for a permanent waiver of fees because education is one of the greatest things that can be done for the children. In the particular case of the Academy, they would like to be able to use all of their funds for building a facility of which the Town can be proud. Mr. Anderson also suggested that since they are already doing most of the engineering work as required now, the Town is perhaps overcharging for its building permit fees.

There was no further public input.

9. **Discussion, consideration, and possible determination to either grant or deny an appeal to the Mayor and Council regarding the imposition of Development Fees in the amount of \$2,378.00 for Building Permit #2007206M for a manufactured home to be placed on parcel 404-15-004 as submitted by Gary and Patty Maiers, owners.**  
On a motion by Parry, seconded by Hauser, the Council voted unanimously to **deny** the appeal to the Mayor and Council regarding the imposition of Development Fees in the amount of \$2,378.00 for Building Permit #2007206M for a manufactured home to be placed on Parcel 404-15-004 as submitted by Gary and Patty Maiers, owners.

Buckel said that the building permit was issued in June, 2007 which was clearly after the adoption of the impact fees. The applicants have submitted pictures to illustrate that they improved the property after removal of the older mobile in January 2004. However, staff notes that at the time of the application for a permit in 2007 there was no residence in place on the parcel and therefore placement of the manufactured home at this time would not qualify as replacement of an existing dwelling which would have exempted the impact fees.

There was no public input.

**(NOTE: Prior to the hearing on the following Item 10, Council Garrison announced that she had a conflict of interest, and left the Council Chambers.)**

10. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2007-A344, an ordinance of the Town of Camp Verde, Yavapai County, Arizona changing the zoning for parcels 404-28-014U, 014V, 014W, and 014Z consisting of approximately 3.75 acres from R1L-35 to R1L-12. This rezoning is conditional on the development of a 10-lot subdivision. Construction permits must be issued within two years of the zoning change approval or this zoning will revert to prior zoning of R1L-35 through a hearing process. This property is located on west side of 7<sup>th</sup> Street across from intersection of 7<sup>th</sup> & Head Streets in Camp Verde.**

On a motion by Parry, seconded by Hauser, the Council voted 5-1 to **disapprove** Ordinance 2007-A344, an ordinance of the Town of Camp Verde, Yavapai County, Arizona changing the zoning for parcels 404-28-014U, 014V, 014W, and 014Z consisting of approximately 3.75 acres from R1L-35 to R1L-12; **with a 'no' vote by Smith.**

#### **STAFF PRESENTATION**

Buckel said that the subject area has both water and sewer availability and the rezoning request meets the General Plan Land Use designation of high density, and it is within walking distance of most of the downtown areas. The Ordinance has been drafted to provide for conditional approval because of special circumstances in connection with the area including historical drainage issues. The P&Z Commission voted to deny the rezoning request, and staff then researched the ability to add conditions to the rezoning. Those conditions would require an approved drainage plan to be in place prior to the proposed 10-home project going to the Preliminary Plat stage. The owner has the existing right to develop four homes on four lots. Because of the number of neighbors objecting to the development, approval will require a three-fourths majority vote by the Council.

#### **PUBLIC HEARING OPEN**

##### **Applicant's Statement**

Memi Perkins, representing the Conlin Family Trust, distributed a packet of information and maps to support her presentation requesting approval of the rezoning request to allow development of a 10-home project. Ms. Perkins pointed out that the development would benefit the community through creating infill, employment and responsible growth, and would resolve the drainage issues for the entire area. If the owners chose to sell off the four lots, four homes could be built without concern for the existing drainage problems or access issues. Ms. Perkins offered arguments to counter several complaints of the neighbors including loss of privacy, traffic, drainage and property values. In summary, she said that approval of the rezoning would create the opportunity for the Town to exercise control over any development of the property and to solve the drainage issues.

#### **COMMENT FROM OTHER PERSONS**

(Comments from the following individuals are summarized.)

**Marilyn Ewing**, a resident of the Cliffs development for 12 years, presented detail maps and literature in opposition to the rezoning, and outlined in detail the drainage problem on her property, the steep slope of the subject property that would only create more of a problem, the damage to native plants, resulting erosion of the soil, and the increased density.

**Bruce George** referred to the existing flooding problems with the Cliffs as well as loss of privacy and changing the view with building ten homes; he would rather stay with just the four.

**Diane Bowlus** said that she thinks that adding ten homes would be a disaster; there are already problems that just would be made worse, including soil erosion; property values would be impacted; and she noted the problem of the steep slope of the property.

**Linda German** raised the question of emergency vehicle access and developments on steep slopes in California.

#### **APPLICANT'S REBUTTAL**

Ms. Perkins said that the maps she had provided show how homes can be built on slopes, and the neighboring subdivisions are examples of that. She reiterated that the owners expect to have to correct some of the drainage problems that are not on their property; the Council would have control because of the conditions imposed in the rezoning; and the property does meet the requirements for a rezoning.

#### **PUBLIC HEARING CLOSED**

##### **Council Discussion**

Ms. Perkins was asked whether the engineer was confident that the drainage problem could be solved; she believes he does and that he will be accepting liability when he stamps the plans. There was also acknowledgment during the Council discussion that the trade-off between just selling off the four lots and approving the development was the guarantee of resolving the existing drainage problems through the development. The issues of density, plans for connection to the sewer, and traffic were also discussed. Mayor Gioia commented on his meetings with the Town Engineer and other staff on drainage issues in the whole area, as well as working with past developments during the past three years, to no avail, since the anticipated problems arose and have continued to exist. Gioia said he would feel irresponsible as an elected official if he were to further the existing problems, and stated for the record that he has other issues with the site and the possibility of development, but that drainage leads the issues and he cannot support the change of zoning that the applicant requests. Gioia commended all those who had worked on trying to resolve this difficult issue, including the efforts of the applicants, staff and P&Z Commission.

11. **Discussion with designated representatives in order to consider Council's position and possible instruction to representatives regarding negotiations for the purchase of Forest Service land as a Town park site.**

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

**PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Lynn Reddell** said that whatever park site is within the Town's budget we need to start to do something; it has been going on for a number of years now and the community would like the Council to consider getting the land if it is within budget; the children need a park.

**Jim Bullard** commented that we need to have something here for the young people; we need to get it going.

**Diane Bowlus** spoke from her experience as a therapist for special needs children on the importance of providing activities for children and the need for a park with playgrounds. *Gioia suggested that she consider submitting an application for the P&R Commission; the Town could use her help..*

(**Note:** One individual, who did not identify himself, complained that information has not been shared with the public regarding a park site.)

There was no further public input.

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

There was no public input.

13. **Advanced Approvals of Town Expenditures**

**a) There are no advanced approvals.**

There were no advanced approvals.

14. **Manager/Staff Report**

There was no Manager/Staff report.

**The meeting was adjourned at 8:46 to go into Executive Session after addressing Items 12 through 14; the meeting was called back to order at 10:03 p.m.**

15. **Adjournment**

On a motion by Elmer, seconded by Kovacovich, the meeting was adjourned at 10:03 p.m.

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Margaret Harper, Recording Secretary

**CERTIFICATION**

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Debbie Barber, Town Clerk

**MINUTES  
SPECIAL SESSION  
MAYOR and COMMON COUNCIL  
of the  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
473 S. MAIN STREET, ROOM 106  
WEDNESDAY, OCTOBER 24, 2007  
at 5:30 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**

Mayor Gioia called the meeting to order at 5:31 p.m.

**2. Roll Call**

**Present:**

Mayor Gioia, Vice Mayor Hauser, Councilors Elmer, Garrison, Kovacovich, Parry, and Smith

**Also Present:**

Town Manager Mike Scannell and Town Clerk Deborah Barber

Councilor Parry led the Pledge of Allegiance.

**3. Discussion of performance review followed by discussion, consideration, and possible assignment, appointment, promotion, and/or salary adjustment of Marshal David Smith.**

Manager Scannell explained that David Smith had requested that this discussion take place in Executive Session and that he had elected not to attend.

On a motion by Hauser, seconded by Garrison, the Council voted unanimously to go into Executive Session pursuant to ARS §38-431.03 (A)(1) for discussion or consideration of assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

The Special Session was recessed at 5:33 p.m. and reconvened at 5:57 p.m.

On a motion by Gioia, seconded by Kovacovich, the Council voted unanimously to approve a 2.5% annual merit increase with an additional 2.5% increase to compensate David Smith for his performance as Interim Manager for which he had received no additional compensation.

Gioia asked the Manager to convey Council's appreciation for Smith's service.

**Public Input**

There was no public input.

4. **Discussion, consideration, and possible authorization for Town Manager Mike Scannell to award David R. Smith an annual stipend of \$10,000 upon his appointment as Human Resources Director and to transfer the funds for the prorated stipend and ancillary payroll amounts of \$8,015.01 from contingency into the appropriate personnel line items for the remaining FY 07/08 budget year.** (Staff Resource: Michael Scannell)

On a motion by Smith, seconded by Kovacovich, the Council voted unanimously to support the Manager's appointment of Marshal David R. Smith as Human Resources Director, to approve the annual stipend of \$10,000, and to transfer the funds for the prorated stipend and ancillary payroll amounts of \$8,015.01 from contingency into the appropriate personnel line items for the remaining FY 07/08 budget year.

Scannell said that he is recommending appointment of David Smith as HR Director in addition to his duties as Marshal. He explained that the HR position is vacant due to the retirement of the Finance Director. Scannell said that Smith had indicated an interest in taking on this position and he spoke to a number of Smith's qualification to fill the position, including his education and training.

Scannell said that he believed that it was important to involve Council in this decision even though the Town Code puts this position under the Manager's appointment and direction. He explained that HR is a very important position in any organization and it was his intent to keep Council informed of critical events. He further noted that a precedent for a stipend had been established with the previous Finance Director, in that he received an annual \$10,000 stipend for assuming the duties of HR Director. Scannell said that he did not have the authority to appropriate these funds and recommended that Council approve the stipend.

Gioia said that he supported this request and noted that Smith also teaches Human Resources at the college level and that he believed Smith would be excellent in this position. Gioia said that they had spoken to his first project [to take on] should he be appointed to the position.

#### **Public Input**

There was no public input.

5. **Discussion, consideration, and possible authorization for the Town Manager to engage a CPA firm to prepare the financial statements for the Fiscal Year that ended June 30, 2007 and to negotiate a fee not to exceed \$15,000 for the completion of this work.** This is an unbudgeted item from Contingency. (Staff Resource: Michael Scannell)

On a motion by Hauser, seconded by Garrison, the Council voted unanimously to authorize the Manager to engage a CPA firm to prepare the Financial Statements for the Fiscal Year that ended June 30, 2007 and to negotiate a fee not to exceed \$15,000 for the completion of this work.

Manager Scannell advised that with the retirement of Finance Director, the position is still vacant. He explained that we are preparing for the audit for FY ending 6/30/07 and that Lisa Lombard & Associates had been engaged following an RFP process and that she is prepared to begin the audit. However, the Town's financial statements must be prepared first. He explained that typically the statements are prepared and transmitted to the auditor and the auditor then certifies that the

statements are substantially adequate and correct. The auditor must perform an independent audit and therefore, cannot prepare the statements. Scannell advised that though Finance personnel are able to perform their duties, there is no one in the Finance Department that is qualified to prepare the statements. He explained that a CPA needs to prepare them on our behalf. He recommended that he be authorized to obtain an independent auditor, negotiate an agreement defining a scope of work, and suggested the firm that Council had interviewed. He advised that the costs are expected to range from \$10,000 to \$15,000 depending on the amount of work required to complete the statements. He said this needs to be done as quickly as possible.

Councilor Smith noted that we would not be spending this money if the Finance Director were still here and Scannell agreed. Smith said there were substantial costs related to his sudden departure.

Councilor Garrison asked if this would require a RFP process and Scannell explained that it fell within the profession services exemption. He said that he would make calls to ensure the best possible price.

Gioia said that he understood the reasoning. He related that he too hated to spend unnecessary funds, but there is a need. He noted that Council was taking steps in moving closer to recommendations made in the past. He said that Council discussed how to handle the Town's financial matters differently in the past and that this step was moving closer to the end goal. He said he felt this was a benefit to the community and he supported the request.

Hauser asked if the statements should have already been completed. Scannell said that some people believe that the process begins as soon as the year closes. He explained that the year-end closing was a cumbersome process that takes a tremendous amount of time. He advised that the Town is required to send the Financial Statements to the Auditor General by February and that the former Finance Director was working diligently toward this goal. He said the work is in line with what he would have expected to see.

Gioia disagreed noting that we are further along than usual. He said that he had been contacted by the Auditor General in the past about delinquent statements.

Smith interjected stating that we are not doing anything differently; we were just preparing the documents for an audit, which is exactly what the Finance Director was doing. He said that the community was not getting anything differently.

Gioia disagreed.

Scannell explained that the Council chose to have a CAFR, which will provide more data. He explained that both Gioia and Smith were correct, as it did not mean the audit would be done differently. He said that a CAFR is a more in-depth process, but it does not connote that we're diving deeper into the audit itself. He noted that many forward organizations conduct CAFRs.

Smith stated that a CAFR does not make the audit more accurate. Scannell agreed. Smith said that a CAFR buys a plaque to hang on the wall and that he was not comfortable spending \$8,000 for a plaque. He said he was tired of this Council throwing away money.

Scannell reiterated that a CAFR was a tool used by most forward-thinking organizations and that he believed it was a good thing to do, noting that it is Council's decision. He explained that it would educate the community on what the Town government is doing. In answer to Smith's question about timeliness filings, Scannell explained that we would request an extension and was told that it would not be a problem.

Smith then asked Scannell if he was comfortable with the existing techniques, technology and personnel providing an accurate financial picture on a monthly basis. Scannell replied that he did have some reservations.

Parry noted that Council had already decided to do a CAFR and that this discussion was off the agenda topic. Gioia ended the discussion.

### **Public Input**

There was no public input.

6. **Discussion, consideration, and possible approval for the Town Manager to expand the scope of work and negotiate an additional fee not to exceed \$10,000 for external auditor Lumbard and Associates, PLLC to review our financial policies and procedures and to develop a series of recommendations for implementation.** This is an unbudgeted item from Contingency. (Staff Resource: Michael Scannell)

On a motion by Hauser, seconded by Kovacovich, the Council voted unanimously to authorize the Manager to expand the scope of work and negotiate a fee not to exceed \$10,000 for the external auditor to review the Town's financial policies and procedures and to develop a series of recommendations for implementation.

Scannell advised that he has been serving as the Interim Finance Director and is glad to work with staff. He said that he had identified a number of things that could be changed without impacting the quality and integrity of our financial procedures, noting that he is very concerned with our limited resources. He advised that he recommends that the auditor look into how we do things, for example, issuing purchase orders for items that cost \$100. He explained that most contemporary organizations allow much more. He advised that he had spoken with Lumbard about some of these things and she agreed that changes could be made without impacting the integrity of the procedures. He explained that staff needs to turn their focus toward more important items. He stressed that he was not saying that things are not being done wrong, but rather he recommendation was to improve performance in ways that Council might be pleased. He explained that it is not uncommon to have this type of review as it relates to the financial management of an organization and that he believed that we could free up limited resources to focus on more important matters.

Parry noted that when he owned his business, it cost \$35.00 to process an invoice. He said that there was a huge hole in the bucket and that this review would pay for itself. He said that he applauded Scannell for recognizing this and the speed in which he able to accomplish it.

Gioia said that Council was looking forward to changes and the possibilities to make changes, noting that this is a way to measure those possibilities. He said that Scannell's experience speaks for itself and that he supported the recommendation. He said that he does not care to spend

money; but that we are trying to move forward to make changes and that this is a necessary step to get there.

Scannell thanked Council for their support.

**Public Input:**

There was no public input.

7. **Adjournment**

On a motion by Parry, seconded by Hauser, the meeting was adjourned at 6:27 p.m.

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Deborah Barber, Town Clerk

**CERTIFICATION**

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Deborah Barber, Town Clerk

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

**Meeting Type: Regular**

**Meeting Date:** November 7, 2007

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

**AGENDA TITLE:** (Be Exact): Discussion, consideration, and possible approval to amend FY 07/08 Budget to include grant award from the Arizona Department of Housing for both federal HOME funds and Arizona Housing Trust Funds to reimburse the Town for the rehabilitation of four (4) low income homes located within the Town of Camp Verde.

**PURPOSE AND BACKGROUND INFORMATION:** In August of 2006 the Town of Camp Verde applied for funding from the Arizona Department of Housing for both federal HOME funds and Arizona Housing Trust Funds to supplement the Town's Revolving Loan Fund to perform owner occupied home rehabilitation for four homes. Camp Verde was selected for funding and is to be reimbursed by the federal HOME program for \$354,000 and from the Arizona HTF program for \$35,000. The Town committed additional funding and in-kind contributions within the grant application. This includes \$40,000 from the Camp Verde Revolving Loan Fund and another \$13,727 for in-kind Town contributions including waived permit fees etcetera (please see attachment for detailed line items). During the Town budget process for fiscal year 07/08, the grant line item expenditures were not established in the final adopted budget. However, \$45,000 from the Revolving Loan Fund was included in the FY 07/08 Budget, specifically for this grant application. Staff is proposing the FY 07/08 budget be amended to include the Housing Grant Funds. As mentioned previously, there is \$13,727 of in-kind Town contributions. This includes an estimated \$6,027 in waived permit fees, and \$4,500 for wages. Waived permit fees do not require the Town to expend funds, and the wages are budgeted within the departmental budget. The remaining \$3,200 for Environmental Review, Credit Reports, Travel, and etcetera was budgeted earlier this year within the Revolving Loan Fund Budget. The net affect from this budget amendment would be zero since the expenditures will be reimbursed by the grant.

**STAFF RECOMMENDATION(S):** To amend the Town FY 07/08 Budget to include the following revenue sources: Arizona Housing Trust Funds for the amount of \$35,000 to be deposited in account # 18-40-00-4010 and federal HOME funds for the amount of \$354,000 to be deposited in account # 18-40-00-4011, and the expected receivables to the Town Revolving Loan Fund for the amount of \$21,274 to be deposited in account # 18-42-00-4500; and to approve the following expenditures: \$35,000 for Home Grant Administration from account # 18-10-00-9000, \$354,4000 for HOME Grant Home Rehabilitation from account # 18-10-00-9999, and \$45,000 for the Town's contribution for Home Rehabilitation and Grant Administration from the Town Revolving Loan Fund account # 18-50-00-7020, with total expenditures equal to \$434,000.

**LIST ALL ATTACHMENTS:** Draft Housing Grant Funds, Grant Application Line Item Worksheet.

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

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

**Finance Director Review**

Budgeted/Amount No \$ \_\_\_\_\_

Comments: N/A

Fund: Federal HOME Program & Arizona HTF

Line Item/:

**Submitting Department:** Housing & Neighborhood Revitalization **Contact Person:** Matt Morris

**Town Manager/Designee:** \_\_\_\_\_

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

**18 00-00 Housing Grant Funds**

**Repayments**

NUMBER	DESCRIPTION	2006/2007	ESTIMATED	2007/2008
		BUDGET	2006/2007	BUDGET
			ACTUAL	
18-40-00-4010	Home Grant Administration Reimbs			35,000
18-40-00-4011	Home Grant Rehabilitation Reimbs			354,000
18-42-00-4500	Local Revolving Loan Fund Payments	14,683	19,476	21,274
<b>TOTAL</b>		<b>\$ 14,683</b>	<b>\$ 19,476</b>	<b>\$ 410,274</b>

**Expenditures**

NUMBER	DESCRIPTION	2006/2007	ESTIMATED	2007/2008
		BUDGET	2006/2007	BUDGET
			ACTUAL	
18-10-00-9000	Home Grant Administration Exps			35,000
18-10-00-9999	Home Grant Rehabilitation Exps			354,000
18-50-00-7020	Local Revolving Loan Fund Exps*	0	0	45,000
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 434,000</b>

\*Current RLF balance as of Sept 30, 2007 - \$185,463.54

\$45,000 from the RLF was included in the approved FY 2007-2008 budget

**3.1.2 Program Budget Uses**

- Column A.** If a specific use of funds is not listed, indicate the type of use in "Other" box.
- Column B.** Indicate the amount of State Housing Funds being requested for this specific use.
- Column C.** Indicate amount financed by all other funding sources.
- Column D.** Indicate the total amount of columns B and C for the specified use.
- Column E.** Spell out the source(s) name for sources indicated in column C (e.g., bank loan, CDBG)

A	B	C	D	E
Activity	State Housing Funds	Other Sources	Total All Sources	Source(s)
<b>Site Improvements and Demolition</b>				
On-site	6,000	-0-	6,000	State Housing Funds
Landscaping	-0-	-0-	-0-	N/A
Demolition	30,000	-0-	30,000	State Housing Funds
<b>Rehabilitation Costs</b>				
Direct Construction	300,000	40,000	340,000	State Housing Funds/TOCV
Lead Paint Inspection/Clearance	-0-	-0-	-0-	N/A
Permits/Fees	-0-	\$6,027	6,027	Town of Camp Verde
Other	-0-	-0-	-0-	N/A
<b>Professional Fees</b>				
Arch. Design/Supervision	-0-	-0-	-0-	N/A
Environmental Review (if linked to a unit)	-0-	500	500	Town of Camp Verde
Legal Fees	-0-	-0-	-0-	N/A
<b>Loan Financing Fees</b>				
Title & Recording	6,000	-0-	6,000	State Housing Funds
Credit Reports	-0-	200	200	Town of Camp Verde
<b>Miscellaneous Soft Costs</b>				
	-0-	-0-	-0-	N/A
	-0-	-0-	-0-	N/A
<b>Temporary Relocation</b>				
Rent or Lodging*	6,000	-0-	6,000	State Housing Funds
Meals & Misc. *	6,000	-0-	6,000	State Housing Funds
<b>Project Specific Administration</b>				
Rehabilitation Specialist	-0-	4,500	4,500	Town of Camp Verde
Travel	-0-	500	500	Town of Camp Verde
Other: Postage, supplies, phones, office, copies, etc	-0-	2,000	2,000	Town of Camp Verde
<b>Subtotal Program Project Costs</b>	<b>\$354,000</b>	<b>\$53,727</b>	<b>\$407,727</b>	
General Admin from 2.3.	35,000	-0-	35,000	State Housing Funds
<b>Totals</b>	<b>\$389,000</b>	<b>\$53,727</b>	<b>\$442,727</b>	

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

**Meeting Type: Regular**

**Meeting Date: November 7, 2007**

**Submitting Department: Clerk's Office**

**Contact Person: Debbie Barber**

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

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

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

**Agenda Text (Be Exact):** Possible recommendation of approval of the following liquor license applications: Beto's Corner and Clear Creek Vineyard & Winery.

**Staff Recommendation:** Recommend approval of the liquor license applications for Beto's Corner and Clear Creek Winery.

Budgeted/Amount N/A \$ \_\_\_\_\_

**Purpose of Item and Background Information:** The license applications have been posted for the required 20-day period. We have received no comments either in support of or in opposition to either application.

**List All Attachments as Follows:** Liquor License Applications

**Name:** D. Barber **Title:** Town Clerk

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor  
Phoenix AZ 85007-2934  
(602) 542-5141

07 AUG 8 11:47 AM '05

400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- INTERIM PERMIT Complete Section 5
- NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16, 17
- PERSON TRANSFER (Bars & Liquor Stores ONLY)  
Complete Sections 2, 3, 4, 11, 13, 15, 16, 17
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)  
Complete Sections 2, 3, 4, 12, 13, 15, 16, 17
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE  
Complete Sections 2, 3, 4, 9, 13, 15, 17 (fee not required)
- GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16, 17

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
- INDIVIDUAL Complete Section 6
- PARTNERSHIP Complete Section 6
- CORPORATION Complete Section 7
- LIMITED LIABILITY CO. Complete Section 7
- CLUB Complete Section 8
- GOVERNMENT Complete Section 10
- TRUST Complete Section 6
- OTHER Explain \_\_\_\_\_

SECTION 3 Type of license and fees:

LICENSE #: 12133394

1. Type of License: 12 2. Total fees attached: \$ 158.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant Name: Ms. Wanda Lois  
(Print one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: \_\_\_\_\_  
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Beto's Corner  
(Exactly as it appears on the exterior of premises)
4. Business Address: 10 E. Cliff House Dr. Camp Verde Yavapai 86322  
(Do not use PO Box Number) City COUNTY Zip
5. Business Phone: (928) 567-8897 Residence Phone: \_\_\_\_\_
6. Is the business located within the incorporated limits of the above city or town?  YES  NO
7. Mailing Address: P.O. Box 2418 Camp Verde AZ 86322  
City State Zip
8. Enter the amount paid for a 06, 07, or 09 license: \$ 2000.00 (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: AC Date: 9/28/07 Lic. # 12133394  
 Fees: 100.00 F. Prints 58.00 TOTAL \$ 158.00

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

**SECTION 5 Interim Permit:**

1. If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. \_\_\_\_\_
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, STOCKHOLDER OR LICENSEE of the stated license and location.

foregoing application State of \_\_\_\_\_ County of \_\_\_\_\_  
 X \_\_\_\_\_ The foregoing instrument was acknowledged before me this  
 (Signature) \_\_\_\_\_ day of \_\_\_\_\_  
 Day Month Year

My commission expires on: \_\_\_\_\_  
 \_\_\_\_\_  
 (Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$29 FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Residence Address	City State Zip
Ruiz	Wanda	Lois	100	[REDACTED]	[REDACTED]

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO

If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Residence Address	City, State, Zip	Telephone#
Ruiz	Albert	Jimme	[REDACTED]	[REDACTED]	[REDACTED]

pages 3+4 were removed - Pages did not have any information

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

07 JUN 7 Liq. Dept PM 3:05

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Do not use PO Box Number) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Last Renewal Date: \_\_\_\_\_
4. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

07 JUL 8 Liq. Dept PM 2:03

**SECTION 13 Questions for all in-state applicants:**

1. Distance to nearest school: 10,000 ft. Name of school: Camp Verde Elementary  
(Regardless of distance) Address 200 Lincoln Rd. Camp Verde Az
2. Distance to nearest church: 10,000 ft. Name of church: Calvary Chapel  
(Regardless of distance) Address 514 S. Main St. Camp Verde Az
3. I am the:  LESSEE  SUBLESSEE  OWNER  PURCHASER (of premises)
4. If the premises is leased give lessors: Name \_\_\_\_\_  
Address \_\_\_\_\_
- 4a. Monthly rental/lease rate \$ \_\_\_\_\_ What is the remaining length of the lease? \_\_\_\_\_ yrs. \_\_\_\_\_ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)
5. What is the total **business** indebtedness of the applicant for this license/location excluding lease? \$ 0

Does any one creditor represent more than 10% of that sum?  YES  NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for? (BE SPECIFIC) Mexican Food Restaurant
7. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee, have any interest in your business?  YES  NO
9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:  
License # \_\_\_\_\_ (Exactly as it appears on license) Name \_\_\_\_\_

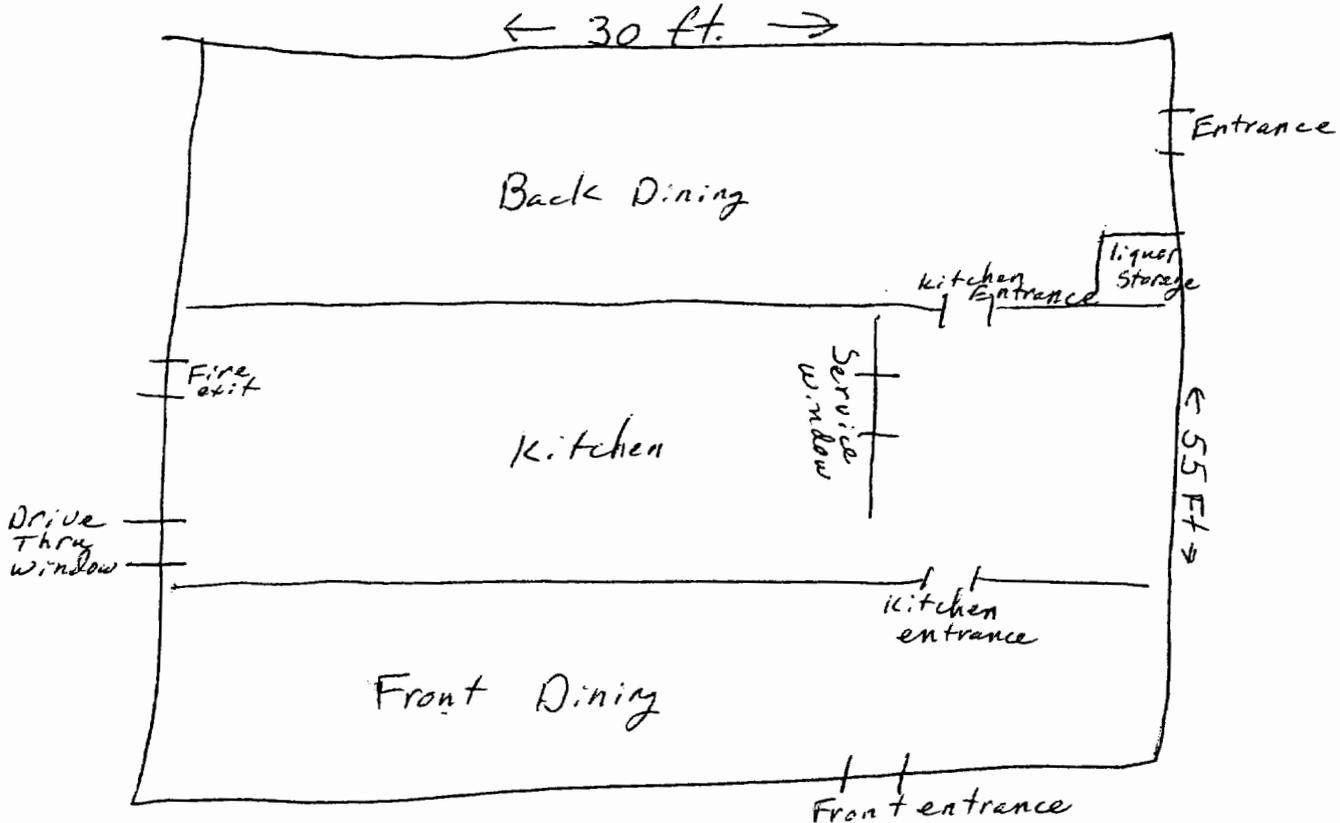
**SECTION 14 Restaurant, or Hotel-Motel Applicants:**

- Is there a valid restaurant or hotel-motel liquor license at the proposed location?  YES  NO If yes, give licensee's name: \_\_\_\_\_ and license #: \_\_\_\_\_  
 \_\_\_\_\_  
 Last First Middle
  - If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.
  - All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.
  - Do you understand that 40% of your gross revenue must be from food sales?  YES  NO
- 

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- Check ALL boxes that apply to your licensed premises:
 

<input checked="" type="checkbox"/> Entrances/Exits	<input checked="" type="checkbox"/> Liquor storage areas
<input checked="" type="checkbox"/> Drive-in windows	<input type="checkbox"/> Patio enclosures
<input checked="" type="checkbox"/> Service windows	<input type="checkbox"/> Under construction: estimated completion date _____
  - Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.
  - The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.
- DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.

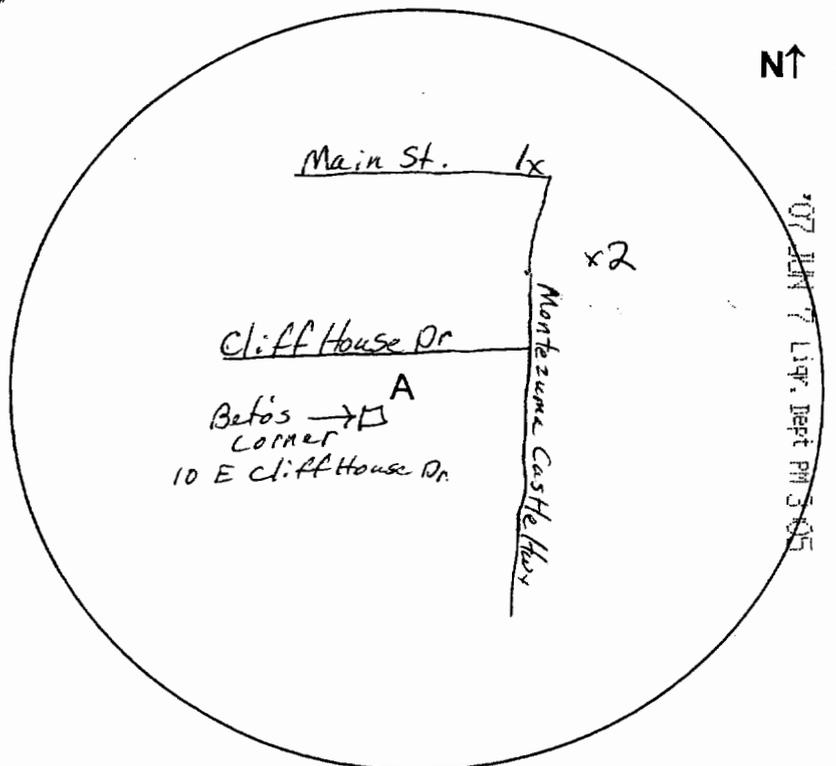


**YOU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.**

**SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.**

List below the exact names of all churches, schools, and spirituous liquor outlets within a one mile radius of your proposed location. Ref. A.R.S. 4-201 (B)

1. Circle K Food Store Series 9
2. Babes Roundup Series 12
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_



A = Your business name and identify cross streets.

**SECTION 17 Signature Block:**

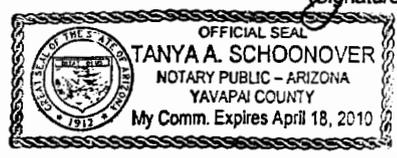
I, Wanda Ruiz, declare that: 1) I am the APPLICANT (Owner, Agent, Partner, Stockholder (Print name of APPLICANT/AGENT listed in Section 4 Question 1) (10% or more), Member, Officer (10% or more ownership), or Club Member making this application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that to the best of my knowledge and belief, none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

X Wanda Ruiz  
(Signature)

State of AZ County of Yavapai  
The foregoing instrument was acknowledged before me this  
6 day of June, 2007  
Day Month Year

My commission expires on: 04/18/2010

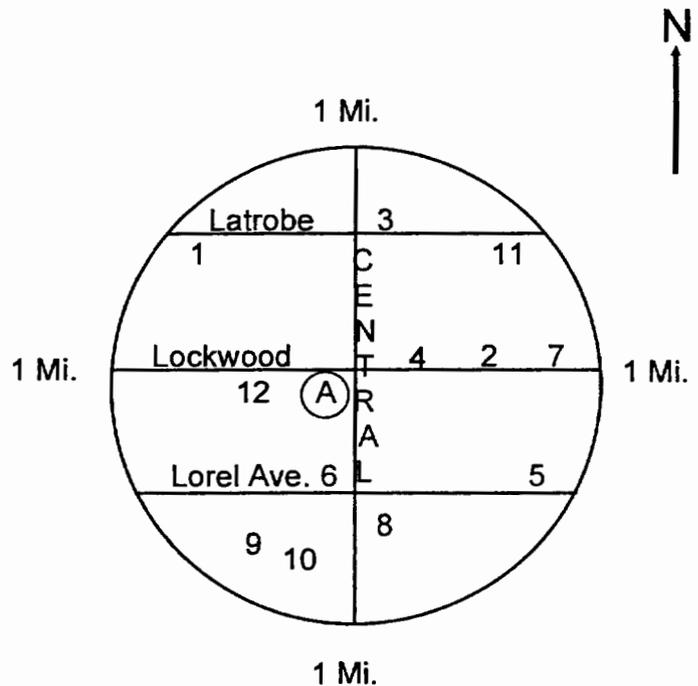
Tanya Schoonover  
(Signature of NOTARY PUBLIC)



## SAMPLE GEOGRAPHICAL DATA

In the area adjacent to the map provided below indicates your proposed location and the exact names Of all churches, schools, and alcoholic beverage outlets within a 1 mile radius of your proposed location. Ref. A.R.S. 4-201 (B) (See example below)

- |                                |           |
|--------------------------------|-----------|
| A = Applicant                  | Series 12 |
| 01 Pink Elephants              | Series 06 |
| 02 Mama's Rest.                | Series 12 |
| 03 Corner Liquors              | Series 09 |
| 04 Joe's Groceries             | Series 10 |
| 05 Lions Club                  | Series 14 |
| 06 Burgers R Us                | Series 07 |
| 07 Pizza Perfect               | Series 07 |
| 08 Billy Bobs Bar              | Series 06 |
| 09 St. Anthony's Church        |           |
| 10 St. Anthony's School        |           |
| 11 Burbank Middle School       |           |
| 12 First United Baptist Church |           |
| 13 _____                       |           |
| 14 _____                       |           |
| 15 _____                       |           |



A.R.S. Section 4-207.A reads as follows:

A. No retailers license shall be issued for any premises which are at the time the license application is received by the Director, within three hundred(300) horizontal feet of a church, within three hundred(300) horizontal feet of a public or private school building with kindergarten programs or any of grades one(1) through twelve(12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

B. Subsection A of this section does not apply to a:

1. Restaurant issued a license pursuant to section 4-205.02
2. Special event license issued pursuant to section 4-203.02
3. Hotel-motel issued a license pursuant to section 4-205.01
4. Government license issued pursuant to section 4-205.03
5. Fenced playing area of a golf course issued a license pursuant to this article.

# ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor  
Phoenix AZ 85007-2934  
(602) 542-5141



400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595

## RESTAURANT OPERATION PLAN

LICENSE # 12133394

\*07 ALM B Licr. Dept PM 2-03

1. List by Make, Model and Capacity of your :

Grill	36" Wolf
Oven	36" Obl. oven Wolf
Freezer	Artic Air 1000 lb.
Refrigerator	2 Artic Air 500 lb.
Sink	3 compartment stainless steel
Dish Washing Facilities	CMA L-1x Automatic
Food Preparation Counter (Dimensions)	4' by 4' stainless steel
Other	2 cold Tables, Table top deep fryer

2. Print the name of your restaurant: Beto's Corner

3. Attach a copy of your menu (Breakfast, Lunch and Dinner including prices).

4. List the seating capacity for:

- a. **Restaurant area** of your premises [ 60 ]
- b. **Bar area** of your premises [ + 0 ]
- c. **Total area** of your premises [ 60 ]

5. What type of dinnerware and utensils are utilized within your restaurant?  
 Reusable *and*  Disposable

6. Does your restaurant have a bar area that is distinct and separate from the restaurant seating? (If yes, what percentage of the public floor space does this area cover).  Yes \_\_\_\_\_ %  No

7. What percentage of your public premises is used primarily for restaurant dining? (Does not include kitchen, bar, cocktail tables or game area.) \_\_\_\_\_ 100 %

\*Disabled individuals requiring special accommodations, please call the Department.

8. Does your restaurant contain any games or television?  Yes  No  
If yes, specify what types and how many of each type (Televisions, Pool tables, Video Games, Darts, etc).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Do you have live entertainment or dancing?  Yes  No  
(If yes, what type and how often?)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Use space below or attach a list of employee positions and their duties to fully staff your business.

4 cooks - cook food to order; prepare meats, sauces, beans, vegetables to be cooked, clean kitchen

2 dish washers - assist cooks in prep work, wash dishes, bus tables, and help clean.

4 waiters - waitresses - take food orders, distribute food, take cash

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, Wanda Lois Ruiz, hereby declare that I am the APPLICANT filing this application. I have read this application and the contents and all statements true, correct and complete.  
(Print full name)

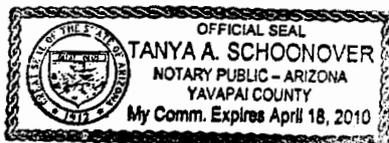
X Wanda L Ruiz  
(Signature of APPLICANT)

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

6 day of June, 2007  
Day of Month Month Year

My commission expires on: 04/18/2010

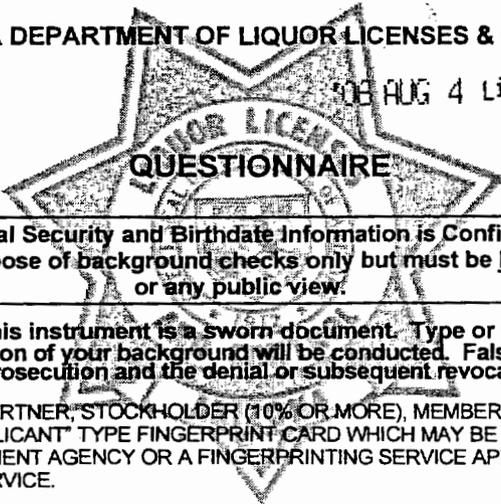
Tanya Schoonover  
(Signature of NOTARY PUBLIC)



ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

802-060  
 AUG 4 Liq. Dept. PM 2:21  
 400 W Congress #521  
 Tucson AZ 85701-1352  
 (520) 628-6595

800 W Washington 5th Floor  
 Phoenix AZ 85007-2934  
 (602) 542-5141



QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Eff. 10/01/03 there is a \$29.00 processing fee for each fingerprint card submitted.

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License #  
12133394  
 (If the location is currently licensed)

1. Check appropriate box →

<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Partner	<input type="checkbox"/> Stockholder	<input type="checkbox"/> Member	<input type="checkbox"/> Officer	<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Manager (Only)
<input type="checkbox"/> Other _____ (Complete Questions 1-20 & 24)						(Complete All Questions except # 14, 14a & 25)
Licensee or Agent must complete # 25 for a Manager						Licensee or Agent must complete # 25

2. Name: Ruiz Wanda Lois Date of Birth: \_\_\_\_\_  
 Last First Middle (This Will Not Become a Part of Public Records)

3. Social Security Number: \_\_\_\_\_ Drivers License #: \_\_\_\_\_ State: AZ  
 (This Will Not Become a Part of Public Records)

4. Place of Birth: \_\_\_\_\_ Height: 5'7" Weight: 125 Eyes: Blue Hair: Blond  
 City State Country (not county)

5. Marital Status  Single  Married  Divorced  Widowed Residence (Home) Phone: \_\_\_\_\_

6. Name of Current or Most Recent Spouse: Ruiz Albert J. Date of Birth: \_\_\_\_\_  
 (List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: \_\_\_\_\_

8. Telephone number to contact you during business hours for any questions regarding this document. (928) 567-8897

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: 10 E Cliffhouse Dr Beto's Corner Premises Phone: (928) 567-8897

11. Licensed Premises Address: 10 E Cliffhouse Dr Camp Verde Yavapai 86322  
 Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)	Liquor License #
10/99	CURRENT	Restaurant	Beto's Corner 10 E Cliffhouse Camp Verde AZ, 86322	

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↑

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address	City	State	Zip
2/07	CURRENT	own	_____	_____	_____	_____
9/92	2/07	own	1822 Ash Lane	Camp Verde	AZ	86322

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the the licensed premises ? If you answered YES, how many hrs/day? 10, answer #14a below. If NO, skip to #15.  YES  NO
- 14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof)  YES  NO  
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.
15. Have you **EVER** been detained, cited, arrested, indicted or summoned into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? For traffic violations, include only those that were alcohol and/or drug related.  YES  NO
16. Have you **EVER** been convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? For traffic violations, include only those that were alcohol and/or drug related.  YES  NO
17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or **ANY** entity in which you are now involved?  YES  NO
18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined in this or any other state?  YES  NO
19. Has anyone **EVER** filed suit or obtained a judgment against you in a civil action, the subject of which involved fraud or misrepresentation of a business, professional or liquor license?  YES  NO
20. Are you now or have you EVER held ownership, been a controlling person, been an officer, member, director, or manager on any other liquor license in this or any other state?  YES  NO

**If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.**

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

**Manager Section**

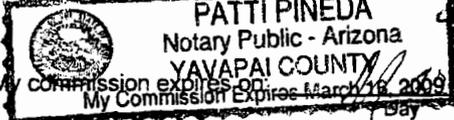
21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof)  YES  NO  
If the answer to #21 is "NO", course must be completed **BEFORE ISSUANCE** of a new license **OR APPROVAL** on an existing license.
22. Do you make payments to the licensee?  YES  NO If "yes", how much? \$ \_\_\_\_\_ per month. Total debt to licensee \$ \_\_\_\_\_
23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business?  YES  NO If "yes", attach a copy of such agreement

24. I, Wanda Lois Ruiz, hereby declare that I am the APPLICANT filing this questionnaire.  
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

x Wanda L B  
(Signature of Applicant)

State of Arizona County of Yavapai  
The foregoing instrument was acknowledged before me this 2nd day of August, 2006  
Day Month Year  
Pineda  
(Signature of NOTARY PUBLIC)

  
PATTI PINEDA  
Notary Public - Arizona  
YAVAPAI COUNTY  
My Commission Expires March 16, 2009

**FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION Licensee or Agent Approval of Manager**

25. I, (Print Licensee/Agent's Name): \_\_\_\_\_  
Hereby authorize the applicant to act as manager for the named liquor license.

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Day Month Year

X \_\_\_\_\_  
(Signature of LICENSEE/AGENT)

My commission expires on: \_\_\_\_\_  
Day Month Year (Signature of NOTARY PUBLIC)

5-7-07

'07 JUN 7 Ligr. Dept PM 3 05

#15  
#14

In 1996, I plead guilty to assault, in Flagstaff Az. I received 3 years probation and a \$10,000<sup>00</sup> fine. The case was through the Superior Court and Flagstaff police Department. I had a public defender who advised me to plead guilty. I paid my fine and served my probation without incident.

A lady claimed I hit her on purpose with my car bumper as I was backing out of my parking space.

I am not a violent person. I would not intentionally hurt anyone.

Wade Z Ry.

I have been a good, upstanding citizen for the past eleven years. I've worked hard to build my restaurant. I started with a hot dog cart and slowly built my restaurant. I hope that I will not be penalized for the past. I've worked hard and deserve a license. Thank you.

Wade ZB

'07 JUN 8 Ligr. Dept PM 2 35

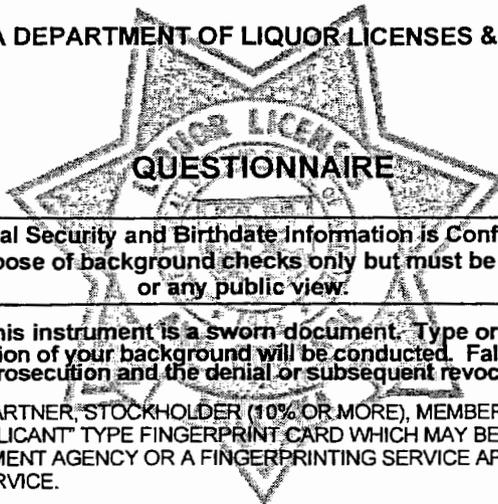
NO \$

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

802-060  
07 SEP 12 10 30 AM '03  
R/S/019

800 W Washington 5th Floor  
Phoenix AZ 85007-2934  
(602) 542-5141

400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595



QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Eff. 10/01/03 there is a \$29.00 processing fee for each fingerprint card submitted.

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License #  
12133394  
(If the location is currently licensed)

1. Check appropriate box →

<input type="checkbox"/> Owner	<input type="checkbox"/> Partner	<input type="checkbox"/> Stockholder	<input type="checkbox"/> Member	<input type="checkbox"/> Officer	<input type="checkbox"/> Agent	<input type="checkbox"/> Manager(Only)
<input checked="" type="checkbox"/> Other <u>Spouse</u> (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager						(Complete All Questions except # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: Ruiz Albert Jimmie Date of Birth: [Redacted]  
Last First Middle (This Will Not Become a Part of Public Records)

3. Social Security Number: [Redacted] Drivers License: [Redacted] State: AZ.  
(This Will Not Become a Part of Public Records)

4. Place of Birth: [Redacted] USA Height: 5'10" Weight: 220 Eyes: Brown Hair: Brown  
City State Country (not county)

5. Marital Status  Single  Married  Divorced  Widowed Residence (Home) Phone: [Redacted]

6. Name of Current or Most Recent Spouse: Ruiz Wanda L. Bittick Date of Birth: [Redacted]  
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: [Redacted]

8. Telephone number to contact you during business hours for any questions regarding this document: [Redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: Beto's corner Premises Phone: (928) 567-8897

11. Licensed Premises Address: 10 E. Cliff House Dr. Camp Verde Yavapai 86322  
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
<u>2/1986</u>	<u>CURRENT</u>	<u>Social Security</u>	

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↑

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
<u>9/92</u>	<u>CURRENT</u>	<u>OWN</u>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the the licensed premises ? If you answered YES, how many hrs/day? \_\_\_\_\_, **answer #14a below.** If NO, skip to #15.  YES  NO
- 14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof)  YES  NO  
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.
15. Have you **EVER** been detained, cited, arrested, indicted or summoned into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? For traffic violations, include only those that were alcohol and/or drug related.  YES  NO
16. Have you **EVER** been convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? For traffic violations, include only those that were alcohol and/or drug related.  YES  NO
17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or **ANY** entity in which you are now involved?  YES  NO
18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined in this or any other state?  YES  NO
19. Has anyone **EVER** filed suit or obtained a judgment against you in a civil action, the subject of which involved fraud or misrepresentation of a business, professional or liquor license?  YES  NO
20. Do you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director, or manager on any other liquor license in this or any other state?  YES  NO

**If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.**

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

**Manager Section**

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof)  YES  NO  
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.
22. Do you make payments to the licensee?  YES  NO If "yes", how much? \$ \_\_\_\_\_ per month. Total debt to licensee \$ \_\_\_\_\_
23. Is there a formal written contract of agreement between you and the licensee relating to the operation or management of this business?  YES  NO If "yes", attach a copy of such agreement

24. I, ALBERT J RUIZ, hereby declare that I am the APPLICANT filing this questionnaire.  
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X [Signature] (Signature of Applicant)

**OFFICIAL SEAL** State of AZ County of YAVAPAI  
**PAT DAVIS** The foregoing instrument was acknowledged before me this  
 NOTARY PUBLIC - State of Arizona  
 YAVAPAI COUNTY  
 My Comm. Expires April 7, 2011 10 day of Sept, 2007  
 Day Month Year  
 My commission expires on: APRIL 7, 2011  
 Day Month Year (Signature of NOTARY PUBLIC)

**FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION Licensee or Agent Approval of Manager**

25. I, (Print Licensee/Agent's Name): \_\_\_\_\_  
 Hereby authorize the applicant to act as manager for the named liquor license.  
 State of \_\_\_\_\_ County of \_\_\_\_\_  
 The foregoing instrument was acknowledged before me this  
 X \_\_\_\_\_ day of \_\_\_\_\_  
 (Signature of LICENSEE/AGENT) Day Month Year  
 My commission expires on: \_\_\_\_\_  
 Day Month Year (Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor  
Phoenix AZ 85007-2934  
(602) 542-5141

07 SEP 24 Lic. Lic. PM 1 59

400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16, 17
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16, 17
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16, 17
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 15, 17 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16, 17

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER Explain

SECTION 3 Type of license and fees:

LICENSE #:

13133013

1. Type of License: DOMESTIC FARM WINERY 2. Total fees attached:

Department Use Only \$ 129.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

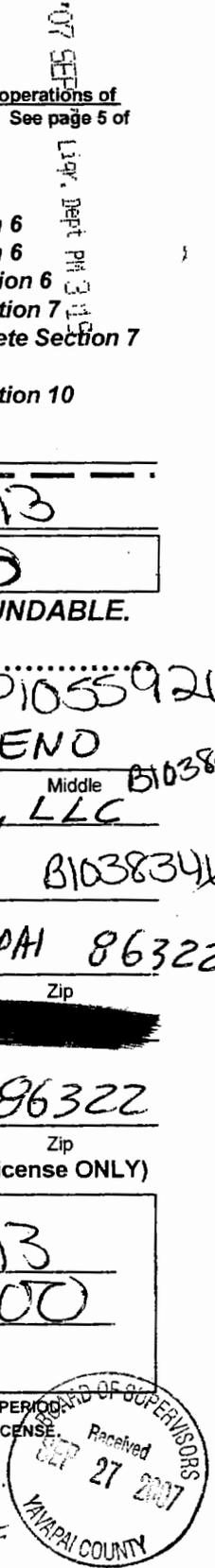
SECTION 4 Applicant: (All applicants must complete this section)

- Applicant/Agent's Name: MESA IGNACIO MORENO
Corp./Partnership/L.L.C.: CLEAR CREEK VINEYARD & WINERY, LLC
Business Name: CLEAR CREEK VINEYARD & WINERY
Business Address: 4053 E. HWY 260 CAMP VERDE, YAVAPAI 86322
Business Phone: 928 567-2158
Mailing Address: 4053 E. HWY 260 CAMP VERDE, AZ 86322

DEPARTMENT USE ONLY
Accepted by: CB Date: 9/24/07 Lic. # 13133013
Fees: 100 Application Interim Permit Agent Change Club F. Prints \$ 129.00 TOTAL

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

Pages 2 + 4 removed - pages did not have any information.



**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$29 FEE FOR EACH CARD.

CORPORATION Complete questions 1, 2, 3, 5, 6, 7, 8

L.L.C. Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.

- 1. Name of Corporation/L.L.C.: CLEAR CREEK VINEYARD & WINERY  
(Exactly as it appears on Articles of Inc. or Articles of Org.)
- 2. Date Incorporated/Organized: AUG. 3, 2007 State where Incorporated/Organized: ARIZONA
- 3. AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
- 4. AZ L.L.C. File No: L 13848550 Date authorized to do business in AZ: AUG. 3, 2007
- 5. Is Corp./L.L.C. non-profit?  YES  NO If yes, give IRS tax exempt number: \_\_\_\_\_

6. List all directors, / officers, controlling stockholders or members in Corporation/L.L.C.:

Last	First	Middle	Title	Residence Address	City State Zip
MESA	IGNACIO	MORENO	MEMBER	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

7. List stockholders or controlling members owning 10% or more:

Last	First	Middle	% Owned	Residence Address	City State Zip
MESA	IGNACIO	MORENO	100	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$29 FEE FOR EACH CARD.

- 1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
- 2. Is club non-profit?  YES  NO If tax exempt, give IRS tax exempt number: \_\_\_\_\_
- 3. List officer and directors:

Last	First	Middle	Title	Residence Address	City State Zip

ATTACH ADDITIONAL SHEET(S) IF NECESSARY

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

1. Current Business: Name '07 SEP 24 Lic. Lic. PM 1 59  
 (Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
 (Do not use PO Box Number) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Last Renewal Date: \_\_\_\_\_
4. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13 Questions for all in-state applicants:**

1. Distance to nearest school: 7.2 MILES ft. Name of school: CAMP VERDE ELEMENTARY SCHOOL  
 (Regardless of distance) Address 200 LINCOLN RD, CAMP VERDE AZ 86322
2. Distance to nearest church: 3.8 MILES ft. Name of church: CAMP VERDE CHRISTIAN CHURCH  
 (Regardless of distance) Address 621 E HOWAROS RD, CAMP VERDE, AZ 86322

3. I am the:  LESSEE  SUB LESSEE  OWNER  PURCHASER (of premises)

4. If the premises is leased give lessors: Name \_\_\_\_\_  
 Address \_\_\_\_\_

4a. Monthly rental/lease rate \$ \_\_\_\_\_ What is the remaining length of the lease? \_\_\_\_\_ yrs. \_\_\_\_\_ mos.

4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other \_\_\_\_\_  
 (give details - attach additional sheet if necessary)

5. What is the total business indebtedness of the applicant for this license/location excluding lease? \$ 95,000

Does any one creditor represent more than 10% of that sum?  YES  NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City State	Zip
WELLS FARGO BANK			100	P O BOX 30427, LOS ANGELES CA	90030-0427	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for? (BE SPECIFIC) MANUFACTURE, PRODUCE WINE FOR SALE

7. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee, have any interest in your business?  YES  NO

9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:  
 License # \_\_\_\_\_ (Exactly as it appears on license) Name \_\_\_\_\_

**SECTION 14 Restaurant, or Hotel-Motel Applicants:**

1. Is there a valid restaurant or hotel-motel liquor license at the proposed location?  YES  NO If yes, give licensee's name:

N/A and license #: \_\_\_\_\_  
 Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.

3. All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.

4. Do you understand that 40% of your gross revenue must be from food sales?  YES  NO N/A

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

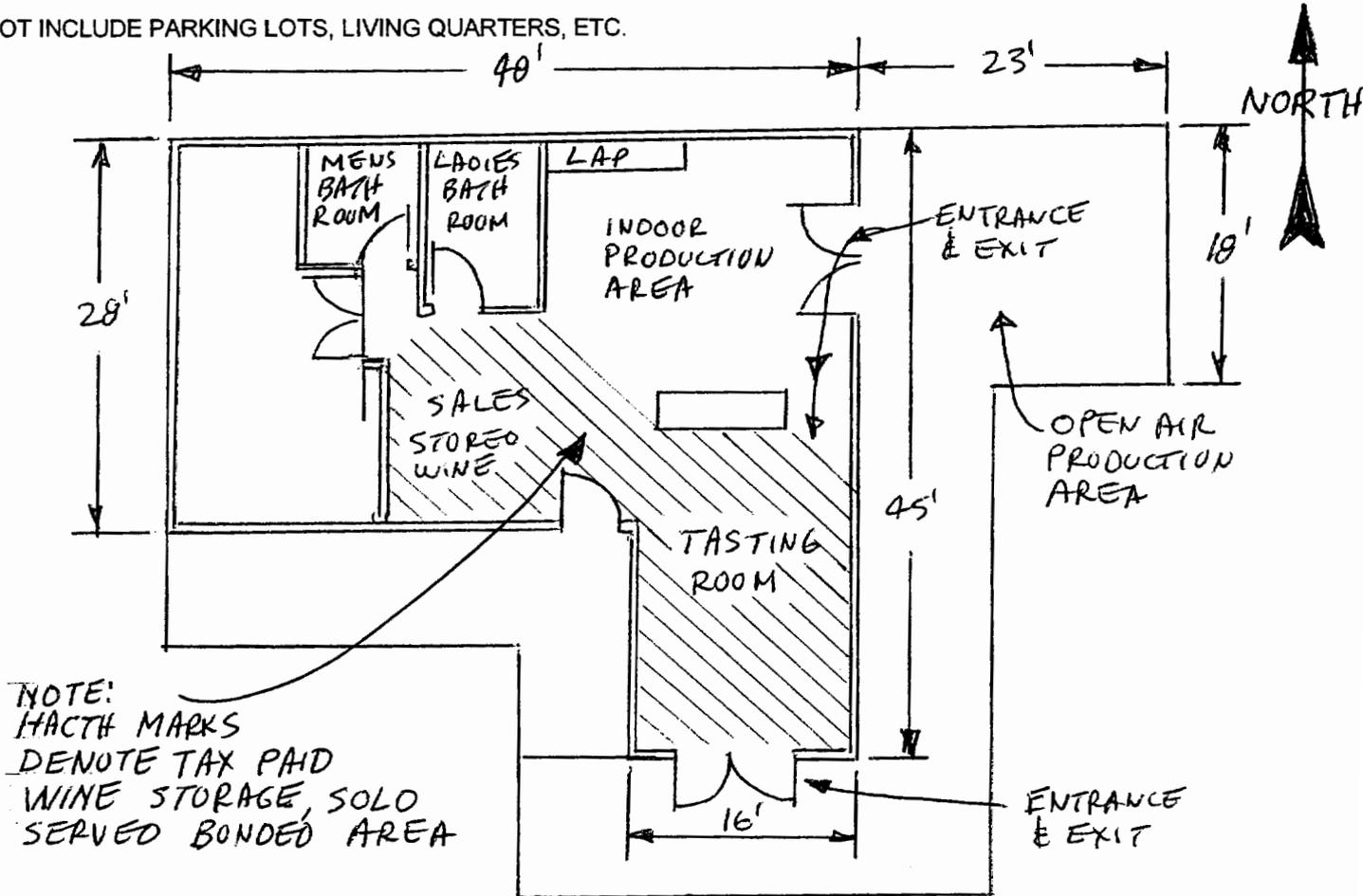
1. Check ALL boxes that apply to your licensed premises:

- Entrances/Exits
- Drive-in windows
- Service windows
- Liquor storage areas
- Patio enclosures
- Under construction: estimated completion date NOV 2007

2. Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

3. The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.



**YOU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.**

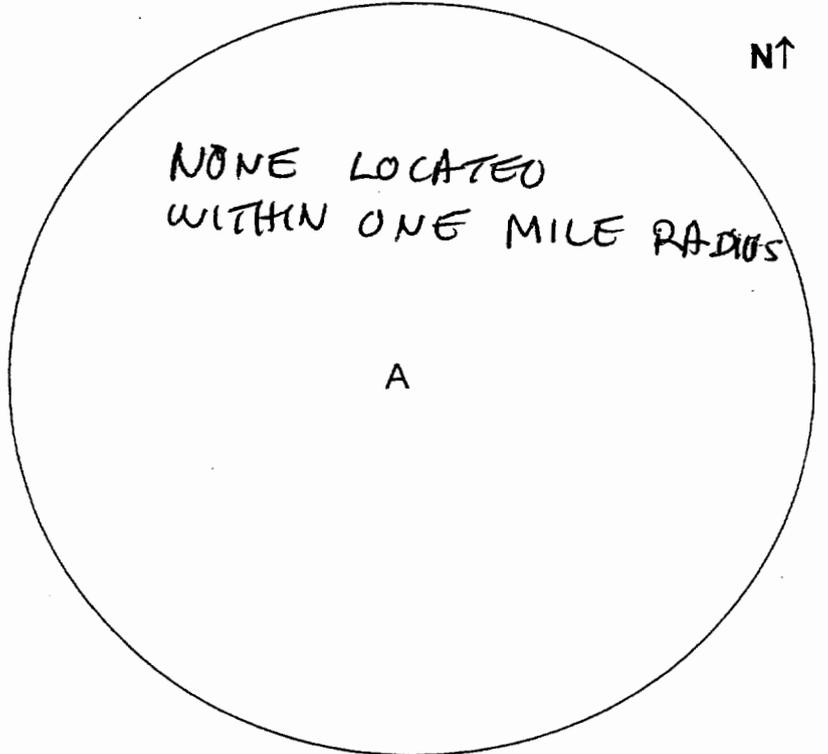
07 SEP 7 Lique. Dept PM 3 19

07 SEP 24 Lique. Lic. PM 1 59

**SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE NEXT PAGE.**

List below the exact names of all churches, schools, and spirituous liquor outlets within a one mile radius of your proposed location. Ref. A.R.S. 4-201 (B)

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_
- 12. \_\_\_\_\_
- 13. \_\_\_\_\_
- 14. \_\_\_\_\_
- 15. \_\_\_\_\_



ATTACH ADDITIONAL SHEET(S) IF NECESSARY

A = Your business name and identify cross streets.

**SECTION 17 Signature Block:**

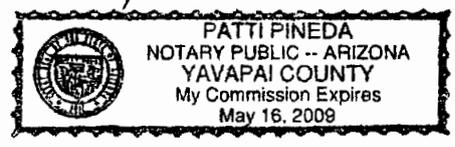
I, IGNACIO MORENO MESA, declare that: 1) I am the APPLICANT (Owner, Agent, Partner, Stockholder (Print name of APPLICANT/AGENT listed in Section 4 Question 1) (10% or more), Member, Officer (10% or more ownership), or Club Member making this application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that to the best of my knowledge and belief, none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

X Ignacio M. Mesa  
 (Signature)

State of Arizona County of Yavapai  
 The foregoing instrument was acknowledged before me this  
31<sup>ST</sup> day of August 2007  
 Day Month Year

My commission expires on: May 14, 2009

Patti Pineda  
 (Signature of NOTARY PUBLIC)



ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor  
Phoenix AZ 85007-2934  
(602) 542-5141

07 SEP 24 Lic. Lic. PM 1 59  
**QUESTIONNAIRE**

400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595

**Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.**

**AMENDMENT**

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Eff. 10/01/03 there is a \$29.00 processing fee for each fingerprint card submitted.

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License #

13133013  
(If the location is currently licensed)

1. Check appropriate box →  Owner  Partner  Stockholder  Member  Officer  Agent  Manager(Only)  
 Other (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager (Complete All Questions except # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: MESA IGNACIO MORENO Date of Birth: \_\_\_\_\_  
 Last First Middle (This Will Not Become a Part of Public Records)

3. Social Security Number: \_\_\_\_\_ Drivers License #: \_\_\_\_\_ State: \_\_\_\_\_  
 (This Will Not Become a Part of Public Records)

4. Place of Birth: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eyes: \_\_\_\_\_ Hair: \_\_\_\_\_  
 City State Country (not county)

5. Marital Status  Single  Married  Divorced  Widowed Residence (Home) Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

6. Name of Current or Most Recent Spouse: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 (List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden

7. You are a bona fide resident of what state? \_\_\_\_\_ If Arizona, date of residency: \_\_\_\_\_

8. Telephone number to contact you during business hours for any questions regarding this document. (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: CLEAR CREEK VINEYARD & WINERY Premises Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

11. Licensed Premises Address: 4053 E HWY 260 CAMP VERDE YAVAPAI 86322  
 Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
	CURRENT		
10/66	7/04	PROJECT MANAGER	SALT RIVER PROJECT 1521 PROJECT DR., TEMPE AZ 85282

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↑ ↓

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
FEB/98	CURRENT	OWN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
JAN/03	JULY/04	OWN	4018 E PUEBLO AVE	MESA	AZ	85206
JUL/04	CURRENT	OWN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

P1055920

800 W Washington 5th Floor  
Phoenix AZ 85007-2934  
(602) 542-5141

07 SEP 2003 11:07 AM Lic. PM 1 400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Eff. 10/01/03 there is a \$29.00 processing fee for each fingerprint card submitted.

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License #

13133013

(If the location is currently licensed)

1. Check appropriate box →  Owner  Partner  Stockholder  Member  Officer  Agent  Manager(Only)  Other  
(Complete Questions 1-20 & 24) (Complete All Questions except # 14, 14a & 25)  
Licensee or Agent must complete # 25 for a Manager Licensee or Agent must complete # 25

2. Name: MESA IGNAcio MORENO Date of Birth: [REDACTED]  
Last First Middle (This Will Not Become a Part of Public Records)

3. Social Security Number: [REDACTED] Drivers License #: [REDACTED] State: AZ  
(This Will Not Become a Part of Public Records)

4. Place of Birth: [REDACTED] Height: 5'9" Weight: 190 Eyes: BRN Hair: BLK  
City State Country (not county)

5. Marital Status  Single  Married  Divorced  Widowed Residence (Home) Phone: [REDACTED]

6. Name of Current or Most Recent Spouse: MESA DREAMA L. VIA Date of Birth: [REDACTED]  
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden

7. You are a bona fide resident of what state? ARIZONA If Arizona, date of residency: 4-15-45

8. Telephone number to contact you during business hours for any questions regarding this document. 928 567 2158

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card. OR CELL 602-959-7418

10. Name of Licensed Premises: CLEAR CREEK VINEYARD AND WINERY Premises Phone: (928) 567-2158

11. Licensed Premises Address: 4053 E. HWY 260 CAMP VERDE YAVAPAI 86322  
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
7-21-04	CURRENT	VINEYARD/FARMER/OWNER	4053 E. HWY 260 CAMP VERDE AZ 86322
10-21-66	7-21-04	PROJECT MANAGER	SALT RIVER PROJECT TEMPE AZ
			1521 Project Drive

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↑

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
JULY 2004	CURRENT	OWN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
JAN 2003	JULY 2004	OWN	4018 E. PUEBLO AVE	MESA	AZ	85206
FEB 1994	JAN 2003	OWN	4053 E. HWY 260	CAMP VERDE	AZ	86322

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the the licensed premises ? If you answered YES, how many times? 4 **Answer #14a below.** If NO, skip to #15.  YES  NO  
 14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof)  YES  NO  
**If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.**

15. Have you **EVER** been detained, cited, arrested, indicted or summoned into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? For traffic violations, include only those that were alcohol and/or drug related.  YES  NO

16. Have you **EVER** been convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? For traffic violations, include only those that were alcohol and/or drug related.  YES  NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or **ANY** entity in which you are now involved?  YES  NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined in this or any other state?  YES  NO

19. Has anyone **EVER** filed suit or obtained a judgment against you in a civil action, the subject of which involved fraud or misrepresentation of a business, professional or liquor license?  YES  NO

20. Are you **NOW** or have you **EVER** held ownership, been a controlling person, been an officer, member, director, or manager on any other liquor license in this or any other state?  YES  NO

**If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.**

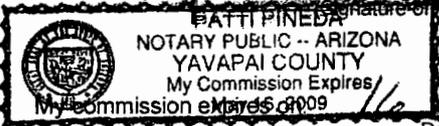
If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

**Manager Section**

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof)  YES  NO  
**If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.**  
 22. Do you make payments to the licensee?  YES  NO If "yes", how much? \$ \_\_\_\_\_ per month. Total debt to licensee \$ \_\_\_\_\_  
 23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business?  YES  NO If "yes", attach a copy of such agreement

24. I, IGNACIO MORENO MESA, hereby declare that I am the APPLICANT filing this questionnaire.  
 (Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X Ignacio M. Mesa State of Arizona County of Yavapai  
 (Signature of Applicant) The foregoing instrument was acknowledged before me this  
31<sup>ST</sup> day of August, 2007  
 Day Month Year  
 [Signature]  
 Day Month Year (Signature of NOTARY PUBLIC)

**FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION**  
**Licensee or Agent Approval of Manager**

25. I, (Print Licensee/Agent's Name): \_\_\_\_\_  
 Hereby authorize the applicant to act as manager for the named liquor license.  
 State of \_\_\_\_\_ County of \_\_\_\_\_  
 The foregoing instrument was acknowledged before me this  
 X \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 (Signature of LICENSEE/AGENT) Day Month Year  
 My commission expires on: \_\_\_\_\_  
 Day Month Year (Signature of NOTARY PUBLIC)

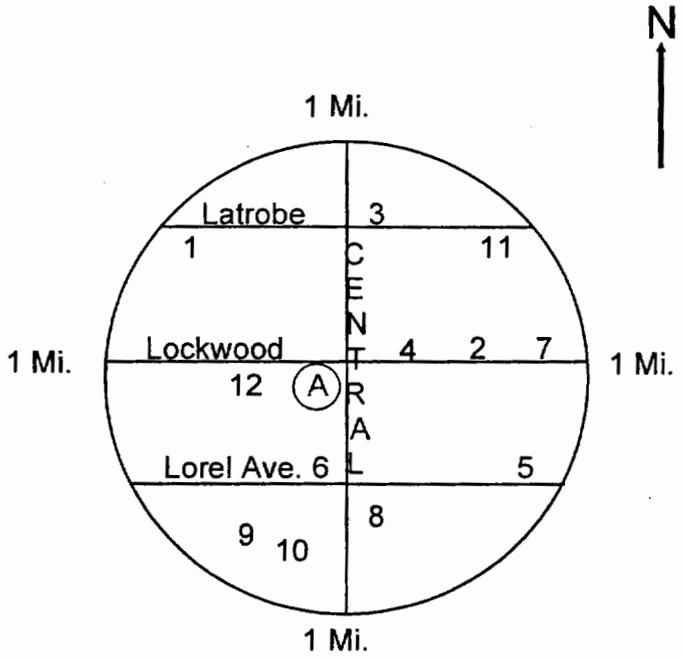
07 SEP 11 AM '07

**SAMPLE  
GEOGRAPHICAL DATA**

07-SEP 7 Lic. Dept PM 3 19  
PM 1 59

In the area adjacent to the map provided below indicates your proposed location and the exact names Of all churches, schools, and alcoholic beverage outlets within a 1 mile radius of your proposed location. Ref. A.R.S. 4-201 (B) (See example below)

- A = Applicant Series 12
- 01 Pink Elephants Series 06
- 02 Mama's Rest. Series 12
- 03 Corner Liquors Series 09
- 04 Joe's Groceries Series 10
- 05 Lions Club Series 14
- 06 Burgers R Us Series 07
- 07 Pizza Perfect Series 07
- 08 Billy Bobs Bar Series 06
- 09 St. Anthony's Church \_\_\_\_\_
- 10 St. Anthony's School \_\_\_\_\_
- 11 Burbank Middle School \_\_\_\_\_
- 12 First United Baptist Church \_\_\_\_\_
- 13 \_\_\_\_\_
- 14 \_\_\_\_\_
- 15 \_\_\_\_\_



A.R.S. Section 4-207.A reads as follows:

A. No retailers license shall be issued for any premises which are at the time the license application is received by the Director, within three hundred(300) horizontal feet of a church, within three hundred(300) horizontal feet of a public or private school building with kindergarten programs or any of grades one(1) through twelve(12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

- B. Subsection A of this section does not apply to a:
1. Restaurant issued a license pursuant to section 4-205.02
  2. Special event license issued pursuant to section 4-203.02
  3. Hotel-motel issued a license pursuant to section 4-205.01
  4. Government license issued pursuant to section 4-205.03
  5. Fenced playing area of a golf course issued a license pursuant to this article.

AZ CORPORATION COMMISSION  
FILED

AUG 03 2007

FILE NO. L13848550

07 SEP 7 11:00 AM '07  
07 SEP 24 11:00 AM '07

AZ Corp. Commission  
02097355

## ARTICLES OF ORGANIZATION OF CLEAR CREEK VINEYARD AND WINERY, LLC

**ARTICLE 1.** The name of the limited liability company is Clear Creek Vineyard and Winery, LLC (the "Company").

**ARTICLE 2.** The address of the Company's registered office in Arizona and the name and business address of the Company's agent for service of process are:

Registered Office:  
4053 East Highway 260  
Camp Verde, AZ 86322

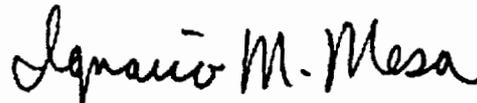
Agent for Service of Process:  
Elizabeth A. McFarland  
60 Bell Rock Plaza  
Sedona, AZ 86351

**ARTICLE 3.** Management of the Company is vested in the member.

**ARTICLE 4.** The name and address of the sole member of the Company at the time of formation is:

Ignacio Moreno Mesa  
4053 East Highway 260  
Camp Verde, AZ 86322

**IN WITNESS WHEREOF,** the undersigned has executed these Articles of Organization as of the 1st day of August, 2007.



Ignacio Moreno Mesa

I, Elizabeth A. McFarland, having been designated to act as Statutory Agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with Arizona Revised Statutes.



07 SEP 24 11:00 AM '07

07 SEP 7 11:49 AM 3 20

**OPERATING AGREEMENT  
OF  
CLEAR CREEK VINEYARD AND WINERY, LLC**

**An Arizona Limited Liability Company  
(Single Member at Formation)**

07 SEP 24 11:49 AM 1 59

**SECTION I:           FORMATION; NAME AND OFFICE; PURPOSE; PARTNERSHIP  
                          TREATMENT**

- 1.1.   Formation
- 1.2.   Name and Registered Office
- 1.3.   Purpose

**SECTION II:           DEFINITIONS**

**SECTION III:         CAPITAL CONTRIBUTIONS AND DISTRIBUTIONS**

- 3.1.   Capital Contributions
- 3.2.   Distributions

**SECTION IV:         MANAGEMENT**

- 4.1.   Member Authority
- 4.2.   Additional Members
- 4.3.   Books and Records
- 4.4.   Indemnity Rights

**SECTION V:            ADDITIONAL MEMBERS; DISSOLUTION; TERMINATION**

- 5.1. Additional and Substitute Member
- 5.2. Dissolution
- 5.3. Continuation
- 5.4. Distributions and Other Matters
- 5.5. Articles of Termination

**SECTION VI:            TAX MATTERS**

- 6.1. Tax Treatment
- 6.2. Tax Allocations

**SECTION VII:            MISCELLANEOUS**

- 7.1. Governing Law; Parties in Interest
- 7.2. Amendment
- 7.3. Titles and Captions
- 7.4. Pronouns and Plurals

**ATTACHMENTS:**

Exhibit A    Member, Capital Contribution, and Percentage Interest

07 SEP 7 11:47 AM 3 20

07 SEP 24 11:47 AM 1 59

# OPERATING AGREEMENT OF CLEAR CREEK VINEYARD AND WINERY, LLC

*an Arizona limited liability company*

**THIS OPERATING AGREEMENT** is made and entered into effective as of the 3 day of August, 2007, by Ignacio Moreno Mesa as the sole initial Member of Clear Creek Vineyard and Winery, LLC, an Arizona limited liability company (the "Company").

07 SEP 24 Lir. Lic. PM 1 59

## **Section I Formation; Name and Office; Purpose; Partnership Treatment**

1.1. *Formation.* Pursuant to the Arizona Limited Liability Company Act, A.R.S. Sections 29-601 through 29-857 (the "Act"), the Member has formed an Arizona limited liability company effective upon the filing of the Articles of Organization of this Company (the "Articles") with the Arizona Corporation Commission. The Member has executed this Agreement to serve as the "Operating Agreement" of the Company, as that term is defined in A.R.S. Section 29-601(12), and, subject to any applicable restrictions set forth in the Act, the business and affairs of the Company, and the relationship of the Member to the Company, shall be operated in accordance with and governed by the terms and conditions set forth in this Agreement.

1.2. *Name and Registered Office.* The Company shall be conducted under the name of Clear Creek Vineyard and Winery, LLC, and the registered office of the Company shall be at 4053 East Highway 260, Camp Verde, Arizona, or such other place as the Member may from time to time determine.

1.3. *Purpose.* The purpose and business of this Company shall be to own and operate a vineyard and winery. The Company shall have the power to do any and all acts and things necessary, appropriate, or incidental to the furtherance of such purpose.

## Section II Definitions

The following terms shall have the meanings set forth in this Section II:

"Act" means the Arizona Limited Liability Company Act, A.R.S. Section 29-601 through 29-857, as amended from time to time (or any corresponding provisions of succeeding law).

"Event of Withdrawal" means those events and circumstances listed in Section 29-733 of the Act.

"Majority in Interest" means one or more Members who own, collectively, a simple majority of the Percentage Interests held by Members.

"Member" means Ignacio Moreno Mesa and any Person who subsequently is admitted as a Member of the Company until such time as an Event of Withdrawal has occurred with respect to such Member.

"Percentage Interest" means, as to a Member, the percentage set forth after the Member's name on Exhibit A, as amended from time to time to reflect any transfers permitted under this Agreement.

"Person" means and includes an individual, corporation, partnership, association, limited liability company, trust, estate, or other entity.

07 SEP 24 11:49 AM 1 59

## Section III Capital Contributions and Distributions

### 3.1. Capital Contributions.

3.1.1. *Initial Capital Contributions.* Upon the execution of this Agreement, the Member shall make contributions to the capital of the Company as set forth in *Exhibit A* attached hereto and by this reference made a part hereof.

3.1.2. *Additional Capital Contributions.* The Member shall not be required to contribute any additional capital to the Company, and the Member shall not have any personal liability for any obligation of the Company.

### 3.2. Distributions.

Distributions shall be made to the Member at such times

07 SEP 7 11:49 AM

and in such amounts as determined by the Member. If there is more than one Member, distributions shall be made to the Members pro rata in proportion to their Percentage Interests.

### Section IV Management

4.1. *Full Member Authority.* The Member is authorized and empowered to execute, deliver, or perform as agent for the Company any agreements, acts, transactions, or other matters on behalf of the Company (including agreements and transactions with the Member) as the Member shall determine in the Member's sole discretion. The Company may appoint and remove such additional agents, officers, and employees, with such duties, powers, and responsibilities as shall be determined by the Member.

4.2. *Additional Members.* If at any time the Company has more than one Member, then all actions or approvals to be made or taken by the Member under this Agreement shall be made or taken by a Majority in Interest of the Members and all references to the Member shall be deemed to refer to the Members.

4.3. *Books and Records.* The Company shall keep or cause to be kept complete and accurate books and records of the Company and supporting documentation of transactions with respect to the conduct of the Company's business. The books and records shall be kept at the Company's registered office and such other location or locations as the Member shall from time to time determine. At a minimum the Company shall keep at its registered office the following records:

4.3.1. The full name and business, residence, or mailing address of the Member;

4.3.2. A copy of the initial Articles and all amendments thereto and restatements thereof;

4.3.3. Copies of the Company's federal, state, and local income tax returns and reports, if any, for the three most recent fiscal years;

4.3.4. Copies of this Agreement and all amendments hereto or restatements hereof, including any prior operating agreements no longer in effect;

07 SEP 24 11:49 AM

4.3.5. Copies of any documents relating to the Member's obligation to contribute cash, property, or services to the Company;

4.3.6. Copies of any financial statements of the Company for the three most recent fiscal years; and

4.3.7. Copies of minutes of all meetings of the Member and all written consents obtained from the Member for actions taken by the Member without a meeting.

4.4. *Indemnity Rights.* The Company shall indemnify each Member who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of his or her actions as a Member or by reason of his or her acts while serving at the request of the Company as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses, including attorneys' fees, and against judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, provided that the acts of such Member were not committed with gross negligence or willful misconduct, and, with respect to any criminal action or proceeding, such Member had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction, or upon a plea of no contest or its equivalent, shall not, in and of itself, create a presumption that the Member acted with gross negligence or willful misconduct, or with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

07 SEP 24 Ligr. Lic. PM 1 59

**Section V**  
**Additional Members; Dissolution; Termination**

5.1. *Additional and Substitute Member.* No person shall be admitted as a Member of the Company after the date of formation of the Company without the written consent or approval of the Member. Notwithstanding the foregoing, any assignee of the Member shall automatically become a substitute Member of the Company.

5.2. *Dissolution.*

5.2.1. *Events of Dissolution.* The Company will be dissolved upon the occurrence of any of the following events:

5.2.1.1. Upon the written consent of the Member;

5.2.1.2. Upon the entry of a decree of dissolution under Section 29-785 of the Act or an administrative dissolution under Section 29-786 of the Act.

5.3. *Continuation.* An Event of Withdrawal with respect to the Member shall not cause a dissolution and the Company shall automatically continue following such an Event of Withdrawal.

5.4. *Distributions and Other Matters.* The Company shall not terminate until its affairs have been wound up and its assets distributed as provided herein. Promptly upon the dissolution of the Company, the Member shall cause to be executed and filed a Notice of Winding Up with the Arizona Corporation Commission in accordance with Section 29-781 of the Act, and will liquidate the assets of the Company and apply and distribute the proceeds of such liquidation, or distribute the Company's assets in kind, as follows and in the following order:

5.4.1. *Debts.* To payment of the debts and liabilities of the Company, including debts owed to the Member, in the order of priority provided by law;

5.4.2. *Remainder.* The balance shall be distributed to the Member(s) *pro rata* in proportion to their Percentage Interests.

5.5. *Articles of Termination.* When all the assets of the Company have been distributed as provided herein, the Member shall cause to be executed and filed Articles of Termination as required by the Act.

'07 SEP 24 11:47. Lic. PM 2:00

**Section VI  
Tax Matters**

6.1. *Tax Treatment.* At any time the Company has only one Member, the Company shall be disregarded as an entity separate from its Member for federal and Arizona income tax purposes. If at any time the Company shall have more than one Member, it shall be treated as a partnership for federal and Arizona income tax purposes.

6.2. *Tax Allocations.* Except as otherwise required by the Internal Revenue Code or applicable Treasury regulations, during any period in which the Company is treated as a partnership, any taxable income or loss (and any item thereof) of the Company shall be allocated to the Members in accordance with their Percentage Interests and the Company shall maintain capital accounts for each Member in accordance with Treasury Regulation Section 1.704-1(b)(2).

**Section VII  
Miscellaneous**

7.1. *Governing Law; Parties in Interest.* This Agreement will be governed by and construed according to the laws of the State of Arizona without regard to conflicts of law principles and will bind and inure to the benefit of the heirs, successors, assigns, and personal representatives of the Member and the Company.

7.2. *Amendment.* This Agreement may only be amended, restated, or revoked by the written consent of the Member.

7.3. *Titles and Captions.* All article, section, or paragraph titles or captions contained in this Agreement are for convenience only and are not deemed part of the context thereof.

7.4. *Pronouns and Plurals.* All pronouns and any variations thereof are deemed to refer to the masculine, feminine, neuter, singular, or plural as the identity of the person or persons may require.

07 SEP 24 Ltr. Lic. PM 2:00

\*07 SEP 7 Liq. Dept PM 3 '21

**EXHIBIT A**

<u>Member</u>	<u>Capital Contribution</u>	<u>Percentage Interest</u>
Ignacio Moreno Mesa	\$100.00	100 %

07 SEP 7 11:47 AM 3:21

**IN WITNESS WHEREOF**, the Member has executed this Operating Agreement, effective as of the date first set forth above.

*Ignacio M. Mesa*

\_\_\_\_\_  
Ignacio Moreno Mesa  
Sole initial member

07 SEP 24 11:47 AM 2:00

'07 SEP 7 Liq. Dept PM 3:19  
'07 SEP 24 Liq. Lic. PM 1:59

# ARIZONA

Driver License

Number [REDACTED]  
Expires 04/15/2011  
Date of Birth [REDACTED]  
Issued 10/06/2005

IGNACIO MORENO MESA

Class: D Operator  
Eyes: and  
Hair: Dark, wavy

*Ignacio M. Mesa*



You Must Report a Change of Address Within 10 Days



Number [REDACTED]  
Expires 04/15/2011  
Issued 10/06/2005



Class: D Operator  
Endorsements: NONE  
Restrictions: A Corrective Lenses

TOWN OF CAMP VERDE  
PO BOX 710  
CAMP VERDE, AZ 86322  
PHONE: (928) 567-6631

09-21-07A09:31 RCVD

**COMMISSION/COMMITTEE/BOARD INTEREST FORM**

NAME: ALAN BUCHANAN  
PHYSICAL ADDRESS: 3470-HACIENDA LANE  
MAILING ADDRESS: SAME  
PHONE (HOME): 567-6551 (WORK): 567-6507 :e-mail HOMEINSPECT@COMMSPEED.NET

**WHICH COMMISSION/COMMITTEE/BOARD ARE YOU INTERESTED IN?  
(ONE FORM FOR EACH COMMISSION/COMMITTEE/BOARD)**

- DESIGN REVIEW
- BOARD OF ADJUSTMENTS
- BOARD OF APPEALS
- TRAILS & PATHWAYS COMMISSION
- HOUSING COMMITTEE

- EQUESTRIAN FACILITY COMMITTEE
- LIBRARY ADVISORY COMMISSION
- PARKS AND RECREATION COMMISSION
- PLANNING AND ZONING COMMISSION
- TOWN COUNCIL (vacancy in middle of term)

**PLEASE ANSWER THE FOLLOWING QUESTIONS**  
(Attach additional sheet if necessary)

1. Why do you want to serve on this commission? TO SERVE OUR COMMUNITY (YES)  
TO MAKE DECISIONS ON MATTERS THAT ARE GOOD FOR  
SOME & NOT THE TOWN (NO) TO BE SWAYED BY  
SPECIAL INTEREST (NO) TO FOLLOW THE GENERAL  
PLAN AS IT BEST SUITS THE TOWN. (YES)

2. Tell us about yourself. How long have you lived in the area, your experience, your interest in the community.  
Any general information you believe pertinent. 11 1/2 YEARS IN THE VALLEY.  
5 ON THE APACHE MAID RANCH IN CORNVILLE  
6 1/2 IN CAMP VERDE. I RAN FOR TOWN COUNCIL  
I'M PRESIDENT OF MY HOMEOWNERS ASSOC. FOR  
THE LAST 3 YRS. USMC VET

3. What experience and/or knowledge do you have that makes you uniquely qualified to serve on this commission?

BUILDER/CONTRACTOR FOR OVER 30 YEARS. BUSINESS  
OWNER (TWO RESTAURANTS - BUILDING CONTRACTOR -  
HOME INSPECTOR - AZ. CERTIFIED). 60 YRS YOUNG AND  
TRY NOT TO MAKE THE SAME MISTAKE TWICE.

4. What do you believe the duties of this commission are and how much time do you expect to spend accomplishing these tasks? \_\_\_\_\_

EVERYONE ALWAYS SAYS "AS MUCH TIME AS NEEDED."  
I SAY "AS MUCH TIME IT TAKES TO DO A GOOD JOB  
THAT I CAN FEEL GOOD ABOUT." TO FOLLOW THE GENERAL  
PLAN AND ONLY AMEND IT WHEN IT BENEFITS THE TOWN.

5. (Answer only if you are applying for Planning & Zoning Commission) Have you read the Camp Verde General Plan? How does the General Plan relate to decisions you will be making as a commissioner? What do you think of the General Plan as it is now and where do you see it going in the future? \_\_\_\_\_

I HAVE READ THE GP AND FEEL THAT CHANGES TO IT  
SHOULD BE SELECTIVE & THOSE CHANGES BENEFIT THE  
TOWN. IT IS A FAIR PLAN BUT CHANGES WILL ARISE.  
I WOULD FOLLOW IT AS A COMMISSIONER BUT BE  
MINDFULL THAT CHANGE CAN BE GOOD.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

9-20-07

FOR OFFICE USE ONLY

DATE CONTACTED & INVITED TO APPEAR BEFORE COUNCIL _____
STAFF CONTACTING INDIVIDUAL _____
DATE APPEARED BEFORE COUNCIL _____
DATE APPOINTED _____

Note: Interest forms will be held for a period of six months and reviewed as openings occur.

**TOWN OF CAMP VERDE  
473 S. MAIN STREET SUITE 102  
CAMP VERDE, AZ 86322  
PHONE: (928)567-6631**

10-10-07P04:00 RCVD

**COMMISSION/COMMITTEE/BOARD INTEREST FORM**

NAME: Cheryl (Cheri) Wischmeyer

PHYSICAL ADDRESS: 735 Beaver Drive, Camp Verde, AZ 86322

MAILING ADDRESS: P. O. Box 324 Camp Verde, AZ 86322

PHONE (HOME): (928) 567-2458 (WORK): (928) 772-9380 e-mail mycvtc@aol.com

**WHICH COMMISSION/COMMITTEE/BOARD ARE YOU INTERESTED IN?  
(ONE FORM FOR EACH COMMISSION/COMMITTEE/BOARD)**

- |   |  |
|---|--|
| <input type="checkbox"/> DESIGN REVIEW                | <input type="checkbox"/> EQUESTRIAN ARENA FACILITY COMMITTEE       |
| <input type="checkbox"/> BOARD OF ADJUSTMENTS         | <input type="checkbox"/> LIBRARY ADVISORY COMMISSION               |
| <input type="checkbox"/> BOARD OF APPEALS             | <input type="checkbox"/> PARKS AND RECREATION COMMISSION           |
| <input type="checkbox"/> TRAILS & PATHWAYS COMMISSION | <input checked="" type="checkbox"/> PLANNING AND ZONING COMMISSION |
| <input type="checkbox"/> HOUSING COMMITTEE            | <input type="checkbox"/> TOWN COUNCIL (vacancy in middle of term)  |

**PLEASE ANSWER THE FOLLOWING QUESTIONS**

(Attach additional sheet if necessary)

1. Why do you want to serve on this commission? \_\_\_\_\_

I would like to serve on the Planning and Zoning Commission to participate in the growth and development of Camp Verde. I feel it is critical to have individuals serving in this capacity that have the best interests of the community at heart. I have lived in Camp Verde for 13 years and have been actively involved either directly or indirectly since moving here. I wish to serve the community in a capacity that will allow me to make a difference in the direction that we as a community move both in the present and future. I feel this committee will provide me with that opportunity.

2. Tell us about yourself. How long have you lived in the area, your experience, your interest in the community. Any general information you feel pertinent. \_\_\_\_\_

I have lived in the Camp Verde community for 13 years. I currently work for Ace Hardware Corporation as their Human Resources Manager in their Prescott Valley Retail Support Center. This entity employs approximately 250 employees. I also work part-time as an adjunct faculty member for Yavapai College in their Business Department. In the 13 years that I have lived in Camp Verde I have always been involved either directly or indirectly in the community politics. I am an avid outdoors person and enjoy horseback riding, camping, and hunting. It is this lifestyle that drew my family originally to the Camp Verde area.

3. What experience and/or knowledge do you have that makes you uniquely qualified to serve on this commission.

I currently have a Bachelors of Art Degree in Management and a Master's Degree in Organizational Management. I have worked in a variety of positions that have required investigative research, common sense decisions, and a need to consider a variety of positions before making a final decision. I feel that my education, experience in rural government, and my desire to ensure that Camp Verde continues to maintain a rural atmosphere make me an ideal candidate for this position. I have a good working knowledge of rules of order and also am familiar with a variety of the towns codes and plans. I have an even temper and am able to work with a variety of individuals. My experience in Human Resources has provided me with advanced conflict management and decision making. My 13 years residency has provided me with a clear understanding of both the community and the issues that face us currently and in the future.

4. What do you believe the duties of this commission are and how much time do you expect to spend accomplishing these tasks? \_\_\_\_\_

I believe that the Planning and Zoning Commission is responsible for evaluating a variety of information that may be provided to its members so that they may make the most appropriate decisions facing the Commission. It is their responsibility to evaluate issues that are brought before them not only with the information provided, but any other information that they may find through their own research. In addition, they make recommendations to the Town Council regarding Planning and Zoning issues. They must be unbiased and evaluate issues with the Town's interest at heart, sometimes placing their own personal wishes to the side. This requires an individual of high ethical caliber. I believe that the Commission is asked to evaluate issues such as live stock and animal issues to various planning issues that may come up. I feel that this position may take up 2-3 evenings for meetings each month as well as quite a bit of time each week evaluating the various documents and information that supports issues that come before the commission each meeting.

5. (Answer only if you are applying for Planning & Zoning Commission) Have you read the Camp Verde General Plan? How does the General Plan relate to decisions you will be making as a commissioner? What do you think of the General Plan as it is now and where do you see it going in the future? \_\_\_\_\_

I have read the Town of Camp Verde's General Plan. I feel that the General Plan represents the vision and goals of the Town's future growth and development as it is today. It should not be over looked that the plan is named appropriately. It is the current plan of Camp Verde for it's future, but even the best laid plans must be fluid and open to change as issues change within the Community. I feel that the plan currently defines what the people within the community desire for Camp Verde, but I also feel it should be re-evaluated on a regular basis to ensure that it continues to reflect the needs and desires of the Town. I feel that the P&Z Commissions is responsible for making recommendations to the Town Council regarding issues that might have a positive or negative impact on the Community as it relates to the General Plan. The Plan is our guide to help us remember where we came from and where we wish to go. It is a living, breathing document of our future. The Commission is responsible for making recommendations to the Council that coincide with the General Plans design.

SIGNATURE: Cheryl Wöckmeyer DATE: 10-9-07

FOR OFFICE USE ONLY

DATE CONTACTED & INVITED TO APPEAR BEFORE COUNCIL _____
STAFF CONTACTING INDIVIDUAL _____
DATE APPEARED BEFORE COUNCIL _____
DATE APPOINTED _____

Note: Interest forms will be held for a period of six months and reviewed as openings occur.

10-16-07 - gls

TOWN OF CAMP VERDE  
473 S. MAIN STREET SUITE 102  
CAMP VERDE, AZ 86322  
PHONE: (928)567-6631

**COMMISSION/COMMITTEE/BOARD INTEREST FORM**

NAME: LARRY STRUBHAR

PHYSICAL ADDRESS: 5480 OLD SCOUT TRAIL

MAILING ADDRESS: 1255 U A I L R D CAMP VERDE

PHONE (HOME): 6023707838 WORK: SAME e-mail: \_\_\_\_\_

86322

**WHICH COMMISSION/COMMITTEE/BOARD ARE YOU INTERESTED IN?  
(ONE FORM FOR EACH COMMISSION/COMMITTEE/BOARD)**

COMMITTEE

- DESIGN REVIEW
- BOARD OF ADJUSTMENTS
- BOARD OF APPEALS
- TRAILS & PATHWAYS COMMISSION
- HOUSING COMMITTEE

- EQUESTRIAN ARENA FACILITY
- LIBRARY ADVISORY COMMISSION
- PARKS AND RECREATION COMMISSION
- PLANNING AND ZONING COMMISSION
- TOWN COUNCIL (vacancy in middle of term)

**PLEASE ANSWER THE FOLLOWING QUESTIONS**

(Attach additional sheet if necessary)

1. Why do you want to serve on this commission? HELP WITH  
PROTECTING TRAIL & PATHWAYS

2. Tell us about yourself. How long have you lived in the area, your experience, your interest in the community. Any general information you feel pertinent.

(4 YEARS) WAS IN  
HORSE BUSINESS FOR 35 YEARS

3. What experience and/or knowledge do you have that makes you uniquely qualified to serve on this commission?

I SHOW UP AND WORK IS GOOD

4. What do you believe the duties of this commission are and how much time do you expect to spend accomplishing these tasks? \_\_\_\_\_

*I'm semi-retired work  
flexible*

5. (Answer only if you are applying for Planning & Zoning Commission) Have you read the Camp Verde General Plan? How does the General Plan relate to decisions you will be making as a commissioner? What do you think of the General Plan as it is now and where do you see it going in the future? \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

*Sam Stary*

DATE: \_\_\_\_\_

*Aug 29-07*

FOR OFFICE USE ONLY

DATE CONTACTED & INVITED TO APPEAR BEFORE COUNCIL	_____
STAFF CONTACTING INDIVIDUAL	_____
DATE APPEARED BEFORE COUNCIL	<i>9-5-07</i>
DATE APPOINTED	<i>not appt</i>

Note: Interest forms will be held for a period of six months and reviewed as openings occur.

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

**Meeting Type: Regular**

**Meeting Date: 11/7/2007**

**Submitting Department: Library**

**Contact Person: Gerard Laurito**

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

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

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

**Agenda Text (Be Exact):** Discussion and possible approval of a 16 hour per week staff position for our Beaver Creek branch library.

**Staff Recommendation:** Approve

Budgeted/Amount No \$ About \$10,000

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

Line Item/Fund:

Purpose of Item and Background Information: We would like to hire a library clerk for 16 hours per week to work our new Beaver Creek branch library with present and future volunteers. Under the IGA with Yavapai County, to provide library services for that area. The county library district would reimburse us all expenses related to the position. This position would stabilize the labor situation out there and free the staff here in Camp Verde from having to staff Beaver Creek when volunteers are not available. The position would answer to the library director or a designated staff person here. Finally, a paid staff person at that location would help us raise local funds to improve and add to the services we provide there.

List All Attachments as Follows: 1 copy of the job description

Type(s) of Presentation: Verbal Only

Special Equipment needed for Presentation:

- |  |   |                                 |
|--|---|---------------------------------|
| <input type="checkbox"/> Laptop Computer*  | <input type="checkbox"/> Overhead Projector   | <input type="checkbox"/> TV-VCR |
| <input type="checkbox"/> Remote Microphone | <input type="checkbox"/> Conference Telephone | <input type="checkbox"/> Other  |

\*Our laptop does NOT support a floppy disk (A-drive). All PowerPoint presentations must be saved to the hard drive or burned to a CD. Please advise any outside presenters of this requirement.

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

**Signatures of Submitting Staff:**

Name: David P. Smith Title: LIBRARY DIRECTOR

Town Manager/Designee: \_\_\_\_\_

**Position Title:** Library Clerk

**Department:** Camp Verde Library, Beaver Creek facility

**Immediate Supervisor:** Library Director

**Qualifications:** High school diploma or G.E.D. equivalency. Education beyond high school and some library experience preferred. Considerable computer experience is necessary. Must be able to work one evening and Saturdays.

**Position Description:** Interacts directly with library users at the circulation desk, performing a variety of clerical tasks dealing primarily with the circulation of materials to library users.

**Essential Duties and Responsibilities:**

- Maintains good relations with public and staff.
- Greets library users, answers telephone and performs clerical public contact duties.
- Uses library automated circulation system to circulate materials to library users --including checking materials in and out, processing holds, registering borrowers, and collecting fines and fees.
- Opens and closes the Branch facility, observing set work hours.
- Performs activities involved in retrieval of overdue materials and acts as contact person for library users inquiring about overdue notices.
- Attends to public use of equipment and assists library users with the catalog computers.
- Provides users with general information about library services, directing them to other personnel as needed.
- Prepares materials arriving by courier for the library users, and prepares returned materials for courier pick up.
- Maintains confidentiality of library users' records.
- Supervises volunteers.

**Additional Duties and Responsibilities:**

- Sees to proper building maintenance --alerts appropriate personnel to problems.
- Orders supplies.

**Required Abilities:**

- Interacts with people of varying personalities and ages in a variety of situations.
- Understands verbal and written communication.
- Communicates to others in person or by telephone.
- Maintains composure while handling complaints from the public.
- Works with frequent interruptions.

- Assists library users who may have disabilities.
- Maintains records and follows procedures consistently.
- Lift and carry up to 50 pounds.

**NOTE: This job analysis describes the nature and level of assignments normally given in the position: it is not an exhaustive list of duties. Additional related duties may be assigned.**

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

**Meeting Type: Regular**

**Meeting Date: November 7, 2007**

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

**AGENDA TITLE:** (Be Exact): Discussion, consideration, and possible approval of the revised Town Personnel Manual

**PURPOSE AND BACKGROUND INFORMATION:** Over the last several months, staff and legal have been working on updating our personnel manual to improve and correct some policies, while assuring we comply with labor laws. Changes made include:

General changes to improve clarity, consistency, and grammatical errors.

Added "Internet and e-mail" policy. (Section 406)

Added a policy on background/fingerprinting of volunteers. (Section 503)

Added a policy on checking drivers license status of employees. (Section 1202)

Removed random drug testing for non-CDL employees. A decision by the Arizona Supreme Court involving a case with the City of Mesa prohibits random drug testing for non-CDL employees. (Section 307)

Changed the post-termination appeal process to include a qualified hearing officer and eliminate the "personnel board" and "arbitration" process. (Section 1401)

Changes were also made to Section 405 Personnel File; Section 801 Pay plan; Section 805 Overtime; Section 1001 Work Weeks; and Section 1201 Use of Town Owned Vehicles.

**STAFF RECOMMENDATION(S):** Approve

**LIST ALL ATTACHMENTS:** Revised Personnel Manual

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

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

**Finance Director Review**

Budgeted/Amount N/A \$

Comments:

Fund:

Line Item/:

**Submitting Department: Personnel**

**Contact Person: David R. Smith**

**Town Manager/Designee:** \_\_\_\_\_

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

# TOWN OF CAMP VERDE



# Personnel Manual

**ACKNOWLEDGMENT OF RECEIPT**

**OF**

**PERSONNEL HANDBOOK**

I have received my copy of the Town's Personnel Handbook and understand my responsibility to read it and to understand it. If I have questions about its interpretation, I shall contact my supervisor or the Town's Personnel Director. <sup>1</sup>

I understand that this Handbook is provided as an informational guide only and is not to be considered a contract between the Town and myself. I further understand that the Town reserves the right to change any of its policies or benefits at any time with or without notice.

I specifically acknowledge my rights and responsibilities to report incidents of any sexual harassment, cooperate in any drug testing procedures, and my rights under the Family Medical Leave Act, all as summarized in the handbook.

\_\_\_\_\_  
[Date]

\_\_\_\_\_  
[Employee Signature]

\_\_\_\_\_  
[Position]

[Return original to Personnel Director, copy to employee]

\_\_\_\_\_

**ACKNOWLEDGMENT OF RECEIPT  
OF  
ANTI-HARASSMENT/DISCRIMINATION POLICY**

I have received a copy of the Town's Anti-Harassment/Discrimination Policy and understand my responsibility to read it and to understand it. If I have any questions about its interpretation, I shall contact my supervisor, the Town's Personnel Director, or the Town Manager.

I understand that this Anti-Harassment/Discrimination policy is included in the Town's Personnel Handbook and this is an update to the policy. I understand it is my responsibility to update any copies I have of the Personnel Handbook. The Personnel Handbook can be referred to at any time for guidance. I understand that this policy is an informational guide only and is not to be considered a contract between the Town and myself. I further understand that the Town reserves the right to change this policy at any time with or without notice.

By signing this document, I specifically acknowledge my rights and responsibilities to report incidents of harassment or discrimination promptly to the appropriate personnel.

\_\_\_\_\_  
[Date]

\_\_\_\_\_  
[Employee Signature]

\_\_\_\_\_  
[Position]

[Return original to Personnel Director, copy to employee]

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## ***PREAMBLE***

- Employees shall uphold the Constitution of the United States of America, the Constitution of the State of Arizona, and the Ordinances of the Town of Camp Verde. Goals and policies established by the Town Council shall also guide employee actions.
- Employees shall uphold the public trust.
- Employees shall act with honor, integrity, and respect for others.
- Employees shall be loyal to the Town of Camp Verde, their supervisors and fellow employees.
- Employees shall conduct themselves in a manner that reflects positively on the Town of Camp Verde.
- Employees shall respect private, confidential and proprietary information to which they are privy.

## ARTICLE I. DEFINITION OF TERMS

The following terms, whenever used in this Personnel Manual, shall be defined as follows:

Administrative Review: opportunity for a classified employee to meet with the Department Head and to submit information or evidence, facts or pertinent mitigating circumstances prior to a final decision on disciplinary action by the Department Head.

Council: the seven-member Common Council of the Town of Camp Verde.

Disability: a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

Disciplinary Action: an act by management designed to correct or eliminate the unacceptable behavior, conduct or performance of employees who fail to meet established standards or comply with organizational policies and procedures.

Discrimination: includes, but is not limited to, an act favoring or disfavoring another employee based upon race, color, religion, gender, age, disability, sexual orientation or national origin (or any federally-protected category) of the other employee.

Dismissal: involuntary termination from Town service.

Eligibility List: a list maintained by the Personnel Director of former employees who wish to be considered for rehire.

Employee: any person working for the Town in exchange for financial compensation. An employee may have one or more of the following designations:

*Classified Employee*: all employees whose positions have been approved and budgeted by the Town Council and are not included in the unclassified service.

*Contract Employee*: an employee whose terms of employment are governed by a contract.

*Exempt Employee*: employee exempt from the provisions of the Federal Fair Labor Standards Act.

*Full-time Employee*: an employee hired on the basis of working 40 hours per week, 52 weeks per year.

*Non-exempt Employee*: employee subject to the provisions of the Federal Fair Labor Standards Act.

*Part-time Employee*: an employee hired on a basis of less than 40 hours per week.

*Probationary Employee:* an employee who has not completed the probationary period.

*Regular Employee:* an employee who has completed the probationary period.

*Temporary Employee:* an employee hired for a limited length of time.

*Supervisory Employee:* any employee having responsibility to supervise one or more subordinate employees.

*Unclassified Employee:* Town Department Heads appointed by the Town Council or Town Manager.

Fair Labor Standards Act (FLSA): The Federal Fair Labor Standards Act of 1938, as Amended and set forth in title 29 United States Code together with the Portal-to-Portal Act, Title 29 United States Code.

Family and Medical Leave Act (FLMA): The Federal Family and Medical Leave Act of 1993 providing certain job-protected leave to eligible employee for certain medical or family needs.

Personnel Director: The individual designated by the Town Manager as having primary responsibility for the human resource function of the Town.

Policies and procedures: Policies and rules adopted by individual departments that involve the daily operations of that particular department to facilitate efficient and effective service and which are consistent with the Personnel Manual. To the extent that any departmental policies and procedures are interpreted differently, this personnel manual shall govern.

Termination: The separation of an employee from the Town service by any means whether it be voluntary or involuntary.

Town: The Town of Camp Verde.

Town Manager: The Town Manager is the chief administrator of the Town, who is appointed by the Town Council. The Town Manager is responsible for the administration of this Personnel Manual. Throughout this Personnel Manual the term "Town Manager" also refers to the designee of the Town Manager.

## **ARTICLE II. GENERAL PROVISIONS**

### **SECTION 201**

#### **Purpose**

- A) This Personnel Manual is designed to establish a human resource system that meets the needs of the employees of the Town. This Personnel Manual applies to Town employees, not to individuals who perform work for the Town on a contractual or temporary basis, except as may be specifically incorporated in a contract or appointment. This Personnel Manual is not a contract of employment or guarantee employment to any employee. No individual or representative of the Town has the authority to make any agreement to the contrary. Should any article, paragraph, sentence, clause or phrase of this Personnel Manual or the application of the same to a particular set of persons or circumstances be declared invalid for any reason, the remainder of such Personnel Manual shall not be affected. This manual supersedes all previous personnel manuals adopted by the Town of Camp Verde.
- B) All employees should retain their copy of the Personnel Manual for future reference and must sign a statement that they have received and read the Personnel Manual. Questions about this Personnel Manual should be discussed with the employee's supervisor or the Personnel Director.

### **SECTION 202**

#### **Equal Employment Opportunity**

- A) It is the policy of the Town to assure equal employment opportunity to all qualified persons based solely on an individual's ability to perform the essential functions of a job, regardless of race, color, religion, disability, age, gender, sexual orientation or national origin, or any federally protected category. The Town will not discriminate against an employee or applicant with disabilities regarding any position for which the employee or applicant is qualified. The Town is an equal employment opportunity employer, and all appointments, promotions, reclassifications, transfers, compensation, training, layoffs, terminations, or any other type of personnel actions are based on merit, fitness, or other factors determined to be non-discriminatory.

### **SECTION 203**

#### **Terms of Employment**

- A) The policies and procedures relative to employment of all employees are set out in this Personnel Manual, Town Code, or if applicable, in the policies and procedures of a particular department. If there is a conflict between the departmental policies and procedures and the statements and procedures found in this Personnel Manual, this Personnel Manual shall govern.

**SECTION 204**

**Revisions to the Personnel Manual**

- A) This Personnel Manual is adopted by the Town Council. Only the Town Council has the authority to modify the terms of this Personnel Manual. The Town Council reserves the right to amend, change, or discontinue the policies and procedures described in this Personnel Manual at any time at its sole and absolute discretion with or without prior notice. Notice will be provided to employees as soon as practicable. This Personnel Manual controls if practice or representations are inconsistent with this Personnel Manual.

**SECTION 205**

**Administration**

- A) The interpretation and application of the provisions of this Personnel Manual shall be made by the Town Manager.

**ARTICLE III.**  
**REQUIREMENTS FOR ORIGINAL & CONTINUING EMPLOYMENT**

**SECTION 301**                      **Citizenship**

A) All applicants for Town employment and all employees must present evidence of United States citizenship or registration as a legal alien in accordance with the Immigration Reform and Control Act of 1986. All applicants for sworn police officer positions must be United States citizens.

**SECTION 302**                      **Oath of Office**

A) Every employee shall take the oath or affirmation as prescribed by state law.

**SECTION 303**                      **Physical and Mental Fitness**

A) Applicants and employees of the Town shall be of sufficient mental and physical condition to be able to perform the essential functions of the position for which they have applied. Reasonable accommodations for a qualified individual with a disability shall be provided unless such accommodation would impose an undue hardship on either the Town or other employees. The physical and mental qualifications of persons employed by the Town and applying for employment may be evaluated by health care providers approved by the Town.

B) Arizona Peace Officer Standards and Training Boards physical and mental requirements and applicable policies and procedures govern physical and mental fitness requirements of sworn police officers.

**SECTION 304**                      **Nepotism**

A) Relatives are defined as follows:

- Spouse
- Child
- Grandparent
- Grandchild
- Nephew
- Niece
- Parent (in-law)
- Sister (in-law)
- Brother (in-law)
- Uncle
- Aunt

B) Purpose: Sets policy and procedures regarding the employment of relatives.

C) Policy: The Town of Camp Verde wishes to ensure that hiring and supervision is conducted in a manner, which enhances public confidence in government and prevents situations, which give the appearance of partiality, preferential treatment, improper influence, or a conflict of interest.

D) Procedures:

1) Conditions:

- a) No person may be employed if such employment results in that person supervising or being supervised by a relative directly or through the chain of command up to and including Department Head of the department the person would be employed in.
- b) A relative is any individual who is related by blood or marriage within the third degree.
- c) Any work relationships, which are in violation of this policy, must be immediately restructured to avoid this conflict. If the working relationship cannot be restructured, one of the employees will be required to resign employment with the Town.

**SECTION 305**

**Marshal's Department Personnel**

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

**SECTION 306**

**Residency**

A) Residency requirements for employees will be noted in their respective job description.

B) All employees must immediately notify their Department Head and Personnel Director of any change in residence.

**SECTION 307**

**Drug And Alcohol Policy.**

A) **Drug and Alcohol Testing Procedures:**

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

- 2) The Personnel Director is designated as the Drug/Alcohol Testing Program Administrator. The Program Administrator is responsible for answering questions from employees or the general public. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may provide information necessary to enable the appropriate supervisor to take the appropriate action to ensure compliance with this policy.
- 3) This policy applies equally to all regular full-time, part-time, seasonal, on-call, temporary employees and those who are required to hold a Commercial Driver's License (CDL) for their position. All applicants are required to pass a drug test as a prerequisite of employment prior to final hiring. Any applicant who fails a drug test shall not be hired.
- 4) All CDL employees subject to drug and alcohol testing must be in compliance with this policy at all times while working for the Town. This includes all time spent operating commercial vehicles, as well as time spent maintaining or repairing those vehicles.
- 5) Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of federal law and are responsible for compliance. The Town will not provide or pay for tests, evaluation, or rehabilitation for independent contractors or their employees. We shall make compliance with the law a condition of any contract that requires a CDL driver.
- 6) When drug and alcohol screening is required by this policy, a breath test and/or urine test will be given to detect the following:
  - Alcohol
  - Marijuana
  - Cocaine
  - Amphetamines
  - Phencyclidine (PCP)
  - Opiates
- 7) Employees covered by this policy may use prescription drugs and over-the-counter medications provided that:
  - a) The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
  - b) The employee does not consume prescribed drugs more often than prescribed by the employee's physician.

- c) Any employee who has been informed that the medications could cause adverse side effects while working shall inform his/her supervisor prior to using these substances.
- 8) The Town at all times reserves the right to have a licensed physician determine whether use of a prescription drug or medication by an employee produces an adverse effect on an employee's performance or fitness for duty. If such a finding is made, the Town shall notify the employee, who may consult with his/her doctor to determine if other medications are available that would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town may limit or suspend the employee's work activities. With the employee's permission, the physician for the Town may discuss the matter with the employee's physician to attempt to find a resolution.
- 9) All employees subject to this policy shall be tested for alcohol and/or controlled substances in the following circumstances:
- **Pre-employment.** Drug tests will be conducted when an offer is made to hire an employee. The offer of employment is contingent on the applicant passing these tests. This includes all existing employees, including those who are applying for CDL positions.
  - **Random (CDL only).** Drug and alcohol tests will be conducted on a random, unannounced basis. The number of annual drug tests shall equal 50% of the number of CDL required positions while the number of annual alcohol tests shall equal 25% of the CDL required positions. The Town has entered into an agreement with a third party administrator (TPA) to randomly select the CDL employees for testing and then notify the Program Administrator of the person or persons chosen.
  - **Post-accident.** As soon as is practicable after an accident, the employee shall be tested for alcohol and drugs if: (a) the accident involved the loss of human life; (b) the employee received a citation for a moving traffic violation arising from the accident; (c) or the accident resulted in serious property damage.
  - **Reasonable Suspicion.** All employees who exhibit to a trained supervisor signs and symptoms of alcohol and or drug abuse while on the job, prior to reporting to work, or just after work, will be required to submit to an alcohol and/or drug test. The supervisor shall document the specific facts, symptoms or observations by completing a "Reasonable Suspicion Record" form. NOTE: An employee will not be allowed to drive him/herself to the testing facility for a reasonable suspicion test. Instead, the supervisor or another employee will provide transportation to the testing facility.

- **Return-to-duty.** Any employee who previously tested positive for a controlled substance or alcohol will be required to submit to a drug and alcohol test before returning to work following substance abuse treatment. To return to duty, the employee must test negative and be released by a substance abuse professional.
- **Follow-up.** An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) a year.

## **B) Drug Testing**

- 1) Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A Chain of custody document is completed in the presence of the employee, and the specimen is shipped to a laboratory that is certified in accordance with Department of Health and Human Services (DHHS) guidelines or equivalent guidelines.
- 2) All urinalysis procedures are required to include split-specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test, the employee will be notified and may within 72 hours of notification, request that the split specimen may be used for a confirmation test if requested by the employee. During testing, an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over-the-counter medications are not reported as positive results.
- 3) If the analysis of the primary specimen results in a confirmed positive test, the employee may, within, 72 hours, request that the split specimen also be tested at a certified laboratory of his choice. The second test is at the employee's expense unless the test result is negative, in which case the Town will reimburse the employee.
- 4) All test results are reviewed by a Medical Review Officer (MRO) prior to results being reported to the Town. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive results (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative. If the MRO is unable to contact the employee, the employer will be contacted and requested to advise the employee to contact the MRO. Urine samples shall be provided in a private test room, stall, or similar enclosure so that employees and applicants may not be viewed while providing

the sample. Employees and applicants may be required to disrobe and wear hospital gowns while they are providing test samples in order to ensure that there is not tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.

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

### **C) Alcohol Testing**

- 1) Alcohol testing will be conducted using an evidential breath testing (EBT) device. A certified Breath Alcohol Technician (BAT) trained in the use of EST and alcohol-testing procedures must perform the breath test. Under certain circumstances, post-accident tests conducted by law enforcement or medical personnel will be acceptable.
- 2) Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentrations is considered a negative result. Any result of 0.02 or greater requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.
- 3) CDL employees shall not:
  - a) report to work and/or remain on duty with an alcohol concentration of 0.04 or greater;
  - b) possess any alcohol while on duty;
  - c) use any alcohol while on duty;
  - d) use any alcohol within four (4) hours before going on duty;
  - e) use any alcohol within eight (8) hours after an accident for which the CDL employee must be tested for alcohol concentration;
  - f) refuse to submit to the following alcohol and/or controlled substance tests: random test, reasonable suspicion test, post accident test, or follow up test;
  - g) report to or remain on duty if the employee tests positive for controlled substances; or
  - h) report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL employee in writing that the use will not affect the safe operations of a commercial vehicle or, for non-CDL employees that the medications will not adversely affect the employee's fitness for duty. (In the case of a written warning by the physician, the employee shall report this to his/her supervisor immediately.)
- 4) Failure to comply with these rules is a violation of this policy and may result in disciplinary action up to and including termination.

#### **D) Discipline for Failure/Refusal to Test**

- 1) An employee's failure to submit to testing shall result in disciplinary action up to and including dismissal. Failure to submit to a test by an applicant will result in denial of employment. Specifically, the following circumstances may be considered a refusal to test:
  - a) Failure to report to the designated testing area immediately after being notified to submit to an alcohol or drug test;
  - b) Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined to be unable to do so; or
  - c) Engaging in conduct that clearly obstructs or delays the testing process.
- 2) Any employee whose alcohol test results in a concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform any safety sensitive function for at least 24 hours following the test. The employee will not be paid for work-time lost as a result of this section unless he/she works in another capacity during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater but less than 0.04, nor will a return-to duty test be required unless there is reasonable suspicion that the employee is still under the influence of alcohol or drugs.
- 3) Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.

#### **E) Promotions**

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

#### **F) Discipline for Policy Violations**

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

- 2) In addition, any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Following a confirmed positive drug test, the employee may, at the Town's sole discretion, have the opportunity to participate for up to six (6) months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program. . Factors to be considered in determining the appropriate disciplinary response include, but are not limited to the following: employee's work history, length of employment, current job performance, and existence of past disciplinary actions.
- 3) Further grounds for discipline or dismissal under our policy include, but are not limited to:
  - a) Refusal to submit to a rehabilitation program after testing positive.
  - b) Failure within six (6) months to successfully complete a rehabilitation program after commencing the program, or failure to pass a return-to-duty drug or alcohol test.
  - c) Evidence that the employee has substituted, adulterated, diluted, or otherwise tampered with his/her sample.
  - d) Failure to contact a substance abuse professional within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the improper use of alcohol or unauthorized substances.

**G) Transfer Pending Results**

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

**H) Consequences of a Positive Test**

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

**I) Return to Work after Treatment**

- 1) Any employee with a positive test result may, upon written request to the Program Administrator, have the right to any information relating to the test result and procedures.
- 2) Upon successfully completing a rehabilitation program within 3 months after it commences and upon passing a return-to-duty drug test, the employee may, at the Town's sole discretion, return to his/her previous job with full pay (but not back pay) and accrued benefits, unless conditions unrelated to the employee's previous test make the employee's return impossible or inappropriate. The rehabilitation or treatment provider in consultation with the Program Administrator shall determine whether the employee has successfully completed the rehabilitation program. The Town is not required to hold the employee's job open after the employee commences a rehabilitation program.

**J) Confidentiality**

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

## **ARTICLE IV. EMPLOYEE RIGHTS AND RESPONSIBILITIES**

### **SECTION 401**                      **Political Activity**

- A) The Town shall not use its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome of elections, except that the Town may distribute general informational reports on election issues.
- B) Employees shall not use the authority of their positions to influence the vote or political activities of any subordinate employee.
- C) No employee shall seek election to the Town Council while still employed by the Town. Nothing contained in this section shall limit an employee from running for other elective office while employed, as long as it does not affect his/her job performance.
- D) No employee shall solicit or distribute campaign material or campaign for any candidate during working hours and/or in a uniform used by or identified with the Town Government.
- E) Nothing contained in this section shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions.

### **SECTION 402**                      **Gifts and Gratuities**

- A) No one seeking appointment or promotion to a Town position or appointive office will directly or indirectly give any money, service or other item to any person in connection with their appointment, or proposed appointment.
- B) No employee shall accept as an individual any fee, gift, service or other valuable item in the course of performing the duties and responsibilities of the position other than compensation set by the Town. Employees and officers may accept such items as candy, cake, cookies, flowers, plants or other items, of nominal values which are intended to be complimentary or appreciative in nature and which would be made available for general office consumption or use. Meals and miscellaneous travel expenses related to the conduct of Town business are exempt from this policy.
- C) Department Heads may approve awards given by civic groups from a bona fide award program.

### **SECTION 403**                      **Outside Employment/Business Activities**

- A) Employees may engage in employment or business activities other than their job with the Town under the following conditions:
  - 1) The outside employment/business activity does not constitute a conflict of interest, or the appearance of a conflict of interest, with Town duties and responsibilities.

- 2) Employees must obtain prior written permission of their Department Head.
- B) Outside employment while on sick leave, industrial accident leave, or Family and Medical leave is strictly prohibited.
- C) Police officers may accept off-duty jobs approved and posted by the Marshal's Department under their departmental policies and procedures.

**SECTION 404**                      **Privacy**

- A) Only the Personnel Director, or designee, can release employment information, except as required by the Arizona Peace Officer Standards and Training Board. In addition, the Town may be required by federal or state law to release certain information via a public records request, court order, etc.
- B) The Town makes lockers, desks, file cabinets and computer files (including electronic mail) available for the convenience of some employees without cost to the employee. These conveniences are Town property. Employees using these lockers, desks, file cabinets and computer files (including electronic mail) shall have no expectation of privacy concerning inspection of the lockers, desks, file cabinets and computer files by the Town. If the employee uses a lock, or a password, the Department Head must be furnished with a key or the combination to the lock, or the password. The Town may search lockers, desks, file cabinets and computer files (including electronic mail) for work related reasons or based on reasonable suspicion of misconduct.
- C) Records created by employees in the course of official business of the Town are considered public records and subject to Town rules on management, retention and destruction of public records.
- D) Certain employees by the nature of their position have access to information of a confidential nature. Confidential information is anything that the employee would not otherwise know except for his/her employment with the Town. Employees shall not disclose information of a confidential nature without specific authority from the Department Head or Town Manager. If an employee has a question as to whether certain information is confidential, he/she shall discuss the issue with his/her immediate supervisor.

**SECTION 405**                      **Personnel File**

- A) Human resources shall maintain personnel files for each employee. Employees may review his or her personnel file and have copies of any materials in their personnel files, but shall not be allowed to remove anything from the file. Employees' access to their personnel file shall be scheduled at the convenience of the employee and Human Resources. Employees may challenge inaccurate information in the file by submitting a written request to his/her department head regarding the questioned material in the file and request that it be purged. The department head shall forward the request with his or her recommendations to the Town Manager for final decision.
- B) Personnel files shall be protected from access. However, the following persons may request access:
  - 1) Town Manager or his authorized representatives within the Human Resources Department.

- 2) Town Attorney
  - 3) Town employee's department head
  - 4) The employee or his or her authorized representative by written request, subject to Section A above.
- C) The Town will comply with a proper public records request, pursuant to the provisions of Title 39 of the Arizona Revised Statutes. Pursuant to such a request, the Town will generally provide all documents that are public records. However, the Town will assert privacy/confidentiality and other arguments, in a case-by-case basis, to protect certain items from disclosure. In the end, however, the Town will comply with any valid Court order requiring disclosure.
- D) In the event that a person making a public records request pursuant to Title 39 of the Arizona Revised Statutes is denied access to personnel material, the aggrieved person may request that the denial of access be reviewed by Human Resources, or his/her designee. Human Resources will consider the prevailing law, the nature of the public's right to access to the record or material and any potential harm to the employee, the public or the Town in granting access.
- E) Requests for materials subpoenaed or otherwise, received in connection with civil or criminal actions or investigations, whether judicial or administrative, must be submitted in itemized form. Items not specifically identified will not be provided. When an investigator seeks information, only the material specifically identified and requested shall be disclosed and the investigator's credentials shall be checked by the Town Manager, his designee, or the Town Attorney. If there is any doubt concerning the validity of the credentials or the appropriateness of the information requested, a written request for the material, including verification of credentials, can be required before disclosure. All such requests shall be directed to the Human Resources Department. The Town Manager may release information from any employee's personnel file when required to represent the interests of the Town in any administrative or judicial proceedings concerning any employee of the Town.

#### **Section 406**

#### **Internet and E-mail Policy**

- A) Town Property.
- 1) All communications equipment, modems, computers, electronic storage, hard drives, and disks used in official business of the Town are Town property. This includes the documents, e-mail messages, forms, letters, and memos stored on the computers, or reduced to hard copy for storage or distribution.
- B) E-Mail and Voice Mail Are Not Private.

- 1) E-mail sent to or from Town employees while at Town Hall or work is not private, and in fact may constitute releasable public documents or records pursuant to ARS 39-121.01.B (“records reasonably necessary or appropriate to maintain an accurate knowledge of [an official’s] activities”) and ARS 41-1350 (“record” includes electronic media). Since there can be no expectation of privacy of e-mail received or sent during office hours or for Town business, employees may be required to furnish any passwords to e-mail servers which route or retain the messages. Stored voice-mail messages may also be monitored.

C) Preservation.

- 1) Hard drives containing documents and e-mail may be required to be preserved pursuant to ARS 39-121/39-121.01.C/41-1347. Failure to preserve public records is a misdemeanor (ARS 39-101.C).

D) Access.

- 1) Public records shall be open to inspection by any person during normal office hours, and any person may request to examine the record, a copy, of a printout (ARS 39-121.101C ). Inspection of computer documents and e-mail would be included, and supervisors, as well as members of the general public, could conduct an inspection.

E) Improper Use of E-Mail.

- 1) E-mail shall not be used to carry offensive jokes, discriminatory or defamatory remarks, improper images, or material protected by copyright or restricted software licensed only for limited users.
- 2) E-mail messages shall not be distributed to third parties without a public records request or permission of the Town Manager.
- 3) Town employees shall not subscribe to newsgroups, list serves, or other automatic message distributions that are not work related without approval of the Town Manager.
- 4) If implemented, employees shall comply with any encryption or firewall procedures to ensure the security of outgoing e-mail.

F) Use of Internet.

- 1) Employees who have been provided access to the Internet shall not browse adult or restricted access sites, download files or documents not related to their Town work, or download or install programs on their computers without prior consent of the Town Manager. Employees shall utilize any virus programs provided, and not disable any filtering or monitoring features of the computers that record the site history and access.
- 2) Employees shall not use the Internet for personal business during working hours.

## **ARTICLE V. RECRUITMENT AND SELECTION**

### **SECTION 501**

### **Recruitment**

- A) Notice of vacancies within the classified service may be given by placing an advertisement in a newspaper of local circulation at least once, by posting notice of the vacancy at Town Hall, or by other reasonable means chosen by the Town Manager. If a vacancy in the classified service is filled through promotion, transfer, re-designating a part-time or temporary employee as a full-time employee, appointment of a police reserve officer to a full-time position, or by the use of an existing employment list, then notice of the vacancy is not required.
- B) Department Heads shall notify the Personnel Director when seeking to fill a position in their department.
- C) Application for Town employment shall be made on forms provided by the Town.
  - 1) Resumes, letters of reference, and other material, which may assist in determining the qualifications of the applicant, may be submitted with the application.
  - 2) All applications for employment, together with accompanying materials, become the property of the Town. Any misrepresentation in the information furnished in the application may warrant immediate termination as soon as discovered, regardless of the duration of employment or position held, in addition to other consequences available.
- D) The Personnel Director shall, in accordance with state and federal privacy and security laws, examine criminal history information from and through the Arizona Department of Public Safety; including recent records of arrest that did not result in prosecution and/or conviction concerning any employee or candidate for appointment to Town service.
- E) Appointment to Town service may be subject to satisfactory completion of mental and/or physical examination prior to employment. Examinations are given by a health care provider designated and paid for by the Town. Consistent with the Town's Drug and Alcohol Free Workplace Policy, a drug test shall be required of applicants receiving a conditional offer of employment.
- F) The applicant selected for employment shall be given a conditional offer of employment, subject to such additional testing, fingerprinting and background checks as may be required. If the applicant does not successfully pass the testing or background checks, the conditional offer may be immediately withdrawn.

### **SECTION 502**

### **Probation**

- A) The probationary period is an integral and final part of an individual's selection and screening process. This period is intended to allow an employee to demonstrate satisfactory competence in the new position. It allows a supervisor time to observe the employee's performance, train and assist the employee to adjust to the position; or to terminate the employee who does not meet the required performance standards.

- B) All original appointments shall be subject to a probationary period of six months of continuous and successful service. Certified Marshal's Department employees are subject to a one-year probation period. All promotional appointments, voluntary transfers, and voluntary demotions shall be subject to a probationary period of six months of continuous and successful service as well.
- C) During an original appointment probationary period, an employee may be dismissed at any time without a statement of cause, without prior notice, and without the right of grievance or appeal.
- D) Probationary employees become regular employees upon submission of the completed Personnel Action Form by the Department Head to the Personnel Director at the end of the probationary period. Probation does not end until this paperwork is completed, however, it will be the Department Heads responsibility to complete the paperwork by the end of the probation period. It is at the sole discretion of the employee's Department Head to extend the probation if necessary. The extension of the probation must be done before the end of the probationary period and for a specified amount of time, generally not to exceed three (3) months.

### **SECTION 503**

### **VOLUNTEER RECRUITMENT**

- A) The Town appreciates and values volunteers who give their time, talent, and abilities to assist the Town in serving the citizens' of our community. We believe volunteers with the Town have an obligation to the public to demonstrate a high level of integrity and ethical standards in both personal and official conduct. It is, therefore, the Town of Camp Verde's policy that when appointing volunteers, steps are taken to ensure a safe working environment for our children, employees, citizens, and visitors.
- B) The Town shall require a minimum of a local conviction investigation (county-wide) and a fingerprint check on all volunteers appointed to positions that the duties involve the supervision of children, and/or Public Safety/Security positions, and/or handling town funds, and/or in the event of disclosure of a prior criminal conviction by the candidate during the application/appointment process.
- C) The Department Head has the responsibility for insuring that fingerprints are taken and a background investigation is completed before a volunteer is appointed.
- D) All Volunteers will need to be background checked and fingerprinted if they:
  - 1) Are being appointed to a position that involves the supervision or working with children, i.e. managing, coaching, refereeing, teaching, and/or
  - 2) Appointed to a position that involves public safety/ security sensitive positions, and/or
  - 3) Appointed to a position that involves the handling of town funds, and/or
  - 4) Discloses on their application that they have a prior criminal conviction.

## **ARTICLE VI. CHANGES IN EMPLOYEE STATUS**

### **SECTION 601**

#### **Promotion**

- A) **Definition**: an employee's change of status from a position in one grade to a position in another grade whose salary range midpoint is at least 5% higher than the grade of the employee's current position. Acting capacities, assignment pay, and re-classifications of positions are not considered promotions.
- B) Vacancies that occur in the classified service may be filled by promotion. However, if in the opinion of the Town Manager, the best interests of the Town would be furthered by open recruitment instead of promotion, then such recruitment shall be conducted. The hiring Department Head and the Town Manager must approve promotions.
- C) Notice of promotional opportunities will be made by posting a notice entitled "Promotional Opportunity" in the Town Hall and other Town Departments, and through other appropriate means.
- D) Employees requesting a promotion must submit an application to the Personnel Director.

### **SECTION 602**

#### **Reclassification**

- A) **Definition**: A change in the classification of a position based on a substantial change in job duties. A reclassification is not considered a promotion.
- B) A position may be reclassified to a higher-level classification, or the classification may be assigned to a higher salary range. The affected employee may or may not receive a salary increase.
- C) A position may be reclassified to a lower level classification, or the classification may be assigned to a lower salary range. An employee's salary will be frozen if the new maximum is lower than the incumbent's salary. The employee will receive no salary increase until the new maximum salary is higher than the employee's salary.

### **SECTION 603**

#### **Transfer**

- A) **Definition**: an employee's change of status from a position in one class to a position in another class, which entails the performance of similar duties, and requires substantially the same basic qualifications.
- B) Vacancies in the classified service may be filled by transfer.
- C) Employees may be voluntarily or involuntarily transferred from one position to another within the same or similar classifications. The transfer must be in the best interest of the Town. Transfers from one department to another require approval of both Department Heads; unless the Town Manager orders the transfer.
- D) Transferred employees retain their merit increase date and rate of pay. All benefit accruals remain the same.

- E) An employee request for a transfer may be initiated by a written request to the affected Department Heads outlining the reasons for the request and the position to be transferred to. The request will be evaluated and a determination made by the affected Department Heads.
- F) Transferred employees must meet the minimum qualifications for new positions.

**SECTION 604**                      **Resignation**

- A) Employees resigning from the Town must submit a written resignation to their Department Head at least two weeks prior to separation. The resignation must state the effective date of the resignation.
  - 1) Resignations are forwarded to the Personnel Director by the Department Head.
  - 2) Failure of employees to provide proper notice of resignation may be cause for denial of future employment with the Town.
  - 3) Resigned employees may withdraw their resignation prior to the termination date with consent of the appropriate Department Head.
  - 4) The two weeks notice may be waived by the Town Manager.
- B) At the discretion of the Town Manager, an inexcusable absence of greater than one day may be considered a resignation.
- C) The Town Manager or Department Head shall provide the Council with thirty (30) days written notice of intention to resign his/her position.

**SECTION 605**                      **Retirement**

- A) Employees retiring from the Town must be in good standing to receive accrued sick leave benefits. (See Section 609.)
- B) The Town will follow Public Safety guidelines for members of the Public Safety Personnel Retirement System. There is no maximum retirement age for members of the Arizona State Retirement System.
- C) Employees retiring from the Town must submit written notification to their Department Head at least thirty (30) days prior to the retirement date. The notification is forwarded to the Personnel Director.

**SECTION 606**                      **Disability**

- A) Employees may be transferred, demoted, or terminated from Town employment for reasons of disability when a mental or physical condition renders them incapable of satisfactorily performing the essential functions of their position, with or without reasonable accommodation, as required by law.
- B) If the results of a medical examination demonstrate that an employee is unable to perform the essential functions of the position and the Town is unable to provide reasonable accommodation, the employee may be placed on available medical leave or any other paid or unpaid leave prior to commencement of disability benefits or termination.

- C) Employees may be eligible to receive disability benefits if they become disabled and unable to perform their job due to an injury or illness. This income protection benefit is governed by the provisions of the Town's Short-Term Disability and Long Term Disability insurance Programs.
- D) If an employee is unable to perform the essential functions of the job, a non-competitive transfer to an open and available position for which the employee is qualified and can perform the functions may be an option.

**SECTION 607**                      **Involuntary Termination**

- A) Lay-off of Town employees may become necessary due to a lack of work or funds. Positions may be funded for reduced hours or eliminated as necessary to meet budgetary requirements. Regular employees will not be laid off if there are temporary or probationary employees in the same class for which the regular employee is qualified, eligible and available. Incumbents in positions, which are reduced in hours or eliminated, may apply for other vacancies with the Town for which they possess the minimum qualifications.
- B) A probationary employee may be terminated at any time.
- C) A regular employee may be dismissed for disciplinary reasons. Refer to Article XIV, Disciplinary and Appeal Procedures.

**SECTION 608**                      **Death**

- A) Upon the death of an employee, all accrued vacation and sick leave shall be paid to the surviving spouse, or, if there is no surviving spouse, to the surviving children, closest living relative, or other person as legally directed by the employee in a will or as required under State law. The payment shall be based on the hourly rate of pay last earned by the employee and on the number of vacation and sick hours accrued at the time of death.

**SECTION 609**                      **Entitlements at Separation**

A) Sick Pay

- 1) At the time of resignation or retirement, an employee in good standing shall receive the cash value of their accumulated sick leave balance under Section 904 as calculated below:

<u>Years of Continuous Service</u>	<u>Payout Percentage</u>
1 to less than 10 years	10%
10 to less than 15 years	25%
15 + years	50%

- 2) Years will be calculated on the employee's respective anniversary date.

**SECTION 610**

**Exit Interview**

- A) The purpose of the exit interview is to provide an opportunity for departing employees to express their views regarding their employment and to provide a means for channeling these views to management. Its intent is to provide for the uniform treatment of departing employees, to obtain and compile data on separations as a basis for analyzing employee turnover, to advise employees of their separation rights to benefits, to provide a tool to identify and resolve organizational problems, and to process the required documentation.
- B) The Town Manager or Personnel Director may conduct an exit interview with each regular employee separating from Town employment. The separating employee may also be asked to complete an exit questionnaire. The exit interview may be declined by the employee.
- C) The Personnel Director shall provide information about COBRA, 457 plans, retirement benefits and other information either during the exit interview, or by letter.

**ARTICLE VII. CLASSIFICATION PLAN**

**SECTION 701**

**Description**

- A) The Town Manager is responsible for the establishment and maintenance of a classification plan, subject to approval of the Council.
- B) Positions are assigned to a classification based on the nature and level of duties and responsibilities. All positions in the same classification should be sufficiently alike to permit use of a single descriptive title, the same qualification requirements and the same salary potential.
- C) Positions may be reclassified on the basis of change in the duties and responsibilities or qualifications for the position. (See Section 802.)
- D) The classification plan provides job titles for all positions, distinguishing features of the classification, examples of work performed, required knowledge, skills and abilities, desirable training and experience, and other requirements deemed necessary. Positions requiring special licensing or requirements will include such statement.
- E) Job specifications are descriptive only and are not restrictive in nature.
- F) Supervisors may assign different tasks to a position when the duties are similar in kind and responsibility to those described in the specification.

**SECTION 702**

**Classified Service**

- A) Classified service includes all employees whose positions have been approved and budgeted by Town Council in the line item "Salaries" and have not been included in the unclassified service.
- B) Tenure of employees in classified service is subject to satisfactory work performance, necessity for the position, the availability of funds, or other appropriate reason.

**SECTION 703**

**Unclassified Service**

- A) Unclassified service includes employees in Department Head positions, which must be responsive to Town Council, and/or Town Manager.
- B) The following positions are unclassified:
  - 1) All Town officers appointed by the Town Council:
    - a) Town Manager
    - b) Town Attorney
    - c) Town Magistrate

2) All Town Officers appointed by Town Manager:

- a) Town Clerk
- b) Community Development Director
- c) Library Director
- d) Town Marshal
- e) Finance Director
- f) Parks and Recreation Director
- g) Public Works Director/Town Engineer
- h) Housing Director

## **ARTICLE VIII. SALARY ADMINISTRATION**

### **SECTION 801**

#### **Pay Plan**

- A) The Town Manager administers a pay plan covering all classified positions. In arriving at salary ranges, consideration may be given to external market comparisons, internal equity, and budget constraints.
- B) Town Council may from time to time amend the pay plan upon recommendation of the Town Manager.
- C) A Cost of Living Adjustment (COLA) to the pay plan shall be recommended annually by the Town Manager. The COLA recommendation should be based upon standard measures of inflation. This recommendation shall be made and considered during the Town's fiscal year budget process with final consideration to be determined by the Town Council.

### **SECTION 802**

#### **Reclassification**

- A) An employee will generally not receive a salary increase if the employee's salary is within the salary range of the reclassified position. Exceptions may be made and a salary increase granted by the Town Manager under circumstances where the employee has been assigned additional responsibilities.

### **SECTION 803**

#### **Exempt Employees**

- A) Employees exempt under the Fair Labor Standards Act (FLSA) are expected to work, on average, a 40 hour work week.
- B) Exempt employees shall use paid leave of absences such as sick leave, vacation leave or other paid leave, for absences of one day or more.

### **SECTION 804**

#### **Special Assignment**

- A) Employees may be assigned temporarily, by their Department Head, to duties outside the classified service, to specialized duties in addition to or in lieu of regular duties. Special assignments may be for specified or indefinite periods of time. Compensation for special assignments may be established by Council or by the Town Manager.
  - 1) Special assignments are for specified or indefinite periods of time; and qualifications, selection, assignment, and reassignment are not appealable.
  - 2) Employees on special assignment may receive special assignment pay that is immediately discontinued when the employees return to their regular positions. The amount of assignment pay is established based on each special assignment.
  - 3) Employees on special assignment lose no rights or entitlements held in their regular positions.

## B) Acting Capacities

- 1) An employee is in an acting capacity when assigned to a higher classification, and fully performing all of the duties of that job, on a temporary basis in the absence of a permanent incumbent for two or more weeks.
- 2) A standard 5% assignment pay is to be paid when the acting capacity is two or more weeks, retroactive to the first day of the acting capacity assignment. If the salary range minimum of the class in which the employee is in an acting capacity is more than 5% higher than the employee's current salary, the adjustment will be to the minimum of the salary range.
- 3) Exempt employees who, as a result of their acting capacity, exceed their normal work week hours, may receive additional compensation or leave at the discretion of the Town Manager.

## **SECTION 805**

### **Overtime**

- A) It is the Town's policy to avoid overtime work whenever possible.
- B) Department Heads and supervisors are responsible for advance planning to minimize the use of overtime. Whenever possible overtime must be approved in advance by the Department Head or designee or as soon as possible in the event of emergency conditions.
- C) Non-exempt employees who perform work in excess of forty (40) hours within their work week, will be compensated at the rate of one and one-half (1.5) times the employee's regular rate of pay or accrue compensatory time at the rate of one and one-half (1.5) times overtime hours worked (See also overtime guidelines in the Fair Labor Standards Act).
- D) At the direction of the Department Head or designee, an employee's work schedule may be adjusted within the pay period.
- E) Department Heads may grant compensatory time to non-exempt employees for hours worked in excess of the established workweek. Generally, an employee's work schedule should be adjusted to avoid overtime within a workweek. Department Heads may adjust the weekly work schedule to avoid overtime at the end of the workweek.
- F) Employees who participate in required training are paid only for actual time in training sessions and, if the training is off-site, for travel time to and from the training.
- G) Overtime will be paid for travel time only if travel time is compensable under the FLSA. Employees who are on out-of-town business for the Town will be compensated only for actual hours worked during the trip.
- H) Overtime is based exclusively on the amount of time worked each workweek. An employee will not be paid overtime if the weekly total actually worked is less than 40 hours. Vacation, sick and holiday hours (excluding the extra holiday pay for certain sworn police officers and dispatchers) will not count towards actual hours worked.

- 1) FLSA Section 207(k): If a work period has been declared by the Town Marshal for specific categories of sworn police officers, and approved by the Town Manager, overtime will be paid in accordance with Departmental Rules, as approved by the Town Manager and on file with the Finance Department for payroll.
- 2) Exempt employees shall not receive overtime or comp time. However, exempt employees may receive paid leave called administrative time off for time worked in excess of their usual work schedules. Administrative time off shall not exceed 40 hours annually and will be accrued quarterly at 10-hour increments. Hours not used by the end of the Calendar year will be lost and cannot carry over to the next year. Exempt employees shall not have claims or property rights on administrative time off.

## **ARTICLE IX. FRINGE DENEFITS**

### **SECTION 901**

#### **Eligibility for Fringe Benefits**

- A) For full-time and part-time employees, eligibility for fringe benefits, including health, dental, disability, and life insurance, begins on the first day of the month following affiliation as a paid Town employee. Temporary employees shall not be entitled to fringe benefits, except State Retirement (if required by State law), holidays and Worker's Compensation Insurance. If a temporary employee is converted to regular status, eligibility for fringe benefits shall begin on the first day worked as a regular employee.

### **SECTION 902**

#### **Health and Life Insurance**

- A) The Town's Group medical, dental and life insurance plans allow for fulltime employees and part-time employees who work 30-40 hours per week to begin coverage as specified by the group insurance contract.
- B) Group insurance includes medical, dental, and life.
- C) Full-time employees and part-time employees who work at least 30 hours per week are eligible for group coverage. Part-time employees who have a status change to work at least 30 hours per week and have completed 90 days of continuous service will be eligible for group insurance coverage on the date specified by the group insurance contracts.
- D) Covered employees may elect family coverage for their eligible dependents. The Town may pay a portion of the incremental premium for family coverage, as established by Town Council Action.
- E) Details of coverage are as specified in the insurance provider's benefit plan booklet.
- F) The employee's share of the family coverage premium is deducted from paychecks the month before the effective coverage.

### **SECTION 903**

#### **Worker's Compensation Insurance**

- A) All Town employees are covered by Worker's Compensation Insurance beginning with the first day of employment. Worker's Compensation provides State proscribed medical and hospitalization expense benefits, as well as partial compensation in lieu of salary for lost time for workers injured on the job.
- B) If an employee wishes to reject coverage by Worker's Compensation Insurance, such choice must be made in writing and filed with the Personnel Director prior to any injury (A.R.S. 23-906.B.)
- C) Unless rejection of Worker's Compensation is made in accordance with Section 903 (8), Worker's Compensation is the only coverage the employee has for on-the-job injuries and illness.
- D) Every employee must immediately report every job related injury or illness, regardless of severity, to their supervisor. The supervisor must complete a report of industrial injury and immediately submit it to the Personnel Director.
- E) Compensation for lost time:

- 1) If an employee is injured while on duty, the Town may supplement the injured employee's Workers Compensation wages. Supplemental pay will be paid only if the employee cannot return to duty (regular or modified). An adjustment will be made to the employee's pay to reflect the difference between regular wages and Worker's Compensation payments; so that the employee will continue to receive the same net pay prior to the injury or illness exclusive of overtime. This supplemental pay will not exceed twelve weeks, except under extraordinary circumstances approved by the Town Manager. Lost time for Worker's Compensation in excess of three days will run concurrent with family medical leave. After twelve weeks, the employee can use available sick time or vacation time to supplement Worker's Compensation payments; so that the employee will continue to receive the same net pay prior to the injury or illness, exclusive of overtime.
  - 2) An employee will be compensated for medical appointments covered by Worker's Compensation benefits actually taken during the employee's regularly scheduled work day and will not be required to use sick leave.
- F) Immediate Evaluation: If an employee is injured while on the job, or becomes ill because of work related causes, the employee's first medical response shall be to their personal health care provider. In the case of a major injury or illness, the employee will be transported to the nearest suitable medical facility.
- G) An employee returning from Worker's Compensation leave must notify their supervisor of their intent to return to work, and must provide a work release from the health care provider attesting that they are able to resume their normal work duties or modified work duties. The work release must be accepted by the Personnel Director prior to the employee's return to work.

**SECTION 904**

**Sick Leave**

- A) Full-time employees shall accrue 3.69 hours of sick leave each pay period, equivalent to 12 days per year.
- B) Part-time employees will have sick leave accruals prorated.
- C) An employee is eligible for the accrual of sick leave if the employee receives any pay during the pay period.
- D) Sick leave includes all periods of approved absence with pay granted an employee due to:
  - 1) Illness or injury, which renders the employee unable to perform the duties of the position.
  - 2) Illness, injury, examination or treatment by a health care provider of a member of the employee/s immediate family. For the purpose of this section the term immediate family means the employee's spouse, child, parent in-laws, and parent.

- E) Each Department Head or supervisor is responsible for control of abuse of the sick leave privilege. Abuse of sick leave may be subject to discipline. Employees utilizing sick leave may be required at any time to furnish a certificate from their health care provider, stating the nature of the illness or injury. Employees are required to comply with their respective department's notification rules regarding sick leave.
- F) Sick leave shall not be used in lieu of vacation nor shall it be used in addition to vacation.
- G) If an employee is sick or injured but has no accumulated sick or vacation leave, then the employee may take unpaid leave at the discretion of the Department Head. No monetary compensation will be paid to an employee who does not have accrued paid leave time remaining. The Town will not pay in advance of earning sick time hours or vacation hours.
- H) An employee who is absent more than three workdays may be subject to the Family Medical Leave Act. Employees who will be absent for medical reasons for more than three days must immediately notify the Department Head, regardless of whether the leave is paid sick leave, paid vacation leave, or unpaid leave. The Department Head is responsible for ensuring the Personnel Director is immediately notified of absences of more than three days.
- I) Accrued sick leave shall be cumulative from year to year. Sick leave is a privilege provided by the Town as a guarantee against loss of wages during illness. No monetary compensation for unused sick leave shall be paid to any employee upon termination of employment except as stated in Section 609.
- J) Sick leave accumulated in excess of 480 hours must be converted on the 15<sup>th</sup> of December each year to either vacation time or cash value. If converted to vacation time, the conversion shall be one hour of vacation for every two (2) hours of accumulated sick leave in excess of 480 hours. If converted to cash value the conversion rate shall be made at 50% of the employee's current hourly wage multiplied by the number of hours in excess of 480 hours.
- K) Upon request, any employee whose sick leave exceeds 3 days shall provide a written release to return to work from a qualified health care provider. The release must be accepted by the Department Head and copied to the Personnel Director prior to the return to work.
- L) Donation of Sick Leave: Sick hours may be donated to other employees on extended Family Medical Leave and who have exhausted their paid leave accruals. The following stipulations apply:
  - 1) Sick time may be donated by any employee to any other employee who has exhausted all of their paid leave accruals (sick, vacation) because of a medical condition as verified by a health care provider. Employees who are eligible for disability benefits are not eligible to receive donated hours.
  - 2) The employee donating sick time must have at least 80 hours remaining after the donation.

- 3) If an employee wishes to donate hours, an Authorization for Voluntary Leave Donation and Transfer form, signed by the donating employee indicating the number of hours donated and to whom, shall be submitted to the donating employee's Department Head for approval. Once approved, the form will be forwarded to the Personnel Director to verify sick time and make the appropriate adjustments.
- 4) The value of donated sick leave will be hour-for-hour, regardless of the employee's rate of pay, and credited to the employee's sick leave bank by the Personnel Director.
- 5) Donated hours will be credited from the date the receiving employee exhausts paid leave.
- 6) Upon issuance of a health care provider's release back to duty (either regular or modified duty where offered), no further donated leave will be transferred to the receiving employee.
- 7) Hours will be used in the order they are donated by pay period. If any hours remain unused in the receiving employee's sick leave bank, they will be returned to the donating employee in reverse order of contribution (last in, first out) based on the date the donating employee signed the Authorization for Voluntary Leave Donation and Transfer form. In the event more than one employee donated leave on the same day, the hours will be split proportionately based on their amount of respective donations.

**SECTION 905**                      **Annual Vacation Leave**

- A) All full-time employees, except Exempt employees, shall be entitled to the following annual vacation accrual:

Years of Continuous Service!	Annual Vacation Accrual
1 - 5*	80 hours
5 - 10**	104 hours
10 or more***	120 hours

- 1) Years will be calculated on the employee's respective anniversary date.
- 2) Each employee will receive 3.08 hours of vacation time each pay period.
- 3) Each employee who completes 60 months of employment will begin to earn 4.00 hours of vacation time each pay period after the 60<sup>th</sup> month of employment
- 4) Each employee who completes 120 months of employment will begin to earn 4.62 hours of vacation time each pay period after the 120<sup>th</sup> month of employment.

- B) Exempt employees shall be entitled to the following annual vacation accrual:

Years of Continuous Service	Annual Vacation Accrual
1 - 5*	120 hours
5 - 10**	144 hours
10 or more***	160 hours

- 1) Each director will receive 4.62 hours of vacation time each pay period.
  - 2) Each director who completes 60 months of employment will begin to earn 5.54 hours of vacation time each pay period after the 60<sup>th</sup> month of employment.
  - 3) Each director who completes 120 months of employment will begin to earn 6.15 hours of vacation time each pay period after the 120<sup>th</sup> month of employment.
- C) Vacation hours will be accrued each payroll. An employee is eligible for the accrual of vacation leave if the employee receives any pay during the pay period.
- D) Each employee is encouraged to utilize all earned vacation leave annually.
- E) Each Department Head or supervisor shall be responsible for scheduling vacation periods of department employees in a manner consistent with the efficient functioning of the department. Department Heads and supervisors will give as much consideration as possible to the employee. However, time *off* from work requires scheduling on the part of the supervisor.
- 1) Vacation duration of one week or more should be requested at least two weeks in advance. Individual days or other short time vacation increments shall be requested no less than one day in advance.
  - 2) All requests are subject to approval by the appropriate Department Head or designee. It is recognized that special circumstances may arise reducing the advance notice given, and Department Heads and supervisors may consider these special circumstances in approving vacation schedules.
  - 3) Employees should be employed a minimum of six (6) months before using vacation leave. If an unusual circumstance occurs that requires taking vacation leave during the first six months, the employee must receive approval through the employee's Department Head.
- F) At January 1 of each calendar year, the maximum allowed accrued vacation hours will be double the employee's annual accrual based on years of service in Section 905. Excess vacation hours must be used by January 1 of each calendar year, or the hours in excess of the maximum will be forfeited.
- G) Upon termination, employees shall be paid for unused vacation leave at their current rate of pay.

**SECTION 906**

**Disability Insurance**

A) Employees Covered by State Retirement System

- 1) Short Term Disability Insurance: All employees regularly scheduled to work at least 30 hours each week are eligible for Short Term Disability Insurance benefits the first day of the calendar month after completing 90 consecutive days of employment. Copies of the disability plan and group insurance are available from the Personnel Director.

- 2) Long-term Disability: The State Retirement System provides long-term disability benefits. The waiting period is six months from the start of the disability, or as otherwise established by law.
- B) Employees Covered by Public Safety Retirement System
- 1) Short Term Disability Insurance: All employees regularly scheduled to work at least 30 hours each week are eligible for Short Term Disability Insurance benefits the first day of the calendar month after completing 90 consecutive days of employment. Copies of the disability plan and group insurance are available from the Personnel Director.
  - 2) Long Term Disability Insurance: A sworn police officer regularly scheduled to work at least 30 hours each week is eligible for Long Term Disability Insurance on the first day of the calendar month after completing 90 consecutive days employment. Copies of the disability plan and group insurance are available from the Personnel Director.

**SECTION 907**

**Military Leave**

- A) An employee who requests absence with pay on military leave pursuant to A.R.S. 26-168, 26-171, or 38-610 shall submit a copy of the orders for duty with the request for military leave to the Department Head. The Department Head will forward a copy of the orders to the Personnel Director.
- B) Employees shall be granted paid military leave for annual training for a period not to exceed thirty workdays in any 24-month period.
- 1) For military duty in the armed services of the United States, the 24-month period will commence on the fiscal year of the United States (October 1) pursuant to A.R.S. 38-610.
  - 2) For military duty in the National Guard, the 24 month period will be 24 consecutive months back from the time of leave pursuant to A.R.S. 26-168.
- C) The Town will pay the employee's full salary for the time absent due to authorized military active duty training as set forth in (B) above. The amount received from the armed services for active duty will be retained by the employee. Military leave in excess of 30 workdays will be charged to accrued vacation or leave without pay as authorized by the Town Manager.

**SECTION 908**

**Jury Leave**

- A) Full-time employees who are subpoenaed as a witness or summoned for jury duty during their regularly scheduled work hours are entitled to regular compensation, exclusive of overtime, while serving. This does not apply to employees who are named plaintiff or defendant in litigation which does not arise out of employment with the Town or a paid witness or witness regarding a case not related to employment with the Town. The Town will pay the difference between the employee's salary and any fee received, upon submission to the Personnel Director of proof of service and amount of fee. The employee may retain any travel pay received.

- B) Employees must notify their supervisors immediately of a subpoena or summons that will require absence during the workday and receive advance approval for court leave.

**SECTION 909**

**Family and Medical Leave Act Benefits**

- A) The Town complies with the Federal Family and Medical Leave Act (FMLA). Therefore, the inclusion of policies for FMLA is a summary. Where FMLA grants further benefits or clarifications not listed here, the Town will follow current FMLA legislation.
  - 1) Eligibility: An employee must be employed by the Town for at least twelve months and for at least 1,250 hours during the prior twelve-month period.
  - 2) Eligible employees are entitled to 12 workweeks of leave without pay during a 12-month period pursuant to section 909e. A rolling 12-month period measured backward from the date the employee uses FMLA leave will be used to calculate the 12-month period. Leave will be without pay, unless the employee has accumulated sick leave or vacation leave.
- B) Leave may be taken for:
  - 1) The birth of the employee's child.
  - 2) The adoption or placement of a child with the employee.
  - 3) To allow the employee to care for their spouse, child or parent with a serious health condition (note: the term "care of" is broadly interpreted under the FMLA and encompasses both physical and psychological care).
  - 4) The employee's own serious health condition.
- C) A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition requiring inpatient care in a hospital, hospice or residential health care facility, or continuing treatment or supervision by a health care provider.
- D) Limitations:
  - 1) If a husband and wife are both employed by the Town, they would be eligible for a combined 12 week leave in a 12 month period if leave is for the birth, adoption or placement of a child or care of a sick parent.
  - 2) In certain circumstances an eligible employee may be entitled to take their leave intermittently (that is, one week in January, four hours in February etc.) or on a "reduced leave schedule" when medically necessary.
- E) When leave is requested due to the expected birth, adoption or placement of a child, the employee must give 30 days notice of the leave. If the actual date of birth or adoption or placement is unknown, the employee must provide notice as soon as possible.

- F) When leave is required due to (1) a family member's or the employee's own serious health condition, and (2) the leave is foreseeable based upon a planned medical procedure, the employee must (a) give at least 30 days notice or as soon as possible, and (b) make a reasonable effort to schedule treatment so as to not unduly disrupt the Town's operations.
- G) The Personnel Director may require the employee to produce "in a timely manner" and at the employee's expense, a certificate from a health care provider verifying the condition. If a certification is not provided, the employee may not be able to claim FMLA leave. The Personnel Director may, at the Town's expense, require a second or third medical opinion and periodic re-certifications. The Town may require periodic reports during the leave regarding the employee's status and intent to return to work.
- H) An employee who returns to work at the end of leave or 12 weeks, whichever is sooner, is entitled to be restored to his/her previous job or to an equivalent job with equivalent pay and benefits. During any unpaid FMLA leave, an employee is not entitled to an accrual of seniority or employment benefits such as vacation, holiday or sick pay. Any benefits accrued before leave began cannot be lost. Exception: the Town does not have to reinstate an exempt employee who is among the highest paid 10% of the employer's work force under certain conditions.
  - 1) Before returning to work, employees must notify their supervisor of their intent to return to work, and must provide a work release from the health care provider attesting that they are able to resume work. The work release must be accepted by the Personnel Director prior to the employee's return to work.
- I) During FMLA leave, the Town will maintain group health insurance coverage for an employee whenever such insurance is provided before the Leave began, and on the same terms as if the employee had continued to work. If necessary, arrangements will be made for employees to pay their share of dependent health insurance premiums while on leave. In some cases, the Town may be entitled to recover premiums it pays to maintain health coverage for an employee who fails to return to work from the FMLA leave.
- J) All Family Medical Leave Requests must immediately be sent to the Personnel Director for verification, follow-up record and reporting purposes.
- K) The Department Head must notify the Personnel Director of all absences for medical leave reasons that exceed three work days, regardless of whether sick leave, vacation leave, or unpaid leave is used. The Personnel Director will determine if the absence is under the FMLA.
- L) Employees shall utilize any available sick leave or vacation leave concurrent with any leave requested under the FMLA.
- M) An employee on Family Medical Leave who is receiving vacation or sick leave pay will continue to be paid for holidays while on leave and accrue vacation and sick leave. An employee who does not receive any pay during a pay period will not be entitled to holiday pay nor accrue any vacation or sick leave.

- N) Any employee who does not return to work after the expiration of the greater of 12 weeks of Family Medical Leave or accrued vacation/sick leave (when entitled to use this) may be terminated.
- O) Family Medical Leave will run concurrently with absence due to a Workers Compensation injury. At the end of the 12 weeks, the status of the employee will be reviewed to determine the prognosis for return to normal duties.

**SECTION 910**

**Holidays**

A) Holidays observed by the Town are:

New Year's Day	Independence Day	Thanksgiving Day
Civil Rights Day	Labor Day	Day after Thanksgiving
President's Day	Veteran's Day	Christmas Day
Memorial Day	Columbus Day	

- B) When a holiday date falls on a Saturday, the preceding Friday shall be observed as a holiday. When a holiday date falls on a Sunday, the following Monday shall be observed as a holiday. Public safety and other essential service employees may be required to work on holidays.
- C) Work on Holidays: Employees who are required to work on a paid holiday shall receive overtime pay or comp time for the time actually worked in addition to the holiday pay. If a holiday falls on an employee's regularly scheduled day off then the employee will be paid eight (8) hours holiday pay or a vacation day off in lieu of the holiday.

**SECTION 911**

**Bereavement Leave**

- A) A full-time employee may be granted up to three days in State and 5 days out of State paid bereavement leave due to a death in the employee's immediate family.
  - 1) Such leave shall not be chargeable to sick or vacation leave.
  - 2) Part-time employees who work more than 20 and less than 30 hours a week may receive one day of paid bereavement leave.
  - 3) Part-time employees who work more than 30 and less than 40 hours per week may receive up to two days paid bereavement leave.
- B) For the purpose of this section, the term immediate family means the employee's spouse, child, mother [in-law], father [in-law], brother/sister [in-law], grandparent and grandchild.
- C) Special leave of absence with pay may be granted by the Town Manager to allow co-workers to attend memorial/funeral services for a co-worker, allowing sufficient local travel time to and from the service site. Such leave is not to be charged to any of the employee's accrued vacation, sick or bereavement leave.

**SECTION 912**

**Voting Leave**

- A) Employees shall have adequate time to vote. To comply with the Arizona State Statutes (ARS 16-402), the Town will allow employees paid leave from work when the following conditions are met:
- 1) The employee must be eligible to vote at an election held within the State of Arizona on the day of election.
  - 2) There are less than three consecutive hours between the opening of the polls and the beginning of the employee's regular work shift and less than three consecutive hours between the ending of employee's work shift and the closing of the polls.
  - 3) The employee must obtain prior approval from the supervisor.
  - 4) Three hours is the maximum time allowed for voting.
  - 5) The time off with pay must be used to vote.
  - 6) If requested, an employee must be able to show proof of status as a registered voter.

**SECTION 913**

**Special leave Without Pay**

- A) Regular employees may be granted leave without pay with the Town Manager's approval for the following reasons:
- 1) To receive an education that will improve the employee's value to the Town. The request must include the length of time to be taken, course work, and the benefit to the Town.
  - 2) The employee is sick or injured but has insufficient accumulated sick or vacation leave.
  - 3) For other purposes as deemed by the Town Manager to be in the Town's best interest.
- B) A leave of absence request form approved by the Department Head and the Town Manager, indicating the specific date when the leave of absence will end, shall be submitted to the Personnel Director. An employee who fails to return to work on or before the ending date of the leave shall be considered absent without leave.
- C) Employees on special leaves without pay that exceed 30 days are responsible for the payment of the entire health and life insurance premium for the applicable coverage. Each such employee must submit the payment directly to the Personnel Director.

**SECTION 914**

**Retirement**

- A) All regular employees, except police officers, are participants in the Arizona State Retirement System.

- B) Police officers are participants in the Public Safety Personnel Retirement System.
- C) Police officers who are age 50 or receiving benefits under the PSPRS at the time of hire may be required to participate in the Arizona State Retirement System instead of the Public Safety Personnel Retirement System.

**SECTION 915**

**Reimbursement for Tuition**

- A) Subject to funding availability, the Town may assist employees in their pursuit of additional training and higher education in courses related to their Town employment responsibilities and promotion opportunities; including core courses in a degree program, but excluding non-job related electives.
  - 1) The cost of testing in lieu of taking a course may also be paid, subject to the same limitations for reimbursement.
- B) Courses must be from a fully accredited college, university or approved Technical/trade/business School.
- C) Employees who wish to be reimbursed for a degree program must receive a written commitment from their Department Head prior to enrolling in a course. The Department Head shall not give a written commitment unless sufficient training funds have been budgeted.
- D) Reimbursement will be paid at the rate of the average tuition charged per credit hour at Northern Arizona University, or the actual rate, whichever is less, times the number of credits successfully completed. Reimbursement shall be paid at the end of each semester upon presentation of proof of each course passed with a "C" grade or higher, or its equivalent where letter grades are not used, for undergraduate classes, and grade "B" or higher for graduate classes, and presentation of receipt for tuition costs.
- E) Full-time employees working at least 40 hours per week shall receive tuition reimbursement at 100%. Part-time employees who are scheduled to work more than 30 hours, but less than 40 hours a week, shall receive tuition reimbursement at 75%. Part-time employees who are scheduled to work more than 20 hours, but less than 30 hours a week, shall receive tuition reimbursement at 50%.
- F) Employees shall not be reimbursed for non-tuition expenses such as administration fees, lab fees, recreation fees, etc.
- G) The amount of reimbursement shall be reduced by any financial assistance the employee receives from any outside source. When applying for tuition reimbursement, the employee shall notify the Personnel Director of any financial assistance received from an outside source.
- H) Employees who terminate employment with the Town shall reimburse the Town for any tuition assistance received in the prior twelve months of employment.

**ARTICLE X. WORK PERIODS**

**SECTION 1001**

**Work Weeks**

A) The following work weeks may be approved by the Department Head:

- 1) 5 - 8's. In this schedule, the employee works five 8-hour days, completing a 40-hour workweek in five days, usually Monday through Friday.
- 2) 9 - 80. In this schedule, the employee works four 9-hour days and one 8-hour day in one week and then working four 9-hour days the following week, completing 80-hours in a pay period.
- 3) Other schedules may be used, by Departments who have special operational needs, as approved by their Department Head with concurrence from the Town Manager.
- 4) Departments that have regular customer contact duties must maintain regular business hours and properly schedule staff to serve the public Monday through Friday 08:00 am to 05:00 pm.

## **ARTICLE XI. TRAINING OF EMPLOYEES**

### **SECTION 1101**

#### **Responsibility for Training**

- A) The Town encourages the training of employees. Town sponsored training programs may include lecture courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of Town officers and employees in the performance of their respective duties.

### **SECTION 1102**

#### **Training**

- A) The Town shall pay costs associated with attendance by an employee at any course, seminar, workshop, etc., required of the employee. Travel expenses will be reimbursed in accordance with the Town Travel Policy.
- 1) All Department Heads will be provided with a current written Travel Policy.
  - 2) Any changes to the Travel Policy must be approved by the Town Manager and provided to the Department Heads in writing.
- B) The Department Head must authorize training prior to attendance by an employee.
- C) Hours spent in the training program and for travel will be paid in accordance with the Fair Labor Standards Act, as set forth in the Town's Personnel Manual.

## **ARTICLE XII. VEHICLE USE**

### **SECTION 1201**

#### **Use of Town Owned Vehicles**

- A) Vehicles owned by the Town of Camp Verde will be used for official business only.
- B) Employees may, with approval of their supervisor, use their personal vehicle to conduct Town business and will be reimbursed at the current approved mileage rate.
- C) All employees who drive Town vehicles or drive their own vehicle on Town business must have in their possession the appropriate Arizona driver's license when driving on Town business.
- D) Town vehicles shall not be used for transportation to an employee's place of residence as a take-home vehicle unless the employee lives within the town limits and is required by the Town to commute in the vehicle for the following reasons:
  - 1) The department assignment of the vehicle shall be to a position that is responsible for responding to an emergency situation related to public health or safety and the protection of property on a 24-hour basis.
  - 2) Use of a Town vehicle to commute between home and work, under U.S. Internal Revenue Service (IRS) regulations, is required to be reported as auto fringe benefit compensation unless the vehicle is a qualified nonpersonal-use vehicle. Examples of qualified nonpersonal-use vehicles include clearly marked police vehicles and unmarked police vehicles used by law enforcement officers if the officer is authorized to carry a firearm, execute search warrants, and make arrests.

### **SECTION 1202**

#### **Driver's License Status of Employees**

- A) The Town reserves the right to authorize the Personnel Director to verify annually the driver's license status of employees who use Town vehicles in performing their job duties.
- B) Any Town employee who drives Town vehicles as part of their job duties and has their license suspended or revoked must report this fact to their Department Head.
  - 1) The employee will be automatically suspended from driving a Town vehicle followed by a notice to the employee to explain the revocation or suspension of his/her license.
  - 2) An inadequate explanation could be grounds for dismissal.
- C) If a Town employee drives Town vehicles as part of their job duties, has their license suspended or revoked and they do not report this fact to their Department Head, this could be considered grounds for dismissal.
- D) Department Heads will advise the Personnel Director and the Town Manager of such revocation or suspension.

## ARTICLE XIII. COMPLAINTS

### SECTION 1301

### Grievance

#### **A) Applicability:**

- 1) This section pertains to all classified and unclassified employees of the Town. The Town has adopted this procedure in an effort to provide an efficient method for the prompt resolution of employee grievances, which involve the alleged violation or misapplication of the rights, benefits, privileges or interests provided for in this Personnel Manual. The term "grievance" shall not include:
  - a) Any dispute resulting from the adoption of a policy or procedure;
  - b) Any challenges to disciplinary action; or
  - c) Complaints of discrimination or harassment. (Any employee who believes they have been subject to discrimination should follow the procedure contained in Section 1303 subsection B of this Personnel Manual entitled "Complaint Procedure.")

#### **B) Grievance Procedure:**

- 1) An employee who has a grievance must first try to resolve the matter through discussion with their immediate supervisor. This discussion must take place within ten (10) calendar days of the date of the incident giving rise to the grievance. The supervisor must advise the employee, in writing, of their decision within ten (10) calendar days of the date of the discussion.
- 2) If, after receipt of the supervisor's decision, the employee does not believe the grievance has been satisfactorily resolved, the employee may then discuss the matter or make a written request to the appropriate department head within ten (10) calendar days of the date of the employee's receipt of the supervisor's decision. The department head will make a written response outlining any action to be taken within ten (10) days of the date of the discussion.
- 3) Finally, if the employee still does not agree with the response, an appeal may be taken to the Town Manager. The appeal must be submitted to the Town Manager in writing within ten (10) calendar days from the date of the employee's receipt of the department head's decision. The written appeal must include a description of the nature of the complaint and the remedy requested. The supervisor and department head may also file written reports concerning their prior handling of the grievance and their recommendations concerning the appropriate action, if any, to be taken. The Town Manager may interview the employee, the employee's supervisor and department head, and any other employee relevant to the grievance. The Town Manager will generally make a written decision within twenty (20) calendar days of receiving receipt of the written grievance. The decision of the Town Manager is the final step of the grievance process.

## **SECTION 1302**

## **Anti Harassment**

### **A) Conditions Of Employment**

- 1) The Town maintains a policy of equal employment opportunity for all employees without regard to race, color, sex, religion, national origin, age or disability. This policy applies to every phase of the employment process, including recruiting, hiring, training, promotions, compensation, benefits, discipline, social and recreational activities and terminations.
- 2) It is the Town's policy to provide its employees and members of the public with an environment that encourages safe, efficient and productive work and which is free of discrimination, including all forms of harassment based upon race, color, sex, sexual preference, religion, national origin, age or disability. The Town will not tolerate discrimination or verbal or physical conduct by any employee which harasses, disrupts or interferes with another person's work performance or which creates an intimidating, offensive or hostile environment.

### **B) Policy**

- 1) The Town will not "fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."
- 2) The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

### **C) Harassing Conduct**

- 1) Harassment includes but is not limited to: derogatory, intimidating, degrading or demeaning words, gestures, insinuations, rumors, pictures, embarrassing comments, jokes, gestures, slurs, actions or similar types of conduct concerning a person's race, color, religion, sex, sexual preference, age, national origin or disability are strictly prohibited.

### **D) Sexual Harassment**

- 1) Sexual harassment is against the law. Therefore, it is the Town's policy to prohibit the following:
  - a) Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. This includes situations where:
    - (1) Offensive comments, jokes, innuendos and/or other sexually oriented statements.
    - (2) The display in the workplace of sexually suggestive pictures and/or graffiti.

## **E) Employee Responsibilities**

- 1) Each employee has a responsibility to maintain a pleasant environment that is free of discrimination and harassment. Employees are further responsible for informing an offending co-worker that his or her behavior is unwelcome or offensive. If employees do not feel comfortable approaching an offending co-worker directly, or if the behavior continues after a request to stop, promptly report the matter to the appropriate personnel. (Refer to enforcement and investigation section of this policy for procedures on reporting complaints.)

## **F) Enforcement And Investigation**

- 1) All complaints of discrimination or harassment will be investigated promptly and will be kept confidential to the extent possible. Employees must report complaints in the designated order as follows:
  - a) Report complaint to Department Head or Supervisor.
  - b) If the complaint should involve the Department Head, or appropriate action is not taken, the employee must report to the personnel director or the Town Manager.
  - c) The Department Head will conduct a timely investigation and consult with the Town Manager, Personnel Director and Town Attorney, where appropriate, prior to taking action.
  - d) If the Complaint should involve the Town Manager, the Department Head should make a report to the Town Council.
- 2) The appropriate corrective action will be taken once the investigation is complete. If the Town determines that an employee is guilty of harassing or discriminating against another employee, immediate and appropriate disciplinary action will be taken against the offending employee; and documented in the employee's personnel files. Immediate termination is justified if the harassment/discrimination is extremely severe, was continuing over a long period, has affected numerous employees, or prior discipline has no effect.

## **G) Retaliation**

- 1) The Town prohibits any form of retaliation against an employee for making a good faith complaint under this policy or for assisting in a complaint investigation. Instances of retaliation should be immediately reported to an appropriate person. However, if after investigating a complaint of harassment or unlawful discrimination, an employee provided false information regarding the complaint, disciplinary action may be taken against that employee, up to and including termination.

## **SECTION 1303**

## **Equal Employment Opportunity**

### **A) Definition:**

- 1) Employment discrimination based upon an employee's race, color, gender, religion, national origin, age, or disability, violates federal law, and is strictly prohibited.

- 2) Discrimination is the differential treatment of an employee in any aspect of employment based upon their race, color, gender, religion, national origin, disability or age. The Town will not tolerate discrimination in any form.

#### **B) Complaint Procedure**

- 1) Employees who feel that they have been discriminated against should report the incident to their supervisor immediately. If the employee's immediate supervisor is the source of the discrimination, the employee should report the problem to the supervisor's superior or the Personnel Director. The supervisor or the Personnel Director shall promptly notify the Department Head and Town Manager of the complaint. A job applicant who believes he or she has been a victim of discrimination may file a complaint with the Personnel Director.
- 2) No employee will be subject to any form of retaliation or discipline for pursuing an employment discrimination complaint. Any employee engaging in retaliation will be subject to discipline.

#### **C) Investigation Procedure**

- 1) Upon receipt of a complaint alleging discrimination, the Department Head will promptly notify the Personnel Director. The Department Head and the Personnel Director will fully investigate the complaint. The Personnel Director will work with the department to obtain and evaluate all relevant evidence with respect to what has occurred and determine what remedy is appropriate. If there is reasonable cause to believe that there was misconduct recommendations will be made by the Department Head for specific remedial and disciplinary actions. The complainant and the party charged will be notified of the findings.

#### **D) Discipline**

- 1) The type of discipline to which an employee will be subject for violating this policy will depend on the severity of the finding. Discipline may range from verbal counseling to dismissal. If the discipline is a suspension, demotion, pay reduction or dismissal, the employee will be advised of his/her rights to appeal the action under the Personnel Manual Article XIV.
- 2) The Town Manager has the authority to reassign any employee to minimize conflict created by a discrimination charge. If reasonable cause has been found that misconduct has occurred and that a reassignment is the best solution, every effort will be made to transfer the offending employee rather than the complainant unless the complainant chooses to be transferred. If reassignment is not practical, the Department Head will monitor the situation for evidence of retaliation.

#### **E) Confidentiality**

- 1) All complaints shall be kept confidential except to satisfy the provisions of this rule and as may be required by law. All Town personnel who are involved with or aware of investigations are expected to maintain the same level of confidentiality.

## **F) Reporting to Outside Agency**

- 1) The employee, who feels that they have been discriminated against; may also report possible EEO violations to the Arizona Attorney General's Office Civil Rights Division, or the Equal Employment Opportunity Commission.
- 2) Retaliation against an employee for making a good faith complaint to the appropriate outside agency shall not be tolerated.

## **ARTICLE XIV DISCIPLINARY AND APPEAL PROCEDURES**

### **SECTION 1401**

### ***Disciplinary Action***

#### **A) Applicability:**

- 1) This section pertains only to employees in the classified service who have completed their probationary period and to unclassified Department Heads disciplined pursuant to Section 3-1-3.A of the Town Code.

#### **B) Process:**

- 1) Generally, the Town will attempt to utilize a positive, progressive disciplinary process so that employees are given an opportunity to improve their job performance. However, this shall only be a guideline for supervisors.
- 2) The appropriate procedure for each case will be evaluated on its own set of facts.
- 3) The decision on the type and extent of disciplinary action warranted will be based on a variety of factors, including the nature of the performance problem, the type of misconduct involved, the employment history of the employee and the nature of the job.

#### **C) Chain of Command:**

- 1) Disciplinary procedures should follow the chain of command. An employee should not be disciplined by other than their direct supervisor. In some, cases, if personnel up the chain of command feel that discipline of an employee is necessary; they should discuss this issue with the employee's direct supervisor.

#### **D) Types of Disciplinary Action:**

- 1) Discipline may consist of any one or more of the following actions:
  - a) A verbal reprimand to the employee explaining the problem and that immediate improvement is expected and required.
  - b) A written reprimand to the employee explaining the problem and indicating that immediate improvement is expected and required.
    - (1) Written reprimands should also include a notice to the employee that their performance will be reviewed within a certain period of time, e.g., 30 or 60 days, in order to evaluate whether their performance has improved to a satisfactory level.
    - (2) Written reprimands should also advise the employee that additional problems will result in further disciplinary action up to and including discharge.
  - c) A disciplinary suspension or temporary separation of the employee from Town service without pay for a period of time commensurate with the seriousness of the offense, but not exceeding thirty (30) working days.

- d) Demotion of the employee to a less senior position at a lower rate of pay.
  - e) Discharge from employment.
- 2) Department heads are responsible for notifying the Town Manager of all impending suspensions, demotions and terminations within their respective departments.
  - 3) The Town Manager will confer with the Town Attorney as necessary.

**E) Records.**

- 1) Supervisors will make a written record of the date and content of any verbal reprimand.
- 2) Written reprimands, disciplinary suspensions, demotions and discharges will be in writing and dated. With the exception of verbal reprimands, both the supervisor and the employee should sign the record of the disciplinary action.

**F) Disciplinary Suspension and Demotion.**

**A) Notice to Employee.**

- 1) An employee will receive written notice of a suspension without pay, demotion or termination at least 5 working days prior to the effective date of the action. The notice will provide the following information:
  - a) Notice of the proposed disciplinary action and the proposed date of implementation; and
  - b) An explanation of the Town's evidence, including the identity of any witnesses and documentary evidence supporting the proposed disciplinary action; and
  - c) An explanation that prior to the effective date of the disciplinary action, the employee is entitled to present their version of the facts in a pre-determination hearing, within three (3) working days after the employee's receipt of notice of the proposed action; and
  - d) The employee's right to a post-determination appeal hearing upon written request by the employee within three (3) working days of receipt of the notice or the pre-determination recommendation.

**B) Predetermination Procedures**

- 1) Predetermination hearings shall be conducted within three (3) working days after the appropriate department head has received the written request. The department head shall arrange a time with the employee during this period for the predetermination hearing.

- a) Attendance will be required of the appropriate department head and the employee. The department head may require the employee's supervisor(s) to attend.
  - b) At the employee's option and expense, the employee may have an observer present at the predetermination hearing for the sole purpose of advising the employee. The observer will not be permitted to speak on behalf of the employee, present evidence, or question any participants at the hearing.
  - c) The department head will present a summary supporting the reason(s) for the proposed disciplinary action and then allow the employee to present his or her side of the issue(s) before action, if any, is taken by the department head.
  - d) Neither the department head nor the employee will be allowed to call specific witnesses nor will any be present or cross-examined at the hearing. The employee may, however, provide written witness statements to the employee's department head for consideration.
  - e) The Department Head shall be responsible for ensuring that any discussions or questions asked during the hearing are relevant and non-repetitive. The Department Head may conclude the hearing after sufficient opportunity has been allowed the employee to present and summarize the issues.
- 2) Within two (2) working days after the predetermination hearing, the department head shall make a written recommendation to the Town Manager with respect to the disciplinary action. The department head may recommend sustaining, dismissing, or modifying the originally recommended action. A Personnel Action Form shall be prepared and signed by the department head and submitted, indicating the department head's recommendation. The final recommendation on suspension without pay, demotion or dismissal, will be completed within seven (7) days of receipt of the Personnel Action Form. The recommendation can modify, accept, or reject the recommendation of the department head. (Such date shall constitute the effective date of the disciplinary action.)
- a) The Town Manager may grant an extension of any of the time requirements provided above, except those applicable to action by the Town Manager, if so requested in writing and good cause is shown for granting the extension.
  - b) In the absence of the Department Head, the acting department head shall have the authority of the Department Head in all disciplinary actions.
- 3) If it is determined by the Town Manager and/or Personnel Director to be in the best interests of the Town:
- a) the pre-determination procedures and related time-periods described in this section may be shortened or extended, and/or
  - b) the employee may be placed on paid administrative leave while such pre-determination procedures are completed.

- 4) In the event the employee being disciplined is a Department Head under the Manager, a department head of the employees choosing will act as above and two other department heads chosen by the employee will hear the evidence as above.
- 5) Any employee, either classified or exempt, under the Town Manager, is subject to suspension without pay, demotion, or dismissal. After a final recommendation by the Town Manager regarding discipline, the employee shall be entitled to a post determination appeal to an independent qualified hearing officer; The Town Manager's recommendation shall be in effect pending any appeal.

C) Post Determination Hearing and Appeal

- 1) The employee shall have up to three (3) calendar days from the effective date of the disciplinary action to file a notice of appeal of the decision of the Town Manager. The notice of appeal shall be filed in writing with the Town Manager.
- 2) Upon receipt of a notice of appeal, the Town Manager shall set a date and place for a hearing on the appeal within three (3) months from the effective date of disciplinary action. The Town Manager shall notify all interested parties of the date, time, and place of the hearing.
- 3) The employee may appeal the cause for discipline. If an appeal is made a hearing officer (meeting certain standards) shall be appointed by the Town.
- 4) The Town Manager, Personnel Director and Department Head shall ensure that the appellant is issued written notice of the specific grounds for the determination, if such notice has not already been provided.
- 5) Both the appellant and department head shall submit to the Town Manager a list of witnesses, including names, addresses, and the nature of the expected testimony from each, and a list of exhibits to be introduced at the hearing no later than seven (7) calendar days prior to the commencement of the hearing. No other witnesses or exhibits may be introduced at the hearing unless approved by the hearing officer. The hearing officer may grant a time extension beyond the required limits if requested by either party in writing and good cause is shown for granting the extension.
- 6) The Town Attorney shall represent the Town and present the case to the hearing officer. The Employee has the right to be represented by counsel at the employee's expense.
- 7) Both the Town and the appellant will have the opportunity to present witnesses and evidence, to cross-examine adverse witnesses, and to be heard in person.
- 8) The findings and decision of the hearing officer shall be made to the Town Manager and shall include a written statement as to the evidence relied upon by the hearing officer and the reasons for his or her decision. The Town Manager has final decision on all personnel appeals, and can modify, accept, or reject the recommendations of the hearing officer.

D) Investigative Leave with Pay.

- 1) In some instances, it may be necessary to remove an employee from the workplace to allow for an investigation by the Town into matters concerning possible discipline of the employee and/or other Town employee(s). This type of leave is not a disciplinary action, and in general, should not exceed fifteen (15) working days without written approval from the Town Manager or the Town Manager's designee. The employee's pay will continue during the leave.
- 2) The investigation shall begin on the first day of the employee's leave, and shall be conducted by the department head, or, if the department head is involved, by the Town Manager. The employee on leave is required to cooperate with the investigation. Failure to cooperate in such an investigation may result in disciplinary action, up to and including termination.

**SECTION 1402**

**Strike**

- A) Strikes by employees are prohibited. Any employee who engages in a strike may be dismissed. The term "strike" as used in this section means refusal to work or any other concerted action that disrupts or interferes with the carrying out of any Town function for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of employment.

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

**Meeting Type: Special**

**Meeting Date: November 7, 2007**

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

**AGENDA TITLE:** Discussion, consideration and possible approval of Resolution 2007-731, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona authorizing Town Manager Mike Scannell to act as the Town's agent in negotiations and presentation of a \$2,400,000 minimum opening bid, together with other amounts as directed by Council at the on-line auction for the community park property known as Parcel "A" of the United States Forest Service Administrative Site (division of the Prescott National Forest) consisting of approximately 118 plus acres located off Hwy 260 and McCracken Lane, Camp Verde, AZ and to obtain a preliminary title insurance on the property in an amount not to exceed \$500.

**PURPOSE AND BACKGROUND INFORMATION:** The Town has been working for a number of years to obtain property for our community park. Authorizing the Town Manager to submit an on-line bid and negotiate the terms for the forest service land would provide an opportunity to secure the property for this park. The Town plans to apply for a Local Regional and State Parks (LRSP) Heritage Grant by February 28, 2008 to garner funding in an amount ranging from \$413,000 to \$960,062 (see attachments) to help offset the Town's cost in purchasing the land (ref. table 1). In addition, the Town Manager may be seeking a title search on the property, which will require a fee.

TABLE 1

Community Park Land Minimum Property Costs	\$ 2,400,000	
Possible Grant Funding (minimum amount)	\$( 413,000)	
<b>Town's Financial Exposure for Property</b>		<b>\$1,987,000</b>

**STAFF RECOMMENDATION(S):** Approval of Resolution 2007-731, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona authorizing Town Manager Mike Scannell to act as the Town's agent in negotiations and presentation of a \$2,400,000 minimum opening bid, together with other amounts as directed by Council at the on-line auction for the community park property known as Parcel "A" of the United States Forest Service Administrative Site (division of the Prescott National Forest) consisting of approximately 118 plus acres located off Hwy 260 and McCracken Lane, Camp Verde, AZ and to obtain a preliminary title insurance on the property in an amount not to exceed \$500.

**LIST ALL ATTACHMENTS:** Resolution 2007-731, October 31, 2007 Town Manager memo and Arizona State Park Local Regional State Parks Sources and Available Funding

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

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

**Finance Director Review**

Budgeted/Amount N/A \$0

Comments:

Fund:

Line Item/:

**Submitting Department: Administration Contact Person: Michael Scannell**

**Town Manager/Designee:** 



**Resolution 2007-731**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL  
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,  
AUTHORIZING THE TOWN MANAGER TO BID**

*RECITALS:*

- A. The United States Forest Service is conducting an online auction of some of its lands within and near the Town of Camp Verde.
- B. The Town of Camp Verde is interested in acquiring Parcel A consisting of approximately 118.7 acres for a community park.

**NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE TOWN OF  
CAMP VERDE RESOLVE AS FOLLOWS:**

- 1. That the Town Manager is authorized to submit bids as directed by the Mayor and Council on behalf of the Town of Camp Verde and submit any deposit required for such bids to the Forest Service.
- 2. That this authorization to bid includes authority to submit a minimum bid required by the Forest Service for Parcel A in the amount of \$2,400,000 together with other amounts as directed by Council.
- 3. That the Town Manager is authorized to obtain a preliminary title report on the real property contained in Parcel A.

PASSED AND APPROVED by a majority vote of the Common Council at the regular meeting of \_\_\_\_\_, 2007.

**PASSED AND ADOPTED:**

\_\_\_\_\_ Date:  
Tony Gioia, Mayor

Attest:

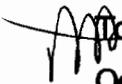
\_\_\_\_\_  
Deborah Barber, Town Clerk

Approved as to form:

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

## *From the Town Manager's Office*

### *Memorandum*

To: Mayor and Council  
From:  Town Manager Mike Scannell  
Date: October 31, 2007  
Re: Community Park Funding

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I plan to provide additional information regarding the funding gap for this Community Park and accrual of revenue sources that would be available to the Town over a period of time.

Mike Scannell  
Town Manager  
(928) 567-6631 x 102  
mscannell@cvaz.org

**Mike Scannell**

**From:** Brad Woodford [CBWoodford@LAWMS.COM]  
**Sent:** Monday, October 29, 2007 4:17 PM  
**To:** mscannell@cvaz.org  
**Cc:** Bill Sims; Rebecca Lumley  
**Subject:** Forest Service Auction

Mike, attached is a bullet point summary of the Forest Service documents for the auction online. Also attached is a resolution I drafted to meet the requirements of the bidding process. I recommend that the Town acquire a preliminary title report on this land asap since it is being conveyed by quit-claim.

Please notify if you require our office to render further services re this matter.

10/29/2007

## **Camp Verde Administrative Site Auction Invitation for Bids**

### **SUMMARY OF IMPORTANT DATES:**

- November 11: Inspection opportunity (optional)
- November 14: Auction begins, submit registration and registration deposit of \$240,000 (offer binding for 90 days)
- Final Date for auction: TBA
- Additional Deposit Required: within 10 days of acceptance of bid
- Closing Date: 45 days from date of acceptance

### **Inspection Opportunity:** November 11, 2007 10 a.m.-2 p.m.

- Inspection is the sole responsibility of the bidder.

### **On-line Auction:**

- Begins Wednesday, November 14, 2007 at 9 a.m. PST
- Auction will be conducted at [www.auctionrp.com](http://www.auctionrp.com)
- Auction will be conducted over a period of several weeks, as determined by bid activity
- Date for receipt of final bids will be announced at [www.auctionrp.com](http://www.auctionrp.com), with at least 3 business days prior notice
- The auction may continue beyond that date as long as bidders are willing to submit higher bids

### **Terms of Sale:**

- Bids to purchase must be on an all-cash basis
- Buyers must arrange their own financing

### **Bidder Registration:**

- 3 Step Process:
  - 1) Register online at [www.auctionrp.com](http://www.auctionrp.com)
  - 2) Complete and submit the official Bid Form titled "Bidder Registration and Bid Form for Purchase of Government Property" accompanying the IFB. Provide ALL information and certification requested thereon. Bid form must be signed and dated, all erasures/strikeovers/corrections must be initialed by person signing bid.
  - 3) Submit registration deposit in the amount of \$240,000 with Bidder Registration and Bid Form (certified check, cashier's check, credit card—checks payable to U.S. General Services Administration)
- Registration may occur anytime prior to the conclusion of the auction but bidders are encouraged to register as soon as the auction opens to ensure timely completion of registration

### **Bids:**

- Bids must be submitted without contingencies
- Minimum Bid: \$2,400,000

- The minimum bid amount represents the minimum acceptable value of the Property
- The Government seeks to obtain fair market value for the Property
- Registration Deposit: \$240,000
- Opening Date: 11/14/2007 9:00:00 PST
- Closing Date: TBA
- Government reserves the right to reject any and all bids
- Bidders are encouraged to monitor bidding activity at [www.auctionrp.com](http://www.auctionrp.com)
- Minimum Bid Increase Increment: \$50,000 more than previous high bid (must be submitted on-line)
  - Increase bids by following instructions on [www.auctionrp.com](http://www.auctionrp.com)
- You may increase your bid until such time as bidding is closed
- Registration deposit will apply to subsequent increased bids
- Call for Final Bids:
  - Government will announce a date for the receipt of final bids on the auction web page
  - On that date, if no increased bid is received between 12 a.m. and 3 p.m., then bidding will close at 3 p.m. and consideration will be given to selling the property to the highest bidder. If an increased bid is received, then bidding will be continued over until the next business day, excluding Federal holidays and weekends, on the same terms. Eventually, no one will outbid the high bidder and bidding will close at 3 p.m. on that day.

**Bid Executed on Behalf of Bidder:**

- Shall be accompanied by an authenticated copy of their Power of Attorney or other evidence of their authority to act on behalf of the bidder

**Continuing Offers:**

- Each bid received shall be deemed to be a continuing offer for 90 calendar days after the date of the final bid submittal by a bidder until the bid is accepted or rejected by the government

**Notice of Acceptance or Rejection:**

- Will be faxed or mailed to the bidder or his representative at the fax/phone number or address indicated in the bid

**Ten Percent Bid Deposit, Closing, and Refund of Registration Deposits:**

- Within 10 calendar days of acceptance of a bid by the Government, the Purchaser will deposit an additional amount, which, when added to the Registration Deposit, will equal at least 10% of the amount bid
- Upon acceptance of the bid, the appropriate bid deposit shall be applied towards payment of the Purchaser's obligation to the Government
- The full balance of the purchase price is payable within 45 days of acceptance of the bid

- Registration deposits accompanying rejected bids will be refunded without interest
- Registration deposits received from the two highest bidders will be held without interest until the first high bidder has increased their initial Registration Deposit to the required 10% of the purchase price. All other registration deposits will be processed for refunds after the last day of the auction or upon written request to withdraw from the auction unless the bidder is the first or second highest bidder.

**Taxes and Closing Costs:**

- As of the date of conveyance of the Property, Purchaser assumes responsibility for all general and special real and personal property taxes
- All closing costs, including escrow and financing fees, shall be borne solely by the Purchaser

**Risk of Loss:**

- Purchaser assumes responsibility at conveyance
- Major loss or damage to the Property as a result of fire of other cause during the period of time between acceptance of the bid by the Government and date of conveyance shall not be considered grounds for invalidating the contract of sale or reduction of the purchase price.

**Title:**

- Purchaser is encouraged to acquire a title insurance policy from a local title company
- Title will be conveyed by Quitclaim Deed

**Tender of Payment and Delivery of Instrument of Conveyance:**

- Closing Date: will be set for 45 days after the acceptance of the bid
- Upon agreement by the Government, the Purchaser may close before the expiration of the 45 days

**Environmental:**

- Hazardous Substance Notification:
  - An undetermined amount of hazardous materials, including pesticides, paint, and petroleum products have been stored on the property. All such materials will be removed prior to conveyance.
  - Grantor warrants that all remedial action necessary to protect human health and the environment has been taken before the date of the conveyance. Grantor further warrants that it shall take any additional response action found to be necessary after the date of the conveyance regarding hazardous substances on the property on the date of conveyance.
  - If Grantee, its successor(s), or assign(s) seeks to have Grantor conduct any additional response action, and, as a condition precedent to Grantor incurring any additional cleanup obligation or related expenses, the Grantee, its successor(s), or assign(s) shall provide Grantor at least 45 days written notice of such a claim and provide credible evidence.

- **Lead-Based Paint:** an inspection of October 23, 2003 determined the presence, locations, and concentrations of lead-based paint on the Parcel A barn.
- **Asbestos Containing Materials:** 1991 reports indicated asbestos in the rolled roofing of the Parcel A barn. However, this roofing was replaced in 2004 and it is unlikely that any asbestos remains.
- **Flood Plain Notification:** to the extent that any portion of the property lies within a floodplain, construction, development, and other uses of the Property could be restricted by the standards and criteria of the National Flood Insurance Program of the Federal Emergency Management Agency, or other applicable regulations.

# INTRODUCTION

The Arizona State Parks Board (Board), through the Arizona State Parks Grants Section, is responsible for administering the LRSP portion of the Arizona State Parks Board Heritage Fund and the federal Land and Water Conservation Fund (LWCF) program. This is accomplished through the development of application guidelines and a priority rating system, the execution of participant agreements with grantees, and the subsequent monitoring of expended funds and project work.

To assist the Board with this responsibility, Arizona State Parks (ASP) staff works with the Arizona Outdoor Recreation Coordinating Commission (AORCC) to develop policies and criteria that enable the equitable distribution of funds. AORCC reviews eligible project applications and recommends grant funding levels for Board consideration and final action.

Through this manual, the Board establishes funding priorities and evaluation criteria that reflect high priority needs for outdoor recreation and open space. Applicants are encouraged to assess recreation needs within their jurisdiction and submit applications that reflect priorities set forth in this manual.

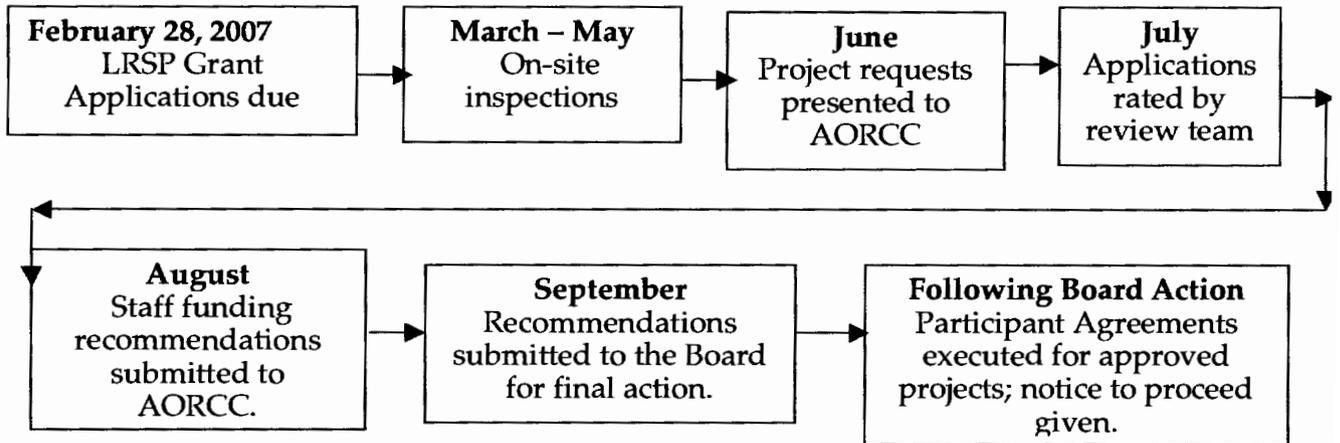
## LRSP Sources and Available Funds

The Arizona State Parks Board Local, Regional and State Parks (LRSP) Heritage Fund (A.R.S. § 41-503), established in 1990, provides funding for outdoor recreation and open space throughout Arizona. Revenue for the program is derived from the Arizona Lottery. Annually, up to \$3.5 million are available through the LRSP competitive grant program. The following chart shows the history of the Heritage Fund revenues since its inception in 1991. The Heritage Fund was fully funded in FY 2004, 2005 and 2006.

<b>Fiscal Year of Revenue</b>	<b>Available Revenues from Heritage Fund and LWCF for LRSP/LWCF Grants</b>	<b>20% Cap</b>
1991	\$2,065,000	\$413,000
1992 - 1998	\$3,500,000	\$700,000
1999	\$3,047,187	\$609,437
2000	\$2,833,880	\$560,000
2001	\$2,978,216	\$588,000
2002	\$3,068,975	\$609,000
2003	\$3,257,607	\$937,251
2004	\$3,652,823	\$730,564
2005	\$4,803,010	\$960,602
2006	\$3,912,099	\$782,420

The maximum amount awarded to any one entity cannot exceed 20% of the LRSP revenue available in any one fiscal year. The minimum dollar amount an applicant may request is \$7,500. Beginning with FY 2003 the 20% cap was based on the total available revenue and not just the new revenue accrued during the fiscal year as was done in the past.

### **LRSP Heritage Fund Expected Grant Cycle**



## Funding Eligibility

### Eligible Applicants

Governmental entities are eligible to apply for LRSP Heritage Fund grants. This includes cities, towns, counties, and tribal governments. Private or non-profit organizations may apply only through an eligible sponsoring organization as a third party.

An eligible entity is defined as a governmental body with a responsibility to provide outdoor recreation and open space opportunities to the public and meets the following criteria:

- independent governing authority;
- independent signature authority; and
- independent authority to commit funds.

School districts, non-profit organizations, and the federal government can apply through an eligible applicant.

An entity may submit more than one application per year, if applications are for completely different projects. However, no one entity will be awarded more than 20% of the available LRSP grant revenue regardless of the number of applications submitted.

**Third-Party Memorandum of Understanding** - If the applicant is sponsoring the application in cooperation with a third party, a completed and signed Memorandum of Understanding between the applicant and the third party **MUST** be submitted before the Participant Agreement can be signed.

A DRAFT OF THE MEMORANDUM OF UNDERSTANDING MUST BE SUBMITTED WITH THE APPLICATION (see page 26 – 29). AN APPLICATION WILL NOT BE CONSIDERED ELIGIBLE IF A DRAFT MEMORANDUM OF UNDERSTANDING IS NOT INCLUDED IN THE APPLICATION.

### Eligible Projects

Eligible project activities include, but are not limited to: park development (for example, playground equipment, lighting, picnic facilities, ballfields, restrooms) to serve outdoor recreation needs, and land acquisition for outdoor recreation and/or open space. Indoor recreation facilities such as a recreation center are not eligible. Grant administration is not an eligible scope item.

When design and engineering costs are to be claimed, they must be reflected on the Estimated Project Cost Sheet and may not exceed 10% of the awarded grant amount. Design and engineering costs are subject to Arizona State Parks' review for eligibility.

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

**Meeting Type: Regular**

**Meeting Date: November 7, 2007**

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

**AGENDA TITLE: Discussion, consideration and possible approval of funding in the amount not to exceed \$400 for cooked turkey/ham/pork and or/roast beef and a Disk Jockey (DJ) for the December 15, 2007 Town Employee, Commission, Volunteer and Council Holiday Party.**

**PURPOSE AND BACKGROUND INFORMATION:** Currently a committee of the Town employees is organizing the Christmas party in the Town Gymnasium with the main and side dishes being provided by the party attendees potluck style. The committee's goal is to provide fun and entertainment for all who attend. Chris Piper is available to work as our Disk Jockey for \$100 (plus a tip jar) and will provide Karaoke equipment, music and a television theme game. Cooked meats would enhance the presentation and augment the wonderful potluck food provided.

**STAFF RECOMMENDATION(S):** Approve funding in the amount not to exceed \$400 for cooked turkey/ham/pork and or/roast beef and a Disk Jockey (DJ) for the December 15, 2007 Town Employee, Commission, Volunteer and Council Holiday Party.

**LIST ALL ATTACHMENTS:** None

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

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

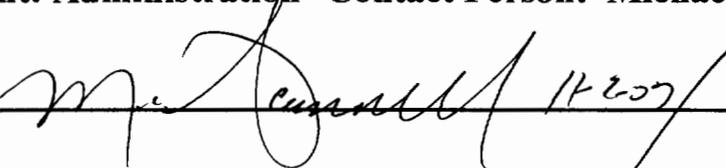
**Finance Director Review**

Budgeted/Amount \$400

Comments:

Fund: The departmental account from which this fund can be drawn is The Mayor and Council and Line Item is Public Relations/\_01-50-00-7036.

**Submitting Department: Administration Contact Person: Michael Scannell**

**Town Manager/Designee:**  11/2007

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

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

**Meeting Type: Regular**

**Meeting Date: 10/17/07**

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

**AGENDA TITLE:** (Be Exact): Possible approval in the amount \$976.28 for a large locking file cabinet for the finance department.

**PURPOSE AND BACKGROUND INFORMATION:** One of the locking file cabinets in the Finance Department needed replacing due to a lock that no longer works. The broken lock does not allow the drawers to be opened. The cabinet had to be replaced at the cost of \$976.28. The amount budgeted for office equipment was \$500.00. The office equipment line item will exceed the budgeted amount by \$476.28. Staff needs approval from Council to exceed this line item by the amount of \$476.28. Our insurance deductible is \$5,000. Therefore, the Town did not submit a claim to our insurance carrier.

**STAFF RECOMMENDATION(S):** Approve

**LIST ALL ATTACHMENTS:**

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

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

**Finance Director Review**

Budgeted/Amount N/A \$500.00

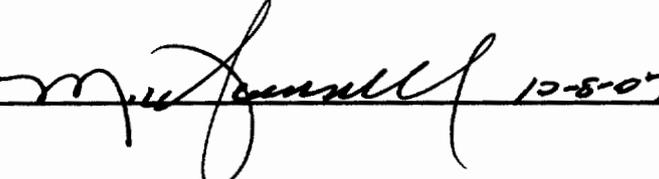
Comments: Approval to exceed the budgeted amount by \$476.28.

Fund: 01-50-53

Line Item/: 6031

**Submitting Department:** Finance

**Contact Person:** Michael Scannell

**Town Manager/Designee:**  10-5-07

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