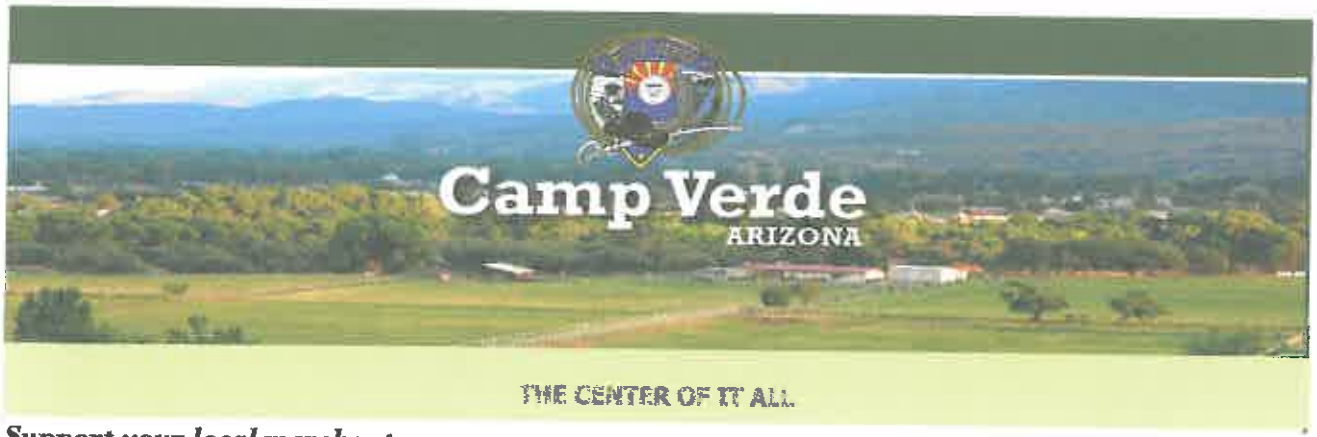

Support your local merchants.

AGENDA
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, JANUARY 7, 2015 at 6:30 P.M.

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

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

4. **Consent Agenda –** All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
   a) **Approval of the Minutes:**
      1) Regular Session – December 17, 2014
      2) Special Session – December 10, 2014
   b) **Set Next Meeting, Date and Time:**
      1) Wednesday, January 14, 2015 at 5:30 p.m. – Work Session
      2) Wednesday, January 21, 2015 at 6:30 p.m. – Regular Session
      3) Friday, January 23, 2015 at 8:30 a.m. – Work Session Retreat
      4) Wednesday, January 28, 2015 at 6:30 p.m. – Council Hears Planning & Zoning Matters
   c) **Possible approval of the 2015 Policy Statement that authorizes the Mayor, as the Town's Chief Elected Official, to support or oppose legislative bills relative to the protection of groundwater, State Shared Revenue sources, and land use authority if the bill(s) adversely affect the Town's interest and needs an immediate response.** Staff Resource: Mayor & Council
   d) **Possible approval of Resolution 2015-934, superseding Resolution 2014-905, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona setting the 2015 Meeting Dates and Times for regular meetings of the Council and all Commissions/ Committees.** Staff Resource: Debbie Barber

5. **Special Announcements and presentations:** There are no Special Announcements or Presentations.

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

7. **Discussion, consideration, and possible appointment of members to the following boards and commissions (all positions are 3-year terms effective January 2015 through December 31, 2017.)**
   a, **Two (2) members to the *Board of Adjustments and Appeals*** Note: Doug Stevens is the only applicant.
   b. **Three (3) members to the *Planning & Zoning Commission*** Note: The applicants are: Dave Freeman, Chip Norton, and Greg Blue

8. **Discussion, consideration, and possible award of bid #14-108 to BWC Enterprises, Inc. dba Woodruff Construction in the amount of $4,100,000 for the construction of the library at 130 N. Black Bridge Road, to include authorization for the Mayor to execute all agreements/documents relative to construction of the project.** Staff Resource: Ron Long/ Kathy Hellman

9. **Discussion, consideration, and possible approval of Ordinance 2015-A403, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona relating to the Transaction License Privilege & Use Tax; amending the Tax Code of the Town of Camp Verde, Arizona by increasing the rate of taxation for Transaction Privilege Tax from three percent (3%) to three point six five percent (3.65%) and increasing the Use Tax rate from two percent (2%) to three point six five percent (3.65%).** Staff Resource: Michael Showers

10. **Discussion, consideration, and possible direction to staff to continue the allocation of budgeted monies (amount remaining $5,820) to the regional Water Advisory Committee (WAC) for the Verde Valley to maintain cooperative water monitoring stations by the USGS, to include direction to the Mayor to work with other communities to finalize the 5-year plan and determine the amount necessary for payment this year.** Staff Resource: Russ Martin

Vice Mayor Baker requested item #11:

11. **Update and discussion of the Cliffs Parkway Drainage Project to include, but not be limited to purpose, costs, and funding source(s).**

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

13. **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.

14. **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.

15. **Adjournment**

Posted by: _____ Date/Time: 1-2-2015 9:00 AM

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.

DRAFT MINUTES
REGULAR SESSION
COUNCIL HEARS PLANNING AND ZONING MATTERS
COMBINED
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, DECEMBER 17, 2014 at 6:30 P.M.

A MAJORITY OF THE PLANNING & ZONING COMMISSION MAY BE PRESENT AT THIS MEETING

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. **Call to Order**
Mayor German called the meeting to order at 6:30 pm.

2. **Roll Call**
Mayor German, Vice Mayor Baker, Councilors Whatley, George, Gordon, Jones and German.

Also Present: Town Manager Russ Martin, Marshal Nancy Gardner, Deputy Clerk Virginia Jones, Recording Secretary Marie Moore.

3. **Pledge of Allegiance**
The mayor led the pledge.

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) Executive Session – December 10, 2014 - Recorded
      2) Special Session – December 9, 2014
      3) Regular Session – December 3, 2014
      4) Special/Work Session – November 12, 2014
   b) **Set Next Meeting, Date and Time:**
      1) December 24, 2014 at 6:30 p.m. – Council Hears Planning & Zoning Matters – **CANCELLED**
      2) January 7, 2015 at 6:30 p.m. – Regular Session
      3) January 14, 2015 at 5:30 p.m. – Work Session
      4) January 21, 2015 at 6:30 p.m. – Regular Session
      5) January 28, 2015 at 6:30 p.m. – Council Hears Planning & Zoning Matters.

On a motion by George, seconded by Baker, the Consent Agenda was passed unanimously.

5. **Special Announcements and presentations:**
   - **There are no Special announcements or presentations.**

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

Nikki Miller addressed council as president of Camp Verde promotions and asked for residents and Council to consider why anyone would want to volunteer to help in a town with all that is currently happening within the Town operations.

Town Clerk, Debbie Barber, stated that she had submitted her letter of resignation to the manager and will be retiring on March 2, 2015. Debbie stated that it is her hope that her resignation will bring peace toward the controversy that has recently come to the town. Barber offered her apology to those she may have unintentionally hurt and asked Council to consider that it is human nature to defend family, which is what she chose to do and did so with pride.

Dana Schmitt, resident of Camp Verde and retired police officer commented in regards to the Marshal office and the high regard he holds toward all that Marshal Gardner has brought to the agency and the town. Schmitt referenced past employees and lack of professionalism he experienced with those who had left.

Jess and Shanna Mulcaire requested to address items in the report under item 10. The request was denied due to the matter being on the agenda. Shanna requested to speak while the topic would be discussed. Mayor German indicated that there would not be public input allowed on the matter.

Vice Baker requested that the Mayor allow the public to speak. Mayor German denied the request.

Nikki Miller addressed Council and requested all Council members read all of the documents they have received thoroughly.

Steve Goetting addressed Council and spoke of a previous meeting involving Economic Development Director Steve Ayers. Goetting voiced his clear disapproval of the current conduct of the Council.

7. **Possible recommendation for approval of Acquisition of Control for liquor license application for Clear Creek Vineyard & Winery located at 4053 Highway 260, Camp Verde, AZ,** Staff Resource: Debbie Barber

On a motion by George, seconded by Baker, Council voted unanimously for approval of Acquisition of Control for liquor license application for Clear Creek Vineyard & Winery located at 4053 Highway 260, Camp Verde, AZ.
Applicant, Ignacio Mesa addressed Council regarding his requested items on the agenda. Bruce George complimented the applicant on his facility.

8. **Possible recommendation for approval of Application for Extension of Premises/Patio Permit for Clear Creek Vineyard & Winery located at 4053 E Highway 260, Camp Verde, AZ.** Staff Resource: Debbie Barber

On a motion by George, seconded by Baker, Council voted unanimously for approval of Application for Extension of Premises/Patio Permit for Clear Creek Vineyard & Winery located at 4053 E Highway 260, Camp Verde, AZ.
Steve Goetting indicated that the applicant has some of the best wine in the state and commended his facility.

9. **Presentation and Safety training followed by discussion, regarding Camp Verde Adopt a Highway Permit for State Route Highway 260, Mile Post 224-225.** Staff Resource Russ Martin.
Upon request by Council, Agenda item 9 has been rescheduled.

10. **Discussion of findings in the investigation of items requested by Camp Verde Town Council on August 18, 2014 Special Session and Items #5, 6, 7 of July 3, 2014 Employee Complaint, by Amy L. Liebrerman, dated December 4, 2014 and possible sanctions of any and all Council Member(s) and Mayor pursuant to Section 15.10 and 15.11 of the Town Council Policies, Rules and Procedures.**

Note: Council may vote to hear this matter in 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 and ARS §38-431.03 (A)(3) for discussion or consultation for legal advice with the attorney.

Town Manager, Russ Martin, explained to members of Council and the public what the purpose and options for item 10 are and how Council may proceed if the matter were to remain open or go into closed session as well as the option to use the advice of the town attorney if they so choose. Mayor German waived his right. Councilor George stated that he felt any type of personnel matter should be handled in executive session but indicated he chose to waive his right as well.

The meeting recessed at 7:04 pm and reconvened at 7:12 pm.

11. **Action following the discussion undertaken pursuant to Paragraph 3, Council may take action to impose sanctions on any and all Council Member(s) and Mayor as permitted by Section 15.10 and 15.11 of the Town Council, Policies, Rules and Procedures.**

On a motion by George, seconded by Whatley, Council unanimously directed staff to work with Mayor German with the object of implementing the recommendations of the summary final report for our council policies and procedures.

Vice Mayor Baker questioned the wording of item 10. The town manager explained that item 10 was to determine whether item 11 would be held in or out of executive session.

Baker indicated that she disagreed with the Town Attorney Bill Sims and how he directed that matter to be handled.

Baker addressed the findings of the investigations and stated she felt she had not done anything wrong and would continue to operate as she has for the past 3 elections of being a Council Member. Baker wanted it clarified that she validated information and felt complete disappointment in the results reported from the investigation, indicating that it was not a finding of facts but rather findings of perceptions, opinions and innuendos.

Councilor Gordon read from a written statement which is attached and becomes a permanent part of the record. Gordon proposed more explicit rules of what is and is not allowed and suggested a required attendance in Council/Manager relations. As to the Human Resource Director, Gordon feels the manager is doing a great job, but if the town had a different perception he would support a part-time position.

Councilor German addressed matters in the findings and stated that she did not change the process for the Job Order Contracting, but that she in fact received information from the manager at which she informed Council of and Council as a whole made the decision to change the process. German stated that she objected to the whole report and denied seeing any bid packets. German also stated that the complaint in question was brought forth before she made her documentation request from the Clerk's office. German stated that it is damaging and detrimental to base a conclusion on findings that are biased.

Mayor German clarified that the issued had never been in regards to Council members asking questions, as questions are encouraged. German indicated that requests being made by Council Members were not being sent to other Council Members and he had come to the realization that no one had knowledge that the information was not being shared. Mayor German indicated that Council Members have every right to ask questions, but the problem is the appropriate process was not followed. Mayor German stated that during no time of the investigation was anyone put under oath and that is an issue to take into consideration.

Mayor German read a closing statement, which is attached and becomes a permanent part of the record.

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

Nancy Floyd indicated that she wrote the comment about the "hanging tree" and it was to reference that people were hung without the opportunity to defend themselves. Floyd questioned Council as to how the public would know when they can or cannot comment on a matter. Mayor German explained that State statute allows the opportunity to close a matter for comments and felt that public input would have only inflamed the situation.

Councilor Whatley indicated there would not have been a consensus if public input would have been allowed and commended Mayor German for keeping the matter civil.

Walter Miller commended Mayor German and stated that he would like to see all the people that showed up for the meeting to appear and support the good things of Camp Verde.

Hub Harris requested that Council keep an open mind on matters and to stop throwing daggers at each other. He indicated that Council should do the right thing amongst each other and stop any accusations. Harris commended both the Marshal and the Town Manager for their work to the town.

Dana Schmidt stated he is encouraged by the outcome and felt it is the duty and responsibility of Baker and German to change the perception of the public.

Steve Goetting discussed the January 7th meeting and requested the Council have a presentation regarding the speed to Cottonwood for the new highway.

Jess Mulcaire informed Council that the JOC process has been extremely successful and has currently saved the town $70,000.00

13. **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.

Councilor George attended the Verde River Basin Partnership meeting.

Councilor Gordon attended the Arbor Day tree planning and also enjoyed the Christmas Parade.

Mayor German indicated that he attended a meeting with 2 congressional representatives approximately 2 weeks ago and brought for the flood water issues. There will be a meeting on December 18, 2014 at 6:00 pm in Verde Lakes and encouraged the public to attend.

14. **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.

Town Manager Russ Martin indicated that bids for the Library would be opened December 18, 2014 at 10:30 am in rooms 205 and 206.

15. **Adjournment**

On a motion by Baker, seconded by Jones, Council voted unanimously to adjourn the meeting at 8:22 pm.

_____

Charles German, Mayor

_____

Marie Moore, 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 Special/Work Session of the Town Council of Camp Verde, Arizona, held on December 17, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2014.

_____

Debbie Barber – Town Clerk

Call to the public - Debbie Barber

Attach to 12-17-2014 minutes

Honorable Council,

I'm here tonight to let you know that I have submitted my letter of resignation to the Manager. I plan to retire on March 2, 2015. Ronald Reagan said, "Peace is not the absence of conflict, but the ability to cope with conflict by peaceful means." Let this be my offering of peace to those Council members, staff members, and the public who feel that there is something wrong with both me and my Mother serving our community at the same time. I hope that my offering aids in settling the turmoil.

My parents raised me to be honest, so I do not lie. My parents raised me to be hardworking, so I have worked hard my entire life, especially the last 25 years here. My parents raised me to honor and serve my Country, so I am proud to be an American, an Arizonan, and a Camp Verdean. Most importantly, I am proud to be an integral part of our democracy through the election process. My parents raised me to be loyal, so I am fiercely loyal. My parents raised me to be compassionate and to care about those less fortunate, so I have focused my career on making lives better. My parents taught me to apologize even if I did nothing wrong, so I apologize often. If my actions hurt anyone, I am truly sorry. But this I know, I stand firm in all that I said and did, is truth.

In good conscience, I cannot walk away without first asking, who, in this entire room would not defend their family member no matter what position they hold in life? We are all human beings with feelings. We should respect and honor that fact ALL of the time. If I did something wrong in defending my mother, then I will wear that badge with honor for the rest of my life. I am proud to be my mother's daughter and I can only pray that I follow in her footsteps because I know that everything about her comes from a place of purity and love.

I will close with a quote from Dalai Lama, "Only the development of compassion and understanding for others can bring us the tranquility and happiness that we all seek." Our work for peace must begin within the private world of each one of us. My hope is that we can learn and move on so that the healing can begin.

I am leaving with my head held high and I am honored that I was given the opportunity to serve the community that I love.

RESPONSE TO THE EXECUTIVE SUMMARY Rec'd by @ meeting 12-17-2014 for the record.

NANCY FLOYD

December 15, 2014

I have written and read many audit reports (which in nature are very similar to the results of an investigation) in my professional life and I find the Executive Summary(Report), that is supposed to reflect the results of an "investigation", is actually just writing up conversations with the persons interviewed. **One of the definitions of investigation is "a searching inquiry for ascertaining facts and detailed or careful examination."**

This Executive Summary is not an investigation and could have been completed by any qualified secretary/personal assistant. The Investigator merely spoke to people and recorded what they said and appears to accept their remarks as FACTS, adding excerpts from various Town manuals and Arizona Law to show that the conversations that she has scribed violate the verbiage in the manuals – it appears that all the conversations scribed are taken as FACTS and no research was completed to validate the conversations scribed from the persons interviewed.

There is no evidence in the Executive Summary to show that Amy L. Lieberman (Investigator) actually did ANY investigations. There are no comments in the report listing specific facts from audio/video and/ or minutes of Council Meetings. She merely regurgitates (repeats information without analyzing or comprehending it) what she has been told and does not follow up to substantiate what she has been told. There are many contradictions in the Executive Summary that are not addressed by the Investigator. This Executive Summary is not professionally written and certainly not worth thousands of taxpayer dollars.
There are so many innuendos, hearsay, rumors, lack of proof, second-hand information, perceptions, and beliefs that are not supported by facts in the Executive Summary. There is not sufficient time to research and address each one of them and I am responding to only a few– I don't have the weeks that the Investigator had to do the research; however, I feel that I'm doing some of the research and documentation THAT SHOULD HAVE BE DONE BY THE INVESTIGATOR. **I have not corrected typos or wording errors, but have taken it word for word from the Executive Summary.**

It is not acceptable that Amy L. Lieberman interviewed several staff members from the following: Planning & Zoning, Town Clerk's Office, Public Works, Town Manager & Human Resource Manager (Russ Martin), all the Town Councilors, Mayor, Town Marshal, **and did NOT interview anyone who actually signed the Employee Complaint and Town Council Concerns dated July 20, 2013**. This complaint, which was the catalyst that appears to have started all the events that eventually led up to hiring an outside "investigator", was signed by 11 employees of the Marshal's Office and **not one of these employees was interviewed**. While Marshal Gardner was interviewed and shared information about her staff; this is still second-hand information and cannot possibly convey all the information from 11 employees that is pertinent to the investigation.

Disgruntled people can and do spread false rumors and slander and distort the truth for their own self-interests. I believe that the results of this Executive Summary would have been very different if all the persons interviewed would have been **under oath**.

The allegations made by Jenna Owens have **not** been filed as an Official Complaint with Human Resources; just verbal communication. All the time and energy spent on these allegations is not warranted if an Official Complaint was not filed.

If this Executive Summary is accepted as written, it will remain in the archives and years from now people will read this and accept the information as fact. There are some slanderous & defamation of character statements made about Councilmembers and a private citizen; these statements have **done irreparable damage** to the person's reputation.

The Investigator and Readers of this document must realize that a person can have their own opinions, but cannot have their own facts and entrenched beliefs are never altered by facts.

EXECUTIVE SUMMARY

INVESTIGATION OF ITEMS REQUESTED BY CAMP VERDE TOWN COUNCIL ON AUGUST 18, 2014 SPECIAL SESSION AND ITEMS #5, 6,7 OF JULY 30, 2014
EMPLOYEE COMPLAINT

Amy L. Lieberman, Esq.

December 4, 2014

II. PERSON INTERVIEWED

A. There is a lack of **consistency** referring to individuals in the Executive Summary-**often using different usage of the name for the same person in the same paragraph:**

1. Councilmember Carol German is referred to as:
   - Councilmember German
   - Ms. German
   - Carol German
   - Carol Gardner
   - Councilmember Carol
   - Carol
2. Vice Mayor Jackie Baker is referred to as:
   - Vice Mayor Baker
   - Jackie Baker
   - Ms. Baker
   - Jackie
   - Vice Mayor
   - Vice Mayor Jackie Baker
3. Town Marshal Nancy Gardner is referred to as:
   - Town Marshal Nancy Gardner
   - Nancy Gardner
   - Marshal Gardner
   - Nancy
4. A few others, but not as many as mentioned above.
5. See page 14 of the Executive Summary with the beginning of 3 paragraphs referring to Vice Mayor Baker as: Ms. Baker; Jackie Baker, and The Vice Mayor – select one use of the name and use it; these do NOT REFER TO 3 DIFFERENT PEOPLE. **Consistency is a measure of a well-documented and professionally written report.**

B. PERSONS NOT INTERVIEWED

1. The employees from the Marshal's Office that actually signed the Employee Complaint and Town Council Concerns dated July 20, 2013 were **NOT** interviewed. A complaint cannot be investigated without interviewing the employees that ACTUALLY made the Employee Complaint – they have first-hand knowledge of their complaints. An interview of each employee signing the complaint would also reveal if any employees felt pressured to sign the complaint.

An attempts has been made to list the names of the employees that signed the complaint; however, it is difficult to make out some of the names – below is what can be determined without further research – there is not sufficient time to research everything that is being presented in this Response; as the next Council Meeting is only a few days from now up). "?" mark by names indicates that the spelling may be incorrect:

- DARBY MARTIN
- JENNIFER ZWAK
- STEVE BUTLER
- STEVEN GANIS
- DONALD B GRINT
- OSCAR BERREIEZ
- NEAL LANNING ?
- DAVID FREEMAN
- DONALD CALDWELL?
- JAMIE SCOTT ?
- LANA STONE

III. DOCUMENTS AND ITEMS REVIEWED

- Carol German Response to Employee Complaint with attachments
  - Thumb drive

An investigative report MUST list all sources used in the investigation. A detailed list of the files/documents on the thumb drive must be included in the Documents and Items Reviewed.

IV. FINDINGS

A. BUDGETARY IMPACTS AND THE ALLOCATION OF RESOURCES IN ORDER TO RESPOND TO PUBLIC RECORDS REQUESTS

1."Town Manager Russ Martin explained that much staff frustration was felt due to public records requests from Ms. Wischmeyer, whose husband was a former Town Marsha, who was terminated."

(**)". . . Ms. Wischmeyer, whose husband was a former Town Marsha, who was terminated." **This statement seems to set the stage for others who have been interviewed to repeat and make an assumption that Mrs. Wischmeyer holds a long-time grudge or vendetta against the Town and some departments. In several discussions with Mrs. Wischmeyer the topic of a grudge or vendetta was never indicated.**

The Incident and Document Review dated September 17, 2014 by Cheri Wischmeyer was presented to the Town Council on September 17, 2014 during a Town Council Meeting. Mrs. Wischmeyer has first-hand, professional experience as both an Auditor and Human Resource Manager. Her Review was completed as a result of being contacted by both past and current employees of the Camp Verde Marshal's Office. The information they provided to Mrs. Wischmeyer caused her concern relating to morale and professionalism within the Marshal's Office and concerns related to the Human Resources policies and procedures of the Town of Camp Verde.

The documents and records requested to complete the Incident and Document Review apparently have put for the notion that there was a "vendetta"; which has not been supported with factual information in the Executive Summary. Some of persons interviewed in the Executive Summary repeat the same thing regarding the termination of Mr. Wischmeyer; however, no factual information has been presented to support the allegation that Mrs. Wischmeyer has a vendetta against the Town Marshal.

B.IMPACT ON EMPLOYEES WHEN COUNCIL MEMBERS TAKE ACTIONS THAT DIRECTLY IMPACT TOWN EMPLOYEES

1. Mayor German said that Councilmember German was upset that Town Manager Russ Martin requested a waiver for the Town Marshal, to allow her to reside outside the Town Limits.

Marshal Nancy Gardner purchased a home in Munds Park, Arizona – which is about 40 miles from the Town of Camp Verde and planned to commute daily. This is a long distance to commute with a Town car and especially in the winter when the highway is sometimes closed because of snow; not allowing the Marshal to get to work. The Marshal moved to Munds Park prior to receiving a "waiver" from the Town Council.

2."Public Works Director Ron Long stated that the all his staff are upset, based on Carol German and Jackie Baker trying to oust the Town Marshal. They all wonder, "Who is next?"

Apparently, there is no paper trail to prove the allegation. There has been no evidence provided in this Executive Summary to support the allegation that Councilmembers German and Baker are trying to "oust" the Marshal. It appears to be all hearsay; gossip, belief, and rumor.

C. THE TOWN CODE REQUIREMENT TO ALLOW THE TOWN MANAGER TO MANAGE THE ADMINISTRATIVE AFFAIRS OF THE TOWN

1. Based on the interviews with Public Works Director Ron Long and Deputy Troy O'Dell, **it cannot be determined exactly what happened between them and Councilmember German.** There are so many changes and contradictions in their interviews that only a few are going to be addressed by grouping them with conflicting statements made by Ron Long and Troy O'Dell. "Quotations" indicate that the information is taken directly from the Executive Summary, word for word – with **bold** added to highlight the inconsistencies:

==========

"The Town Attorney had advised them not to release the bids, and Russ relayed this to Ron Long, but once again, **Ron felt pressured by Carol and he released the records.**"

"Mr. Long clarified that the **bids were not released to Ms. German prior to submittal** of our staff report to the Clerk's Office.

==========

"In hindsight, his Deputy Troy O'Dell probably **should not have given Carol German the information on the bids. She showed them to all the contractors, who got upset as the rankings."**

"Troy O'Dell clarified that he did not actually give Ms. German the list, the scores or the matrix, but only explained the bid process and results to her."

"Mr. Long clarified that the **bids were not released to Ms. German prior to submittal** of our staff report to the Clerk's Office.

"In retrospect, Mr. O'Dell and Mr. Long stated that **they are not sure how the contractors found out about the rankings,** but Ms. German was the only one **outside of the** **ranking committee and staff** who knew the rankings at that time."

It appears that Councilmember German, along with the committee and staff all knew the rankings; no one person can be identified as having passed along information.

==========

"...Carol's actions caused a delay that jeopardized that hold. **Her actions have caused at least a 3-month delay."**

"Mr. Long also **stated that it would be unfair to blame the delay solely on Ms. German** as the entire council agreed with her request to re-bid the project.

The following is from the minutes of the Regular Session of the Town of Camp Verde Council Meeting on June 18, 2014. "On a motion by Councilor Gordon, seconded by Vice Mayor Baker, the Council unanimously voted to reject all bids." Councilmember German DID NOT MAKE THE MOTION OR SECOND THE MOTION regarding the rejections of the bids.

==========

"Troy allowed Ms. German to review the rating matrix, but did not provide her with a copy. **Apparently Ms. German wrote down or memorized the ratings which were somehow passed on to all of the local contractors that were not selected."**

"In retrospect, Mr. O'Dell and Mr. Long stated that **they are not sure how the contractors found out about the rankings,** but Ms. German was the only one **outside of the ranking committee and staff** who knew the rankings at that time."

Councilmember German, along with the committee and staff all knew the rankings; no one person can be identified as having passed along information.

==========

2. ". . Ron Long, who felt pressured and ended up **"caving in" and going with a different process for awarding contracts that Councilmember German wanted."**

"Again, Carol was upset that no local contractors were on the list.'

The following minutes includes comments that directly relate to refuting Ron Long's statement that he "ended up caving in and going with a different process for awarding contracts that Councilmember German wanted." The excerpts from the minutes listed below document that Councilors Whatley, Baker, German, Jones, and Mayor German all agreed that changes should be made to the process. And several Councilmembers supported having local contractors included. An electronic file was not available to allow copy and paste of the original minutes, they have been retyped; apologizes in advance for any errors; actual Minutes are available on the Town's website.

From the Approved Minutes of Regular Session Mayor and Council Meeting on Wednesday, January 15, 2014:

#11 Discussion, consideration, and possible award of separate Job Order Contracts to Fann Environmental, Kinney Construction, McDonald Brothers Construction, and Tiffany Construction in order to provide a variety of Public Works, Streets, Stormwater, and general maintenance construction. Staff Resource: Ron Long.

(The Motion and all Public Input are not included in this Response; a review the full minutes regarding this item is available on the Town's website.)

Public Input

- Chip Norton stated he was not connected to this process in any way, but that he had experience as a retired contractor and selecting job order contractors. He explained that JOCs are usually used for emergency purposes and not for general construction purposes.
- Councilor Whatley expressed her desire to follow a similar outline to Chip Norton's description and utilize the JOC process for small immediately necessary jobs.
- Long advised that the wastewater treatment plant is what is in need of immediate attention and is the largest area of concern, noting that the system could fail at any time. He said that if Council was not ready to try the JOC process, they could continue with the existing bid process.
- Councilor Baker conveyed support in following rules & regulations while supporting local contractors, as that was an agreement of Council at last year's retreat. While understanding the process will save time, she suggested that all contractors that applied were qualified and should be included on the JOC list.
- Long advised that each contractor that applied were very close in qualifications, be he reiterated the necessity to focus on the wastewater treatment facility when considering contractors for the JOC
- Councilor German commended all the contractors that submitted proposals and expressed concern regarding the limitation to only four specific contractors. She said that since the process will still require the contractor to submit a quote to the Town for each job, the opportunity could not exclude qualified, local contractors.
- Long advised that Council had three choices to consider: 1) move forward with the process as it has been presented; 2) do not utilize the Job Order Contract process at all; 3) award all 12 applicants with the Job Order Contract. He noted that if Council chose to include all 12 applicants, the attorney should be consulted to ensure that we are complying with what was originally outlined in the Statement of Qualifications packet.
- Councilor Jones agreed with German, Whatley, and Baker. She said that she felt the Council is here to serve the community and that it would be a disservice to eliminate local contractors that applied and were qualified.
- Councilor George disagreed with the entire process, noting that it should be used only for emergency purposes only. He also expressed concerns about the appearance of impropriety and favoritism.
- Mayor German agreed with the need to support local merchants and contractors, noting the original idea was not to place a limitation on a specific number chosen. He agreed that the Town Attorney should review the Council's proposal and asked that Long advise the Council as soon as possible.
- Baker noted that Council makes the decisions on contract awards and that there should be no problems with including all 12 of the contractors that submitted Statements of Qualifications.

3. Councilmember George "believes Ms. German is working in league with Cheri Wischmeyer, that they are a "team" and have both worked together to scan and review documents. Cheri has a long-time grudge against the Town for firing her husband, a former Town Marshal.

Beliefs are not facts. Councilmember George appears to have accepted that a statement made by someone regarding Ms. Wischmeyer having a long-time grudge is a fact. (Refer to (**) on page 3 of 12)

4. Councilmember George ". . .has no proof, but feels she (Councilmember German) has been on a "witch hunt" along with Ms. Wischmeyer to oust the Town Marshal, and they have a "vendetta" against the Marshal's office since the residency issue occurred."

No proof and feelings are not facts; just an opinion or repeated rumors or gossip. Again, everyone can have their own opinions, but they cannot have their own facts. Mrs. Wischmeyer may take exception to this Executive Summary which now is a Public Record with accusations being leveled against her, a private citizen. (Refer to (**) on page 3 of 12)

Dunegan/Grover Issue – Vice Mayor Baker's Involvement

1. "The Vice Mayor does not think she was "investigating," and thinks she acted properly. She stated that she would not do anything differently. She stated that if the Manager does not follow through, she believes it is "our duty" to follow through and learn information." Dunegan gave Jackie a disk recording of his hearing. Vice Mayor Baker also states that she gave a disk to Town Manager Russ Martin for his review because there was something troubling that he should listen to.

2. Councilmember Gordon states that "Ms. Baker stepped out of line when she confronted a citizen . . . . ., instead of bringing the matter to Town Manager Russ Martin to look into."

The disk recording was from the Marshal's Office of conversations between Officer Grover and others; not a recording of the hearing. Vice Mayor Baker DID bring the matter to the Town Manager by meeting with the Town Manager and providing him with a disk with troublesome information for him to listen to; however, it appears that the Town Manager did not follow through.

3. Councilmember George states that ". . . . . she will say she was trying to help a friend or to give advice. However, she went beyond that to the detriment of the Town."

The disk provided to the Town Manager "referring to a statement Grover made that he offered to show Dunegan's ex-girlfriend's Dad where Dunegan lives when the Dad said he wanted to shoot Dunegan." If this threat to shoot someone would have been carried out, that would have been a "detriment of the Town."

4. Mayor German "does want to be sure there is a system of checks and balances in place" (pg. 18 of Report).

It appears that there is NOT a system of checks and balances in place regarding complaints brought to the attention of the Town Manager Russ Martin, resulting in some complaints not being followed up on in a timely manner, forcing others to take action.

Employee Complaint Item #6: Allegations that in a civil court hearing a local known felon testified under oath that Vice Mayor Baker assisted him in verifying information on the activities of an employee and provided him with guidance in his effort to discredit this potential ex-employee of the Marshal's Office.

The Investigator does not indicate if the known felon did testify under oath about Vice Mayor Baker providing him with guidance in his effort to discredit this potential ex-employee of the Marshal's Office. **There should be a finding documented by the Investigator indicating if this fact or fiction.**

E. THE IMPORTANCE OF HOLDING THE TOWN MANAGER ACCOUNTABLE AND THE RAMICATIONS IF COUNCIL MEMBERS IMPROPERLY INTERACT DIRECLTY WITH TOWN STAFF

1. "Jenna has been with the Town as a planner for 9.5 years."

This is not a true statement, while Jenna's current position is Planner, during her employment years with the Town she has held several different job titles in different departments and was eventually promoted to Planner.

Referring to Jenna's statements: "The employee was very upset and fearful that her job was in jeopardy"; "She was very worried about her job as a result." "Jenna is now nervous and will not talk to Ms. German again without someone else present."

A request was made for a copy of the Official Employee Complaint filed by Jenna Owens against Councilmember German. Russ Martin replied that NO Official Complaint has been filed by Jenna Owens. The Human Resource Manager Russ Martin has escalated the complaints by Jenna Owens and allowed the undocumented accusations against Councilmember German to be included in this Executive Summary without requiring that an Official Complaint be completed and filed. An Official Complaint needs to be filed and Town policy and procedures followed regarding Official Complaints; this protects both the employee and the Town.

Jenna is also one of the employees that was "so embarrassed" by Planning and Zoning Committee Member Bob Burnside, that Council included her embarrassment, along with other issues, and called a Special Session in an attempt to remove Bob Burnside from Planning and Zoning Committee.

Russ Martin as both the Town Manager and Human Resource Manager has the responsibility of terminating an employee, not a Councilmember. There are several references throughout this Executive Summary indicating that employees from different departments are in fear of losing their jobs. To reduce the climate of fear that appears to currently exist with some Town employees, Human Resources policies and procedures should be in place to provide guidelines for employees, documenting exactly what actions by an employee constitute termination.

2. "Russ stated that Carol has also frequently called staff on unbudgeted items, such as putting up banner poles."

This is not a true statement. Russ has completely taken this unbudgeted banner poles issue out of context as indicated in an email between Russ Martin and Nancy Floyd, dated 6/23/2014. A copy of the email is included below (reference to Mrs. German-this is Councilmember German):

From: Russ Martin [mailto:Russ.Martin@campverde.az.gov]
Sent: Monday, June 23, 2014 9:58 AM
To: Ray and Nancy
Cc: Ron Long; Steve Ayers; Carol Brown; Carol German; Carlie Androus; Bobbie Tennant; Nikki Miller; Rosalie McKnight; Marie DeClue
Subject: RE: WHO IS TO BE HELD ACCOUNTABLE FOR NOT GETTING THE BANNER POLES UP PRIOR TO THE CORNFEST, AS PROMISED?

"Nancy,

Thank you for your time in giving me the background from your point of view, it is very helpful. As my conversations with both Mrs. Miller and Mrs. German went last week, I expressed to both that we will be

working on this issue this week determined to not let this project go any longer than is necessary and with both this year's and next year's budget now approved we will find a way to complete this project as soon as possible as it is important. As I promised I will get back with Bobbie in Nikki's absence with the plan moving forward within the next couple of days when I have a clearer picture of deadlines from the staff and consultant.

Thank you again for all the time you and the other volunteers continue to give,

Russ Martin

473 South Main Street, Ste. 102
Camp Verde, AZ 86322
russ.martin@campverde.az.gov
[P] 928.554-0001
[F] 928.567.8291

From: Ray and Nancy [mailto:verdevista@swiftwireless.com]
Sent: Sunday, June 22, 2014 7:14 PM
To: Russ Martin
Cc: Ron Long; Steve Ayers; Carol Brown; Carol German; Carlie Androus; Bobbie Tennant; Nikki Miller; Rosalie McKnight; Marie DeClue; Ray and Nancy Floyd
Subject: WHO IS TO BE HELD ACCOUNTABLE FOR NOT GETTING THE BANNER POLES UP PRIOR TO THE CORNFEST, AS PROMISED?
Importance: High

Dear Russ,

You may not think it is important or that it is a big deal that the poles to hang banners across main streets to the Town be installed by the 2014 Cornfest, but I assure that it is very important. A little history on what has transpired, from my point of view:

1. Troy O'Dell attended a Spring Heritage Pecan and Wine Festival meeting in February to report that in his discussions with APS if wires were put up across the street to hang banners it could only be for one event; then they would have to be taken down after each event. We said we wanted a permanent solution to hang the banners for all 3 major events. Troy said there was not enough time to get this done for the March 29th Spring Heritage Pecan and Wine Festival, **but it would be done for the 2014 Cornfest.**
2. The installation of these poles was being tracked on the Spring Heritage Pecan and Wine Festival Project Plan, but the dates were deleted for "actual start" and "actual end" dates with a notation that this would be completed for the Cornfest.
3. Carol German, volunteering for Camp Verde Promotions, was working with Town employees to get the poles installed. And she has been very diligent in following through on this task.
4. We were not aware that the engineering was outsourced; guess it was assumed that with a couple of engineers on the Town's payroll that it wasn't necessary to outsource something as simple as installing some banner poles.
5. As of this date, June 22, 2014, not only are we not going to be able to advertise the event, **WE ARE AT RISK OF LOSING THE TOWN'S FUNDING TO PAY FOR THE MATERIALS IF NOT PAID FOR BY THE FISCAL ACCOUNTING YEAR ENDING JUNE 30, 2014.**
6. I don't understand why Troy was not able to get this important task **completed as promised. It is not like there is no precedent for putting up poles to have banners across a main street; Cottonwood has been doing it for years.** Couldn't someone have contacted Cottonwood to see what procedures they followed and

if they had to outsource for an engineer? If their engineering was outsourced, how about using the same engineer since this person is experienced in successfully getting poles installed. I don't know what engineer the Town is using and paying for, **but it should not have taken this person over 4 months to figure out the specifications and materials required for the installation of these poles** – I'm assuming this person has some type of engineering degree.

7. The volunteer hours add up to several thousand hours to successfully complete the Spring Heritage Pecan & Wine Festival, Cornfest, and Ft. Verde Days events and no one gets paid for these hours. And it isn't a though we are working on only one event at a time – we have to work on the next event before we finish the current event. For example, **we have to get out the press releases to some publications no later than 4 months prior to the event**, which means that while we are in the midst of planning one event, we have to be working on the next event at the same time (see AZ Highways magazine's July 2014 issue, page 14; which comes out about the 2nd week of June). This is not a lot of work to write up, but important tasks that must be completed by certain deadlines. We have already had to submit the Ft. Verde Days info to a couple of publications and we haven't even finished with the Cornfest. And a much larger and more time consuming task is to start contacting vendors for the next event. **These are just a couple of examples of deadlines that we must meet to ensure we publicize the events and get on the Vendor's calendars to participate-this is a challenge to juggle time and meet deadlines.**

8. It is my understanding that these events are **one of the keys to Economic Development** for the Town of Camp Verde to get visitors into Town and to be able to show high numbers of attendance to prospective business people to encourage them to start a new business in the Town. And of course, the more visitors we have attend the events, the more revenue is brought into our local economy. Banners across main streets announcing the events are a very important element to spreading the word and bringing in more visitors.

I will end this by stating that we have a limited number of volunteers and never have enough volunteers so that people only have one task to complete. Unfortunately, volunteers must be asked to take on many, many hours to successfully complete several tasks for each of the events. **Please keep in mind that these are not all retired people, but several have jobs and add volunteering to their list of priorities which is a huge time commitment.**

When we found out that the poles for banners across main streets were not going to be **installed as promised for the Cornfest**, the feeling is that it is very frustrating and demoralizing for volunteers. Unfortunately, this is type of thing that turns off volunteers because it appears that road blocks (no pun intended) are being put up and we have to keep spending time fighting the battle to get the poles installed and paid for before the end of the budget period.

I truly hope you can get this resolved so that at least all the materials are paid for before June 30th 2014 and I hope that someone is held accountable to get the poles installed in an efficient and timely manner.

Sincerely,

Nancy Floyd

Getting to be a "burned out" volunteer"

3."Councilmember Gordon has heard second-hand that Ms. German has been disrespectful to Russ and town staff, in public."

Some synonyms for <u>second-hand information</u>: buzz, gossip, grapevine report, hearsay, rumor, scuttlebutt, talk, word of mouth, and unconfirmed information. Second-hand information cannot be treated as factual information.

4.Councilmember Robin Whatley ".....Carol German undercuts the Manager by the level of her involvement in details."

Constituents that voted for Councilmember German because of her commitment to do research before voting on agenda items rely on her (as well as all Councilmembers) to review all agenda items in detail to best serve the Town of Camp Verde. There is truth in the idiom that "the devil is in the details". It is incumbent on staff to provide the details either in a meeting or later follow-up.

5. "She (Robin) has called the Attorney once, whereas Carol and Jackie call him all the time."

Instead of relying on the generalization in this statement, the Investigator should have reviewed the actual number of times Councilmembers German and Backer actually called the Attorney. This should have been an easy thing to verify by reviewing the Attorney's billings for a specific time period. For example: A review of the billings from Sims-Murray attorneys for the years 2013 through October 2014 revealed that total number of times Councilmembers German and Baker have called for legal advice is "x" number of times.

F.COUNCIL POLICIES, RULES AND PROCEDURES AND CODE OF ETHICS REQUIREMENTS AND POSSIBLE OPTIONS FOR TOWN COUNCIL INCLUING THE ENFORCEMENT PROCESS THEREOF

1.Councilmember George believes Councilmember German should resign. He indicates that she packs the Council Meetings with friends and neighbors, and has others write letters."

Town Councilors and the Mayor should give the same advice to a citizen that Councilmember German gives when asked by a citizen how they can address an agenda item about which they are concerned. Councilmember German has advised citizens that they need to address the full Council at the meeting or if they can't attend a meeting; then send their concerns/thoughts in writing to the full council. Constituents can also be friends and neighbors.

G. ALLEGATIONS THAT COUNCILOR GERMAN FALSELY ACCUSED THE TOWN MARSHAL (EMPLOYEE) OF VIOLATING TOWN CODE AND WANTING HER CRIMINALLY CITED AND DISCIPLINED IN A TOWN COUNCIL MEETING, WHICH IS ALLEGED TO VIOLATE TOWN COUNCIL POLICIES, RULES AND PROCEDURES 1.5.(D).

1. Councilmember George definitely recalls Carol German stating at the council meeting on the residency requirements, that the Marshal should be "prosecuted" for violating the Town Code.

2. Councilmember Robin Whatley also recalls Carol German at the Council meeting on the Marshal's residency, saying the Marshal should be "cited or disciplined."

While there is no audio of this meeting, a review of the minutes from Town Council's Regular Meeting on October 16, 2013 Item #7 revealed that Councilmember German stated the following: "German said that if decisions are being made without being brought to Council then there was no need for a Council. German questioned what the citizens would think when they realized that the Town Marshal is violating the law. She felt that there was now a personnel issue that should be addressed in executive session. She said that if the Codes were not being enforced, we might as well throw them out".

THERE IS NOTHING DOCUMENTED IN THE MINUTES REGARDING THE MARSHAL BEING CRIMINALLY CITED AND DISCIPLINED. Saying that the Marshal is violating the law is NOT stating that she should be criminally cited and going into an Executive Session to discuss a personnel issue does NOT state that the Marshal is to be disciplined.

Item #4.a.1 Councilor George stated that he pulled the minutes of October 2, 2013 because there was a concern from the public that they were not sufficient. He read the portion of the Town Policy regarding the taking of the minutes and referred to the state statue regarding the taking of written minutes. Councilor George stated the minutes comply with the local and state law.

3. Councilmember Jones does not recall if Carol German said the Marshal should be 'cited or disciplined." She does note that Cheri Wischmeyer has a 'vendetta' against the Marshal's office and Carol German seems to be "consumed" by Cheri.

Councilmember Jones did not provide anything evidential regarding Cheri Wischmeyer having a vendetta against the Marshal's Office. There was nothing factual presented in her statement. (Refer to (**) on page 3 of 12)

4.Marshal Gardner indicated that "Carol German, Jackie Baker and Cheri Wischmeyer are all at Carol's house after Council meetings.

Marshal Gardner's statement is not supported by facts in this Executive Summary. It is not known if an employee from the Marshal's Office drives by the home of Councilmember German; if Marshal Gardner received this information second-hand; or if Councilmember German's house under surveillance.

5. Debbie Barber stated in her Response letter that the "video and minutes of the meeting show that Councilmember German was not criticizing the Marshal's performance, but the fact that the Marshal moved outside of town limits without a waiver." Debbie's response states this accusation was "not false, as it was a violation of Town Code 3-2-4." However, Debbie did not attend this meeting herself. At the time she prepared this, she was not aware that the audio did not record. Her comments were based only on the minutes. She said there were other meetings where Carol stated her concerns were not about performance.

Comments based solely on the minutes can be relied upon as factual. As stated in #2 above regarding minutes from another meeting, Councilor George stated the minutes comply with the local and state law. This indicates that minutes taken for Council meetings can be relied upon because the process followed complies with local and state law.

V. CONCLUSIONS – There are too many innuendos, hearsay, rumors, lack of proof, second-hand information, perceptions, feelings, and beliefs that are not supported by **facts** in this Executive Summary to give any credence to the Conclusions.

VI.MISCELLANEOUS MATTERS- There are too many innuendos, hearsay, rumors, lack of proof, second-hand information, perceptions, feelings, and beliefs that are not supported by **facts** in this Executive Summary.

VII. RECOMMENDATIONS – Recommendations cannot be made that cannot be supported by FACTUAL INFORMATION AND/OR DOCUMENTATION. Information based on personal perceptions, rumors, assumptions, second-hand information, feelings, beliefs, and false statements are reported throughout the entire the Executive Summary. The reputations of several people mentioned in the Executive Summary have been irreparably damaged by the misinformation reported as factual.

This is a poorly written and executed document; it does not reflect the work of and independent INVESTIGATOR. The taxpayer's money has been needlessly wasted on the Executive Summary that does not represent a valid investigative report, **supported by facts.**

This Executive Summary cannot be accepted as a final investigative report that will be in the public domain for years and will accepted as factual for future generation to read and rely on as factual.

Rec'd at meeting
attach to 12-17-2014 minutes

MY NAME IS DANA SCHMIDT AND I WAS A POLICE OFFICER IN THE VERDE VALLEY FOR 20 YEARS. RETIRING AS AN ASSISTANT CHIEF OF POLICE IN SEDONA. I ALSO HAVE BEEN A RESIDENT OF CAMP VERDE FOR THE PAST 13 YEARS. I WOULD LIKE TO MAKE SOME COMMENTS ABOUT THE CAMP VERDE MARSHALS OFFICE AND THE RECENTS ATTEMPT BY CERTAIN COUNCIL MEMBERS AND A CITIZEN ACCOMPLICE TO DISCREDIT THE MARSHAL AND GOOD EMPLOYEES OF THIS AGENCY.

SINCE MARSHAL GARDNER HAS BEEN HERE SHE HAS BROUGHT MORE PROFESSIONALISM, BETTER TRAINING AND BETTER EQUIPMENT TO THIS AGENCY THAN ANY MARSHAL HAS IN THE PAST 20 SOME YEARS OF THE MARSHALS OFFICE EXISTENCE. SHE HAS TURNED WHAT WAS A POORLY DISCIPLINED, POORLY TRAINED LAW ENFORCEMENT AGENCY INTO ONE THAT IS NOW BEGINNING TO GAIN THE RESPECT OF THE OTHER LAW ENFORCEMENT AGENCIES IN YAVAPAI COUNTY. I CAN SPEAK WITH SOME EXPERIENCE ON THIS. THE CAMP VERDE MARSHALS OFFICE WAS NEVER HELD IN VERY HIGH REGARD BY THE OTHER AGENCIES IN THIS COUNTY.

I TOOK THE TIME TO READ THE EMPLOYEE COMPLAINT AND INVESTIGATIVE REPORT CONCLUSIONS PREPARED BY AMY LIEBERMAN. I FOUND IT CURIOUS THAT COUNCILPERSON BAKER INDICATED SHE WAS CONCERNED ABOUT THE LOSS OF SO MANY GOOD EMPLOYESS AFTER THE MARSHAL TOOK OVER.

COUNCIL PERSON BAKER, THOSE EMPLOYEES WERE THE ONES THAT WERE EITHER INVOLVED IN UNETHICAL BEHAVIOR, OR WERE ANGRY THAT THEY NOW HAD A MARSHAL WHO WOULD REQUIRE THEM TO DO THEIR JOBS IN A PROFESSIONAL , COMPETANT MANNER. THOSE WERE THE FOLKS THAT LEFT. IT IS IMPERATIVE THAT POLICE OFFICERS BE HONORABLE, ETHICAL AND HIGHLY PROFESSIONAL IN THEY WAY THEY TREAT THE PUBLIC AND PERFORM THEIR DUTIES. MARSHAL GARDNER IS WORKING HARD TO BRING THIS KIND OF QUALITY TO THE MARSHALS OFFICE. YOU AND EVERY CITIZEN OF THIS COMMUNITY SHOULD BE THANKFUL FOR HER DEDICATION.

THE CONTINUED PETTY ATTACKS BY COUNCIL PERSONS GERMAN, BAKER AND THEIR CITIZEN ACCOMPLICE ON THE MARSHALS OFFICE ARE DEVICIVE, AND SMELL OF A PERSONAL VENDETTA. I WOULD HOPE THAT IF LEGALLY POSSIBLE, THE REST OF THIS COUNCIL CENSURES THESE 2 COUNCIL MEMBERS AND TAKES ANY MEASURES POSSIBLE TO CORRECT THIS SITUATION.

Dana Schmidt

12-17-2014
Referenced during meeting

RESPONSE TO EXECUTIVE SUMMARY BY AMY LIEBERMAN
BY: CAROL GERMAN, COUNCIL MEMBER

This report, as well as the draft report, contains many statements that are based only on hearsay and innuendo rather than substantiated by proven fact. As an accused council person, I was never made aware of, or given the opportunity to respond to the many allegations in this report prior to the generation of the draft report, as well as this report. Many of these allegations are not only unsubstantiated accusations, but are also false. However, the report conveys them as fact.

I sincerely want to convey to anyone (citizens, staff, Council Members) who may have perceived that my inquiries or actions were anything other than honorable and ethical efforts to ensure that I am fulfilling my responsibilities as a Town Council Member. If I have offended anyone, please know that it was never my intent to do so. I feel honored to have been elected by the citizens of the Town of Camp Verde and feel a strong sense of responsibility to represent them to the best of my abilities, which sometimes requires that I ask questions and research details prior to voting on Town Council Agenda Items.

Finally, I have been accused many times throughout this report of being **"upset"** about various Council agenda items. It appears that some individuals are confusing my responsibility to make informed decisions by acquiring all necessary information with being **"upset"**.

It is my belief that Council Persons are elected by the public to represent them. This includes being receptive and responsive to their concerns and needs. Because of this trust placed in me as a Council Person I have always had the best interest of the citizens and the Town in everything I do, and as clarification for my fellow Council Members and Citizens the following is my response to various sections of the draft report and this report submitted by Amy L. Lieberman, Esq. to the Town Council.

IV. FINDINGS (Beginning on Page 4, Executive Summary of Draft Report)

SECTION A: BUDGETARY IMPACTS AND THE ALLOCATION OF RESOURCES IN ORDER TO RESPOND TO PUBLIC RECORDS REQUESTS

The report does state that there is no significant budgetary impact, nor are there additional resources that should be allocated in order to respond to such requests. As a council person I have made minimal requests. I cannot speak for other council members or citizens.

SECTION B: IMPACT ON EMPLOYEES WHEN COUNCIL MEMBERS TAKE ACTIONS THAT DIRECTLY IMPACT TOWN EMPLOYEES

I provided the investigator with factual information proving that I never accused the Town Marshal of violating the Town Code and wanting her criminally cited and disciplined. The facts show that this is

an unwarranted accusation. **The perception that the Vice Mayor and I have a "vendetta" against the Marshal and want her "ousted" is completely untrue. Perception is not necessarily a reality.** I did not criticize Jenna Owens. I have not made complaints against any staff. If I had a complaint, I would address it with the Manager. I did not request personnel files or any POST applications. When an employee from the Marshal's Office shared in public background information on several deputies and insinuated that Counselor Baker and myself were somehow involved, I decided to check. That request was rescinded when the manager told me that a complaint had been filed against that employee for improperly giving detailed personnel information on those deputies.

The Town Manager has made disparaging remarks about me to Town Staff. I did ask the Town Manager about this, and he admitted that he had. Hopefully it is untrue that the Town Manager prepared three Staff members as to what to say during their interview with Ms. Lieberman as I have recently been told. This kind of unprofessional behavior is what causes dissention not only among Staff, but also between the Staff and Council.

C. THE TOWN CODE REQUIREMENT TO ALLOW THE TOWN MANAGER TO MANAGE THE ADMINISTRATIVE AFFAIRS OF THE TOWN

Regarding Job Order Contracting,, Library Bids, and the Residency Requirement: These were all Council Decisions based on agendized items. **None** of these decisions were made by one or two Council members.

Job Order Contracting: Seeking information on this agendized item, I went to the Town Manager for an explanation of what "Job Order Contracting" is. The Manger directed me to the Public Work's Department. Troy Odell did an excellent job of explaining how Job Order Contracting works. I received clarification and information and presented it to the Council at the regularly convened meeting. **I did not ask** why local contractors could not have preference and **I never said** that I didn't agree with the process. **To state "that I showed information to all the contractors" is a serious and an untrue allegation because Mr. Odell did not give me any information.** Furthermore, I have never contacted any of the bidders relating to this matter. In fact I only know one contractor in town and he is a long time personal friend outside my position as a Council Person. If local contractors were present at the Council meeting, that is their prerogative. This item was a properly agendized topic and after discussion the Council voted unanimously to include all contractors who submitted RFP"s. There was no interference with the process; in fact the process stayed the same. This was a Council decision.

Although I agree that the Manager is responsible for the day-to-day administrative responsibilities, the council is responsible for setting policy and providing direction to the Manager. **The decisions relating to the library and the job order contracting were made by the Council at duly convened meetings and were properly agendized.**

Library: The bids for the library had been opened and publicized. Bids become public upon opening when it involves public funds. The contractors are allowed to be at the bid opening. **The statement**

on page 9 of the report says "Councilmember German recalls asking the Clerk to see copies of all the bids for the Library project. She gave them to her. They were all too high." is untrue. I inquired about the library bids at the Public Works Department and only received the list of the seven bidders and their bid amounts. This was the same list that was provided to the seven bidders. At no time did I review or ask to review the bid packets, and the bid packets were not released to me. **Additionally, I did not share any information nor did I have any information to share with any bidders. This is a very serious accusation, therefore I request this accusation be agendized and aired in public.**

At no time did I give direction to staff. This was only an inquiry as allowed by Town Code and Council policy. ***Section 3-2-E of the Town Code states: "The Council and its members shall deal with the administrative services of the Town only through the Town Manager, except for the purpose of inquiry and neither the Council nor any member thereof shall give orders or instructions to any subordinates of the Town Manager."*** **Also page 34 of Council Policies and Procedures Section 15.5B states**: ***"Questions of Town Staff and/or requests for additional background information should be directed through the Town Manager, Town Clerk or Department Heads or the Department Heads designee."***

My inquiry did not delay or alter the bid process. When the bids were returned, the item was agendized and the Council determined that all bids were too high. It was decided unanimously by the Council to re-bid using new bid criteria. The library project has continued to move forward. The Manager and the Council have been working to arrange financing while the bid process proceeds. The Council's actions to ensure a fiscally responsible decision did not unduly delay the library project, and is part of their responsibility to provide direction to the Manager.

Residency Requirement: This was an agendized item and it only concerned the waiver. The waiver was denied twice and it was **other Council Members who were "upset"** with the majority vote of the Council. Again, there is not, nor has there ever been a "vendetta" against the Marshal. The "vendetta" seems to be from the Marshal and her assistant toward two Council members. Sadly, the Town Manager and Department Head could have addressed these issues more objectively to avoid such turmoil. There are currently allegations that Ms. Martin has made statements to other employees that she is "going to take out Jackie Baker and Carol German". **These allegations are currently under investigation by an outside agency.**

Complaints About Staff: (Page 16) Russ Martin's "concern that Councilmember Carol has tried to investigate complaints against Town staff" is not true. I have not tried to investigate complaints against Town staff. I retain respect for Town Staff and have only made inquiries for information about properly agendized items and about citizen concerns.

V. CONCLUSIONS (Beginning on page 29 of Executive Summary)

B-BULLET POINT 4 AND 5 (PAGE 31) I object to both of these statements. I did not influence Town staff in the awarding of contracts, the selection of contractors, take up hours of staff time,

disseminate information among contractors, or delay the process concerning the Library. These statements are <u>not</u> only unsubstantiated but also untrue. **All of these things are Council decisions as explained earlier.**

G. ALLEGATION THAT COUNCILOR GERMAN FALSELY ACCUSED THE TOWN MARSHAL (EMPLOYEE) OF VIOLATING TOWN CODE AND WANTING HER CRIMINALLY CITED AND DISCIPLINED IN A TOWN COUNCIL MEETING, WHICH IS ALLEGED TO VIOLATE TOWN COUNCIL POLICIES, RULES AND PROCEDURES 15.5(D)

This allegation **should not be sustained even partially. There is not a clear implication** as stated in the report. The meeting on October 2, 2013 was to discuss a waiver for the Marshal to live at a home that she had purchased in another county. It had nothing to do with the fact that she was supposedly renting a place just outside the town limits while looking for a home to purchase in Camp Verde. At this meeting, Council was not informed that the Marshal had already moved out of the County and had done so at the end of August, 2013. It was at the October 16th meeting that the Manager confirmed that Marshal Gardner had moved, and it was the Town Attorney that said to seek a waiver after the move was a violation of the Town Code. The Manager took responsibility for allowing the Marshal to move before bringing it to Council. I never said that the Marshal had violated Town Code and wanted her criminally cited and disciplined. This inaccurate statement is inflammatory and unsubstantiated rather than on the approved Council Minutes. **The Council Body reviewed the minutes and approved them as a factual representation of the meeting.**

The accusation by Marshal Gardner on page 21 where she says that I said ***"We should get with the Town Attorney in Executive Session, because she is violating the laws and ordinances she is supposed to be enforcing. This is punishable by jail time and a fine of $2500.00"*** is totally untrue and unsubstantiated. It was at the December 3rd, 2013 meeting regarding the revision of the Residency Town Code that Council Member Robin Whatley asked what penalties were associated with Town Codes. The Town Manager asked the Town Clerk to read what the penalties could be. This was where the "jail time and a fine of $2500" was explained by the Clerk. This is substantiated in the Video/Audio of the December 3rd, 2014 meeting. Additionally, the remainder of this statement is false as is supported by Council Minutes and recordings.

The allegations and the criticisms stated in this report are not supported by the evidence as verified in the recordings and minutes of all Council approved actions.

Although I have responded to some of the <u>perceived and unsubstantiated</u> concerns in this report, the fact that I have not responded to other criticisms does not indicate that I agree or accept them.

Israel Gordon attach 4 more

This exercise has been difficult and embarrassing but necessary. The Town has already spent more of the tax payers money dealing with the ramifications of these issues than what this report has cost. If the policies we adopt, as a result of these issues, put an end to council overstepping their responsibilities it will be money well spent to prevent future occurrences. This cannot be achieved when the governing body does not respect the "Manager- Council" legal separations.

Vice mayor Bakers phone call to a citizen to 'verify' a statement of another citizen was inappropriate. However, Vice Mayor Baker knows half the town and may not have thought much about the calls ramifications. Who of us on council, or you in the public, have not done or said something that in hindsight, thought "maybe that wasn't such a good idea"? If however she reviewed a tape, that may have to be used as evidence in a law suit, with a member of the public, it would be a breach of confidentiality with whoever gave her the tape and a breach of duty to the town.
To my knowledge Vice Mayor Baker has not stepped over the council-manager relationship at any other time nor have I heard any complaints from staff as to her behavior. She is generally well liked and respected. Although these may be good illustrations of what not to do.....

It is not why we are here.

I cannot count the number of times that I or one of us on council have stated that councilman German was trying to micro-manage a situation that was clearly the managers responsibility. Council sets policy and management executes that policy. We do not tell management how to execute it. Most of the time this is just aggravating and of no real consequence. At other times it has become a serious problem.

Ron Long brought before us a proposal to create a short list of contractors to do small jobs that do not exceed the dollar figure that trigger formal bids. This is allowed by state statues. The process was explained by Mr. Long and the Council approved his method and instructed him to proceed. Mr. Long formed a selection committee and used an unbiased matrix to rate the applicants. Four were selected and this was brought back to council for approval. Councilor German expressed dissatisfaction with the results of the process and suggested we include all 12 applicants. After some discussion the council agreed. This was the councils error and responsibility. If you ask any city manager what they think about the 'Job Order Contracting' (joc) process they will cringe. No one likes or thinks this is a great process. Someone always feels slighted. This process is intended to make small projects go quicker and with less paperwork. The council disregarded staffs recommendation which undercuts staffs time and energy. If council feels the need to change a process, it should consult with staff for their suggestions as to altering a process and all the ramifications thereof, rather than discarding it. Decisions made in haste are often not the correct decisions. Council must take responsibility for this

mistake. Had we known of the interaction of Councilor German and staff regarding this issue before the meeting, I may have stayed with staff recommendations.

Council directed staff to bid the library building. This process is strictly regulated by state statute. Council people have every right to ask about the process but cannot interfere with it. There are some very minor things that are allowed by law to favor local contractors in some bidding processes. However, they are insignificant and of little advantage if the bids are not close. Council is not qualified nor is allowed to alter the bid process once it has been selected and begun.

At the bid opening the contractors name is provided along with the base bid and any alternates. A winner is not announced nor are the bid packets considered public record. These bid packets are taken back to engineering where they are checked for accuracy and completeness, bonds are verified etc. Engineering prepares a summary sheet of the bids and the winning bid when confirmed. This may take a few days. If councilor German already had the information she wanted why was she in engineering asking for more information? Why did engineering feel the need to have the manager call Bill Simms? Because she was asking to see information that was not yet public information. The rules of procurement are ridged, Council cannot change the outcome nor do they need to see the details until after the contract has been awarded by council. Who wins the bid is selected by the process, it is selected by the rules. Staff cannot alter the outcome of the selection anymore than the council can. Once the council has awarded the contract the details of the bids become public record and may be reviewed by council and the public. State statutes govern. The contractors, the public and the State must be assured that the process is fair and unbiased.

Council has no responsibility for staff relations. Human resources is the area solely for the manager. If a citizen requests information on an employee, it is to be directed to the manager, period, no exceptions no 'verifying' or 'just checking'. The request by councilor German, for information on three employees that included personnel files background check, etc. was not directed to the manager but was requested directly from the Clerk. The Clerk notified the manager and he contacted councilor German. He talked to her and she withdrew her request. This was an egregious violation of the council-manager relationship. Even though the information was not obtained (although obtained later by someone else in the public) the damage to employee moral was done. The employees felt **targeted** by a council member and Staff wondered who will be targeted next. This request for information is what ignited the complaint that was signed by 11 employees.

As you will hear (or have heard) there is no recognition of operating outside the council-manager relation by councilor German. Even when two attorneys and a manager from a nearby town concur with the majority of council that she has. If we cannot modify behavior we can mitigate its impact.

Proposal for correction:

I would like the council to direct staff to modify the **council policies,rules and procedures** to be more explicit on what behaviors are allowed and not allowed by council, incorporating suggestions from the attorneys. This will include a more specific process for dealing with violations.

Require all council members to attend a course in the council-manager form of government. This has been recommended by our attorney Bill Sims and he has offered to do this for free. (The council should invite the manager to include department heads to attend). This is just a suggestion as the manager makes decisions on personnel matters.

As for a Human resources director, I think the manager is doing a great job. I don't see why anyone would not feel comfortable approaching him with any question and not feel they are being treated fairly. That being said, public perception might be an issue. If the town thinks it warranted and is willing to pay for a part-time HR director, I have no objection.

When it comes to contracts, it should be councils policy to prohibit council access to any information about any contract between the time the contract goes out to bid until after it has been accepted by council. This will let engineering do its job and assure the public and State that there is no favoritism in the process. Any and all questions by council, before and after that time period is encouraged.

Although enforcement action is warranted, this it the first official time that the problem has been addressed. With the update of the **council policies, rules and procedures** it would be more appropriate at a later date when future violations occur.

arbor day tree planting
x-mas parade

attach to minutes of 12-17-2014

December 17, 2014 Mayor German's statement.

Council, tonight we have the responsibility as elected officials to determine whether the Administrative Report should bring with it any disciplinary action/s against any of council including myself as Mayor. We have all received e-mails and documents over the past weeks and months, which in my view contain multiple issues. It has become increasingly clear to me that what has exacerbated this whole ordeal was when Council members were apparently no longer receiving information which should have been copied to them. That has been restored.

Tonight, I want to extend an olive branch to each of my colleagues on Council asking each of you to join with me in getting back to doing the business of the Town. We have had our manager inundated with requests for information, answering questions and literally sidetracked from effectively managing the newer and very important issues confronting our Town. I would like to move this issue forward with the recommendation that no discipline action be taken against any member of council. I cannot speak to the intent of any actions taken by members of council. I do believe there is a lack of clear concise understanding of the Manager/Council form of government and council

member's role within that form of governance. There is also an absence of a requirement of ongoing training within our policies and procedures. Do I believe our issues to be serious? Absolutely, but they should not paralyze us from doing what is necessary by getting us back on track of making policy and giving direction to our manager. We have many exciting projects and proposals coming before council which could have many positive economic impacts upon our community and opportunities for jobs to occur. We are in process of working with our U.S. Congressional representatives relating to control of flooding issues impacting our residents. There are sensitive negotiations in process and our continued public embroilment which has eaten away so much time, energy and resources only places those negotiations in jeopardy by our display of a lack of political stability.

The good news: I know we can fix this beginning with the acceptance of the Executive Report for what it has rendered in the way of recommendations. It is obvious we need training, none is called for in our policies and procedures; we need to bring clarity to our policies and procedures, code of conduct/ethics with the assistance of our attorney, the League of Cities and Towns and other professional organizations involved with city and town managers in the

Manager/Council form of Government. Additionally, we need ongoing training about the Mayor/Council / Manager form of Government and each council member's role in that. Currently that is not provided for in our policies and procedures and especially after an election occurs and there are new council members being seated. This training is essential to continuing the effectiveness of all future councils.

I would also like to move forward by council taking action in directing staff to prepare implementation of the recommendations beginning with the following: bringing to council for review and approval of policy manuals by the clerk's office and the Marshal's office. In addition, it would be my recommendation that Council also direct our Manager to set up a retreat as soon as practical with our Town Attorney who has offered training for our council at no cost, related to the Manager/ Council form of government.

Lastly, I would like to request the members of the public to take a step back and allow council and the manager to address these issues and consider the concerns which have been received from within your various communications with Council.

DRAFT MINUTES
SPECIAL SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, DECEMBER 10, 2014
5:30 P.M.

1. **Call to Order**
Mayor German called the meeting to order at 5:30pm.

2. **Roll Call**
Mayor Charlie German, Vice Mayor Jackie Baker, Councilors Robin Whatley, Bruce George, Brad Gordon, Jessie Jones, and Carol German were present.

Also Present
Town Manager Russ Martin, Marshal Gardner, Planning & Zoning Commission Chairman BJ Davis, Deputy Clerk Virginia Jones, Administrative Assistant Barbie Bridge, and Recording Secretary Saepyol Choe.

3. **Discussion concerning document not yet subject to disclosure.** On August 18, 2014, the Town Council authorized an independent investigation by outside counsel involving matters directed by the Town Council and certain matters that were the subject of an employee complaint. On November 19, 2014, the Council reviewed a draft of the investigation report. Outside counsel has revised the report and has made a copy available for Council review on a confidential basis. The Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(2) for discussion and consideration of documents exempt from public disclosure. The Executive Session will not include any discussion or consideration of personnel matters as described in ARS §38-431.03(A)(1).

On a motion by George, seconded by Jones, Council voted unanimously to go into Executive Session pursuant to ARS §38-431.03(A)(2) for discussion and consideration of documents exempt from public disclosure.

Mayor German called the Executive Session to order at 5:32pm. The Executive Session adjourned at 6:37 p.m. The Special Session resumed at 6:49 p.m.

4. **Action - Council may:**
   a) **Consider whether to make the investigative report public and take possible action related thereto;**
   b) **Discuss possible future agenda items regarding the investigative report, including possible sanctions.**

On a motion by George, seconded by Vice Mayor Baker, Council voted unanimously to release the investigative report to the public.

On a motion by Gordon, seconded by George, Council voted unanimously to direct Staff to prepare an Agenda Item for the December 17, 2014 Regular Session, regarding the investigative report, including possible sanctions.

Mayor German stated that he wants to fix the issues, focus on the attorney's recommendations, and later share Council and Staff's recommendations as well. The administrative policies and procedures of each department need to be clear enough to ensure this never happens again. It is important for both the public and business investors' peace of mind, that Camp Verde show political stability. He hopes this study will show Council and Staff how to take proactive measures.

Vice Mayor Baker noted that very little of her comments were included in the report.

Councilor German stated that she drafted a four-page response to the report, and that she will release it for public record when the item is agendized. She supported the investigation, believing it would be conducted in a fair manner, but that she does not believe that turned out to be the case. She stated that many of the accusations were not true, and that she would soon publically respond.

Council discussed whether to immediately release the investigative report to the public or to wait until the following week, and whether to agendize the investigative report, including possible sanctions. Some stated that Council already had time to review all the details, including written rebuttals, and that additional preparation time should not be necessary.

Mayor German explained that there would be no Call to the Public, and stated that the Council has agreed to immediately release the Lieberman report, staff distributed copies to those in attendance. The Mayor assured citizens that when and if there is a discussion of possible sanctions, that conversation would be done in a public forum.

5. **Adjournment**
On a motion by George, seconded by Jones, Council voted unanimously to adjourn the meeting at 7:02 p.m.

_____
Charles German, Mayor

_____
Saepyol Choe, 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 Special Session of the Town Council of Camp Verde, Arizona, held on December 10, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2014.

_____
Debbie Barber, Town Clerk

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: January 7, 2014

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

☐ *Presentation Only* ☐ *Action/Presentation* ☐ *Pre-Session Agenda*

Requesting Department: Council-Manager

Staff Resource/Contact Person: Russ Martin

Agenda Title (be exact: **Discussion, consideration, and possible adoption of the 2015 Policy Statement that authorized the Mayor, as the Town's Chief Elected Official to support or oppose Legislative Bills relative to the protection of groundwater, State Shared Revenue sources, and land use authority if the Bill(s) adversely affect the Town's interest and needs an immediate response.**

List Attached Documents:

Estimated Presentation Time: N/A

Estimated Discussion Time: N/A

Reviews Completed by:

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

☐ ***Finance Department*** N/A
Fiscal Impact: None
Budget Code: N/A ***Amount Remaining:*** _____
Comments:

Background Information: Section 2-2-4F of the Town Code states that at the first meeting in January of each year, Council shall adopt a Policy Statement that authorized the Mayor to support or oppose bills introduced during Legislative Sessions when they adversely affect the Town's interest and require an immediate response.

The following are examples of issues that the Town has included in the past: 1) supporting legislation that protects the Grown Water Aquifer Verde River Basin; 2) opposing legislation that compromises the integrity of the Ground Water Aquifer Verde River Basin; 3) supporting legislation that maintains the State Shared Revenues; 4) opposing legislation that erodes State Shared Revenues; 5) supporting legislation that maintains land use authority for municipalities in Arizona; and/or 6) opposing legislation that erodes the land use authority for municipalities in Arizona.

Recommended Action (Motion): Move to authorize the Chief Elected Official, the Mayor to: **1) supporting legislation that protects the Ground Water Aquifer Verde River Basin; 2) opposing legislation that compromises the integrity of the Ground Water Aquifer Verde River Basin; 3) supporting legislation that maintains the State Shared Revenues; 4) opposing legislation that erodes State Shared Revenues; 5) supporting legislation that maintains land use authority for municipalities in Arizona; and/or 6) opposing legislation that erodes the land use authority for municipalities in Arizona. Council may bring back other issues of concerns in the future.**

Instructions to the Clerk: **N/A**

RESOLUTION 2015-934

Superseding Resolution 2014-905

A resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona setting the 2015 Meeting Dates and Times for regular meetings of the Council and all Commission/Committees.

WHEREAS, it is in the best interest of the Town to inform citizens of all regular Council, Commission and Committee meetings, dates and times,

NOW THEREFORE, the Mayor and Common Council of the Town of Camp Verde do hereby resolve to establish the following meeting dates and times for the Mayor and Common Council, Town Commissions, and Committees as follows:

Mayor and Council, Board, and Commission Meeting Schedule

Note: Meetings are held in Council Chambers located at 473 S. Main Street, Ste. 106, Camp Verde, Arizona unless otherwise noted on the notice that is posted no later than 24 hours prior to each meeting. Special meetings or work sessions may be scheduled by consent of the Town Manager and will be posted no later than 24 hours prior to such meeting.

Mayor and Common Council of the Town of Camp Verde 2015 Meeting Schedule		
Regular Session	January 7, 2015	6:30 p.m.
Regular Session	January 21, 2015	6:30 p.m.
Council Hears P&Z Matters	January 28, 2015	6:30 p.m.
Regular Session	February 4, 2015	6:30 p.m.
Regular Session	February 18, 2015	6:30 p.m.
Council Hears P&Z Matters	February 25 2015	6:30 p.m.
Regular Session	March 4, 2015	6:30 p.m.
Regular Session	March 18, 2015	6:30 p.m.
Council Hears P&Z Matters	March 25, 2015	6:30 p.m.
Regular Session	April 1, 2015	6:30 p.m.
Regular Session	April 15, 2015	6:30 p.m.
Council Hears P&Z Matters	April 22, 2015	6:30 p.m.
Regular Session	May 6, 2015	6:30 p.m.
Regular Session	May 20, 2015	6:30 p.m.
Council Hears P&Z Matters	May 27, 2015	6:30 p.m.
Regular Session	June 3, 2015	6:30 p.m.
Regular Session	June 17, 2015	6:30 p.m.
Council Hears P&Z Matters	June 24, 2015	6:30 p.m.
Regular Session	July 1, 2015	6:30 p.m.
Regular Session	July 15, 2015	6:30 p.m.
Council Hears P&Z Matters	July 22, 2015	6:30 p.m.
Regular Session	August 5, 2015	6:30 p.m.
Regular Session-CANCELLED	August 19, 2015-Cancelled	6:30 p.m.
Council Hears P&Z Matters	August 26, 2015	6:30 p.m.
Regular Session	September 2, 2015	6:30 p.m.
Regular Session	September 16, 2015	6:30 p.m.
Council Hears P&Z Matters	September 23, 2015	6:30 p.m.
Regular Session	October 7, 2015	6:30 p.m.
Regular Session	October 21, 2015	6:30 p.m.
Council Hears P&Z Matters	October 28, 2015	6:30 p.m.
Regular Session	November 4, 2015	6:30 p.m.
Regular Session & PZ Matters Combined	November 18, 2015	6:30 p.m.
Council Hears P&Z Matters - CANCELLED	November 25, 2015 - Cancelled	6:30 p.m.
Regular Session	December 2, 2015	6:30 p.m.
Regular Session P&Z Combined	December 16, 2015	6:30 p.m.
Council Hears P&Z Matters-Cancelled	December 23, 2015-Cancelled	6:30 p.m.

Regular Meetings of the Planning & Zoning Commission

Notice is hereby given to the members of the Planning & Zoning Commission and to the general public that the Planning & Zoning Commission of the Town of Camp Verde will hold **Regular Meetings on the first Thursday of every other month beginning in January 2015 unless there is a paid application, which in this case, the meeting will be held on the second Thursday of the month as a Special Session. Additionally, Special Session meetings may be held on the second Thursday of each month at 6:30 p.m. as needed.**

Planning & Zoning Commission of the Town of Camp Verde 2015 Meeting Schedule		
Regular Session	**January 1, 2015**	**6:30 p.m.**
Special Session (as needed)	January 8, 2015	6:30 p.m.
Special Session (as needed)	February 5, 2015	6:30 p.m.
Special Session (as needed)	February 12,2015	6:30 p.m.
Regular Session	**March 5, 2015**	**6:30 p.m.**
Special Session (as needed)	March 12, 2015	6:30 p.m.
First Quarterly Report for Period January 2015 through March 2015 will be heard at the April 15, 2015 Council Meeting.		
Special Session (as needed)	April 2, 2015	6:30 p.m.
Special Session (as needed)	April 9, 2015	6:30 p.m.
Regular Session	**May 7, 2015**	**6:30 p.m.**
Special Session (as needed)	May 14, 2015	6:30 p.m.
Special Session (as needed)	June 4, 2015	6:30 p.m.
Special Session (as needed)	June 11, 2015	6:30 p.m.
Second Quarterly Report for Period April 2015 through June 2015 will be heard at the July 15, 2015 Council Meeting.		
Regular Session-Cancelled	**July 2, 2015**	**6:30 p.m.**
Special Session (as needed)	July 9, 2015	6:30 p.m.
Special Session (as needed)	August 6, 2015	6:30 p.m.
Special Session (as needed)	August 13, 2015	6:30 p.m.
Regular Session	**September 3, 2015**	**6:30 p.m.**
Special Session (as needed)	September 10, 2015	6:30 p.m.
Third Quarterly Report for Period July 2015 through September 2015 will be heard at the October 21, 2015 Council Meeting.		
Special Session (as needed)	October 1, 2015	6:30 p.m.
Special Session (as needed)	October 8, 2015	6:30 p.m.
Regular Session	**November 5, 2015**	**6:30 p.m.**
Special Session (as needed	November 12, 2015	6:30 p.m.
Special Session (as needed)	December 3, 2015	6:30 p.m.
Special Session (as needed)	December 10, 2015	6:30 p.m.
Fourth Quarterly Report for Period October 2015 through December 2015 will be heard at the January 20, 2016 Council Meeting.		

Regular Meetings of the Board of Adjustments

Notice is hereby given to the members of the Board of Adjustments and to the general public that the Board of Adjustments of the Town of Camp Verde will hold **Regular Meetings on the second Tuesday of every month at 3:00 p.m. as needed.**

Board of Adjustments of the Town of Camp Verde 2015 Meeting Schedule		
1. Regular Session (as needed)	January 13, 2015	3:00 p.m.
2. Regular Session (as needed)	February 10, 2015	3:00 p.m.
3. Regular Session (as needed)	March 10, 2015	3:00 p.m.
First Quarterly Report for Period January 2015 through March 2015 Will be heard at the April 15, 2015 Council Meeting.		
4. Regular Session (as needed)	April 14, 2015	3:00 p.m.
5. Regular Session (as needed)	May 12, 2015	3:00 p.m.
6. Regular Session (as needed)	June 9, 2015	3:00 p.m.
Second Quarterly Report for Period April 2015 through June 2015 will be heard at the July 15, 2015 Council Meeting.		
7. Regular Session (as needed)	July 14, 2015	3:00 p.m.
8. Regular Session (as needed)	August 11, 2015	3:00 p.m.
9. Regular Session (as needed)	September 8, 2015	3:00 p.m.
Third Quarterly Report for Period July 2015 through September 2015 will be heard at the October 21, 2015 Council Meeting.		
10. Regular Session (as needed)	October 13, 2015	3:00 p.m.
11. Regular Session (as needed)	November 10, 2015-Cancelled	3:00 p.m.
12. Regular Session (as needed)	December 8, 2015	3:00 p.m.
Fourth Quarterly Report for Period October 2015 through December 2015 will be heard at the January 20, 2015 Council Meeting.		

Passed and approved by a majority vote of the Common Council at the Regular Session meeting of January 7, 2015.

_____
Charles German, Mayor

Attest:

_____
Deborah Barber, Town Clerk

Approved as to form:

_____
William Sims

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: January 7, 2014

☐ *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 two members to the Board of Adjustment and Appeals and three members to the Planning & Zoning Commission. The terms are for three years effective January 2015 and will expire December 31, 2017.

List Attached Documents: Letter of Interests from Dave Freeman, Chip Norton and Greg Blue for Planning & Zoning Commission, and Letter from Doug Stevens for Board of Adjustments & Appeals.

Estimated Presentation Time: N/A

Estimated Discussion Time: 5 Minutes

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: Staff has advertised the positions since November 24, 2014 on the Town web site and the Town Hall bulletin board. Staff has received three Letters of Interest from Dave Freeman, Chip Norton and Greg Blue for Planning & Zoning Commission, and a Letter from Doug Stevens for Board of Adjustments & Appeals

Recommended Action (Motion): Move to appoint Dave Freeman, Chip Norton and Greg Blue to the Planning & Zoning Commission, and Doug Stevens for Board of Adjustments & Appeals, all terms will expire in December 31, 2017.

Instructions to the Clerk: N/A – Oath of Office if necessary.

Camp Verde, Arizona

LETTER OF INTEREST

Name: DAVE FREEMAN	Date: 12/4/14
Home Address: 1155 S RIO VERDE LN	
Mailing Address, if different:	
Email Address: dadsrodshop@gmail.com	
Home Telephone:	Work Telephone:
Are you a resident of the Town of Camp Verde? ☒ Yes ☐ No	Do you own commercial property in the Town of Camp Verde ☐ Yes ☒ No
Length of residency in the Town of Camp Verde: 10 YEARS	Do you operate a business in Camp Verde? ☐ Yes ☒ No
Name and address of business (if applicable):	
If you are not in business in The Town of Camp Verde, please list your occupation; or if retired, please indicate your former occupation or profession: Retired – work on my hotrods & race cars	
Are you now serving, or have you ever served, on a Town of Camp Verde board or commission? ☒ Yes ☐ No If yes, please list names of board/commission and dates served:	
Board & Commission preference (s): Refer to the last page for a list of Boards & Commissions. List your choices in order of preference:	
1. P&Z	3.
2.	4.

Education and Community Service

Schools Attended:	Degree:	Year:	
UCLA	BA	1968	
Central Mich Univ	MA	1970	
Civic Activities-Service Organizations	Office Held:	Year Begun:	Year Ended:
Chamber of Comerce	Director	2010	2012
P&Z	Chairman	2008	2009

National University MS. 1982

continuously involved in economic Development in many capacities

Please state why you would like to be appointed to a Town Board, Commission, or Committee: I feel I have much to offer to make CV a great town.

Have you ever been charged and convicted of a crime? ☐ Yes ☒ No
If yes please explain.

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

(a) Advice & Concept - Provide information & recommendations for action.

(b) Protect all interests, provide information and be their advocate.

(c) Provide support, share information and work in concert for the betterment of the town.

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

_____

_____

_____

_____

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

Please notify the Clerk's Office at (928) 567-6631, extension 105 if you move or no longer wish to be considered for appointment.

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

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

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

Applicant's Signature:_____ Date:_____

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

Camp Verde, Arizona

LETTER OF INTEREST

Name: CHIP NORTON	Date: 11-19-2014
Home Address: 1825 MONROE LANE	
Mailing Address, if different: PO BOX 1671	
Email Address: NORTONCHIP@gmail.com	
Home Telephone: 928-300-9018	Work Telephone: NA
Are you a resident of the Town of Camp Verde? ☒ Yes ☐ No	Do you own commercial property in the Town of Camp Verde ☐ Yes ☒ No
Length of residency in the Town of Camp Verde: 14 YEARS	Do you operate a business in Camp Verde? ☒ Yes ☐ No
Name and address of business (if applicable): SALT MINE VINEYARDS, 586 SALT MINE ROAD	
If you are not in business in The Town of Camp Verde, please list your occupation; or if retired, please indicate your former occupation or profession:	
Are you now serving, or have you ever served, on a Town of Camp Verde board or commission? ☒ Yes ☐ No If yes, please list names of board/commission and dates served: DESIGN REVIEW BOARD 2009 – 2011 P&Z 2011 – PRESENT	
Board & Commission preference (s): Refer to the last page for a list of Boards & Commissions. List your choices in order of preference:	
1. PLANNING & ZONING	3.
2.	4.

Education and Community Service

Schools Attended:	Degree:	Year:	
CAMELBACK HIGH SCHOOL	GRADUATE	1967	
ARIZONA STATE UNIVERSITY	—	1968-1970	
Civic Activities-Service Organizations	**Office Held:**	**Year Begun:**	**Year Ended:**
YAVAPAI COUNTY P&Z COMMISSION	COMMISSIONER	2010	PRESENT
FRIENDS OF VERDE RIVER GREENWAY	PRESIDENT	2008	PRESENT

Please state why you would like to be appointed to a Town Board, Commission, or Committee: TO CONTINUE TO SERVE THE COMMUNITY.

Have you ever been charged and convicted of a crime? ☐ Yes ☒ No
If yes please explain.

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

(a) TO PERFORM INFORMED DUE DILIGENCE ON ISSUES BEFORE COMMISSION.

(b) SAME AS (A) AND TO ENCOURAGE PUBLIC PARTICIPATION

(c) TO RESPECT FELLOW COMMISSIONERS & ENCOURAGE FULL COMMISSION PARTICIPATION.

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

I HAVE A HISTORY OF SUCCESSFULLY SERVING THE COMMUNITY ON CV PLANNING & ZONING (PAST CHAIRMAN) AND CV SANITARY DISTRICT (PAST CHAIRMAN).

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

Please notify the Clerk's Office at (928) 567-6631, extension 105 if you move or no longer wish to be considered for appointment.

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

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

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

Applicant's Signature: _____ Date: 11-19-2014

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

Camp Verde, Arizona

LETTER OF INTEREST

Name: GREGORY BLUE	Date: 04-20-2011
Home Address: 1717 MURDOCK CAMP VERDE, AZ 86322	
Mailing Address, if different: 95 E. CLIFF HOUSE DR. #A CAMP VERDE, AZ 86322	
Email Address: GREGORIBLUE@HOTMAIL.COM	
Home Telephone: 567-5683	Work Telephone: 300-4747
Are you a resident of the Town of Camp Verde? ☒ Yes ☐ No	Do you own commercial property in the Town of Camp Verde ☒ Yes ☐ No
Length of residency in the Town of Camp Verde: 10 YEARS	Do you operate a business in Camp Verde? ☒ Yes ☐ No
Name and address of business (if applicable): ZUMA S/W CUSTOM CONSTRUCTION 95 E. CLIFF HOUSE DR. #A CAMP VERDE, AZ 86322	
If you are not in business in The Town of Camp Verde, please list your occupation; or if retired, please indicate your former occupation or profession:	
Are you now serving, or have you ever served, on a Town of Camp Verde board or commission? ☒ Yes ☐ No If yes, please list names of board/commission and dates served: ZORC - 2010, HOUSING COMMISSION - 2008, ADOT BYPASS COMMISSION 2006	
Board & Commission preference (s): Refer to the last page for a list of Boards & Commissions. List your choices in order of preference:	
1. PLANNING + ZONING COMMISSION	3.
2.	4.

Education and Community Service

Schools Attended:	Degree:	Year:	
SANTA BARBARA HIGH SCHOOL	GENERAL	1969	
Civic Activities-Service Organizations	**Office Held:**	**Year Begun:**	**Year Ended:**
① CITY OF COTTONWOOD	COUNCIL	1990	1997
② " "	P & Z COMMISSION	1988	1990

Please state why you would like to be appointed to a Town Board, Commission, or Committee: EVERY DECISION MADE SHOULD BE FOR THE BENEFIT OF THE FUTURE OF CAMP VERDE.

Have you ever been charged and convicted of a crime? ☐ Yes ☒ No

If yes please explain.

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

(a) PROVIDE CLEAR, CONCISE & ACCURATE INFORMATION FOR THE COUNCILS FINAL DECISION

(b) IMPARTIAL & FAIR REPRENTATION OF PLANNING & ZONING CODES

(c) A WORKING RELATIONSHIP W/OTHER BOARDS, COMMITTEE MEMBERS PROVIDING CLARITY OF ZONING & PLANNING CODES

OVER

(#3) CITY OF COTTONWOOD DEVELOPMENT & REVIEW 1986 1989

Please state the reasons why you feel you are qualified to serve on a Board, Commission or Committee: FROM YEARS OF SERVICE ON BOARDS, COMMISSIONS, AS WELL AS ACTUAL BUILDING AND DEVELOPMENT THROUGH THE VERDE VALLEY, I AM AN EXPERIENCED STAKEHOLDER IN THE FUTURE AND QUALITY OF LIFE IN CAMP VERDE.

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

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

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

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

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

Applicant's Signature: [signature] Date: 12.8.2014

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

Camp Verde, Arizona

LETTER OF INTEREST

Name: DOUG STEVENS	Date: 12-15-2014
Home Address: 1470 RIO VERDE LANE CAMP VERDE 86322	
Mailing Address, if different:	
Email Address: DOUGLAS.R.STEVENS@CEMEX.COM	
Home Telephone: 9285675270	Work Telephone: 9288210960
Are you a resident of the Town of Camp Verde? ☒ Yes ☐ No	Do you own commercial property in the Town of Camp Verde ☐ Yes ☒ No
Length of residency in the Town of Camp Verde: 10 YEARS	Do you operate a business in Camp Verde? ☒ Yes ☐ No
Name and address of business (if applicable): CEMEX 3600 OLD HWY 279 CAMP VERDE	
If you are not in business in The Town of Camp Verde, please list your occupation; or if retired, please indicate your former occupation or profession:	
Are you now serving, or have you ever served, on a Town of Camp Verde board or commission? ☒ Yes ☐ No If yes, please list names of board/commission and dates served:	
Board & Commission preference (s): Refer to the last page for a list of Boards & Commissions. List your choices in order of preference:	
1. BOARD OF ADJUSTMENTS	3.
2.	4.

Education and Community Service

Schools Attended:	Degree:	Year:	
NORTHERN ARIZONA UNIVERSITY	CONSTRUCTION MGT	1986	
Civic Activities-Service Organizations	**Office Held:**	**Year Begun:**	**Year Ended:**
CAMP VERDE BOA	MEMBER	2008	PRESENT
NORTHERN ARIZONA HOME BUILDERS	DIRECTOR	2012	PRESENT

Please state why you would like to be appointed to a Town Board, Commission, or Committee: TO SERVE AND GIVE BACK TO THE COMMUNITY

Have you ever been charged and convicted of a crime? ☐ Yes ☒ No
If yes please explain.

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

(a) TO HEAR AND DECIDE REQUESTS FOR VARIANCES FROM THE ZONING PROVISIONS OF THE TOWN CODES

(b) MAKE IMPARTIAL DECISIONS BASED ON THE FACTS ESTABLISHED DURING THE MEETING

(c) REMAIN RESPECTFUL OF OTHERS OPINIONS AND REMAIN FOCUSED ON THE ISSUES AT HAND

Please state the reasons why you feel you are qualified to serve on a Board, Commission or Committee: I Feel I Am QUALIFIED TO SERVE CAMP VERDE ON THE BOARD OF ADJUSTMENT BECAUSE I AM CURRENTLY A MEMBER OF THE BOARD. I UNDERSTAND THE FUNDEMENTAL RESPONSIBILITIES OF THE BOARD AND ITS MEMBERS.

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

Please notify the Clerk's Office at (928) 567-6631, extension 105 if you move or no longer wish to be considered for appointment.

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

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

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

Applicant's Signature: _____ Date: 12-15-14

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

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: January 7, 2015

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

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Public Works/Engineering Division & Public Library

Staff Resource/Contact Person: Ron Long & Kathy Hellman

Agenda Title (be exact): *Discussion, consideration and possible award of Agreement to the apparent low bidder; BWC Enterprises, Inc., dba Woodruff Construction, for an amount not to exceed $4,100,000, to construct the Camp Verde Community Library building.*

List Attached Documents: Agreement (10 Pages) Bid Posting (1 Page)

Bid Register (2 Pages) Registrar of Contractor License Information (1 Page)

Estimated Presentation Time: 5 Minutes.

Estimated Discussion Time: 15 Minutes

Reviews Completed by:

☒ ***Department Head:*** ***Ron Long & Kathy Hellman*** ☒ ***Town Attorney Comments:*** Signed Agreement

☒ ***Finance Department***

Fiscal Impact:

In October of 2014 the Town secured financing from US Bank for $4.9 million. This financing was to pay off the existing GADA loan for the Marshal's Office ($1.37 million) and provide funding for the construction of a new library ($3.43 million). The Town currently has approximately $219,000 in the Library Project Fund and $46,000 in the Impact Fees Fund for a total of approximately $3.7 million available and restricted for the construction and development of the new library. The Citizens Committee for the Camp Verde Library organization (CCCVL) has raised funds for these purposes as well in an amount of approximately $370,000+. There is a general understanding that these funds will be available for the new library project but no official agreements at this point as to how the money will be used to support this project.

A portion of the funds from the construction project will come back to the Town in the form of transaction privilege tax revenues.

Comments: *Woodruff Const.* Base Bid: $3,794,923

Solar System:	68,147
Demo Current Bldg.:	73,241
Landscape:	70,917
	$4,007,228

Background Information:

- Beginning November 3, 2014, Bid #14-108 for the construction of the Community Library was posted on the Public Purchase web site, in two plan rooms and advertised in three newspapers.
- November, 18, 2014, a mandatory pre-bid meeting was held; 31 contractors attended the meeting, of these, 19 were General Contractors holding the necessary B-01 license.
- Contractors were given until December 11, 2014 to review documents and submit RFI's (Request for Information/ Questions)
- On December 18, 2014, 13 bids were received, opened, and each bid total was announced. Bids were recorded and posted at the Clerk's office.
- Staff reviewed all bids for accuracy and completeness, licenses of the submitting bidders were confirmed. Financials of the apparent low bidder were reviewed/accepted by Mike Showers, Director of Finance.
- Listed in the order received, the attached Bid Comparison sheets, provide an analysis of each bid submitted: the base bid and three alternates (for solar, demolition of current building, and landscape)
- $92,772 (2.3% of contract amount) is included in the Agreement not-to-exceed total so that possible changes of field conditions, or necessary changes of efficiency may be facilitated cost effectively within the project management process.

The Agreement is for the construction of the building only, furnishing and AV equipment & data cabling bids will be obtained separately.

Recommended Action (Motion): Move to approve and authorize the Mayor to execute the Agreement with *BWC Enterprises, Inc., dba Woodruff Construction, for an amount not to exceed $4,100,000, to consrtruct the Camp Verde Community Library building.*

Instructions to the Clerk: Obtain signatures from Mayor

Town of Camp Verde - Public Works Department
Community Library
14-108

AGREEMENT

THIS AGREEMENT, made and entered into this 7th day of January, 2015, by and between the Town of Camp Verde, Yavapai County, State of Arizona (herein called the "**Town**") acting herein by the **Mayor, Charles German,** and Common Council, party of the first part, and BWC Enterprises Inc. dba Woodruff Construction. (hereinafter called the "**CONTRACTOR**") party of the second part.

WITNESSETH THAT:

The Town of Camp Verde desires to engage the CONTRACTOR to render construction services for the COMMUNITY LIBRARY in Camp Verde, Arizona - Bid NO: 14-108

1. **Work**
CONTRACTOR shall complete all work as specified in the bid documents and set forth in the 74 page Plan Set, Specifications and Special Provisions attached and incorporated in this Agreement. CONTRACTOR shall furnish the qualified personnel, materials, equipment and other items necessary to carry out the terms of this Agreement. CONTRACTOR shall be responsible for, and in full control of, the work of all such personnel.

2. **Access to Information**
It is agreed that all information, data reports, records as exist, available and necessary for carrying out of the work outlined in the 74-Page Plan Set, Specifications and Special Provisions have been furnished to the CONTRACTOR by the TOWN and its agencies. CONTRACTOR hereby acknowledges receipt of same. The TOWN and its agencies will cooperate with the CONTRACTOR in every way possible to facilitate the performance of the work described herein.

3. **Project Manager - Administration**
The TOWN has designated the Public Works Director, Ron Long P.E., as Project Administrator; Project Management will be facilitated by Ron Long and Troy Odell, Public Works Deputy Director. The Project Manager(s) shall be empowered to perform all administrative functions as required for management of the project.

4. **Agreement Times**
The work will be completed and ready for final payment within 365 calendar days of the date in the Notice to Proceed. The CONTRACTOR has submitted a project schedule to the TOWN Project Manager with their sealed bid.

5. **Compensation**
The maximum amount of compensation and reimbursement to be paid hereunder shall not exceed:
Four Million Seven Thousand, Two Hundred Twenty Eight Dollars ($4,007,228)
Originals of the Applications for Payment are to be submitted to:

The Town of Camp Verde
Attention: Public Works
395 S. Main Street
Camp Verde, AZ 86322

Project Manager shall verify completion of all work as outlined in Plan Set, Special Provisions and Exhibit "A ".Payment under this contract shall be made as outlined in Exhibit "A, Item 5".

6. Termination of agreement

a. If, for any reason, the CONTRACTOR shall fail to fulfill in a timely and proper manner his/her obligations under this agreement, or if the CONTRACTOR shall violate any of the covenants, agreements, or stipulations of this agreement, the TOWN shall thereupon have the right to terminate the agreement by giving written notice to the CONTRACTOR of such termination and specifying the effective date thereof. In such event, all finished or unfinished site or structural improvements as well as all materials or equipment acquired or stored by the CONTRACTOR under this agreement shall, at the option of the TOWN, become the TOWN's property and the CONTRACTOR shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the CONTRACTOR shall not be relieved of liability to the TOWN for damages sustained by the TOWN by virtue of any breach of the agreement by the CONTRACTOR, and the TOWN may withhold any payments to the CONTRACTOR for the purpose of set-off until such time as the exact amount of damages due the TOWN from the CONTRACTOR is determined.

b. The TOWN may terminate this agreement at any time by giving at least ten (10) days' notice in writing to the CONTRACTOR. If the agreement is terminated by the TOWN as provided herein, the CONTRACTOR will be paid as provided in the Addendum for the time expended and expenses incurred up to
the termination date. If this agreement is terminated due to the fault of the CONTRACTOR, Paragraph 7.a hereof relative to termination shall apply.

c. This agreement may be terminated as per A.R.S. §38-511, Conflict of Interest.

7. Miscellaneous Provisions

a. This Agreement shall be construed under and in accordance with the laws of the State of Arizona, and all obligations of the parties created hereunder are performable in Camp Verde, Yavapai County, Arizona.

b. This Agreement shall be binding upon and ensure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
In any case one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable said holding shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision and never been contained herein.

c. Action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to recover, in addition to costs, such sum as the court including the appellate court, may adjudge reasonable as attorney fees.

d. This Agreement represents the entire understanding of the TOWN and CONTRACTOR as to those matters contained in this Agreement, and no prior oral or written understanding shall be of any force or effect with respect This Agreement may be amended only by mutual agreement of the parties hereto in writing to be attached to and incorporated into this Agreement.

8. Project Familiarity and Identification of Conflicts

In order to induce the TOWN to enter into this Agreement, CONTRACTOR makes the following representation:

a. CONTRACTOR has familiarized himself/herself with the nature and extent of the agreement documents, work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance, or furnishing of the work.

b. CONTRACTOR has given the Project Manager a written notice of all conflicts, errors, or discrepancies discovered in the agreement documents and the written resolution thereof by the Project Manager is acceptable to the CONTRACTOR.

c. CONTRACTOR has examined and carefully studied the agreement documents and other related data identified in the bidding documents.

d. CONTRACTOR is familiar with and satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

9. Insurance

The CONTRACTOR shall procure and maintain, at CONTRACTOR's sole expense, until completion of the contract, coverage's as specified in Exhibit "A, Item 3".

Certificate(s) of Insurance naming the Town of Camp Verde and CONTRACTOR as co-insured verifying the minimum coverage's specified in Exhibit "A, Item 3" shall be delivered to the Town prior to issuance of the Notice to Proceed:

10. Indemnity

CONTRACTOR agrees, to the fullest extent permitted by law, to indemnify, defend, save and hold harmless the Town of Camp Verde, its departments, agencies, boards, commissions, and its officers, officials, agents, and employees (hereinafter referred to as "Indemnities") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of CONTRACTOR or any of its owners, officers, directors, agents, employees or sub-CONTRACTORs. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such CONTRACTOR to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising from the negligent or willful acts or omissions of the Indemnitee, be indemnified by CONTRACTOR from and against any and all claims. It is agreed that CONTRACTOR will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this Agreement, the CONTRACTOR agrees to waive all rights of subrogation against the Town of Camp Verde, its officers, officials, agents and employees for losses arising from the work performed by the CONTRACTOR for the TOWN.

11. Agreement Documents

The agreement documents which comprise the entire agreement between the TOWN and the CONTRACTOR concerning the work consist of the following:

a. This Agreement including: Terms and Conditions: Exhibit "A"
b. AIA Document AS201-2007 - General Conditions of the Contract for Construction
c. INCLUDING Supplements and Amendments to AIA AS201-2007 of the Contract for Construction
d. Design Documents : 76 page Plan Set and Library Specifications
e. Bid, Performance, Payment and other Bonds: The bidder to whom an award is made will be required to execute a Bid Bond in 10 percent of the amount of the bid and Performance and Payment Bond, each in 100 percent of the amount of the bid.
f. Certificate(s) of Insurance – General Liability, Umbrella, Worker's Comp., Builder's Risk
g. Notice of Award
f. Notice to Proceed
g. All bidding documents
   i) Request for Bids
   ii) Information for Bidders
   iii) Bidder Information and Qualification Sheet
   iv) Subcontractor List
   v) Bid Certification
   iv) Project Bid & CONTRACTOR's Schedule

IN WITNESSETH HEREOF, the parties have hereunto set their hands and seals.

Town of Camp Verde

Approved as to Form:

_____ _____

Town Attorney *Mayor, Charles German*

Attest:

_____

Town Clerk, Debbie Barber

CONTRACTOR:

_____

Name/Title

Exhibit "A"
TERMS AND CONDITIONS

1. Changes

The Town of Camp Verde may request changes in the scope of the services of the AGREEMENT to be performed hereunder. Such changes, including any increase or decrease in the amount of the CONTRACTOR'S compensation, which are mutually agreed upon by and between the Town of Camp Verde and the CONTRACTOR, shall be incorporated in written amendments to this agreement.

2. Personnel

a. The CONTRACTOR represents that he/she has, or will secure at his own expense, all personnel required in performing the services under this agreement.

b. All of the services required hereunder will be performed by the CONTRACTOR or under his/her supervision and all personnel engaged in the work shall be fully qualified, authorized and permitted for such work under state and local law to perform such services.

c. None of the work or services covered by this agreement shall be subcontracted without the prior written approval of the Town of Camp Verde. Any work or services subcontracted hereunder shall be specified by written agreement or agreement and shall be subject to each provision of this agreement.

3. Insurance

The Contractor is responsible for obtaining Certificates of Insurance and corresponding endorsement(s) establishing that the Contractor and all subcontractors have complied with insurance requirements as stated below. Copies of Certificate(s) of Insurance and corresponding endorsement(s) shall be forwarded to the Risk Manager via the Public Works Department. All Insurance Carrier(s) shall be lawfully authorized to do business in the State of Arizona and possess an "A-" or better A.M. Best rating.

The Contractor shall keep said policies in force for the duration of the Agreement and for any possible extension thereof. The policy shall not be suspended, voided, canceled or reduced in coverage for the duration of the Agreement and for any possible extension thereof without at least thirty (30) days' notice of cancellation of material change in coverage. Such notice shall be sent directly to Town of Camp Verde, Attn: Risk Manager, 473 S. Main Street, Ste. 102, Camp Verde, AZ 86322.

General Liability: Insurance provided hereunder shall protect the CONTRACTOR, subcontractor, subordinate contractor and the TOWN from claims for bodily injury, personal injury, and property damage which may arise out of the nature of the work or from operations under this Agreement.

The CONTRACTOR shall have general liability coverage on a *per project basis, per-occurrence, and in comprehensive form.*

At a minimum, the CONTRACTOR shall provide general liability and excess General Liability coverage in the following amounts:

$1,000,000 per occurrence/$2,000,000 Aggregate with a corresponding endorsement naming the Town of Camp Verde as additional insured.

Automobile: Shall be in the amount of $1,000,000 with a corresponding endorsement naming the Town of Camp Verde as additional insured

Umbrella: Shall be in the amount of $5,000,000 which will include commercial auto of $1,000,000 – with an endorsement naming the Town of Camp Verde as additional insured.

Workers' Compensation Insurance (Statutory): CONTRACTOR, subcontractor and any/all subordinate subcontractors, shall furnish to the Town with satisfactory proof that he or she has, for the period covered under the Agreement, full Workers' Compensation coverage for all persons whom the contractor may employ directly, or through subcontractors, in carrying out the work contemplated under the Agreement, and shall hold the Town free and harmless for all personal injuries of all persons whom the Contractor may employ directly or through subcontractors. Coverage Statutory, plus Coverage A: Each Accident, B: Each Employee and C: Disease, Each $1,000,000.

Builder's Risk Provided by Contractor

Unless otherwise provided, within the General Liability coverage the Contractor shall procure and maintain, Builder's Risk Insurance including a Right to Occupy Endorsement in the amount of 100% of the completed Contract Value (replacement cost basis) of the work being performed, as well as, subsequent modifications for the entire project at the site and coverage for a repeat for all phases of construction should the building be destroyed during construction; with an endorsement naming the Town of Camp Verde as additional insured. If material suppliers are not insureds under the builders risk policy, contingent business interruption coverage should be obtained which will cover any loss to a key supplier's facility.

On a **replacement cost basis, any voluntary deductibles shall not exceed $5,000.** such Builder's Risk Insurance shall be maintained, unless otherwise provided in the Contract Documents or otherwise agreed in writing by all persons and entities who are beneficiaries of such insurance, until final payment has been made or until no person or entity other than the Town has insurable interest in the property to be covered, whichever is earlier. The Builder's Risk Insurance shall include interests of the Town, the General Contractor, subcontractors and sub-tier contractors in the project.

Builder's Risk Coverage shall be on **a Special Covered Cause of Loss Form** and shall include theft, vandalism, malicious mischief, collapse, foundations, construction forms, false-work, debris removal including demolition, increased cost of construction, interruption coverage for soft costs (contractors and owners), not specifically involved in repairing the damaged property (e.g. traditional business expenses and expediting expense, advertising and promotional expenses, commissions or fees for the renegotiation of leases, architect's fees for recreating building design, expenses for additional insurance premiums for the necessary property and liability coverage to be in force for the additional time it will take to finish the project, interest on construction loans, taxes, and rental of construction equipment, storage, increases in labor wages, and building materials), flood and earthquake, all below (water and sewer mains/underground pipes, excavations) and above ground structures (site preparation, temporary structures, scaffolding).

Additionally, insured property shall include portions of the work located away from the site, but intended for use at the site (e.g. contractors' tools and equipment, or materials which will not ultimately become part of the structure) and shall also cover portions of the work in transit.

If the Town is damaged by failure of Contractor to maintain insurance as required in this section, then Contractor shall bear all reasonable costs properly attributable to that failure. The policy shall, specifically, permit partial or beneficial occupancy, at or prior to, substantial completion or final acceptance of the entire work. Partial occupancy or use of the work shall not commence until the insurance company or companies providing insurance have consented to such partial occupancy or use and the Town's Building Official has issued a Certificate of Occupancy (COO). Town and Contractor shall take reasonable steps to obtain consent of the insurance company or companies, and agree to take no action, other than upon mutual written consent, with respect to occupancy or use of the work that could lead to cancellation, lapse or reduction of insurance.

At any time during the Agreement, the Contractor fails to maintain Builder's Risk Insurance required by the Agreement and with all of the coverages in the amount described above, the Contractor shall so inform the Town as stated in writing prior to commencement of the work.

If the Town is damaged by the failure or neglect of the Contractor to purchase or maintain insurance as described above, without so notifying Town, then the Contractor shall bear all reasonable costs properly attributable thereto.

Waiver of Subrogation is to apply against all parties named as insureds, but only to the extent the loss is covered.

All deductibles will be assumed by the Contractor. Losses in excess of the deductible insured under the Builder's Risk shall be adjusted in conjunction with the Town.

Any insurance payments/proceeds shall be made payable to the Town subject to requirements of any applicable mortgage clause.

The Contractor shall pay subcontractors their just shares of insurance proceeds received by the Contractor, and by appropriate agreements, written where legally required for validity, shall require subcontractors to make payments to their sub-tier contractors in similar manner.

With the execution of this Agreement, prior to the Notice To Proceed being issued, Contractor shall furnish to the TOWN any original Certificates of Insurance and corresponding endorsement(s) evidencing the required coverage to be in force on the date of this Agreement establishing that the Contractor and all subcontractors have complied with insurance requirements previously stated.

Contractor shall furnish to the Town of Camp Verde any renewal Certificates of Insurance and corresponding endorsement(s) evidencing the required coverage (if coverage has an expiration or renewal dates occurring during the term of this Agreement).

The receipt of any Certificate of Insurance and endorsement does not constitute an agreement by the Town of Camp Verde that insurance requirements have been met.

Failure of CONTRACTOR to obtain Certificates or other insurance evidence from other Sub-CONTRACTORS shall not be deemed a waiver by the Town of Camp Verde.

The CONTRACTOR'S liability under this Agreement is not in any way limited by the insurance required by this Agreement. Failure to comply with insurance requirements may be regarded as a breach of the Agreement terms.

4. Assign ability

The CONTRACTOR shall not assign any interest on this contact, and shall not transfer any interest in the same (whether by assignment or notation), without the prior written consent of the Town of Camp Verde thereto: Provided, however, that claims for money by the CONTRACTOR from the Town of Camp Verde under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Town of Camp Verde.

5. Payment

Monthly progress payments for certified work and material delivered to the work site for the preceding month shall be paid on or before fourteen days after the estimate of the work is certified and approved. The submittal estimate shall be deemed certified and approved for payment after seven days from the date of submission unless the Town's Project Manager issues a written finding setting forth items not approved for payment.

Ten Percent (10%) of all progress payments shall be retained by the Town as insurance of proper performance of the Agreement or, at the option of CONTRACTOR, a substitute security may be provided by the CONTRACTOR in an authorized form approved by the Town. The CONTRACTOR is entitled to all interest from any such substitute security.

When the Agreement is fifty-percent (50%) completed, one-half of the amount retained or securities substituted, shall be paid to the CONTRACTOR upon the CONTRACTOR'S request provided the CONTRACTOR is making satisfactory progress on the Agreement and there is no specific cause or claim requiring a greater amount to be retained. After the Agreement is fifty-percent completed, no more than five percent (5%) of the amount of any subsequent progress payments made under the Agreement shall be retained providing the CONTRACTOR is making satisfactory progress on the project. If at any time the Town determines satisfactory progress is not being made ten percent (10%) retention shall be reinstated for all progress payments made under the Agreement sub-sequent to the determination.

Unless the Project Manager delivers specific written finding of deficiencies and expected cost to cure, any retention shall be paid, or substitute security shall be returned to the CONTRACTOR, within sixty day after final completion and acceptance of work under the Agreement. The Town may withhold an amount from the progress payment sufficient to pay the expensed the Town's Project Manager reasonably expect to incur in correcting the deficiency set forth in the written finding.

The CONTRACTOR, and all subcontractors, shall pay to his/her subordinate subcontractors or material suppliers, within seven days of receipt of each progress payment, unless otherwise agreed in writing by the parties, the respective amounts allowed the CONTRACTOR or subcontractor on account of the work performed or materials delivered to the extent of each such subcontractor's or material supplier's interest therein. No Agreement for construction may materially alter the rights of any contractor, subcontractor or material supplier to receive prompt and timely payment as provided under this section. These monthly progress payments to subcontractors or material suppliers shall be passed on payments received pursuant to this section. Any diversion by the CONTRACTOR or sub-contractor of payments received for work performed on an Agreement, or failure to reasonably account for the application or use of such payments, constitutes grounds for disciplinary action by the registrar of contractors. The subcontractor or material supplier shall notify the registrar of contractors and the TOWN in writing of any payment less than the amount or percentage approved for the class or item of work as set forth in this section.

The subcontractor may notify the Town's Project Manager in writing requesting that the subcontractor be notified by the Town in writing within five days from payment of each

progress payment made to the CONTRACTOR. The subcontractor's request remains in effect for the duration of the subcontractor's work on the project.

Nothing in this section prevents the CONTRACTOR at the time of application/certification to the Town form withholding application/certification to the Town for payment to the subcontractor or material supplier for unsatisfactory job progress, defective work or materials not remedied, dispute work or materials, third party claims filed or reasonable evidence that claim will be filed, failure of a subcontractor to make timely payment for labor, equipment and materials, the subcontract cannot be completed for the unpaid balance or the subcontract sum or a reasonable amount for retention that does not exceed the actual percentage retained by the Town.

If any periodic or final payment to a CONTRACTOR is delayed after the date due, interest shall be paid at the rate of one percent per month or a fraction of the month on such unpaid balance as may be due.

6. Liquidated Damages

Town of Camp Verde and CONTRACTOR recognize that time is of the essence of this Agreement and that the TOWN will suffer financial loss if the work is not completed within the time specified. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by the TOWN if the work is not competed on time. Accordingly, instead of requiring any such proof, the Town and the CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR and the CONTRACTOR's surety, shall be liable for and shall pay the TOWN $710 (Seven Hundred Ten Dollars) for each calendar day that expires after the time specified for final/substantial completion until the work is substantially complete and ready for final payment.

7. Copyright

No report, plan drawing or other documents produced in whole or in part under this agreement shall be the subject of an application for copyright by or on behalf of the CONTRACTOR.

8. Compliance with Local Laws

The CONTRACTOR and subcontractor(s) shall comply with all applicable laws, ordinances and codes of the State and Local and Federal governments; the CONTRACTOR and subcontractor(s) shall save the TOWN harmless with respect to any damages arising from any tort done by the CONTRACTOR or representatives in performing any of the work embraced by this agreement.

9. Compliance with Federal and State Laws

CONTRACTOR understands and acknowledges the applicability to it of the Americans with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The CONTRACTOR must also comply with A.R.S. § 34-301, as amended, "Employment of Aliens on Public Works Prohibited", and A.R.S. § 34-302, as amended, "Residence Requirement for Employees".

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

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

The TOWN retains the legal right to inspect the papers of any CONTRACTOR or Sub-CONTRACTOR employee who works on this Agreement to ensure that the CONTRACTOR or Sub-CONTRACTOR is complying with the CONTRACTOR Immigration Warranty. CONTRACTOR agrees to assist the TOWN in regard to any such inspections.

The TOWN may, at its sole discretion, may conduct random verification of the employment records of the CONTRACTOR and any of the Sub-CONTRACTORs to ensure compliance with the CONTRACTOR Immigration Warranty. CONTRACTOR agrees to assist the TOWN in regard to any random verification performed.

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

10. Interest of Members of the Town of Camp Verde Governing Body

No member of the Governing body of the Town of Camp Verde and no other officer, employee, or agent of the Town of Camp Verde who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct, or indirect, in this agreement; and the CONTRACTOR shall take appropriate steps to assure compliance.

11. Interest of CONTRACTOR and Employees

The CONTRACTOR covenants that he/she presently has no interest and shall not acquire interest, direct or indirect, which would conflict in any manner or degree with the performance of his/her services hereunder. The CONTRACTOR further covenants that no person having any such interest shall be employed in the performance of this Agreement.

COMMUNITY LIBRARY
BID OPENING #14-108
DECEMBER 18, 2014 - 10:30 A.M.

BIDDER	BID SCHEDULE
FCI Contractors	$ 4,147,800
Pace Construction	$ 4,172,040
Sun Eagle Corp.	$ 4,327,000
Concord Contracting	$ 4,560,000
Bayley Construction	$ 4,305,000
W E O'Neil Construction	$ 4,674,770
Loven Contracting	$ 4,138,000
Danson Construction	$ 4,216,680
BEC	$ 4,502,000
Caliente Construction	$4,664,000
KCS	$ 4,311,000
Zwick Construction	$ 4,831,376
Woodruff Construction	$ 4,007,228,

Posted 12/18/2014 @1:20 p.m./ Deborah Ranney

COMMUNITY LIBRARY #14-108

BIDDER #1/ FCI Contractors	
BASE BID	3,949,000
Solar System	48,300
Demo Current Bld	85,300
Landscape	65,200
TOTAL ALT. BIDS	198,800
BASE + ALTS.	**4,147,800**

BIDDER #2/ PACE Construction	
BASE BID	3,963,240
Solar System	68,650
Demo Current Bld	72,900
Landscape	67,250
TOTAL ALT. BIDS	208,800
BASE + ALTS.	**4,172,040**

BIDDER #3/ Sun Eagle Corp.	
BASE BID	4,049,000
Solar System	107,000
Demo Current Bld	100,000
Landscape	71,000
TOTAL ALT. BIDS	278,000
BASE + ALTS.	**4,327,000**

BIDDER #4/ Concord Contracting	
BASE BID	4,325,000
Solar System	69,000
Demo Current Bld	68,000
Landscape	98,000
TOTAL ALT. BIDS	235,000
BASE + ALTS.	**4,560,000**

BIDDER #5/ Bayley Construction	
BASE BID	4,175,000
Solar System	-
Demo Current Bld	60,000
Landscape	70,000
TOTAL ALT. BIDS	130,000
BASE + ALTS.	**4,305,000**

BIDDER #6/ W.E. Oneil Construction	
BASE BID	4,397,000
Solar System	69,400
Demo Current Bld	111,370
Landscape	97,000
TOTAL ALT. BIDS	277,770
BASE + ALTS.	**4,674,770**

BIDDER #7/ Loven Contracting	
BASE BID	3,940,000
Solar System	53,700
Demo Current Bld	79,000
Landscape	65,300
TOTAL ALT. BIDS	198,000
BASE + ALTS.	**4,138,000**

BIDDER #8/ Danson Construction	
BASE BID	3,998,680
Solar System	67,000
Demo Current Bld	82,000
Landscape	69,000
TOTAL ALT. BIDS	218,000
BASE + ALTS.	**4,216,680**

BIDDER #9/ BEC	
BASE BID	4,280,000
Solar System	70,000
Demo Current Bld	63,000
Landscape	89,000
TOTAL ALT. BIDS	222,000
BASE + ALTS.	**4,502,000**

Bid Opening
12/18/2014 10:30

COMMUNITY LIBRARY #14-108

BIDDER #10/ Caliente Construction		
BASE BID	$	4,411,000
Solar System	$	57,000
Demo Current Bld	$	126,000
Landscape	$	70,000
TOTAL ALT. BIDS	$	253,000
BASE + ALTS.	$	**4,664,000**

BIDDER #11 / KCS	
BASE BID	4,044,000
Solar System	64,000
Demo Current Bld	126,000
Landscape	77,000
TOTAL ALT. BIDS	267,000
BASE + ALTS.	**4,311,000**

BIDDER #12/ Zwick Construction	
BASE BID	4,538,326
Solar System	104,100
Demo Current Bld	101,200
Landscape	87,750
TOTAL ALT. BIDS	293,050
BASE + ALTS.	**4,831,376**

BIDDER #13/ Woodruff Construction	
BASE BID	3,794,923
Solar System	68,147
Demo Current Bld	73,241
Landscape	70,917
TOTAL ALT. BIDS	212,305
BASE + ALTS.	**4,007,228**

Bid Opening
12/18/2014 10:30

DISCLAIMER

The data supplied below is based on your specific request(s) and is correct to the best of our knowledge as of the date and time it was extracted from our data files. The information is provided without personal research or analysis. The data is subject to change on a daily basis. You may obtain additional public records related to any licensee, including dismissed complaints and nondisciplinary actions and orders, by contacting the ROC directly. If this information is required for legal purposes, you may request an affidavit or certified copies for a fee as specified in **A.R.S. 32-1104A3.** Please read our Standard Disclaimer at **www.azroc.gov/Legal/Disclaim.html**

Please note: The company or individuals listed on this license may hold other Arizona contracting licenses. To view information, status and complaint history for the past two years on other licenses held, go to the License Inquiry page and do a "Company Name and Personnel" search by entering the name of the company or individuals listed on the license.

Details for License Number 096809 (Sunday, December 21, 2014 10:50:37 AM)

Contractor		License	
Name/ Address/ Phone	**Status/ Action**	**Class | Type | Entity**	**Issued/Renewal**
B W C Enterprises Inc **DBA: Woodruff Construction** 2710 E Lakin Dr Flagstaff, AZ 86004-3914 **Phone: 602**	**CURRENT**	B-1 | COMMERCIAL | CORPORATION	**First Issued: 03/26/1993** **Renewed Thru:** **02/29/2016**

License Class & Description **B-1 GENERAL COMMERCIAL CONTRACTOR**

Comments

●[PREVIOUS LIC #089009 ISSUED 2/16/91]●[SUSP 3/1/06 - 3/7/06 RENEWAL]

Qualifying Party and Personnel

The Qualifying Party listed below is associated with this license. All other persons named, if any, are associated with the company. They are not all necessarily associated with this license.

Name Bud Allen Woodruff	**Name** Jason Eldon Woodruff
Position QP/OFFICER **Qual. Date 03/26/1993**	**Position** OFFICER
Name Sandra Marlene Woodruff	**Name** Wade Allen Woodruff
Position OFFICER	**Position** OFFICER

Complaint Information

Complaints against this contractor are listed below. Complaints that were cancelled, resolved or settled without a corrective work order or dismissed are not included. Contact the ***Registrar of Contractors at 602-542-1525*** *(***or toll-free statewide at 1-877-MY AZROC (1-877-692-9762)***) to identify the ROC office location you need to visit to view complete complaint documentation.*

Open:	**0**	This is the number of complaints against this contractor that are currently open except those in which an agency inspection has not occurred or a violation was not found. Upon adjudication some complaints are found to be without merit and are dismissed.
Closed Cases		
Disciplined:	**0**	This is the number of complaints that resulted in discipline against this contractor.
Resolved/Settled/ Withdrawn:	**0**	This is the number of complaints closed against this contractor that were resolved or settled by the contractor or withdrawn by the complainant after issuance of a corrective work order or formal citation.
Denied Access:	**0**	This is the number of complaints against this contractor that were closed without corrective work being performed because the contractor was denied access by the complainant.
Bankruptcy:	**0**	This is the number of complaints against this contractor that were closed because the contractor is in bankruptcy.

Bond [1] Information

Number	Effective	Amount	Paid	Available	Company	Notes
024024908	10/04/2011	$90,000.00	$0.00	$90,000.00	The Ohio Casualty Insurance Company	

Bond [2] Information

Number	Effective	Cancelled	Amount	Paid	Available	Company	Notes
AG8292	01/12/2002	01/12/2015	$10,000.00	$0.00	$10,000.00	CONTRACTORS BONDING & INSUR CO	

Bond [3] Information

Number	Effective	Cancelled	Amount	Paid	Available	Company	Notes
AZ326930	01/20/1998	01/26/2002	$10,000.00	$0.00	$10,000.00	MERCHANTS BONDING COMPANY	

Bond [4] Information

Number	Effective	Cancelled	Amount	Paid	Available	Company	Notes
119689C	03/26/1993	05/08/2002	$10,000.00	$0.00	$10,000.00	DEVELOPERS INSURANCE COMPANY	

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: January 7, 2015

☐ Consent Agenda ☒ Decision Agenda ☐ Executive Session Requested

☐ Presentation Only ☐ Action/Presentation

Requesting Department: Town Manager & Council

Staff Resource/Contact Person: Russ Martin & Mike Showers

Agenda Title (be exact): Discussion, consideration, and possible approval of Ordinance 2015-A403; AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, RELATING TO THE TRANSACTIONLICENSE PRIVILEDGE & USE TAX; AMENDING THE TAX CODE OF THE TOWN OF CAMP VERDE, ARIZONA BY INCREASING THE RATE OF TAXATION FOR TRANSACTION PRIVILEDGE TAX FROM THREE PERCENT (3%) TO THREE POINT SIX FIVE PERCENT (3.65%) AND INCREASING THE USE TAX RATE FROM TWO PERCENT (2%) TO THREE POINT SIX FIVE PERCENT (3.65).

List Attached Documents: 1) Ordinance 2015-A403

Estimated Presentation Time: 5 mins

Estimated Discussion Time: 20 mins

Reviews Completed by:

☒ **Town Attorney Comments:**

☒ **Department Head:**

☒ **Budgeted** ☐ **Unbudgeted** ☐ **N/A**

Fiscal Impact: Increase local tax revenues by just over 15%; approximately $400,000 annually.

Comments: This tax, is a replacement of the repealed food tax which was originally passed as a tax to support further CIP projects. While the current year's budget is restricted in use, there is no restriction or direction as to how to handle/distribute this increase in sales tax in the future.

Background Information:

Recommended Action (Motion): Approval of Ordinance 2015-A403; AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, RELATING TO THE TRANSACTIONLICENSE PRIVILEDGE & USE TAX; AMENDING THE TAX CODE OF THE TOWN OF CAMP

VERDE, ARIZONA BY INCREASING THE RATE OF TAXATION FOR TRANSACTION PRIVILEDGE TAX FROM THREE PERCENT (3%) TO THREE POINT SIX FIVE PERCENT (3.65%) AND INCREASING THE USE TAX RATE FROM TWO PERCENT (2%) TO THREE POINT SIX FIVE PERCENT (3.65).

Instructions to the Clerk: None.

ORDINANCE 2015-A403

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, RELATING TO THE TRANSACTIONLICENSE PRIVILEDGE & USE TAX; AMENDING THE TAX CODE OF THE TOWN OF CAMP VERDE, ARIZONA BY INCREASING THE RATE OF TAXATION FOR TRANSACTION PRIVILEDGE TAX FROM THREE PERCENT (3%) TO THREE POINT SIX FIVE PERCENT (3.65%) AND INCREASING THE USE TAX RATE FROM TWO PERCENT (2%) TO THREE POINT SIX FIVE PERCENT (3.65).

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA:

Section 1: The tax rate in the following sections of the Tax Code of the Town of Camp Verde is increased from three percent (3%) to three point six five percent (3.65%):

Section 8-405	Advertising
Section 8-410	Amusements, exhibitions and similar activities
Section 8-415	Construction contracting: construction contractors
Section 8-416	Construction contracting: Speculative builders
Section 8-417	Construction contracting: owner-builders who are not speculative builders
Section 8-425	Job printing
Section 8-427	Manufactured buildings
Section 8-430	Timbering and other extraction
Section 8-435	Publishing and periodicals distribution
Section 8-444	Hotels
Section 8-450	Rental, leasing and licensing for use of tangible personal property
Section 8-455	Restaurants and bars
Section 8-460	Retail sales: measure of tax; burden of proof; exclusions
Section 8-470	Telecommunication services
Section 8-475	Transporting for hire
Section 8-480	Utility Services

Section 2: The tax rate in the following section of the Tax Code of the Town of Camp Verde is increased from two percent (2%) to three point six five percent (3.65%):

Section 8-610	Use tax: imposition of tax; presumption

Section 3: The tax rate in the following sections are excluded from any increase and remain unchanged:

Section 8-432	Mining
Section 8-445	Rental, leasing and licensing for use of real property
Section 8-447	Rental, leasing and licensing for use of real property: additional tax upon transient lodging

Section 3: The provisions of section 1-3 of this ordinance shall be effective from and after March 1, 2015.

Section 4: An exclusion from the tax increase pursuant to Section 1 of this ordinance shall be in effect for contracts entered into prior to March 1, 2015 that include transaction privilege tax as a non-separated item in the total contract amount. This exclusion shall terminate one (1) year from the effective date of this ordinance on March 1, 2016.

PASSED AND ADOPTED by the Mayor and Council of the Town of Camp Verde, Arizona, this 7th day of January, 2015.

Charles German, Mayor

ATTEST:

Debbie Barber, Town Clerk

APPROVED AS TO FORM:

W.J. Sims, Town Attorney

Town of Camp Verde

Meeting Date: January 7, 2015

☐ Consent Agenda ☒ Decision Agenda ☐ Executive Session Requested

☐ Presentation Only ☐ Action/Presentation

Requesting Department: Administration

Staff Resource/Contact Person: Russ Martin

Agenda Title (be exact): Discussion and consideration and possible direction and authorization to the Manager and Mayor to continue to allocate budgeted monies to the regional Water Advisory Committee (WAC) for the Verde Valley to maintain cooperative water monitoring stations by the USGS.

List Attached Documents:

5 year plan of water monitoring needs and associated budget for the Verde Valley.

Estimated Presentation Time: 5 minutes

Estimated Discussion Time: 10 minutes

Reviews Completed by:

☒ **Department Head: Russ Martin** (comments included in report)

☐ **Town Attorney Comments:**

☒ **Finance Department**

Fiscal Impact: None.

Budget Code: 999-20-79600 **Amount Remaining:** $5820

Comments: Money currently budgeted. Half of the portion was recently allocated towards economic development. The allocation along with existing balances should cover requested portion from Camp Verde.

Background Information:

The Town has consistently cooperated with the WAC for many years and has budgeted for this expenditure even this year when Yavapai County defunded their portion effectively eliminating the staff position associated with WAC. There have been ongoing discussions with the Verde Valley communities on what to do with the monitoring costs normally taken from that annual contribution. On January 15th the communities are meeting to discuss final plan and are asking the communities to come prepared with their Council action so that we may continue monitoring as

outlined in the 5 year plan attached. Since the budget has already been approved the alternatives are to use the money appropriated towards this monitoring plan or expend them in other ways or not at all.

Recommended Action (Motion): Approve the following:

Direct the Mayor to work with the other communities to finalize the 5 year monitoring plan and determine the amount necessary for payment this year and to direct the Manager to allocate the budgeted amount necessary to fulfill the 1st year of the 5 year plan.

Instructions to the Clerk: None at this time.

USGS FY15 through 19 workplan to collect and analyze hydrologic data in support of improving the understanding the hydrologic system of the Middle Verde River Watershed (Verde Valley)

Introduction

This workplan proposes to continue work from FY14 that was funded by the Yavapai County Water Advisory Council (WAC) within the Verde Valley. Some modifications to the previous monitoring program are proposed including a 5-year monitoring plan and additional funds for 2 monitoring reports. The workplan also proposes to test the utility of a recently-developed isotopic method (Gardner and others, 2011) for quantifying regional-aquifer inflow to the Verde River. This method, if effective in this circumstance, would provide a baseline of current regional-aquifer contributions (as opposed to bank-storage and shallow-alluvial aquifer contributions) to flow and thus establish a metric from which to evaluate future changes.

Ongoing collection of basic hydrological data continues to improve understanding of the groundwater-flow system and provide valuable information that will assist in evaluation of the accuracy of the previously-developed or new groundwater flow models (Pool and others, 2010). The ongoing data-collection tasks include continued operation of continuous groundwater-level stations, collection of stable isotopes of outflow from the groundwater system; and seasonal monitoring of aquifer-storage change (fig. 1). Long term monitoring of groundwater levels defines the response of the groundwater system to variations in recharge and groundwater withdrawals. Monitoring of the stable isotopes in discharge waters help define the distributions of recharge to the groundwater system. Monitoring of aquifer-storage change helps define the local hydrogeology and distributions of aquifer storage-coefficient throughout the major aquifers of Verde Valley.

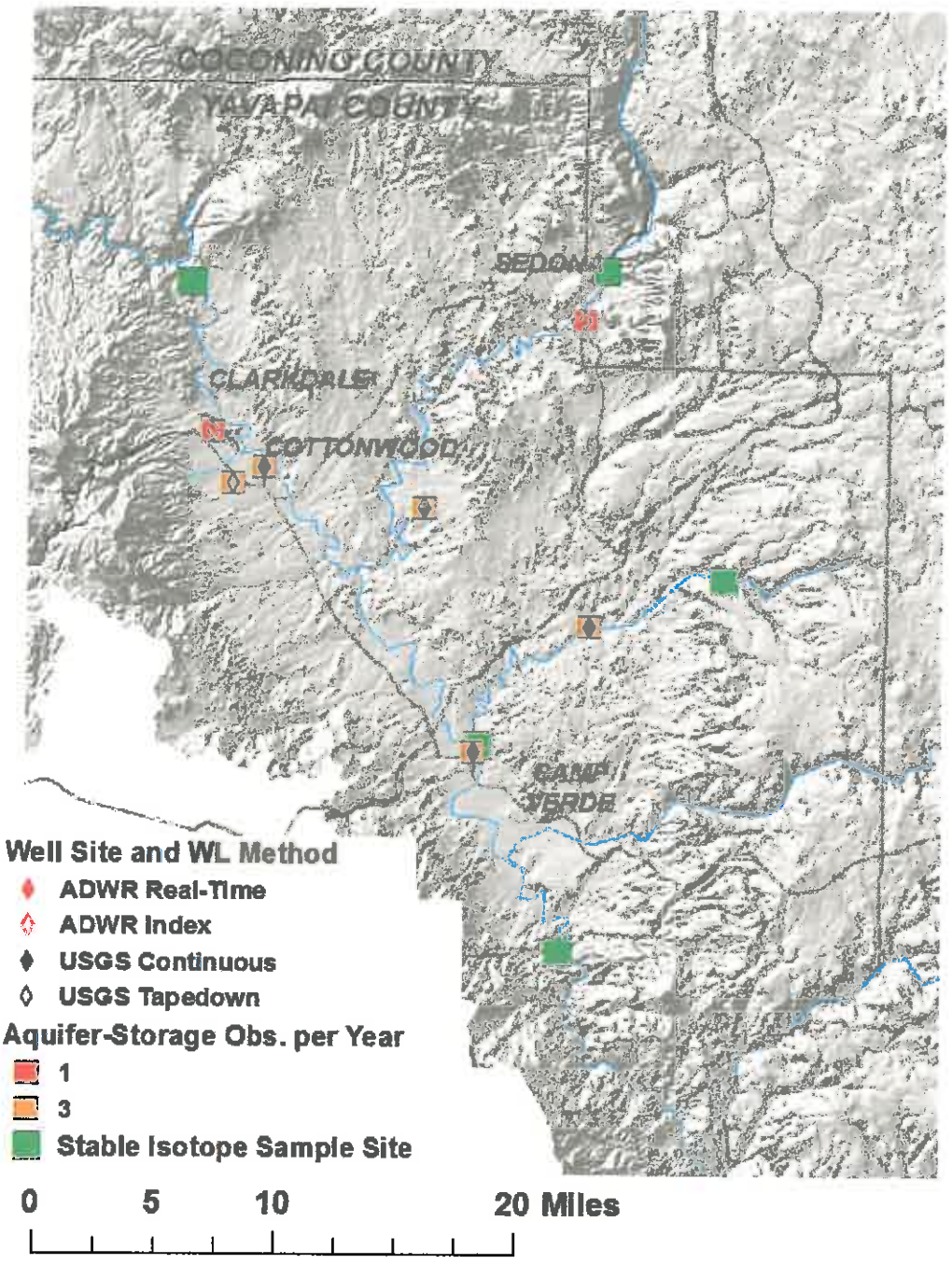

Figure 1. Proposed hydrologic monitoring in the Verde Valley.

Continuous Groundwater-Level Monitoring

USGS water-level monitoring compliments similar information collected by staff of the ADWR Field Services Program and provides a critical record of groundwater conditions that is essential for understanding both climate and human impacts on the groundwater-flow system. The monitored wells, in addition to other well sites that have long-term water-level records, can be used as calibration checks for any groundwater-flow model. Operation and maintenance of the monitoring well stations and periodic calibration of continuous monitoring equipment will be conducted through this task. The integrity of the data will be verified and the data populated into the USGS NWIS database.

USGS AzWSC has been continuously monitoring water levels in 4 or more wells in Verde Valley (Table 1) for several years. The sites are visited periodically (about 3 site visits per year) to service continuous water-level monitoring equipment (transducers and data loggers), download water-level data, and collect a manual depth-to-water observation (tapedown). The data are then uploaded to the web from office computers following each site visit. Currently four sites continue to collect continuous water-level data. Two sites are monitored using seasonal water-level measurements.

Table 1. List of wells proposed for USGS water-level monitoring during FY15. Each continuous record site will be visited and water-level data downloaded approximately 3 times per year.

Site ID	Well Name	Depth to Water Data Frequency	Period of Record	Area
343409111511101	A-14-05 32BBB1	Continuous Hourly	Apr 00-present	Camp Verde
344302111532701	A-15-04 11AAB	Continuous Hourly	Oct 01-present	Cornville
343850111460701	A-15-05 36DBD	Continuous Hourly	Feb 14-present	Rimrock
344544112025001	A-16-03 20DDC	Annual	Mar 00-present	Clarkdale
344428112004801	A-16-03 34ADC1	Continuous Hourly	Aug 14-present	Cottonwood

Data from the monitored wells can be accessed at:
http://groundwaterwatch.usgs.gov/StateMaps/AZ.html

Aquifer-Storage Monitoring

Aquifer-storage monitoring uses gravity methods to monitor the acceleration of gravity, which varies with the mass of water stored in the subsurface. The method is a

direct measure of subsurface changes in water mass that compliments water-level monitoring at wells where both gravity and water levels are measured. Aquifer-storage change is often inferred from water-level change in a well; however, water-level change is a direct measure of hydraulic-head change, which is only an indirect indicator of storage change. Complimentary monitoring of storage change allows a better understanding of local hydrogeology at each site and often allows an estimate of aquifer storage coefficient, an important aquifer property that influences the response of the aquifer to changes in withdrawals and recharge. Aquifer storage coefficients are poorly defined throughout the aquifer systems in Yavapai County. Aquifer storage is a critical parameter in developing groundwater-flow models that realistically represent the timing of withdrawal and recharge effects on streamflow; accordingly, improved estimates will result in improved groundwater flow models that can better estimate effects of withdrawals and recharge on streamflow.

The purpose of the aquifer-storage monitoring is to establish records for aquifer-storage change and develop estimates of aquifer storage coefficients at co-located wells where water-levels are also monitored. Initial observations at sites are made approximately 3 times each year to establish the typical range of variability and any trends that may be occurring at each site. The frequency of observations at each site is modified after trends are established. The frequency may be reduced to annual or less where no change is observed or a consistent multi-year trend is observed. The reduced frequency of observations minimizes cost and allows expansion of the network of aquifer-storage monitoring to include more stations across a broader region. Complimentary observations of soil moisture in the upper 2 feet of soil are also made at 3 aquifer-storage sites for the purpose of evaluating and correcting for the influence of near surface and non-aquifer variations in water storage on the gravity observations.

During 2009, USGS established aquifer-storage monitoring stations at 7 observation wells in Verde Valley and completed the initial observations. The conversion of 2 sites from seasonal to annual or less frequent observations has allowed expansion of the monitoring network. One additional site was added in 2011 to the network in Cottonwood. Another additional site was added in 2014 to monitor a shallow aquifer in Cottonwood (fig. 1, table 2). A total of 8 sites are proposed for aquifer-storage

monitoring during FY 2015. Four of the sites will be visited 3 times per year. Three sites will be visited only once during the year because previous records indicate no important seasonal variations in groundwater storage occur at the sites.

Table 2. List of aquifer-storage monitoring sites proposed for monitoring in the Verde Valley during FY15

Local Well ID	Station Name	Water-Level Monitoring Agency	Obs. per Year	Period of Record	Area
A-15-03 04AAB	Cottonwood American Legion	ADWR Index Well and USGS Tapedowns	3	Mar 11-present	Cottonwood
A-16-03 34ADC1	Cottonwood Shallow	USGS continuous	3	Aug 14-present	Cottonwood
A-15-05 36DBD1	Weesner#2	USGS continuous	3	Feb 14-present	Rimrock
A-14-05 32BBB1	Camp Verde	USGS continuous	3	Oct 09-present	Camp Verde
A-15-04 11AAB	A-15-04 11AAB	USGS continuous	1	Oct 09-present	Cornville
A-17-06 E30BBB	Dori	ADWR index well	1	Oct 09-present	Sedona
A-16-03 20DDC	A-16-03 20DDC	USGS Tapedown	1	Oct 09-present	Clarkdale

Definition of sources of groundwater using geochemical methods

During 2002-2014, precipitation samples were collected and analyzed from a range of elevations to improve the characterization of the relation between elevation and stable isotope values in precipitation. These stable isotope data need to be analyzed in combination with available stable isotope data for groundwater in order to better understand the geographic distribution of recharge to the groundwater system. Improved understanding of the recharge distribution can be used to improve the simulated representation of recharge processes in future updates of the groundwater model. For FY15, this task will evaluate the stable isotope precipitation data to determine elevation correlation equations; this information will be included in the proposed geochemical report and published on the project website.

The USGS will continue collecting and processing repeat stable isotope measurements on a quarterly basis from the Verde River main stem and selected tributaries. These isotope measurements will continue a data set that began in 2009 to

monitor changes in the sources of water to the river that may result from groundwater withdrawals or changes in recharge rates. Samples will be collected at gaging stations on the Verde River near Clarkdale, Camp Verde, and the head of perennial flow where Beaver Creek joins the Verde. Samples will also be collected at gaging stations on Oak Creek near Sedona and Wet Beaver Creek near Rimrock. The integrity of the data will be verified and the data populated into the USGS database.

A dissolved gas isotope method of identifying areas of groundwater inflow to the Verde River, and of separating locally- from regionally-derived groundwater, will be tested. If viable, this method could have significant implications for understanding the watershed's water budget. This method relies on identifying and quantifying the discharge of long residence time, regional groundwater to rivers using the naturally occurring tracers of Helium-4 (^{4}He) and Radon-222 (^{222}Rn). In FY15, four samples will be collected from the Verde River between Mormon Pocket and Clarkdale and analyzed for ^{222}Rn, ^{4}He, and other noble gases. In addition, three groundwater samples will be collected from sites previously sampled by the USGS for ^{4}He, and analyzed for ^{222}Rn.

If the results of the 4 samples collected in FY15 indicate the method works well in the Verde River, FY16 work would include a seepage run on the Verde River upstream of Clarkdale with the collection of 10 samples, three additional groundwater samples, and data analysis. Geochemical analysis to understand the contribution of groundwater to the Verde River is needed to establish baseline conditions prior to any future changes that may affect the system. Results from this analysis would be included in the proposed geochemical report in FY18.

Budget

The costs associated with the core project tasks are included in table 3. The table includes costs of replacement of vented cables and transducers and projected annual monitoring costs after 2015. Replacement of 1 cable-transducer set of the 4 currently deployed is assumed, although all are currently operational. The effectiveness of soil-moisture monitoring is being evaluated, which may result in proposed changes to that task including elimination or upgrading.

Personnel needed for the proposed work include two hydrologists, and additional support staff. USGS match funding will be used to support aspects of data collection and archiving. Additional match may be applied to the project if it becomes available in the future.

Sufficient data have been collected to date to warrant publications that present analyses of the data as well as summaries of what has been learned about the hydrologic system. Two reports are proposed: a water-level and storage report, and a geochemistry report. The costs of the reports are estimated in table 3, and publication dates would be FY18 for the geochemistry report and FY19 for the water-level and storage report.

Table 3. Project costs for regional groundwater monitoring in fiscal years 2015 through 2019 (Oct. 1, 2014 to Sept. 30, 2019) and summary reports.

Item	FY15	FY16	FY17	FY18	FY19
Water-Level Monitoring	$10,000	$10,000	$10,000	$10,000	$10,000
Aquifer-storage monitoring	$15,000	$15,000	$15,000	$15,000	$15,000
Soil-moisture monitoring	$1,500	$1,500	$1,500	$1,500	$1,500
Precipitation isotope analysis	$9,500	0	0	0	0
Stable Isotopes - Verde flow	$8,000	$8,000	$8,000	$8,000	$8,000
Groundwater inflow study	$14,000	$26,500[1]	0	0	0
Water-Level and storage report	$1,500	$1,500	$1,500	$1,500	$29,500
Geochemistry report	$3,500	$3,500	$28,000	$28,000	0
Miscellaneous supplies[2]	$2,000	$1,000	$1,000	$1,000	$1,000
TOTAL	**$65,000**	**$65,000**	**$65,000**	**$65,000**	**$65,000**
Cooperator Share	$50,000	$50,000	$50,000	$50,000	$50,000
USGS Share	$15,000	$15,000	$15,000	$15,000	$15,000

[1]Contingent on FY15 results – budget amount is proposed only if initial results are promising.
[2]Replacement of water-level transducers and cables and miscellaneous field supplies

References:

Gardner, W.P., Harrington, G.A., Solomon, D.K., and Cook, P.G., 2011, Using terrigenic 4He to identify and quantify regional groundwater discharge to streams, Water Resources Research, vol. 47