It's in your hands ~ "Build a stronger community – shop locally"

AGENDA
REGULAR SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, JUNE 1, 2011 at 6:30 P.M.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**

4. **Consent Agenda –** All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
   a) **Approval of the Minutes:**
      3 1) Regular Session – May 18, 2011
      9 2) Work Session – May 18, 2011
   b) **Set Next Meeting, Date and Time:**
      1) June 8, 2011 at 6:30 p.m. – Budget Work Session
      2) June 15, 2011 at 6:30 p.m. – Regular Session
      3) June 22, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters
   c) **Possible approval of a special event liquor license as requested by the Verde Valley Mounted** 11 **Sheriff's Posse for the Cornfest celebration that is scheduled for July 15 & 16, 2011.** Staff Resource: Debbie Barber
   16 d) **Possible approval of Resolution 2011-846, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, declaring and adopting the results of the General Election held on May 17, 2011.** Staff Resource: Debbie Barber

5. **Special Announcements & Presentations –** There are no announcements or presentations.

6. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.

7. **Call to the Public for items not on the agenda.**

8. **Swearing-in Ceremony and seating of new Council members. Honorable Harry Cipriano will swear-in the members. The 2011 Council is comprised of Bob Burnside, Mayor (term ending June 2013) and Council Members Jackie Baker (term ending June 2013), Bruce George (term ending June 2015), Carol German (term ending June 2015), Alan "Buck" Buchanan (term ending June 2015), Bob Kovacovich (term ending June 2013), and Robin Whatley (term ending June 2013). After the members are seated Mayor Burnside will present plaques honoring outgoing Council members Norma Garrison and Pete Roulette.** Staff Resource: Mayor and Council

9. 23 **Presentation and update by Priscilla Smith representing "Team Native Spirit" relative to participation in the National Pink Fire Truck Tour that will be in Camp Verde on August 6, 2011 from 7:00 a.m. to 1:00 p.m.** Staff Resource: Mayor Burnside

10. **Discussion, consideration, and possible appointment of a Vice Mayor.** Staff Resource: Debbie Barber

11. **Discussion, consideration, and possible appointment of Council member to serve on various committees.** Staff Resource: Debbie Barber
25

12. **Discussion, consideration, and possible appointment of the Mayor or a Council member to serve on the 2011 League of Arizona Cities & Towns Resolutions Committee.** Staff Resource: Debbie Barber
27

13. **Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice regarding support of the water rights proposal offered by Yavapai Apache Nation.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice, §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation, and§38-431.03(A)(6) for discussion, consultation, or consideration for negotiations with members of a Tribal Council, or designated representatives of an Indian Reservation located within or adjacent to the Town. Staff Resource: Russ Martin

14. **Discussion, consideration, and possible approval of a Non-Disclosure Agreement between the Yavapai-Apache Nation, the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District and the Town of Camp Verde.** Staff Resource: Russ Martin

15. **Call to the Public for items not on the agenda.**

16. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.

17. **Adjournment**

Posted by: Virginia Jones Date/Time: 5-26-2011 9:00 a.m

Note: Pursuant to A.R.S. §38-431.03A.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.

4a.1

MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, MAY 18, 2011
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 Burnside, Vice Mayor Kovacovich, Councilors Whatley, Garrison, Baker, Roulette and German were present.

Also Present: Town Manager Russ Martin, Public Works Director Ron Long, Community Development Director Mike Jenkins, Finance Director Mel Preston, Councilor-Elect Alan Buchanan, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Garrison.

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) Work Session – May 6, 2011
      2) Regular Session – May 4, 2011
      3) Work Session – May 4, 2011
      4) Council Hears P&Z Matters – April 27, 2011
   b) **Set Next Meeting, Date and Time:**
      1) May 25, 2011 at 6:30 p.m. – Public Hearing/P&Z Code Rewrite
      2) June 1, 2011 at 6:30 p.m. – Regular Session
      3) June 8, 2011 at 6:30 p.m. – Work Session
      4) June 15, 2011 at 6:30 p.m. – Regular Session
      5) June 22, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters.
   c) **Possible award of bid and authorization to execute contract documents for Project #11-089, Town of Camp Verde Facilities Re-roof Project, to R. Behmer Roofing, Inc. for $36,158.47.** This is a budgeted item. Staff Resource: Ron Long
   d) **Possible authorization of a $1,714.95 payment to Southwest Risk Services/Arizona Municipal Risk Retention Pool for the Town's portion of expenses incurred relative to the Steve Alton litigation.** Staff Resource: Russ Martin

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

5. **Special Announcements & Presentations –**
   - **Welcome to the new businesses for the month of April**
     - **Wesies Custom, 4900 Hayfield Draw, Camp Verde**
     - **Airite Mechanical, Glendale**
     - **Ben Walsh Concrete, Inc., Cottonwood**
     - **Loven Contracting, Flagstaff**
     - **Desert Steel Builders, LLC, Knoxville, AR**
     - **Cowboy General Contracting, LLC, 1232 N. Powderhorn, Camp Verde**
   - **Presentation of Certificate of Appreciation to Alan Buchanan, who has resigned from the Planning & Zoning Commission, effective May 7, 2011, in order to serve on the Council.**

Mayor Burnside announced with pleasure the list of new businesses for the month of April; that was followed

by his presentation to Alan Buchanan of a Certificate of Recognition for his services to the Town as a member of the Planning & Zoning Commission. Burnside added that he will be welcoming Buchanan to the Council at the meeting after next.

6. **Council Informational Reports.**
Baker said she wanted to thank all the staff, and in particular the Building Enforcement activities that were personally reported to her by Robert Foreman; the signs of cleaning up the Town are encouraging. Staff all are doing more every day than can even be asked for.

Burnside announced that the APS vote had been passed. He reported on a proposed trail system south of Cornville Road; the date of the first public meeting will be June 6, 2011 at 5:30 p.m. at the Red Rock Ranger Station. The Dewey-Humboldt Aqua Fria Festival will be held October 8 and 9, 2011, to raise funds for the acquisition of land for a park and will be held at the site of the former Young's Farm. The Hopi Tribe Quarterly invites everyone to the Honoring Arizona Hopi Code Talkers ceremony Monday, May 23, 2011, 10:00 a.m. to noon at the Hopi Veterans Memorial Center, Kykotsmovi, Arizona. Burnside said the Yavapai County Juvenile Center groundbreaking ceremony was held today; he reminded everyone about the picnic that is to be held May 23rd, and on Memorial Day he will be at the ceremony at the Old Church.

7. **Call to the Public for items not on the agenda.**
There was no public input.

8. **Presentation of the Visual Library as referenced in the Planning & Zoning Ordinance.** Staff Resource Mike Jenkins
There was no action taken.

Community Development Director Jenkins gave a Power Point presentation of the Visual Library that had initially been approved by the Design Review Board in 2009 and is referred to in the Ordinance; it is intended to help developers and builders meet and replicate the appearance standards and rural-Western flavor of Camp Verde. During the different categories of architecture displayed, regarding some of the examples shown, Burnside suggested that Jenkins change the references to the "Camp Verde Chamber of Commerce" building to more correctly indicate "Camp Verde Visitors Center." During discussion following the presentation, Jenkins said that a portfolio of the photos will be available in the Community Development Department for reference, and confirmed that it is intended to grow and can be added to at any time in the future.

9. **Possible approval of Resolution 2011-845, a resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving the form and authorizing the execution and delivery of a First Purchase Agreement, a First Trust Agreement and other necessary agreements, instruments and documents; approving the sale and execution and delivery of a not to exceed $1,005,000 aggregate principal amount pledged revenue obligation, Series 2011, evidencing the interest of the owner thereof in the Purchase Agreement; delegating authority to the Mayor, Manager and Finance Director of the Town to determine certain matters and terms with respect to the foregoing; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and declaring an emergency.** This is a budgeted item. Staff Resource: Ron Long
On a motion by Baker, seconded by Kovacovich, the Council unanimously approved Resolution 2011-845, a resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving the form and authorizing the execution and delivery of a First Purchase Agreement, a First Trust Agreement and other necessary agreements, instruments and documents; approving the sale and execution and delivery of a not to exceed $1,005,000 aggregate principal amount pledged revenue obligation, Series 2011, evidencing the interest of the owner thereof in the Purchase Agreement; delegating authority to the Mayor, Manager and Finance Director of the Town to determine certain matters and terms with respect to the foregoing;

authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and declaring an emergency; **Note:** Burnside initially said he was opposed, based upon the referendum and not allowing the people to use their rights; however, **for the record,** Burnside said that, if the members agree, he will pull that vote of "No" and refer it to a "Yes" vote, "so that we can show complete compliance of our Council, as I have tried to do for the last two years."

Town Manager Martin said that bids had been received late last week; the limit was $1 million, and the bid came in as $1,005,000 which, rather than go back and have the attorney draw up new documents, was the reason for the last-minute "green sheet". Martin advised the Council that two attorneys have reviewed the proposed documents and the Town Attorney has included statements regarding what the Town's current potential liabilities might be, for full disclosure for finance companies, if necessary. Martin pointed out that the Purchase Agreement is only for the purchase of the money. He explained that the collateral is not the ground itself, but is the revenues that are pledged against it. Martin outlined how the payments would be made, using HURF funds as well as a portion from General Purpose revenue. Martin reviewed the purchase price, the down payment, approximately half from HURF fund and the rest from the General Fund. $980,000 will be financed for a period of about 12 years; the interest rate will be 3.91% basis points, with the option for pre-payment after the sixth year free of any penalty. Martin said that the cost of doing business right now is relatively low; keeping the reserves in place would leave the Town in a good position to be able to make decisions on construction and road projects down the road.

Burnside discussed with Martin the lack of complete information on the documents that appear to be presented for signature on behalf of the Town, as well as the costs being incurred in connection with the Town Attorney review; Finance Director Preston said that the final completed versions will be submitted for execution. Burnside questioned the need for declaring the transaction an emergency, because of the probability that there would be no change in the interest rate in light of the current slow economy, and the fact that declaring an emergency would take away the right of the citizens to pull a referendum and stop what this government is doing.

Discussing the emergency clause, Martin said that it was suggested as a common clause in finance deals based on the usual 30-day period of time for bids to be in effect and getting all the documents completed for closing on schedule in order to save possible additional expense from any delay. Garrison said she wanted to make a statement about the Town trying to do business locally, and that the Finance Director had approached a local financing institution; Garrison was shocked that that entity declined to participate. Preston added that only two of the entities that had been contacted responded; the Town does not really have a lot of options.

PUBLIC INPUT
(Comments from the following individual are summarized.)
Tony Gioia said his explanation of the need for the Emergency Clause which, had it been an Ordinance, was it would have meant a 90-day delay; however, since it is by a Resolution, he understands it would only be 30 days.

There was no further public input.

Following the motion made, and Burnside's question regarding Gioia's comment pertaining to a Resolution declaring an emergency having no bearing on the rights of a referendum, Barber stated her belief that a Resolution declaring an emergency does not take away the rights of a referendum of the people. She said she would consult the attorney, but does not believe it would be a referable item since it is more administrative in nature. She added that the 30-day window would allow someone to pull a referendum; however, an emergency makes it effective immediately.

10. **Discussion, consideration, and possible approval of Resolution 2011-843, a Resolution of the Mayor**

and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring the Town of Camp Verde Town Code, dated May 18, 2011, to be a public record. Staff Resource: Debbie Barber
On a motion by Baker, seconded by German, the Council voted unanimously to make the term of Vice-Mayor a two-year term to coincide with the two-year term of the Mayor.

On a motion by German, seconded by Baker, the Council unanimously approved Resolution 2011-843, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring the Town of Camp Verde Town Code, dated May 18, 2011, to be a public record, as amended.

Barber stated that the Town Code is ready tonight for approval; the recent changes requested have been made, and actually, Items 10 and 11 go together. Burnside said that Item 10 will be addressed first, and then Item 11. There was a brief discussion for further clarification of some of the verbiage, and the distinction between a routine attorney review and a formal opinion.

Baker referred to the section on Page 8 establishing the term of Vice Mayor; she requested that a change be made to set it as a two-year term to coincide with the two-year term of the Mayor. There was general agreement expressed by the members, and action was taken accordingly.

There was no public input.

For the record, Burnside said the actions taken will be a good example; as we go through and read the Town Code and see that changes need to be made, they will be brought back to Council for discussion, since this is also a moving document.

NOTE: A recess was called at 7:32 p.m.; the meeting was called back to order at 7:39 p.m.

11. **Discussion, consideration, and possible approval of Ordinance 2011-A372, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting by reference the Town of Camp Verde Town Code, a recodification of selected prior ordinances of the Town, and proscribing penalties for violations thereof.** Staff Resource: Debbie Barber
On a motion by Baker, seconded by Roulette, the Council unanimously approved Ordinance 2011-A372, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting by reference the Town of Camp Verde Town Code, a recodification of selected prior ordinances of the Town, and proscribing penalties for violations thereof.

Barber explained that the subject Ordinance adopts the Town Code. Barber confirmed that the Exhibit A included in the packet was prepared in order to publish only the areas that are required to be published by Statute, which would be much less expensive than publishing the entire Ordinance.

There was no public input.

12. **Discussion, consideration, and possible direction to staff relative to researching opportunities to present to Council with respect to options for the possible disposition of Town-owned properties. Discussion may include, but not be limited to the sale, exchange, engaging a realtor, requests for proposals, using the web for advertising and marketing, appraisals, identification of properties, and the possible benefits and detriments of property disposition.** Staff Resource: Russ Martin
Martin summarized the direction to staff, in essence: As to Fort River Caves, maybe on properties that are sensitive to neighborhood issues, and along that line the McCracken property that has been brought to Council in the past, and the opportunity to put those together; the discussion of the Oasis -260 brought up more history, and make sure there is adequate information that the Council would have if they were to pull or select any of those in the future, and place them on the MLS, because the MLS is important for the potential marketing; go ahead and prepare a Request for Proposal draft that Council would review, and

identify the explicit properties that we would consider placing on the MLS and wanting them to market so that it is clear as to what we are asking a potential realtor to do. Along those lines, design or try to work with the website, see if there is a direct way to market the properties as well; and the Council would entertain exchanges if they were proposed, either partial and/or exchanges would be entertained so that we would have that opportunity to draw on; talk about some of the benefits, and if we came up with those, the willingness to put on the list; need to include potential opportunities for the money to be used for capital projects instead of vacant property; the ability for vacant property to pay taxes to those institutions that require property taxes. There was further discussion regarding the McCracken property, Oasis and Cliffs Parkway, as well as the Rio Verde property.

Martin noted that the Town in previous years had acquired property in several different ways, most of the parcels through donation, including the Verde Lakes and Clear Creek flood areas. Martin referred to a list of seven properties on hand that he believes the Town would be wise to consider selling or exchanging, and, if so, asked if he should entertain such offers if they were to be made. Discussing several options with the Council, Martin suggested that properties for sale could be published on the website. Another example, in the event a realtor were to be engaged to sell a property, that could be done by a Request for Proposal. Martin said he would come back for Council approval of whatever course of action he would propose. The members agreed that it would not be necessary to do an appraisal prior to marketing any of the properties in any form or fashion. Roulette raised a possible problem of the Town being locked into a contract for sale of a property going on the market for $20,000, and then the appraisal coming in for $50,000. Martin asked about identifying properties that the Town may wish to exclude from the list of properties to be considered for sale or trade. A strip of land in Fort River Caves was one example discussed; if others are thought of, staff will be advised accordingly. The members discussed with Martin other parcels, including the McCracken parcel, and the property at the corner of Oasis and 260. The discussion also pointed out the benefits of sales financing future CIP projects, and perhaps alleviating public criticism of the Town continuing to hold onto property that could be put to better use as well as returned to the private sector for tax revenues.

PUBLIC INPUT
(Comments from the following individuals are summarized.)
Murray Lichty said that, hearing of all the properties the Town has, with some of them in flood plains or undesirable areas, he would suggest putting a chain link fence around one of the properties and make it a Dog Park, following rules that Cottonwood has set up for theirs that work very well. It would be very resident-friendly for the Town, needing only a fence, occasional mowing and watering.

Tony Gioia, former Mayor of Camp Verde, shared his memory of how and why the flood plain properties had been acquired by individuals who later found that the parcels could not be built upon and subsequently abandoned them. The Town arranged with the County and Verde Lakes to take ownership so that the fleecing of the citizens, or potential citizens, would not be propagated, and also that the properties would remain open space. He also commented that everyone knows how he feels about the Oasis property; the zoning was twice approved by the General Plan for open space. It was purchased from State Lands with the intent to be used as a Welcome Center. *Burnside shared his memory of the original discussion on purchasing the Oasis property and discussing bed taxes, and how he had suggested that it would be a great brothel area.*

There was no further public input.

13. **Call to the Public for items not on the agenda.**
There was no public input.

14. **Advanced Approvals of Town Expenditures.**
There were no advanced approvals.

15. **Manager/Staff Report**
Martin referred to the aggressive time frame he had outlined in his report, and said that hopefully the public will get involved with the CIP process, and he would appreciate feedback from the Council on their thoughts along that line. He gave an update on the recent purchase of the Ford Taurus that is now requiring unanticipated repairs and expense; however, the repairs are benefiting the local economy as opposed to buying a $5,000 vehicle.

16. **Adjournment**
On a motion by German, seconded by Baker, the meeting was adjourned at 8:20 p.m.

_____
Bob Burnside, Mayor

_____
Margaret Harper, Recording Secretary

CERTIFICATION
I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 18th day of May 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2011.

_____
Debbie Barber, Town Clerk

4a.2

DRAFT MINUTES
WORK SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, MAY 18 2011
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**
The meeting was called to order at 5:30 p.m.

2. **Roll Call**
Mayor Burnside, Vice Mayor Kovacovich, Councilors Whatley, Garrison, Baker, Roulette and German were present.

Also Present: Town Manager Russ Martin, Public Works Director Ron Long, Adm. Asst. Deborah Ranney, Councilor-Elect Alan Buchanan, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Whatley.

4. **Discussion, consideration, and possible direction to staff relative to the design of the proposed parking lot located at 44 W. Hollamon Street.** Staff Resource: Ron Long

Prior to the discussion of this item, Councilor Roulette announced that he would step down as a Council member and participate as a member of the public, based on a possible conflict of interest.

Public Works Director Ron Long presented three design options for Hollamon Street, beginning at Main Street and going up to Sixth Street, using the CDBG Grant Fund. He noted that the first issue to be faced is getting the sidewalk by the parking lot area that the Town owns, as well as by the parking that is established at the corner. Referring to the three drawings provided in the agenda packets, Long said that Option A would provide all off-street parking for a total of 14 regular parking spaces and 5 handicap. Option B indicated parking for a total of 42 spaces by acquiring the parking spaces that are currently privately owned, perhaps through a trade for equal amounts of property with the business owner; that would provide public parking all the way down Hollamon. Option C showed 32 public parking spaces, with two handicap. Long suggested that the decision to be made was whether the Council wants to look at maximizing parking along Hollamon by making the trade, as well as the issue of determining the route for the sidewalk. The members then discussed with Long the suggested conceptual parking and sidewalk designs on each of the three drawings that had been provided.

PUBLIC INPUT
(Comments from the following individuals are summarized.)
Pete Roulette, on behalf of 37 Hollamon Street, discussed with Long the property lines indicated on the drawings, pointing out the location of a fence being planned by the business owner, adding that if they had a vote, they would probably vote for Option C. Roulette also requested that Long clarify the easement shown.

Murray Lichty said that looking at the issue from a common sense angle, he would say that Option B is a pretty good idea, but perhaps have diagonal parking, which might be safer. Also, if the sidewalk went all the way past the businesses up to Second Street, it would be of benefit to them; instead of a regular curb, have a rolled curb for ease in going in and out.

There was no further public input.

Discussing some concern expressed by Burnside regarding details shown on the drawings. Long confirmed

that the suggested trade of properties would be for the same amount of square footage, and that the details still need to be addressed with the property owner. Long also pointed out that the designs are conceptual only, not engineering drawings. Referring to the proposed parking designs, Burnside suggested that it would be good to make some revisions and try to reasonably and consistently follow some of the Town's own parking standards. Whatley said that since there has been no deal made with the property owner for the trade; if no deal is made then the choice would be Option C. Long said it would help him to have some idea of what the Council would like. Burnside suggested that it would be nice to have the sidewalk running down the road as it normally would, with parking away from the sidewalk; the last option would be to have the parking similar to that on Main Street.

Burnside noted that time had run out on the Work Session; Long said he believed that he had enough information from the discussion to proceed, and will bring back information to the Council. Whatley continued the discussion, saying that she thinks there is agreement to go ahead and try to talk to the property owner, it would give more options to discuss, and asked if everyone agreed with that. Baker said she would abstain on that; German also abstained.

5. **Adjournment**

On a motion by Baker, seconded by German, the meeting was adjourned at 6:40 p.m.

_____

Bob Burnside, Mayor

_____

Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Work Session of the Town Council of Camp Verde, Arizona, held on the 18th day of May 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2011.

_____

Debbie Barber, Town Clerk

4.C

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

☒ *Consent Agenda* ☐ *Decision Agenda* ☐ *Executive Session Requested*

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Clerk's Office

Staff Resource/Contact Person: Debbie Barber

Agenda Title (be exact): Possible approval of a special event liquor license as requested by the Verde Valley Mounted Sherriff's Posse for the Cornfest celebration that is scheduled for July 15 & 16, 2011.

List Attached Documents: Dept of Liquor License & Control Application for Special Event License (4 pgs)

Estimated Presentation Time: N/A – Consent Agenda

Estimated Discussion Time: N/A Consent Agenda

Reviews Completed by:

☒ ***Department Head:*** Debbie Barber ☐ ***Town Attorney Comments:*** N/A

☐ ***Finance Department*** N/A

Fiscal Impact:

Budget Code: _____ ***Amount Remaining:*** _____

Comments:

Background Information: Council changed the Town Code to allow for alcohol sales on Town-owned property for three events (Ft. Verde Days, Pecan & Wine Festival, and the Cornfest).

Recommended Action (Motion): Move to recommend approval of the Special Event Liquor License

Instructions to the Clerk: Section II not applicable. Process the Special Event application

PJ # 4442
3-24-11 OJ

State of Arizona Department of Liquor Licenses and Control

800 W. Washington, 5th Floor
Phoenix, AZ 85007
www.azliquor.gov
(602)542-5141

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = $25.00 per day for 1-10 day events only
A service fee of $25.00 will be charged for all dishonored checks (A.R.S.§ 44-6852)

NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.
PLEASE ALLOW 10 BUSINESS DAYS FOR APPROVAL

****Application must be approved by local government before submission to Department of Liquor Licenses and Control. (Section #20)**

DLLC USE ONLY
LICENSE #

1. Name of Organization: VERDE VALLEY RANGERS MOUNTED SHERIFF'S POSSE
2. Non-Profit/I.R.S. Tax Exempt Number: 86-0669881
3. The organization is a: (check one box only)
   - ☐ Charitable
   - ☑ Fraternal (must have regular membership and in existence for over 5 years)
   - ☐ Civic
   - ☐ Political Party, Ballot Measure, or Campaign Committee
   - ☐ Religious
4. What is the purpose of this event? FUND RAISER
5. Location of the event: HOLLAMON ST., CAMP VERDE, YAVAPAI, AZ 86322
   Address of physical location (Not P.O. Box) | City | County | Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. **Applicant:** DRAKE (Last) FRANK (First) W (Middle) [redacted] (Date of Birth)
7. Applicant's Mailing Address: P.O. BOX 1791 (Street) CAMP VERDE (City) AZ (State) 86322 (Zip)
8. Phone Numbers: (928) 567-2282 (Site Owner #) (928) 254-9882 (Applicant's Business #) (928) 254-9882 (Applicant's Home #)
9. Date(s) & Hours of Event: (Remember: you *cannot* sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	7-16-11	SATURDAY	10 AM	10 PM
Day 2:	7-17-11	SUNDAY	11 AM	6 PM
Day 3:				
Day 4:				
Day 5:				
Day 6:				
Day 7:				
Day 8:				
Day 9:				
Day 10:				

***Disabled individuals requiring special accommodations, please call (602) 542-9027**

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

11. This organization has been issued a special event license for 2 days this year, including this event (not to exceed 10 days per year).

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

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

Name VERDE VALLEY RANGERS MOUNTED SHERIFF'S POSSE 100%
Percentage

Address P.O. BOX 2866, CAMP VERDE, AZ 86322

Name _____ _____
Percentage

Address _____
(Attach additional sheet if necessary)

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

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

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

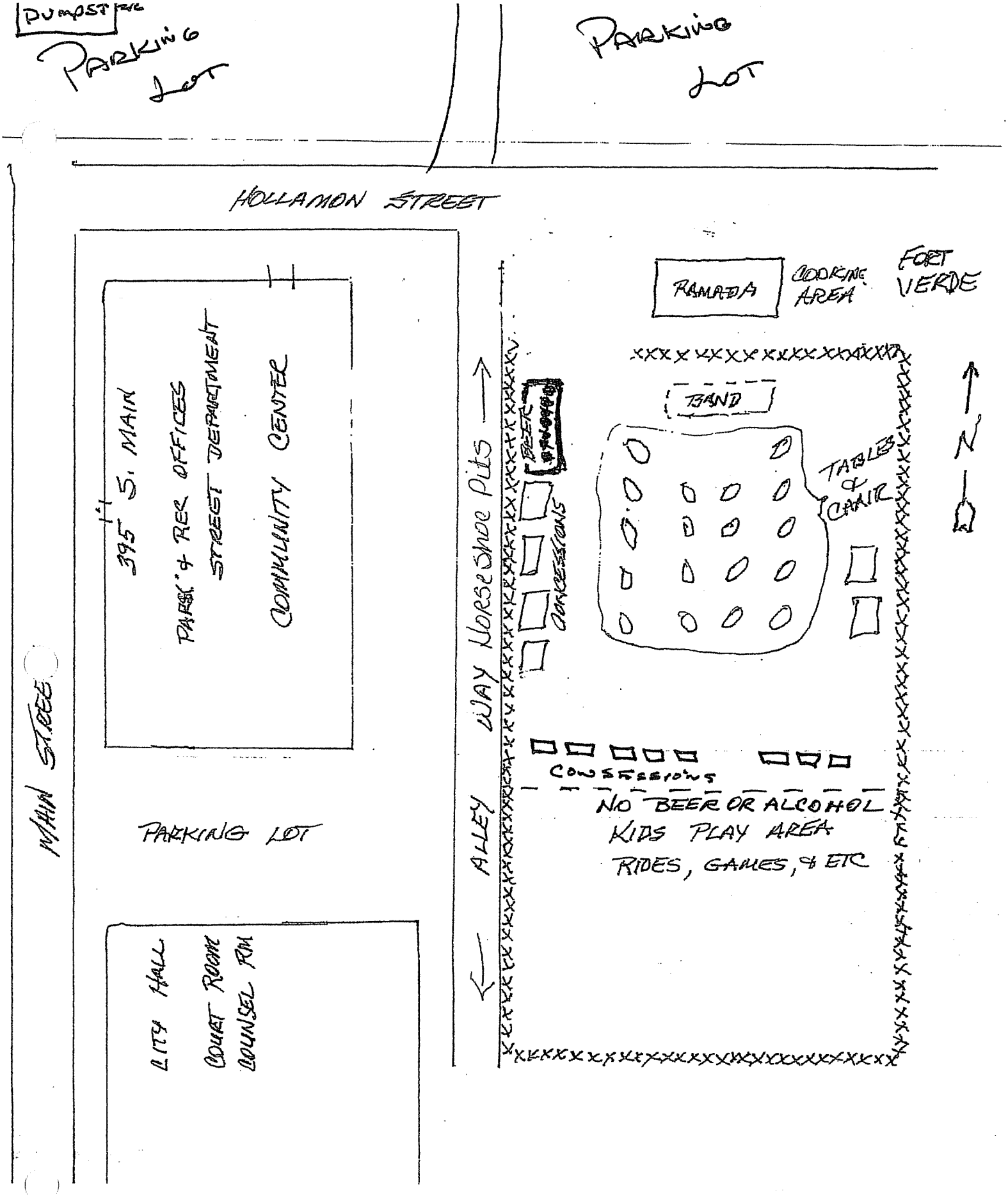
___ # Police ☑ Fencing
4 # Security personnel ☐ Barriers

_____
_____
_____

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

_____ ( ) _____
Name of Business Phone Number

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



— SPECIAL EVENT LICENSED PREMISES DIAGRAM —

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

18. I, _____ declare that I am an **Officer/Director/Chairperson** appointing the
(Print full name)
applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X _____ _____ _____ (___) _____
(Signature (Title/Position) (Date) (Phone #)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

_____
Day Month Year

My Commission expires on: _____ _____
(Date) (Signature of NOTARY PUBLIC)

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

19. I, Frank W Drake declare that I am the APPLICANT filing this application as
(Print full name)
listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X _____ State of Arizona County of Yavapai
(Signature) The foregoing instrument was acknowledged before me this

24 March 2011
Day Month Year

RHIANNAN J COMETH
Notary Public - Arizona
Yavapai County
My Comm. Expires Feb 17, 2015

My Commission expires on: 2-17-15 _____
(Date) (Signature of NOTARY PUBLIC)

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

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ _____ hereby recommend this special event application
(Government Official) (Title)

on behalf of _____ _____ _____
(City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

_____

_____ (Employee) _____ (Date)

☐ APPROVED ☐ DISAPPROVED BY: _____

_____ (Title) _____ (Date)

4.d

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

☒ *Consent Agenda* ☐ *Decision Agenda* ☐ *Executive Session Requested*

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Clerk's Office

Staff Resource/Contact Person: Debbie Barber

Agenda Title (be exact): Possible approval of Resolution 2011-846, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring and adopting the results of the General Election held on May 17, 2011.

List Attached Documents: Resolution 2011-846 (2 pages); Unofficial Final Results (3 pages); Instructions: How to Read the Election Results (1 page)

Estimated Presentation Time: N/A

Estimated Discussion Time: N/A – Consent Agenda

Reviews Completed by:

☒ ***Department Head:*** Debbie Barber ☐ ***Town Attorney Comments:*** N/A

☐ ***Finance Department*** N/A

Fiscal Impact:

Budget Code: _____ ***Amount Remaining:*** _____

Comments:

Background Information: ARS §16-642 requires the Council to canvass the vote not sooner than 6 days, nor later than 20 days after the election. The canvass completes the election process.

Recommended Action (Motion): Move to approve Resolution 2011-846, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring and adopting the results of the General Election held on May 17, 2011.

Instructions to the Clerk: N/A – Section II not applicable.

RESOLUTION 2011-846

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 17, 2011

WHEREAS, the Town of Camp Verde ("Town"), held a General Election on May 17, 2011 asking the voters:

Shall a Franchise be granted to Arizona Public Service Company to construct, maintain, and operate an electric utility system in the Town of Camp Verde, Arizona, and future additions thereto, in accordance with proposed Resolution #2011-835, submitted by the Town Council of the Town of Camp Verde, Arizona, to the qualified electors of said Town?

WHEREAS, the election returns have been presented by the Yavapai County Elections Department and have been canvassed by the Mayor and Council,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, as follows:

1. The total number of ballots cast at the General Election, as shown on the poll reports, was 1,638 and the total number of registered voters in the Town was 5,296, for a turnout of 30.9%.
2. There were 22 rejected mail ballots.
3. The number of votes cast was as follows:

APS Franchise Question	Precincts 1	Total Votes Cast	Percentage
YES	1321	1321	80.75
NO	315	315	19.25
TOTAL	1636	1636	

4. That it is hereby found, determined, and declared of record, that the APS Franchise Agreement was approved by the voters.

5. This resolution shall be in full force and effect immediately upon its adoption.

Passed and approved by the Mayor and Common Council of the Town of Camp Verde at their Regular Session of June 1, 2011.

_____
Bob Burnside, Mayor

Attest: _____
Deborah Barber, Town Clerk

Approved as to form:

_____
Town Attorney

Election Summary Report
May 17, 2011
Summary For Town of Camp Verde, All Counters, All Races
UNOFFICIAL FINAL RESULTS

Registered Voters 5296 - Cards Cast 1638 30.93%

Num. Report Precinct 1 - Num. Reporting 1 100.00%

Camp Verde Franchise Question	Total	
Number of Precincts	1	
Precincts Reporting	1	100.0 %
Vote For	1	
Times Counted	1638/5296	30.9 %
Total Votes	1636	
YES	1321	80.75%
NO	315	19.25%

Statement of Votes Cast
May 17, 2011
SOVC For Town of Camp Verde, All Counters, All Races
UNOFFICIAL FINAL RESULTS

	TURN OUT			Camp Verde Franchise Question							
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Vote For	Times Counted	Total Votes	YES		NO	
Jurisdiction Wide											
Camp Verde											
Polling	5296	0	0.00%	5296	1	0	0	0	-	0	-
Mail Ballots	5296	1638	30.93%	5296	1	1638	1636	1321	80.75%	315	19.25%
Total	5296	1638	30.93%	5296	2	1638	1636	1321	80.75%	315	19.25%
Total											
Polling	5296	0	0.00%	5296	1	0	0	0	-	0	-
Mail Ballots	5296	1638	30.93%	5296	1	1638	1636	1321	80.75%	315	19.25%
Total	5296	1638	30.93%	5296	2	1638	1636	1321	80.75%	315	19.25%

COUNTY OF YAVAPAI - Town of Camp Verde

GENERAL ELECTION DATE May 17, 2011

REJECTED BALLOT REPORT

MAIL BALLOTS REJECTED

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HOW TO READ THE ELECTION RESULTS REPORTS – VOTE-BY-MAIL ELECTIONS

Election Summary Report
Election Date
Summary For Jurisdiction Wide, All Counters, All Races
RESULTS

Title variations:
UNOFFICIAL RESULTS – More ballots to be counted.
UNOFFICIAL FINAL RESULTS – All ballots counted.
OFFICIAL FINAL RESULTS – Canvass results have been approved by participating jurisdictions.

Registered Voters 6135 – Cards Cast 3080 50.20% Num. Report Precinct 4 – Num. Reporting 4 100.00%

- Total registered voters for all jurisdictions listed below.
- Total number of ballots cast for all jurisdictions listed below.
- Percentage of ballots cast against the total number of registered voters.
- Total number of precincts in this election for all jurisdictions.
- Number of precincts with results reported.
- Percentage of total number of precincts against the number of results reported precincts.

Your Town Council ← "Candidate" Election Race

	Total	
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Vote For	2	
Times Counted	2432/4629	52.5 %
Total Votes	4655	

- Number of Precincts: Total number of precincts for this jurisdiction.
- Precincts Reporting: Number of precincts with results reported.
- Vote For: Number of seats/issues per race voter can vote for.
- Times Counted: Number of ballots cast.
- Total Votes: Total number of votes cast for all candidates.
- 100.0 %: Percentage of precincts against the number of results reported precincts.
- 52.5 %: Percentage of ballots cast against the number of registered voters.
- Total registered voters for this jurisdiction.

BALL, LUCILLE	978	21.01%
BENNY, JACK	1141	24.51%
CARSON, JOHNNY	1339	28.76%
HOPE, BOB	1186	25.48%
Write-in Votes	11	0.24%

- Official candidate choices
- Total votes cast for each candidate.
- Percentage of votes cast per candidate against the total votes cast.
- Official write-in candidate results (by name) are displayed on the website as a separate attachment.
- Total votes cast for all write-in candidates – Official & Unofficial.

Your Fire District Bond Question ← "Question" Election Race

	Total	
Number of Precincts	1	
Precincts Reporting	1	100.0 %
Vote For	1	
Times Counted	648/1506	43.0 %
Total Votes	648	
YES	524	80.86%
NO	124	19.14%

← Ballot vote choices

#9

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

☐ *Consent Agenda* ☐ *Decision Agenda* ☐ *Executive Session Requested*

☒ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Mayor and Council

Staff Resource/Contact Person: Mayor Burnside

Agenda Title (be exact): Presentation and update by Priscilla Smith representing Team Native Spirits who are participating in the National Pink Fire Truck Tour that will be in Camp Verde on August 6, 2011 from 7:00 a.m. to 1:00 p.m.

List Attached Documents: N/A

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 5 minutes

Reviews Completed by: N/A – presentation at the request of the Mayor

☐ ***Department Head:*** Mayor Burnside ☐ ***Town Attorney Comments:*** N/A

☐ ***Finance Department*** N/A

Fiscal Impact:

Budget Code: _____ ***Amount Remaining:*** _____

Comments:

Background Information: The pink bus travels the country to raise awareness and funds for breast cancer research. The Pink Bus Tour will arrive in Camp Verde on August 6, 2011.

Recommended Action (Motion): N/A

Instructions to the Clerk: N/A

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Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

☐ *Consent Agenda* ☒ *Decision Agenda* ☐ *Executive Session Requested*

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Clerk's Office

Staff Resource/Contact Person: Debbie Barber

Agenda Title (be exact): Discussion, consideration, and possible appointment of a Vice Mayor.

List Attached Documents: N/A

Estimated Presentation Time: N/A

Estimated Discussion Time: 5 minutes

Reviews Completed by: N/A

☒ ***Department Head:*** Debbie Barber ☐ ***Town Attorney Comments:*** N/A

☐ ***Finance Department*** N/A

Fiscal Impact:

Budget Code: _____ ***Amount Remaining:*** _____

Comments:

Background Information: In June of each year, Council appoints a member to serve as Vice Mayor to a one-year term to represent the Town and perform other duties as required when the Mayor is unavailable. The Vice Mayor is also an authorized signer of documents and bank accounts. On 5-18-11, the Council voted to extend the Vice Mayor term to 2 years to coincide with the Mayoral term. Because the changes to the Town Code do not become effective until June 18, 2011, staff recommends that Council appoint the Vice Mayor to a 1-year term. Staff will bring back the issue at a later meeting to extend the appointment until the first meeting in June 2015.

Recommended Action (Motion): Move to appoint a member to serve as Vice Mayor for a 1-year term, noting that the term will be extended after the Town Code becomes effective.

Instructions to the Clerk: N/A – Section II not applicable

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Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

☐ *Consent Agenda* ☒ *Decision Agenda* ☐ *Executive Session Requested*

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Clerk's Office

Staff Resource/Contact Person: Debbie Barber

Agenda Title (be exact): Discussion, consideration, and possible appointment of members to serve on the various Council committees.

List Attached Documents: 2011 Council Committee Assignments Chart (1 page)

Estimated Presentation Time: N/A

Estimated Discussion Time: 10 minutes

Reviews Completed by: N/A

☒ ***Department Head:*** Debbie Barber ☐ ***Town Attorney Comments:*** N/A

☐ ***Finance Department*** N/A

Fiscal Impact:

Budget Code: _____ ***Amount Remaining:*** _____

Comments:

Background Information: This is an annual exercise in which Council appoints members to serve on various committees that represent the Town's interests. The committee duties are divided equally between the members and each member will provide reports during Council meetings during the Council Informational Reports section of the agenda.

Recommended Action (Motion): Ask for volunteers and move to appoint members to the committees as listed on the attached chart.

Instructions to the Clerk: N/A – Section II not applicable

2011/12 COUNCIL COMMITTEE ASSIGNMENTS

Council representation is recommended at the following meetings:

Arizona Leagues of Cities & Towns functions
Governor's Conference on Rural Development
Verde Valley Intergovernmental Meetings

Committees	2010/11	2011/12
Camp Verde Schools Education Foundation	**Garrison/German**	
Chamber of Commerce Board	**German/Roulette**	
Council Liaison to Yavapai Apache Nation	**(unfilled)**	
Intergovernmental Associations	**All Members**	
NACOG – Regional Council	**Burnside/Baker**	
NACOG – Economic Development Council	**Garrison/Baker**	
Sanitary District Liaison	**Roulette/Whatley**	
CVUSD Superintendent's Advisory Council	**German/Garrison**	
Verde Valley Regional Economic Development Council	**NEW for 2011/12**	
Verde Valley Transportation Org.	**Baker/Roulette**	
League Resolutions Committee	**Burnside/designee**	
WATER RELATED COMMITTEES:		
Verde Valley Water Users Liaison	**Kovacovich/Whatley**	
Yavapai County Local Drought Impact Group	**Kovacovich/German**	
Yavapai County Water Advisory Committee	**Burnside/Baker**	

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Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

☐ *Consent Agenda* ☒ *Decision Agenda* ☐ *Executive Session Requested*

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Clerk's Office

Staff Resource/Contact Person: Debbie Barber

Agenda Title (be exact): Discussion, consideration, and possible appointment of the Mayor or designee to serve on the League of Arizona Cities & Towns Resolutions Committee

List Attached Documents: N/A

Estimated Presentation Time: N/A

Estimated Discussion Time: 5 minutes

Reviews Completed by: N/A

☒ ***Department Head:*** Debbie Barber ☐ ***Town Attorney Comments:*** N/A

☐ ***Finance Department*** N/A

Fiscal Impact:

Budget Code: _____ ***Amount Remaining:*** _____

Comments:

Background Information: Each year the Mayor or an appointed designee serves on the Resolutions Committee. The Committee votes on resolutions that are submitted by various cities and towns for consideration as proposed legislation or policy.

Recommended Action (Motion): Move to appoint the Mayor or another Council member to serve on the 2011 Resolutions Committee.

Instructions to the Clerk: N/A – Section II not applicable

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NON-DISCLOSURE AGREEMENT
BETWEEN THE YAVAPAI-APACHE NATION, THE SALT RIVER VALLEY WATER USERS' ASSOCIATION AND THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND THE TOWN OF CAMP VERDE

The Parties to this Non-Disclosure Agreement (Agreement), the Yavapai-Apache Nation, and the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District, acting on behalf of itself and it shareholders (SRP), and The Town of Camp Verde (Camp Verde) are participants in discussions concerning the settlement and quantification of the water rights of the Parties to this Agreement in the Verde River and its respective tributaries, along with rights to groundwater, which rights are currently subject to adjudication proceedings in *In Re the General Adjudication of All Rights to Use Water in the Gila River System and Source, W1-4,* Maricopa County Superior Court, together with discussions regarding the funding of water and other development projects related thereto (hereinafter "Settlement Discussions").

The Parties agree that all Confidential Information and conduct regarding statements or offers of compromise, settlement or quantification of water use rights discussed or exchanged among the Parties, are and will be subject to this Agreement and to the provisions of Rule 408 of the Arizona Rules of Evidence. For the purpose of furthering the Settlement Discussions between them, the Parties have determined to establish the terms governing the use and protection of Confidential Information that one Party may disclose to another Party or Parties (the "Recipient" or "Recipients"), as described In this Agreement, which information generally relates to the Settlement Discussions. Accordingly, the Parties agree and stipulate regarding the exchange of such Confidential Information as follows:

1. "**Confidential Information**" means all material, information, data and other communications (including information in computer software or held in electronic storage media) owned by either Party (the "Owner"), regardless of the form or medium in which such Confidential Information is transmitted or disclosed, and including all statements and conduct of the Parties, so long as it relates to any of the

matters under consideration in the Settlement Discussions. Confidential Information also includes business, policy and technical information and data, even if not prepared for the Settlement Discussions, when such information is disclosed as a result of the Parties' participation in the Settlement Discussions. Except as provided below, to be considered as Confidential Information, the information must be disclosed in a document or other tangible form bearing an appropriate legend indicating its confidential or proprietary nature, such as "confidential-subject to Rule 408" or "Rule 408 document". If Confidential Information is disclosed verbally or visually, it must be identified as confidential and subject to this Agreement at the time of disclosure.

2. "**Parties**" means, collectively, the Yavapai-Apache Nation, the Salt River Project Agricultural Improvement and Power District, the Salt River Valley Water Users' Association and The Town of Camp Verde.
3. The Recipient may use Confidential Information provided by any other Party only for the purpose of participating in and concluding the Settlement Discussions. The Recipient shall protect such Confidential Information from disclosure to others, using the same degree of care used to protect its own proprietary information of like importance, but in any case using no less than a reasonable degree of care. Recipient may disclose Confidential Information to its employees and consultants provided that in all such cases they have a need to know of the contents of the Confidential Information for the purposes of this Agreement, and provided further that those to whom such Confidential Information is disclosed are bound to protect the received Confidential Information from unauthorized use and disclosure under the same terms and conditions as are set forth in this Agreement. Recipient may also disclose Confidential Information to the United States and its employees but only with prior notice to the other Parties and only if the other Parties do not object. Once permission is granted by the Parties to share Confidential Information with the United States and its employees, said permission shall continue unless a Party provides notice to the other Parties that permission to share Confidential Information with the United States and its employees is withdrawn.
4. Nothing in this Agreement shall prevent a Party from offering into evidence any

expert report or other document which it prepared or created, or had prepared or created by another, whether or not such evidence was communicated in the Settlement Discussions.

5. The provisions of this Agreement shall not prevent one Party from using formal discovery procedures to obtain discoverable information from the other Parties. Confidential Information shared pursuant to this Agreement shall not, by virtue of such sharing, be protected from discovery, but such Confidential Information shall retain whatever attorney-client privilege, work-product privilege, or other protection it had before sharing. A Party who obtains property discoverable information from another Party pursuant to formal discovery procedures shall not be deemed to have breached the provisions of this Agreement.
6. The restrictions and obligations of this Agreement on use and disclosure of Confidential Information shall not apply to information that:
   i. was in the possession or control of Recipient, free of any obligation or confidence prior to its disclosure hereunder as proven by the Recipient's written records or other competent evidence; or
   ii. is already in the public domain at the time of disclosure to Recipient by Owner or becomes publicly known through no breach of this Agreement or wrongful act of Recipient; or
   iii. is received independently by Recipient from a third party free to disclose it without obligation to Owner; or
   iv. is developed by Recipient independently of, and without reference to, any Confidential Information of the Owner or any other information that the Owner has disclosed in confidence to any third party, as proven by the Recipient's written records or other competent evidence; or
   v. is lawfully required to be disclosed to any governmental agency or is otherwise required to be disclosed by law; provided, however, that the Recipient shall notify Owner, as soon as reasonably practical, of any order or request to disclose Confidential Information, or that such an order is being sought, or request has been made, so that the Owner may have an opportunity to take appropriate action to maintain the confidentiality of such Confidential Information.

7. The Parties understand that, as a political subdivision of the State of Arizona, SRP and Camp Verde may be subject to certain disclosure requirements under the Arizona Public Records Act (see A.R.S. § 39-101, et seq.) and that SRP or Camp Verde may be required to disclose Confidential Information by a court order pursuant to such Act. If SRP or Camp Verde is requested or ordered to so comply, paragraph 6(v) shall apply.
8. Confidential Information disclosed under this Agreement shall be and remain the property of Owner regardless of location. All such information in tangible form shall be returned to Owner promptly upon written request and shall not thereafter be retained in any form by Recipient, except that one (1) copy may be made and retained solely for monitoring continued compliance with this Agreement and to the extent applicable, for the purposes of complying with laws regarding public records. No licenses or rights under any patent, copyright, or trademark are granted or are to be implied with respect to the Confidential Information disclosed under this Agreement.
9. The Parties acknowledge that Confidential Information is unique and that disclosure in breach of this Agreement may result in irreparable injury to the Owner.
10. Owner shall not have any liability or responsibility for errors or omissions in, or any business decision made by Recipient in reliance on any Confidential Information disclosed under this Agreement.
11. Each Party to this Agreement has the right to terminate its participation at anytime by tendering thirty (30) days written notice to the other Parties. The terminating Party shall promptly return Confidential Information received pursuant to this Agreement to the respective Owners of such Confidential Information. Termination of a Party's participation under this Agreement shall not operate as a waiver or authorize violation of this Agreement.
12. In the event that there is any dispute between the Parties to this Agreement regarding the disclosure or admissibility of Confidential Information exchanged pursuant to this Agreement, Rule 408 of the Arizona Rules of Civil Procedure shall be determinative.

IN WITNESS WHEREOF, each of the Parties hereto has caused this Agreement to be executed by its duly authorized representative.

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT and SALT RIVER VALLEY WATER USERS' ASSOCIATION

By: _____

Title: _____

Date: _____

YAVAPAI-APACHE NATION

By: _____

Title: _____

Date: _____

THE TOWN OF CAMP VERDE

By: _____

Title: _____

Date: _____