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AGENDA
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, NOVEMBER 18, 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) Council Hears Planning & Zoning Matters - October 28, 2015
      2) Regular Session – November 4, 2015
   b) **Set Next Meeting, Date and Time:**
      1) Friday, November 20, 2015 at 8:00 a.m. Work Session – Finance Strategic Plan & General Plan
      2) Wednesday, November 25, 2015 at 6:30 p.m. Council Hears Planning & Zoning-CANCELLED
      3) Wednesday. December 2, 2015 at 6:30 p.m.
      4) Wednesday, December 9, 2015 at 5:30 p.m. Work Session
      5) Friday, December 11, 2015 at 8:00 a.m. Work Session
      6) Wednesday, December 16, 2015 at 6:30 p.m., Regular Session combined with Council Hears Planning & Zoning Matters.
      7) Wednesday, December 23, Council Hears Planning & Zoning Matters – Cancelled
   c) **Possible approval of the Fiscal year 2016-17 Budget Calendar-** Staff Resource: Michael Showers
   d) **Possible approval of Finance Director to close the National Bank Sanitary District Public Funds Account and three (3) Sanitary District Account's with the County per the attached Schedule.** Staff Resource: Michael Showers.

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

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

7. **Acceptance of Former Vice-Mayor Bruce George's resignation effective November 9, 2015 and presentation of a Certificate of Appreciation for his service.**

8. **Discussion, consideration, and possible appointment of a Vice-Mayor to complete the two-year term left vacant by the resignation of Bruce George.**

9. **Discussion, consideration and possible direction to staff relative to filling the vacant Council Seat left by the resignation of previous Vice-Mayor Bruce George pursuant to state statue, this position will serve until the next regularly scheduled election.**

10. **Discussion, consideration and possible approval for Finance Director to apply for and utilize the P-Card system through Chase Bank.** Staff Resource: Michael Showers

11. **Discussion, and update by staff regarding the Public Safety Pension System.** Staff Resource: Russ Martin

12. **Update by Town Manager regarding his attendance at the League of Arizona Cities and Towns Conference and the Managers Conference.** Staff Resource: Russ Martin

13. **Discussion and update regarding Managing Public Records sent and Received via Electronic Mail.**

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

15. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Fire District, 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.

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

17. **Adjournment**

Posted by: _____ Date/Time: 11/12/15 3:40PM

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
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, OCTOBER 28, 2015 at 6:30 P.M.

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

2. **Roll Call**

Mayor German, Vice Mayor Bruce George, Councilors Baker, Gordon, German and Whatley present. Councilor Jones-Murdock absent.

Also Present: Town Manager Russ Martin, Town Clerk Virginia Jones, Community Development Director Mike Jenkins, Asst. Planner Kendall Welch, Recording Secretary Marie Moore.

3. **Pledge of Allegiance**
Mayor German 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) Work Session – October 14, 2015
   2) Joint Council & Planning & Zoning Work Session--October 16, 2015
   3) Council Manager Retreat – October 17, 2015

b) **Set Next Meeting, Date and Time:**
   1) Wednesday, November 4, 2015 at 6:30 p.m. Regular Session
   2) Wednesday, November 11, 2015 –CANCELLED – VETERANS DAY
   3) Wednesday, November 18, 2015 at 6:30 p.m. Regular Session
   4) Friday, November 20, 2015 at 8:00 a.m. Work Session – General Plan
   5) Wednesday, November 25, 2015 at 6:30 p.m. Council Hears Planning & Zoning-CANCELLED

c) **Possible award of separate, three-year, on-call consulting services agreement to 22 professional consultants in 9 categories of Civil Engineering, Surveying Services, Wastewater Treatment, Geotechnical & Construction, Traffic Engineering, Architectural Services, Environmental, Mechanical Engineering and Structural Engineering Request for Qualifications solicitation number 15-112.** Staff Resource: Ron Long

d) **POSSIBLE APPROVAL OF YAVAPAI COUNTY FLOOD CONTROL INTERGOVERNMENTAL AGREEMENT CHANGE ORDER NUMBER 1; RE-APPORTIONING OF THE FISCAL YEAR 2015-16 IGA FUNDING BY SPLITTING INTO THREE PROJECTS.** STAFF RESOURCE: RON LONG

On a motion by Vice Mayor George, seconded by Councilor Baker, the consent agenda was unanimously passed by Council with the exception of items 4 A (2), A (3) and 4 C as requested by Councilor Baker and Councilor German.

On a motion by Councilor Baker, seconded by Vice Mayor George, Council voted to approve items 4 A 4 A (2), A (3) and 4 C as presented.

Regarding Item 4 A (2), Councilor Baker expressed that she would like for all or at least the majority of the Planning & Zoning Commissioners to be present during the joint work sessions so the Council can hear all of their opinions. Councilor Baker also indicated that the 8 am meeting time made it difficult for the public to attend which seemed to be counterproductive from what the Council and Commission are trying to accomplish.

Regarding Item 4 A (3), Councilor Baker stated that there was a member of the public present and participated during the last Council Manager Retreat that was not recorded in the minutes. Town Clerk Virginia Jones explained that members of the public are not included or listed as "Also Present" in the Minutes of a meeting. Councilor

German conveyed that in previous Council Manager Retreat minutes, members of the public have been mentioned and noticed in minutes.

Councilor German inquired about item 4 C and if the sewer district consultant was already hired. The Town Manager stated that there was not a current sewer district consultant and this process is similar to the Job Order Contract process that was previously approved by Council for contractors the Town may use when necessary. This process will simply eliminate the qualification process for engineers and would provide staff with a list of individuals easily accessible when needed but would not be used exclusively.

Councilor Gordon questioned the comprehensive liability and the monetary limit. The Town Manager stated he would check on that and report to Council with the information.

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

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

Bob Johnson apologized to Council for his behavior at the previous Council meeting. Mr. Johnson indicated that his actions were altered due to a side effect of some new medication he had been prescribed.

Tom Pitts notified Council of his resignation as the President of the Chamber of Commerce due to health matters and other obligations. Mr. Pitts assured Council members that he still supports the Chamber of Commerce and firmly believes the Town needs it.

7. **Quarterly Reports from the following Commissions/Boards**
   - **Planning & Zoning Commission**
   - **Board of Adjustments & Appeals**

Community Development Director Mike Jenkins presented an overview of the Planning and Zoning Commission and Board of Adjustments and Appeals for the quarter. Jenkins passed along Chairman Davis' apology for missing the meeting.

8. **Public Hearing, discussion, and possible approval of Resolution 2015-946, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, on Use Permit 20150245, an application submitted by Mrs. Sue Mesa, agent for Mr. Ignacio M. Mesa, owner of parcel 404-13-013D, which is 10.09 acres. The property owner is requesting a Use Permit to allow for Agri-Tourism in a residential neighborhood zoned R-R (Residential-Rural) for the purpose of selling and operating a wine tasting room as authorized by Arizona Domestic Farm Winery License #13133013. Agri-Tourism is an allowed use under the R-R (Residential-Rural) District in the current planning and Zoning Ordinance with a Use Permit. The property is located at 4053 E State Route 260, in Camp Verde, Yavapai County, Arizona.** Staff Resource: Michael Jenkins

On a motion by German, seconded by Baker Council unanimously approves the Resolution 2015-946, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, on Use Permit 20150245, an application submitted by Mrs. Sue Mesa, agent for Mr. Ignacio M. Mesa, owner of parcel 404-13-013D, which is 10.09 acres. The property owner is requesting a Use Permit to allow for Agri-Tourism in a residential neighborhood zoned R-R (Residential-Rural) for the purpose of selling and operating a wine tasting room as authorized by Arizona Domestic Farm Winery License #13133013. Agri-Tourism is an allowed use under the R-R (Residential-Rural) District in the current planning and Zoning Ordinance with a Use Permit. The property is located at 4053 E State Route 260, in Camp Verde, Yavapai County, Arizona. With the following stipulations as recommended by the Planning and Zoning Commission:

- **Per the Arizona Department of Transportation (ADOT), should the use increase, additional improvements**

at the entrance may be required.

- **Per the Camp Verde Fire District, should the entry gate be locked after closing then a Knox Box will be required.**
- **Per the Camp Verde Fired District, provide suction water pipe at an accessible location and supply adequate water supply for fire protection.**
- **Per the Building Official, as a condition of the Use Permit approval for Clear Creek Vineyard and Winery LLC a Commercial Tenant Improvement Building Permit Application along with As-Built Plans will be required by the Building Division in order to change the use and occupancy of the existing Residential Barn (Group U Occupancy) into a Commercial Wine Testing Room (Group A-2 Occupancy) and the Certificate of Occupancy from the Building Division will not be issued until this item has been completed.**
- **This Use permit shall be in perpetuity.**

Community Development Director Mike Jenkins explained the intent of the application is to obtain a use permit for agri-tourism. Jenkins gave a brief overview of the applicants and staffs actions in preparation to receive the permit. There were no responses from the public regarding the application.

Director Jenkins described the logistics of the property and pond located on the property and the agreement with the fire department regarding the replacement of the required fire hydrant. Jenkins read the stipulations recommended by Commission for Councils consideration.

Councilor Brad Gordon stated that he felt it was a great idea but was concerned regarding the fact that a well was not represented on the map of the property. Gordon stated that ADEQ would need to know any existing wells when considering the septic installation. The applicant explained Verde Lakes Water services the property and there is a non-working well on the property.

Bruce George indicated he was in favor of the approval of the application.

Councilor German requested clarification for the 6-month condition by building official. Jenkins explained that once a certificate of occupancy is received, the existing building could be used until a new building is constructed.

Applicant Sue Ignacio indicated that they are currently working on the requirements for the Certificate of Occupancy and those matters should be under control quickly.

Public Comment:
Tom Pitts indicated that he has vast experience with wineries in the area and feels that approving the application will be a benefit to the town in many ways.

Council Baker questioned staff regarding the fire district and the required turn around and questioned where there was an area on the property that large. Baker acknowledged that there is room for negotiation with in the matter with the fire department. Jenkins explained that the requirement actually relates to the fact that if the area is more than a certain distance from the access point they have to meet those requirements but the applicants meet the requirements and therefore does not apply.

Mayor German commended the applicant on the matter of the fire hydrant requirement in use to the matter of the pond accessibility.

Councilor German questioned how soon the certificate of occupancy will be given to the applicants. Mike Jenkins indicated that would depend on how quickly the applicants meet the requirements and once approved it will be issued immediately.

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

Tom Pitts passed out a flyer printed by the chamber for the Camp Verde trunk or treat.

10. **Council Informational Reports.**

Councilor Baker stated that the Town needed to participate with other Cities and Towns in seeking a resolution to State Legislature to request NACOG restore HURF funding. Baker stated she gave a book on Area Agency Aging to the Town Clerk.

Mayor German informed Council Members of a conference in Phoenix on energy/solar and new businesses in AZ on Saturday from 8 am to 5 pm. Neither the Mayor nor Vice Mayor are able to attend, therefore, he encouraged other councilors to attend to represent the Town.

Mayor German stated he went to Sierra Vista for a seminar on water treatment for waste and flood waters and received information that will be helpful for our area regarding recharging of the aquifer and managing flood water.

Vice Mayor George attended an all-day aging conference on the 15th and brought back ideas that he would like to pass along Council. George apologized for missing the last meeting with a video call due to his extreme degree of illness.

11. **Manager/Staff Report**

Town Manager Russ Martin reminded Council members of the Trunk or Treat on Saturday, October 31, 2015 at 5:00 pm to hand out candy. Martin also expressed that Interstate Tire and Auto is repairing the Town van that experienced mal-function on the Mayors trip.

- **Reminder: Open Meeting Law Presentation by Kathryn Marquoit for the Office of the Arizona Ombudsman. Meeting will be held at 9:00 a.m. on Friday, November 13, 2015 at 473 South Main Street, Suite 106, Camp Verde, sponsored by the Verde Natural Resource Conservation District. Council and public is invited.**

12. **Adjournment**

The meeting adjourned at 7:40 p.m.

_____ _____

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 Council Meeting of the Town of Camp Verde, Arizona, held on October 28, 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____day of _____, 2015.

_____

Virginia Jones, Town Clerk

4a2

DRAFT MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, NOVEMBER 4, 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**
Mayor German called the meeting to order at 6:30 p.m.

2. **Roll Call**
Mayor Charles German, Vice Mayor Bruce George, Councilor Robin Whatley, Councilor Brad Gordon, Councilor Carol German, Councilor Jackie Baker and Councilor Jessie Jones-Murdock were present.

Also Present
Town Manager Russ Martin (arrived at 7:20 p.m. due to increment weather/road conditions), Marshall Nancy Gardner, Animal Control Officer Dave Marshall, Administrative Assistant Julie Scott, Town Clerk Virginia Jones, and Recording Secretary Lynn Riordan.

3. **Pledge of Allegiance**
Mayor Charles German led the 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) Special - Work Session – October 21, 2015

b) **Set Next Meeting, Date and Time:**
   1) Wednesday, November 11, 2015 –CANCELLED – VETERANS DAY
   2) Wednesday, November 18, 2015 at 6:30 p.m. Regular Session
   3) Friday, November 20, 2015 at 8:00 a.m. Work Session – General Plan
   4) Wednesday, November 25, 2015 at 6:30 p.m. Council Hears Planning & Zoning-CANCELLED

On a **motion** by Vice Mayor George, seconded by Councilor Baker, the council unanimously voted to approve the Consent Agenda

5. **Special Announcements and presentations:**
Proclamation declaring November as American Diabetes Month
Mayor German announced and proclaimed November as American Diabetes Month.

6. **Call to Public**
Dee Jenkins addressed the Mayor and Council with concerns regarding Camp Verde Marshall's Office responding to "anonymous" complaints, the previous complaints and citations issued with respect to the recent "guineas" situation in Jordan Meadows, and the lack of a comprehensive visitors list – sign in / sign out - in Town buildings, specifically Town Hall. Ms. Jenkins provided Council a written statement of concerns.

Councilor Whatley addressed Ms. Jenkins concerns and statements advising that, after receiving additional information and education, it is sometimes necessary for residents/citizens to make reports to law enforcement anonymously due to fear of retaliation. Additionally, the Marshall's Office is obligated to respond to any and all complaints and/or concerns that full within their jurisdiction for the public safety and welfare of the community, whether or not the complainant has been identified.

Council Gordon advised that many of Ms. Jenkins concerns may be addressed later in this meeting – under Agenda Item #8.

Mayor German requested the Town Clerk, Virginia Jones, provide a copy of Ms. Jenkins' document stating her concerns to the Town Manager, requesting that the Town Manager contact Ms. Jenkins to address her concerns and answer her questions.

7. **Presentation by Frank Bourget and Helen Zimmerli from the American Red Cross informing and educating Council on how the Red Cross responds to Community events, including meeting dates and times of the Disaster Action Team (DAT).**
This item removed (cancelled) from the Agenda – Frank Bourget and Helen Zimmerli were unable to attend due to increment weather/road conditions.

8. **Discussion, consideration and possible approval of Ordinance 2015-A412, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Town Code, Chapter 6 – Animal Control.** Staff Resource: Marshal Gardner.

On a **motion** by Vice Mayor George, seconded by Councilor Baker, the council unanimously voted to approve and adopt Ordinance 2015-A412.

Marshall Nancy Gardner advised the Mayor and Council that the proposed Ordinance 2015-A412, modifications of Chapter 6 of the Town Code – Animal Control – has been presented for review and consideration. All amendments are printed in red. Dave Marshall, Animal Control Officer, gave a presentation of the proposed amendments, which included proposed amendments to the definitions consistent with definitions contained in the standard dictionary, Arizona Revised Statutes, and used by Arizona Game and Fish, and adding G. in Section 6-1-2, and B. and C. in Section 6-1-7. The proposed amendments clarify and create designation (define) domestic, feral and wild animals, poultry, livestock, ratite, keep and/or keeping, ownership, required care, removal and burden of costs. Officer Marshall advised that local veterinarians have low-cost programs for the spay/neutering of domestic and/or feral animals, as well as clinics and low cost programs for vaccinations and "chipping". Additionally the CVMO continues to have a no-cost humane trap loan program available for residents and has resource information available for assistance with vaccinations, spay/neuter, humane removal of feral animals, etc. Marshall Gardner advised that CVMO has the capability of scanning chipped animals, and, although not required by law, recommends that residents have their domestic pets chipped.

Vice Mayor George advised that chipping domestic pets gives Animal Control a very useful tool in returning lost dogs to their owners in a very efficient manner.

Councilor German requested clarification of definitions feral vs. wild animal, specifically with respect to birds, how the 6-days of care to establish ownership will be determined, to avoid any misunderstanding with respect to feeding or assuming ownership.

Marshall Gardner advised that feral is not the same as wild. Feral animals are animals that are domestic and have become wild though lack of ownership/care and need to survive or animals that would have been domestic (example domestic cats or dogs) but were born in the wild to feral parents. Wild animals are animals born in the wild that are wild (non-domestic) animals (example raccoons, skunks, wild birds).

Establishment of ownership, by feeding or care, will be determined by an investigative process by CVMO or by owner admission.

Public Comment:
Sharon Massey addressed the Mayor and Common Council in support of adoption of the proposed Animal Control Town Code. Ms. Massey inquired about an exception for the continued existence of the guineas along the river (Forest Service land) in Jordan Meadows, as they are a positive addition to the rural area and provide an environmental solution to bug/insect control.

Donna Biggain addressed the Mayor and Common Council in support of adoption of the proposed Animal Control Town Code. Ms. Biggain thanked Officer Marshall for his comprehensive presentation of the proposed Animal Control Code, and suggested that the guineas do not create any problems in their area (Jordan Meadows), requesting an exception to the Town Code, if adopted, to their continued existence per status quo.

Councilor Gordon, Councilor German and Councilor Baker engaged in questions and answers regarding whether or not the guineas are considered wild or feral. Marshall Gardner explained that if the guineas are "owned" by definition under the proposed Animal Control – Town Code, they would need to be contained and not be allowed to roam freely, however, if they are not "owned" by definition, their existence would fall under the new guidelines for feral animals.

Mayor German, addressing the concerns of Jordan Meadows residents, requested the Town Manager investigate the potential requirements, restrictions, if any, and/or law with respect to the guineas continued existence along the river on Forest Service lands.

9. **Discussion, consideration, and possible approval of Ordinance 2015-A413, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, pertaining to the National Flood Insurance Program, adopting by reference Revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations; providing for repeal of conflicting ordinances; providing for severability; and providing penalties.** Staff Resource: Ron Long/Troy Odell

On a **motion** by Vice Mayor George, seconded by Councilor Whatley, the Council unanimously voted to approve and adopt ordinance 2015-A413, as proposed and presented.

Motion by Councilor German, seconded by Councilor Baker, the Council declined amending the proposed Ordinance 2015-A413 with respect to clarification or removal of designating the Public Works Director and the Flood Plan Administrator by a 5-2 vote, with Mayor German, Vice Mayor George, Councilor Gordon, Councilor Whatley and Councilor Jones-Murdock voting nay.

Town Manager Russ Martin advised that the flood maps and studies are complete, and the Town has an obligation to adopt the flood management regulations – this matter is on the Agenda for the purpose of brining the Town Code up to date and to comply with the flood management (county and federal).

Public Comment: None.

Councilor Baker stated concerns that page 1 states the Town will appoint a Flood Plan Administrator, while page 2 designates the Public Works Director as the Flood Plan Administrator. Councilor Baker and Councilor German requested consideration of revising Ordinance 2015-A413 to correct any conflicting designation of the Flood Plan Administrator and his/her authorizing powers to repeal or modify any existing town code or regulations with respect to flood management.

Town Manager Russ Martin advised that page 1 is an introduction to the Ordinance only, and neither page 1

or page 2 gives the Public Works Director the administrative authority to modify or repeal any Town Code, Ordinance or Resolution. Mayor German clarified that Yavapai County is actually the flood management administration, and that the Town needs to be in compliance with the flood management.

10. **Discussion, consideration and possible approval of a Beautification Award Program recognizing positive actions by the business community in beautifying our community.** Staff Resource: Russ Martin

On a **motion** by Councilor German, seconded by Vice Mayor George, the Council unanimously voted to approve and adopt the Beautification Award Program.

Town Manager Russ Martin advised he has received great interest and participation from the community. Although currently there are no real specifics for the program, it is open for nominations and suggestions. Vice Mayor George and Councilor Gordon commended Mr. Martin for doing a good job and presenting the community with a good program.

Councilor German encouraged resident and business owner participation and marketing for this program.

Public Comment:

Debby Foyner addressed the Mayor and Common Council in support of the Beautification Award Program, but stated concerns that the public and residents were not aware of the program.

Mr. Martin stated that he is hopeful the program will take on "its own life" and spread though-out the business community without the Town spending much money on publication and marketing.

11. **Discussion, consideration and possible appointment of Tony Gioia as the Water Resource Liaison for Camp Verde under the direction and guidance of the Town Manager.**

On a **motion** by Vice Mayor George, seconded by Councilor Whatley, the Council unanimously voted to appoint Tony Gioia as the Water Resource Liaison for Camp Verde.

Councilor Gordon advised the Mr. Gioia has a substantial amount of experience and education in water resources and is available and willing to serve the Town in this capacity.

12. **Discussion, consideration and possible appointment of Council Member to serve as liaison to the Camp Verde Chamber of Commerce.**

The Council took no action on this Agenda item.
The Mayor and Council discussed the possible appointment of a Council Member to serve as liaison to the Chamber of Commerce. Discussion included the lack of information available regarding the Chamber's current directors, members, vision statement, and activities. It was the consensus of the Council that any appointment at this time would be pre-mature, and this item could be re-visited and placed on a future Agenda when the Chamber of Commerce has established itself and accurate, verifiable information regarding its vision and financial status is available. The Mayor and Council encourage the local business owners to develop and support the Chamber of Commerce, and when accomplished, request support (including financial support) and a liaison from the Town.
Public Comment: June Trinidad addressed the Mayor and Common Council stating the Chamber currently does not hold regular meetings or have a current member roster. Ms. Trinidad stated she was on the Chamber board for a period of time and that during that appointment, the Chamber did not hold any meetings.

Ed Lee addressed the Mayor and Common Council stating that according to the Arizona Corporation Commission, the Camp Verde Chamber of Commerce was incorporated in January 1981, it currently is not in a "good standing" status with the ACC, and the Statutory Agent, Director and Chief Executive Officer is the same person. Mr. Lee stated he believes the Town needs a strong Chamber of Commerce, and that the Town should work together with the Chamber, but agrees that currently any appointment or funding provided to benefit the Chamber of Commerce is pre-mature.
Sharon Massey addressed the Mayor and Common Council in support of the Town supporting the Chamber of Commerce when the time become appropriate, as a strong Chamber with Town Government support will encourage economic development.

13. **Call to the Public for items not on the agenda.** None.

14. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Fire District, 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 Gordon stated he participated in the Halloween festivities – the event hosted great participation by residents. Councilor Gordon also stated that it appears the Town is growing, and economic development is increasing, as the business licenses issued over the past five years has increased from 240 in 2011 to 387 to date in 2015.
Vice Mayor George stated he attended an elder's conference. He stated he received information regarding the vulnerability of our elder population and provided a copy of the AARP Watchdog Alert Handbook that he will provide to each Council member, and make available for the residents, specifically for the senior residents. The Handbook gives information regarding safety (both physical and financial) tips and steps to take for protection. Additional information is available online from AARP and NACOG.
Councilor Baker stated the November 22, packet should be available for review in the near future, and it is her understanding that NACOG is attempting to make their conferences available through video conferencing in the near future. Councilor Baker stated she was hopeful that all cities and towns would get involved in efforts to stop the continued diversion of funds from HURF to the State General Fund, stating the State had diverted over 1.9 billion dollars since 2001, causing a trickle-down effect which can been seen in the lack of funding for cities and towns ability to fund road construction and maintenance (including the Town of Camp Verde).
Councilor Jones-Murdock stated she also participated in the Halloween festivities, stating it was a great success, and her family and children had a good time. Councilor Jones-Murdock thanked the Parks & Recreation, Public Works and CVMO for all their hard work to provide these activities for the residents. Councilor Jones-Murdock stated she would be meeting with legislators regarding the proposed State Park and would be attending the National Geographic Meeting and Lunch at Blazin' M on Thursday.
Councilor German thanked Public Works for their letter to the editor thanking the residents of Camp Verde and thanked Vice Mayor George for obtaining, and making available, the AARP Senior Watchdog handbook.

15. **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 stated he would be attending the Future Leaders of America meetings and conference again tomorrow in Flagstaff (four states are represented and participating at this conference). Mr. Martin reminded Council that all Town offices (excluding CVMO/Fire emergency services and the Library) would be CLOSED on December 2, 2015 from 10 am to 3 pm for the emergency training program. Mr. Martin stated staff would be planning the Town Staff/Council Christmas party, with a suggested date of December 4, and requested Council Members contact the Town Clerk with their availability and/or schedule.

Adjournment. Mayor German, with no objection from Council, pronounced the meeting adjourned at 8:10 p.m.

_____
Charles German, Mayor

_____
Lynn Riordan, Recording Secretary

CERTIFICATION
I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session Mayor and Common Council of the Town Council of Camp Verde, Arizona, held on November 4, 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2015.

_____
Virginia Jones-Town Clerk

4.c

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: November 18, 2015

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

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Finance Dept. ***Staff Resource/Contact Person:*** Mike Showers

Agenda Title (be exact): Consideration & possible approval of the FY17 Budget Calendar

List Attached Documents: Proposed FY17 Budget Calendar

Estimated Presentation Time: N/A ***Estimated Discussion Time:*** N/A

Reviews Completed by:

☒ ***Department Head:*** ☐ ***Town Attorney Comments:***

Finance Review: ☐ **Budgeted** ☐ **Unbudgeted** ☒ **N/A**

Finance Director Comments/Fund:

Fiscal Impact: N/A.

Budget Code: ***N/A*** ***Amount Remaining:*** _____

Comments:

Background Information: Over the last year, the Finance department has been working on improving the budget process to help focus Council's attention on goals for the Town. This proposed calendar shows the first steps in that process including the creation of a strategic plan from which the CIP will completed and a more purposeful community input process.

Recommended Action (Motion): Approve the FY17 Budget Calendar.

Instructions to the Clerk:

Town of Camp Verde

Proposed Budget Calendar for FY 2016-17

Date	Task	Day/Time
Nov. 18th, 2015	Approve budget calendar.	Wed: 6:30pm
Nov. 20th, 2015	Council to develop Strategic Plan	Fri: 7:00-11:00am
Jan. 22nd, 2016	Day 1 of CIP development	Fri: 7:00-11:00am
Jan. 29th, 2016	Day 2 of CIP development	Fri: 8:00-11:00am
Feb. 22nd, 2016	Any changes to Town fee schedule due to Finance	Mon: End of day
Feb. 29th, 2016	Dept budgets and Narratives due to Finance	Mon: End of day
Mar. 21-25, 2016	Town Manager to review budgets with department heads	Throughout week
Apr. 15th, 2016	Day 1 of Council budget presentations	Fri: 8:00-11:00am
Apr. 22nd, 2016	Day 2 of Council budget presentations	Fri: 8:00-11:00am
May 9th, 2016	Community engagement meeting	Mon: 7:00-9:00pm
May 13th, 2016	Council review with Town Manager & Finance Director (Deparment heads available if requested)	Fri: 8:00-11:00am
May 18th, 2016	Public hearing; Adoption of Town fees and Sanitary District debt levies	Wed: 6:00pm
June 1st, 2016	Adoption of Tentative Budget	Wed: 6:30pm
July 6th, 2016	Public hearing; Adoption of final budget	Wed: 6:00pm

**Please note that dates are estimates only and may change if necessary.*

4.D

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: November 18, 2015

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

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Finance Dept. ***Staff Resource/Contact Person:*** Mike Showers

Agenda Title (be exact): Discussion, consideration & possible approval for Finance Director to close the National Bank Sanitary District Public Funds Account & three Sanitary District Account's with the County per the attached schedule.

List Attached Documents: 1) Account Closures

Estimated Presentation Time: N/A

Estimated Discussion Time: N/A

Reviews Completed by:

☐ ***Town Attorney Comments:*** N/A

☒ ***Department Head:***

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

Fiscal Impact: There is no monetary impact to the Town.

Comments: All monies will remain in the Sewer Enterprise Fund.

Background Information: These four accounts have no operating purpose currently for the Town's sewer department. Two have had a zero balance and no activity since 2013 & 2005. The other two were used for some specific projects in the past under the Sanitary District. All monies in these accounts are unrestricted funds and not held for any current or future projects. Any monies in the account would be moved into related accounts within the Sewer Enterprise Fund as shown on the attached schedule.

Recommended Action (Motion): Move to approve for Finance Director to close the National Bank Sanitary District Public Funds Account & three Sanitary District Account's with the County per the attached schedule.

Instructions to the Clerk: N/A.

Requested Account Closures

Close account	into account
National Bank *#.....3497*	National Bank *#.....1424*
Yavapai County *#.....940-0* *#.....940-5 (No funds)* *#.....640-0 (No funds)*	Yavapai County *#.....540-0*

CERTIFICATE OF APPRECIATION

This certificate is awarded to

BRUCE GEORGE

In recognition of his valuable service to the Town for his time serving on the Camp Verde Town Council

TOWN OF CAMP VERDE

Mayor Charles German

Date

8.

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: November 18, 2015 Regular Session

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

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

Requesting Department: Mayor and Council

Staff Resource/Contact Person: Mayor German

Agenda Title (be exact): **Discussion, consideration, and possible appointment of a Vice-Mayor to complete the two-year term left vacant by resignation of Bruce George.**

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Reviews Completed by:

☐ ***Department Head:***_____ ☐ ***Town Attorney Comments:*** N/A

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

Background Information: Town Code-Section 2-2-2 Vice Mayor states that the Council shall select in June, a Vice Mayor who shall serve for a two-year term at the pleasure of the Council. On June 24, 2015 Council appointed Bruce George to serve a two year term as Vice Mayor. This new appointment will be to complete the two year term that Council previously appointed.

Recommended Action (Motion): *Move to appoint a member to serve as Vice Mayor to complete the 2 year term left vacant by the resignation of Bruce George.*

Instructions to the Clerk: None

Immediately before assumption of the duties of office, the Mayor and each Council member shall, in public, take and subscribe to the oath of office.

ARTICLE 2-2

MAYOR (2008-A355) (2010-A370)

SECTION 2-2-1 DIRECT ELECTION OF MAYOR (2004-A270) (2008-A355)

A. The Mayor shall be directly elected by the people pursuant to ARS § 9-821.01. If a candidate receives a majority of all votes cast at a primary election, he or she shall be declared Mayor effective as of the date of the general election, and no general election shall be held for that position.

B. The term of the Mayor shall be for two years. In every election one of the declared vacancies on the Council shall be reserved for the election of the Mayor.

C. A candidate may not run for both Mayor and Council member at the same election, a seated Council member whose term is not expiring may not run for the office of Mayor. A Mayor whose term is expiring is permitted to run for the office of Mayor or Council member.

SECTION 2-2-2 VICE-MAYOR (2008-A355)

The Council shall select in June, a Vice Mayor who shall serve for a two-year term at the pleasure of the Council. The Vice Mayor shall assume the duties of the Mayor in the absence, disqualification, or resignation of the Mayor.

SECTION 2-2-3 ACTING MAYOR (2001-A210) (2008-A355)

In the absence or disability of both the Mayor and Vice Mayor, the mayor will designate one of the current Council members to serve as acting Mayor who shall have all the powers, duties, and responsibilities of the Mayor during such absence or disability. In the event, the Town Council objects to any such designation, the Council may vote in a public meeting called pursuant to the provisions of this code, to override the mayor's designation and select an alternative person to serve as Acting Mayor.

SECTION 2-2-4 POWERS AND DUTIES OF THE MAYOR (2008-A355)

The Mayor shall be the Chief Elected Official who is the Chief Executive Officer of the Town; except as to the administrative duties delegated to the Manager, or other department heads, and in accordance with the procedures set forth in the code and applicable portions of any personnel manual adopted by the Town.

A. The Mayor shall be the chairperson of the Council and preside over its meetings and its agenda. The Mayor may make and second motions and shall have a voice and vote in all its proceedings.

B. The Mayor shall execute and authenticate by his signature such instruments as the Council or any statutes, ordinances, or this code shall require.

C. The Mayor and members of the Council may make such recommendations and suggestions to the Council, as they may consider proper.

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: November 18, 2015

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

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

Requesting Department: **Town Clerk**

Staff Resource/Contact Person:

Agenda Title (be exact):

Discussion, consideration, and possible *direction to staff relative to filling the vacant Council Seat left by the resignation of previous Vice-Mayor Bruce George pursuant to state statue, this position will serve until the next regularly scheduled election.*

List Attached Documents:

Letter of Interest Form
Nomination Paper
Article 8 part 1 Section 3 State Constitution
ARS 9-232 Qualification of Members
ARS 9-235 Vacancies in Council
Town Code Section 2-1-4
Copy of Letter to Bruce George advising Judge's Decision
Copy of Ruling by Honorable David L. Mackey
Resignation and Statement from Bruce George

Estimated Presentation Time:

Estimated Discussion Time: 10 Minutes

Reviews Completed by:

☐ ***Department Head:***_____ ☐ ***Town Attorney Comments:*** N/A

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

Background Information: The Honorable David L. Mackey ruled that the Town Clerk shall immediately call for a recall election of Vice Mayor Bruce George and such recall election shall be held on March 8, 2016. Which is the next following consolidated election date pursuant to ARS 16-204 that is ninety days or more after this order calling the election. Vice Mayor Bruce George was notified.

Recommended Action (Motion):
Direct Staff to advertise for the Position, set closing date for accepting Letters of Interest.

Instructions to the Clerk: None

Print Form

Name:	Date:
Home Address:	
Mailing Address, if different:	
Email Address:	
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:	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:	
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. TOWN COUNCIL	3.
2.	4.

Education and Community Service

Schools Attended:	Degree:	Year:	
Civic Activities-Service Organizations	Office Held:	Year Begun:	Year Ended:

Please state why you would like to be appointed to a Town Board, Commission, or Committee:_____

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)

(b)

(c)

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 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:_____Date:_____

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

STATE OF ARIZONA

NONPARTISAN
NOMINATION PAPER
AFFIDAVIT OF QUALIFICATION
CAMPAIGN FINANCE LAWS STATEMENT
[A.R.S. §§ 16-311(B), 16-905(I)(5)]

FOR OFFICE USE ONLY

You are hereby notified that I, the undersigned, a qualified elector, am a candidate for the office of CAMP VERDE TOWN COUNCIL ~~at the General Election to be held on~~ _____.

I will have been a citizen of the United States for _____ years next preceding my election and will have been a citizen of Arizona for _____ years next preceding my election and will meet the age requirement for the office I seek and have resided in _____ County for _____ years and in precinct _____ for _____ years before my election.

I do solemnly swear (or affirm) that, at the time of filing, I am a resident of the county, district or precinct which I propose to represent, I have no final, outstanding judgments against me of more than an aggregate of $1,000 that arose from failure to comply with or enforcement of ARS Title 16, Chapter 6, and as to all other qualifications, I will be qualified at the time of election to hold the office that I seek, having fulfilled the constitutional and statutory requirements for holding said office.

_____
Actual residence address or description of place of residence (city or town) (zip)

Post Office
Address _____
(city or town) (zip)

Print or type your name on the following line in the exact manner you wish it to appear on the ballot. A.R.S. § 16-311(G).

_____, _____
LAST NAME FIRST NAME

_____
CANDIDATE SIGNATURE

State of _____)
County of _____)

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20_____.

_____
Notary Public

(Seal)

I have read all applicable laws relating to campaign financing and reporting.

_____
CANDIDATE SIGNATURE

Office Revision 05/23/2013

3. Resignation of officer; special election

Section 3. If such officer shall offer his resignation it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed as provided by law, a special election shall be ordered to be held as provided by law, to determine whether such officer shall be recalled. On the ballots at such election shall be printed the reasons as set forth in the petition for demanding his recall, and, in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of such election shall have been officially declared.

©2007 Arizona State Legislature.

State constitution

Article 8 part 1 Section 3

9-232. Council; qualifications of members; oath; selection of mayor; vacancy

A. A person shall not be a member of a city or town council unless, at the time of the election, the person is eighteen years old, is a qualified elector residing within the city or town and has resided in the city or town for at least one year next preceding the election, or if an area has been annexed to the city or town for a period of less than one year next preceding the election has resided in such area for at least one year next preceding the election. If an annexed area is subject to the provisions of this subsection, a person may meet the residency requirements if the person has resided within the existing limits of the city or town for the one-year period.

B. Every member of the council shall hold the office for the term of two years, except the members of the council first appointed, and before entering on the duties of the office, the member shall take and subscribe the oath of office.

C. Except for a common council organized as prescribed by section 9-232.04, the common council shall assemble within twenty days after their appointment or election, and choose a mayor from among their number.

D. If a member of the council, at any time during the member's term of office, ceases to be a qualified elector of the city or town or ceases to reside in the city or town, the council seat held by the member is deemed vacant. The council seat shall be filled in the same manner as any vacancy on the council. on request, the county attorney for the county in which the city or town is located shall investigate and determine whether a vacancy exists pursuant to this subsection.

©2007 Arizona State Legislature.

Privacy Statement

9-235. Vacancies in council

A. The council shall fill a **vacancy** that may occur by appointment until the next regularly scheduled council election if the **vacancy** occurs more than thirty days before the nomination petition deadline, otherwise the appointment is for the unexpired term. This subsection does not apply to a charter city.

B. The member appointed shall meet the qualifications established in section 9-232.

EFFECTIVE DATE OF CODE (2006-A332)

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on May 18, 2011, except that where a later effective date is provided it shall prevail.

CHAPTER 2
MAYOR AND COUNCIL

ARTICLE 2-1

COUNCIL

SECTION 2-1-1 ELECTED OFFICERS (2008-A355)

- The elected officers of the Town shall be a Mayor and six Council members. The Mayor and Council members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.
- The term of office of the Mayor shall be two years.
- Council members shall serve four-year staggered terms as provided by ARS § 9-232.02, as may be amended, with three (3) members in each class.

SECTION 2-1-2 CORPORATE POWERS (2008-A355)

The corporate powers of the Town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order or motion.

SECTION 2-1-3 ASSUMPTION OF OFFICE (2008-A355)

Members of the Council shall assume the duties of office at the first meeting in June following the date of the general election at which the Council members were elected. If a Council candidate, including Mayor, receives a majority of all votes cast at a primary election, then pursuant to ARS § 9-821.01, as may be amended, such candidate shall be declared elected to the office, but effective as of the date of the general election, to be seated as set forth herein.

SECTION 2-1-4 VACANCIES IN COUNCIL (2008-A355) (2009-A362) (2009-A364)(2012-A381)

If a vacancy occurs more than thirty days before the nomination petition deadline for the next regularly scheduled Town Council election, the Town Council shall, within sixty days of the vacancy, fill the appointment until the next regularly scheduled Town Council election. If the vacancy occurs thirty days or less prior to the nomination petition deadline for the next regularly scheduled Town Council election, the Town Council shall fill the vacancy for the unexpired term of the office being filled. A person who has been elected to fill the remainder of an unexpired term of a vacant office may take the oath of office and begin the remainder of the term of office at any time after the canvass of the election. The vacancy shall not reduce any Council quorum requirements.

SECTION 2-1-5 OATH OF OFFICE (2008-A355)

Town of Camp Verde

Gateway to the Verde Valley

♦ 473 S. Main Street, Suite 102 ♦ Camp Verde, Arizona 86322 ♦
♦ Telephone: 928.554.0000 ♦ Fax: 928.567.9061 ♦
♦ www.campverde.az.gov ♦

November 9, 2015

Vice-Mayor Bruce George
706 S Sgt Woodall Lane
Camp Verde, AZ 86322

Hand-delivered

RE: Recall Election

Dear Mr. George:

You are hereby notified that the Honorable David L. Mackey, Division 1 Superior Court Judge has ordered that the Town of Camp Verde Town Clerk shall immediately call for a recall election of Vice Mayor Bruce George and such recall election shall be held on March 8, 2016 which is the next following consolidated election date pursuant to ARS 16-204 that is ninety days or more after this order calling the election.

The original grounds for filing of the petition by Camp Verde for Good Government are:

Camp Verde Councilor Bruce George voted to repeal a food tax in an effort to avoid a referendum; which would have sent this Council action to a vote of the public. He then voted to increase the sales and use taxes; knowingly understanding that these actions could not be referred to the voters. These acts were a direct effort to circumvent the public's right to have a say in issues relating to taxation. These acts were taken with direct knowledge that the public would have no method to overturn their acts, even though public hearings had demonstrated a strong opposition to increased taxes as a method for increasing revenue for the Town. Additionally, there was no direction given for the use of these funds. This allows these funds to be used for any purpose, instead of capital improvement as discussed at previous meetings. An attempt to place a sunset or ending clause was opposed, leaving this open-ended tax in place indefinitely. Councilor George, through subversive actions, has demonstrated a blatant disregard for the rights of the citizens of Camp Verde to have a say in decisions relating to taxation.

Following are choices you have:

Per ARS 19-208 if a person against whom a recall petition is filed desires to resign, the person may do so by filing a written tender thereof with the Clerk within five days, excluding Saturdays, Sundays and other legal holidays, In such event the person's resignation shall be accepted and the vacancy shall be filled as provided by law.

Per ARS 19-207 you have a right to prepare and have printed on the ballot a statement containing not more than two hundred words defending your conduct, if this statement is not received within ten days from today's date, the right to have a statement printed on the ballot shall be considered waived.

Sincerely,

Virginia Jones
Town Clerk

Town of Camp Verde

Gateway to the Verde Valley

♦ 473 S. Main Street, Suite 102 ♦ Camp Verde, Arizona 86322 ♦
♦ Telephone: 928.554.0000 ♦ Fax: 928.567.9061 ♦
♦ www.campverde.az.gov ♦

Enclosure: Ruling by Superior Court Judge David L. Mackey

CC: Town Council, Manager, Town Attorney

w/o

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

CAMP VERDE FOR GOOD GOVERNMENT, a political committee; CHERYL WISHMEYER, a natural person, Plaintiffs, -vs- TOWN OF CAMP VERDE, a municipal corporation; TOWN OF CAMP VERDE TOWN COUNCIL, a public body; CHARLES GERMAN, Mayor of Town of Camp Verde, in his official capacity; BRUCE GEORGE, Vice mayor of Town of Camp Verde, in his official capacity; Defendant.	**Case No.** V1300CV201580323 **RULING**	**FILED** DATE: NOV - 5 2015 2:22 o'Clock P .M. DONNA MCQUALITY, CLERK BY: B. Chamberlain Deputy

HONORABLE DAVID L. MACKEY **DIVISION 1**	**BY:** Jennifer Jaramillo Judicial Assistant **DATE:** November 5, 2015

The Court has considered the Town of Camp Verde's Motion To Dismiss Verified Complaint For Special Action, the Response and the Reply.

The Court declines to dismiss the complaint due to laches. This matter was necessitate by the Town of Camp Verde's illegal and inequitable cancellation of a duly called recall election. The Plaintiffs' difficulty in obtaining counsel to represent them was established at the hearing. While there was delay, it was not so substantial as to deprive this Court of the ability to provide a remedy.

The Court finds that A.R.S. §19-209 does permit the recall election to be called at the next consolidated election date which is March 8, 2016. The arguments the Town of Camp Verde advanced in support of a different interpretation are not persuasive. Specifically, the Town of Camp Verde's argument contained in Footnote 1 of their Motion To Dismiss that rolling over the recall election to March 2016 would result in a violation of the requirement A.R.S. §19-203(C) is incorrect. The recall petitions were accepted and verified within the 120 day requirement. The Town of Camp Verde scheduled and subsequently cancelled the recall election when sufficient signatures had been timely verified.

The Court finds that the Town of Camp Verde has not suffered the prejudice alleged. Specifically, the Court addressed whether to give the Town additional time after the October 8, 2015 hearing to call additional witnesses. However, the witnesses offered by the Town would not have changed the reason for cancellation of the recall election as established by the records of the Town of Camp Verde. Any testimony from the Recall Committee Treasurer and the former Town Clerk regarding their thoughts about the recall election before and after the action by the Town of Camp Verde does not alter the fact that the recall election was illegally cancelled by a vote of the Town Council after the Town Clerk had legally called for a recall election.

IT IS ORDERED the Town of Camp Verde's Motion To Dismiss Verified Complaint For Special Action is **DENIED.**

IT IS ORDERED accepting special action jurisdiction and granting the following relief.

The Court finds pursuant to Rule 4(g), A.R.P.S.A. and A.R.S. §12-2030(A) that Plaintiffs are entitled to an award of attorneys' fees and costs.

IT IS ORDERED that within thirty (30) days of this date, the Plaintiffs shall submit a statement of costs and an attorneys' fees affidavit in compliance with *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183, 673 P.2d 927 (App.1983).

Pursuant to the Court's findings set forth on the record at the hearing on October 8, 2015 and in this Ruling,

IT IS ORDERED the Town of Camp Verde Town Clerk shall immediately call for a recall election of Vice Mayor Bruce George and such recall election shall be held on March 8, 2016 which is the next following consolidated election date pursuant to A.R.S. §16-204 that is ninety days or more after this order calling the election.

DATED THIS 5th DAY OF November, 2015

HONORABLE DAVID L. MACKEY

cc: Alexander Kolodin/Stewart Gross, WONG CARTER, PC (e)
Jeffrey T. Murray, SIMS MURRAY, LTD -2020 North Central Avenue, Suite 670
Phoenix, AZ 85004
Carol Brown, Representative for the Town of Camp Verde, 473 S. Main St., Ste. 102
Camp Verde, AZ 86322
Leslie M. Hoffman, Yavapai County Recorder, 1015 Fair Street, Room 228, Prescott, AZ 86305
Karen McCracken, Yavapai County Chief Deputy Recorder, 1015 Fair Street, Room 228,
Prescott, AZ 86305
Thomas Stoxen, Yavapai County Attorney's Office (e)

TOWN OF CAMP VERDE

I, Bruce George have received from Town Clerk Virginia Jones a letter of notification that the Honorable David L. Mackey, Division 1 Superior Court Judge has ordered that the Town of Camp Verde Town Clerk shall immediately call for a recall election of Vice Mayor Bruce George and such recall election shall be held on March 8, 2016 which is the next following consolidated election date pursuant to ARS 16-204 that is ninety days or more after this order calling the election.

Delivered by:

Virginia Jones

Town Clerk – Virginia Jones

A01:41 IN

11-9-2015

Date Time

Received by:

Bruce M George

Vice-Mayor Bruce George

11-9-15 1:41 PM

Date Time

11-09-15 A02:24 IN

November 9, 2015

Dear Mayor German,

In consideration of what is in the best interests of the Town of Camp Verde I feel it best that I resign my position on Council at this time.

I hereby do resign my council position effectively immediately.

Sincerely and regretfully,

Bruce m George

Vice-Mayor

$30,000 dollars! That is a lot of money to me...and I believe to the residents of Camp Verde. When I was elected I had no personal agenda and only wanted to help make Camp Verde a better place to live and raise families. I never had any ulterior motives to either promote deals or prevent projects from being completed. This is money that could be used to pay for the new playground equipment at Butler Park or help pay for the much needed roof on the gym or even to install new fire hydrants. This is a unique situation in that the election is only about recalling me so if I am not on council there will be no recall election and the Town will save the $30,000. We will still be out the attorney's fees but that can't be helped. So in order for the Town to move forward I hereby resign my position on council.

Bruce M Stage

11-09-15 A02:24 IN

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: November 18, 2015

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

☐ *Presentation Only* ☐ *Action/Presentation*

Requesting Department: Finance Dept. ***Staff Resource/Contact Person:*** Mike Showers

Agenda Title (be exact): Discussion, consideration & possible approval for Finance Director to apply for & utilize a P-Card system through Chase Bank

List Attached Documents: 1) Program Info - 2pages

Estimated Presentation Time: 5 mins

Estimated Discussion Time: 5-10 mins

Reviews Completed by:

☐ ***Town Attorney Comments:*** N/A

☒ ***Department Head:***

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

Fiscal Impact: Some AP Vendors may charge back transaction fees. Those will be considered, analyzed and avoided if necessary. Use of the cards for normal purchases will not affect us financially.

Comments: All cardholders would still be held to the current purchasing policies and procedures.

Background Information: The Finance Department asked for and received Council approval in May of 2015 to utilize a P-Card system through MasterCard. The available system was actually American Express. The Finance Director chose to look into other options and has found a viable solution through Chase bank. Though the request to utilize a P-Card system has been previously approved it is important to make sure Council understands the current scenario.

Recommended Action (Motion): Move to approve for Finance Director to apply for & utilize a P-Card system through Chase Bank

Instructions to the Clerk: N/A.

Smartdata helps manage your Commercial Card Classic program more effectively

Smartdata is MasterCard's reporting and transaction management platform

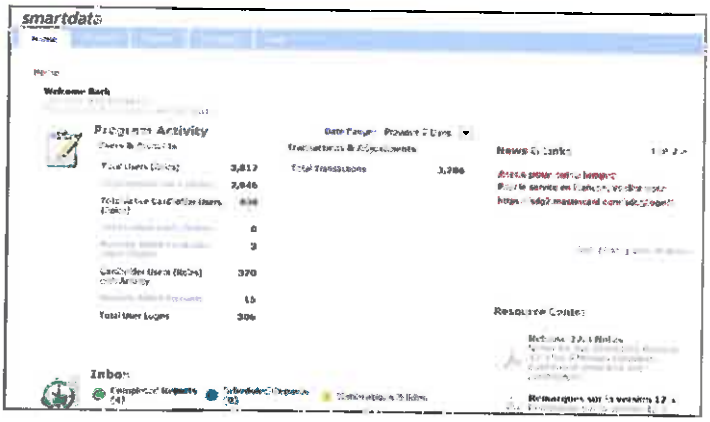
- Chase is the largest commercial card issuer using Smartdata
- Proven solution with global capabilities

Web-based solution, no applications to install

- Simple, intuitive design
- Internet security protocol

Chase provides all technical support

- Implementation
- Training
- Day-to-day assistance
- Technical Help Desk



CHASE

Smartdata: Benefits

Online access to daily transaction activity is *key* to achieving program success.

- Program Administrator
  - Real-time card program administration
  - Data mining and exception reporting
  - Management reports
  - Export data for upload into G/L
- Managers
  - Online review and approval of cardholder transactions
  - Departmental reporting
- Cardholders
  - Review transactions on a daily basis
  - Code transactions to appropriate expense type
  - Create and submit expense reports electronically

CHASE

11.

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: November 18, 2015

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

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

Requesting Department: **Manager - Finance**

Staff Resource/Contact Person:

Agenda Title (be exact): **Discussion, and update by staff regarding the Public Safety Pension System.**

List Attached Documents:

Estimated Presentation Time:

Estimated Discussion Time: 10 Minutes

Reviews Completed by:

☐ ***Department Head:***_____ ☐ ***Town Attorney Comments:*** N/A

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

Background Information:

Recommended Action (Motion):

Instructions to the Clerk: None

PRESENT VALUE OF FUTURE BENEFITS AND ACCRUED LIABILITY

	June 30, 2013	June 30, 2014
Pension		
A. Accrued Liability		
1. For retirees and beneficiaries	$ 2,991,913	$ 3,460,758
2. For DROP members	-	-
3. For vested terminated members	31,658	28,997
4. For present active members		
a. Value of expected future benefit payments	2,235,678	2,733,086
b. Value of future normal costs	(1,149,469)	(1,369,849)
c. Active member accrued liability: (a) - (b)	1,086,209	1,363,237
5. Total accrued liability	4,109,780	4,852,992
B. Present Assets (Funding Value)	3,050,572	3,023,178
C. Unfunded Accrued Liability: (A.5) - (B)	1,059,208	1,829,814
D. Stabilization Reserve	-	-
E. Net Unfunded Accrued Liability: (C) + (D)	$ 1,059,208	$ 1,829,814
F. Funding Ratio: (B) / (A.5)	74.2%	62.3%
Health		
A. Accrued Liability		
1. For retirees and beneficiaries	$ 20,349	$ 79,735
2. For DROP members	-	-
3. For present active members		
a. Value of expected future benefit payments	83,081	102,708
b. Value of future normal costs	(30,881)	(37,228)
c. Active member accrued liability: (a) - (b)	52,200	65,480
4. Total accrued liability	72,549	145,215
B. Present Assets (Funding Value)	-	163,233
C. Net Unfunded Accrued Liability: (A.4) - (B)	$ 72,549	$ (18,018)
D. Funding Ratio: (B) / (A.4)	0.0%	112.4%

PSPRS Overview

- 256 Employer (Individual) Plans
  - ~32,000 Actives / Retirees
- Same Benefits for All Plans
- Financial Condition Varies by Plan
  - $6.2B Total Underfunded
- ER Contribution Rate Varies By Plan
- EE Contribution Rates are Fixed at 11.65%

The Yardstick: It's Components

1. Defined Benefit Plan
2. Free From Legal Challenge
3. New Statewide System
4. Plan Elements of the New Statewide System
5. Governance Structure

Takeaways

- Reform **WILL NOT** Reduce Your Unfunded Liability
- Actively Manage Your PSPRS Plan
- The Current System is Unsustainable
- Reform in Needed
- The Yardstick is a Tool - Not a Proposal

13.

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: November 18, 2015

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

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

Requesting Department: **Manager-IT Department & Town Clerk**

Staff Resource/Contact Person:

Agenda Title (be exact): **Discussion and update regarding Managing Public Records sent and received via Electronic Mail.**

List Attached Documents:

Estimated Presentation Time:

Estimated Discussion Time: 10 Minutes

Reviews Completed by:

☐ ***Department Head:***_____ ☐ ***Town Attorney Comments:*** N/A

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

Background Information: T

Recommended Action (Motion):

Instructions to the Clerk: None

General Retention Schedule for
All Public Bodies
Electronic Communications, Social Networking and Website Records

Item #	Records Series	Retention (Yrs.)	Start of Retention
	E-mail and Electronic Communication Records* (including electronic mail messages (E-mail), instant messages (IM), text messages, mobile to mobile (M2M) messages, voice-over Internet Protocol (VoIP) messages and other related records)		
1.	Official Record (including any content in the actual message and any attachments or links that meets the ARS §41-151.18 definition of a record and is not a duplicate record, transitory or retained elsewhere) * Meeting the requirements of the definition of records per ARS 41-151.18 requires a minimum of the following metadata be retained as long as the message is retained: Sender and receiver identification must be explicit enough to identify the individual senders and recipients. If the message only indicates initials or other abbreviated identifiers (e.g., distribution lists, grouped addresses, etc.) as senders and/or recipients, then the custodian must document who were the actual senders and/or recipients of the message. This metadata must be accessible with the official record.	-	Retain for the same period as required for other formats of the same records series
	Examples of common items found in e-mail include the following: a. General Correspondence (including public records requests, forms and other letters; memos; correspondence not on a Records Retention Schedule; and other related records not related to a specific project or case; and not executive correspondence)	-	After administrative or reference value has been served

Lisa Maxwell, Director
Records Management Division
Arizona State Library, Archives and Public Records

General Retention Schedule for
All Public Bodies
Electronic Communications, Social Networking and Website Records

Item #	Records Series	Retention (Yrs.)	Start of Retention
	b. Contracts, Agreements and Leases and related records (including Intergovernmental Agreements (IGA), mutual/cooperative agreements and Memorandums of Understanding (MOU), but does not include construction contracts (see Facilities/Grounds General Retention Schedule)	6	After fulfilled, cancelled or revoked
	c. Leave Records (including compassionate leave, donated leave, military leave and other related records)	3	After created or received
	d. Working Records (including notes, drafts, feeder reports and other related records used in the development of final or summary records)	-	After final records created
	e. Office Internal Administration Records (including non-policy word procedures/manuals, office assignments, work schedules and other related records)	-	After superseded or obsolete
2.	Duplicate / Copies of Records (non-record office copy, including any content in the actual message and any attachments or links that is substantially a duplicate in nature, with an official copy of the information existing elsewhere)	-	After reference value has been served, but not longer than the official record is kept
	Social Networking / Web 2.0 Records (including blogs, wikis, Twitter, Facebook and other related applications)		
3.	Official Records (includes any content on a Web 2.0 application that meets the ARS §41-151.18 definition of a record and is not a duplicate record, transitory or retained elsewhere)	-	Retain for the same period as required for other formats of the same records series

General Retention Schedule for
All Public Bodies
Electronic Communications, Social Networking and Website Records

Item #	Records Series	Retention (Yrs.)	Start of Retention
	Examples of common items found in social media/Web 2.0 records include the following:		
	a. Transitory Materials (of limited reference value, including **general postings and comments,** general correspondence, walls, feedback and related records)	-	After administrative or reference value has been served
	b. Public Information Records (including press releases, photographs, public service announcements, notices of upcoming events and other related records)		
	i. Historic	Permanent	Preserve pursuant to ARS §39-101
	ii. Non-historic	-	After administrative or reference value has been served
	c. Biographic Information (including "about us" and background information)	-	After superseded or obsolete
4.	Duplicate / Copies of Records (non-record office copy, including any content on a Web 2.0 application that is substantially a duplicate in nature, with a record copy of the information existing elsewhere)	-	After reference value has been served, but not longer than the official record is kept.
5.	Format and Control Records a. Administrative (including social networking matrix, marketing plan, registration records, CEO/CIO approval records, copyrighted material documentation records, friends/ fans lists and related records. For State Agencies, per the Department of Administration/Arizona Strategic Enterprise Technology ASET) office Policy on Social Networking)	1	After superseded or obsolete

Lisa Maxwell, Director
Records Management Division
Arizona State Library, Archives and Public Records

General Retention Schedule for
All Public Bodies
Electronic Communications, Social Networking and Website Records

Item #	Records Series	Retention (Yrs.)	Start of Retention
	b. Technical (including configuration / setup files, installation and implementation records, design records, program operation, software related, site maps, comprehensive list of URLs referenced and related records	1	After superseded or obsolete
	c. Tracking (including site logs and statistical compilations, "hits")	-	After administrative or reference value has been served
6.	**Website Content Records** Official Records (includes any content on a public body's website that meets the ARS §41-151.18 definition of a record and is not a duplicate record, transitory or retained elsewhere)	-	Retain for the same period as required for other formats of the same records series
7.	Duplicate / Copies of Records (non-record office copy, including any content on a public body's website that is substantially a duplicate in nature, with a record copy of the information existing elsewhere)	-	After reference value has been served
8.	Format and Control Records (including web application changes)	3	After related website content file, database or application is superseded or obsolete

Supersedes schedule dated January 19, 2012

Lisa Maxwell, Director
Records Management Division
Arizona State Library, Archives and Public Records

Arizona State Library, Archives and Public Records

Preserving Arizona — PROVIDING ACCESS

RECORDS MANAGEMENT DIVISION
1919 West Jefferson
Phoenix, Arizona 85009
(602) 542-3741

Managing Public Records Sent and Received Via Electronic Mail

These apply to state and local government agencies and political subdivisions in the State of Arizona

The intent of this document is to explain requirements, and to assist with the management of electronic mail (e-mail) messages that meet the criteria for public records as defined by statute (*ARS § 41-1350*).

Intent and Purpose

This document has a two-fold purpose:

- First, it is intended to assist public officials and other custodians of public records in complying with Arizona's Inspection of Public Records Law (*ARS § 39-121*) in their use of electronic mail.
- Second, it is intended to promote the effective capture, management, and retention of electronic messages that are public records.

Introduction

Electronic mail software programs, commonly called e-mail, have become the communications method of choice for many public officials and public employees in Arizona. Electronic mail messages are often used as communication substitutes for the telephone as well as to transmit substantive information or records previously committed to paper and transmitted by more traditional methods. This combination of communication, record creation, and recordkeeping has created ambiguities on the status of electronic mail messages as public records.

The management of electronic mail messages that are public records affects nearly all functions on which a government agency is dependent for recordkeeping: privacy, administration, essential records management, administrative security, auditing, access, and archives. The need to properly manage electronic mail messages that are public records is the same as for other public records. ***Agencies need to maintain these records in proper recordkeeping systems to ensure compliance with Arizona laws concerning the creation of, retention of, and access to public records.***

Government agencies that use electronic mail have an obligation to make employees aware that electronic mail messages, like paper records, must be retained and destroyed according to established records management procedures. Agencies should institute or modify electronic

mail software programs that allow easy transfer of public record electronic mail messages to an appropriate recordkeeping environment to facilitate proper management of their public records. Procedures and system configurations will vary according to the agency's needs and the particular hardware and software in place; however, the Arizona State Library, Archives and Public Records' Records Management Division strongly encourages consistent and systematic records management procedures to assist in the preservation of electronic mail messages that are public records.

Definitions

Electronic mail software programs.

Electronic mail software programs are communication tools that transport messages from one computer user to another. Electronic mail software programs range in scope and size from a local electronic mail software program that shuffles messages to users within an agency or office over a local area network (LAN), or an enterprise-wide electronic mail software program that carries messages to various users in various physical locations over a wide area network (WAN) electronic mail software program, to an electronic mail software program that sends and receives messages around the world over the Internet. Often the same electronic mail software program serves all three functions.

Electronic mail messages

Electronic mail messages are electronic documents created and sent or received through a computer system. This definition applies equally to the contents of the communication, the information about the transmission of the message (metadata), and any attachments associated with such communication. Thus, electronic mail messages are similar to other forms of communicated messages, including, but not limited to correspondence, memoranda, and circular letters.

Legal Requirements

Arizona Revised Statutes (ARS) do not include a specific definition for electronic mail, however the characterization of a record, as defined by Arizona law (*ARS § 41-1350*) defines a "public record" or "record" in the following manner:

> …"records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for

sale or distribution to interested persons are not included within the definition of records…

An electronic mail message created or received by a government employee is a record if it documents the organization, functions, policies, decisions, procedures, operations or other activities of the political organization. Note: It is not just that the message is created or received by a public office. This is true of any communication, whether electronic or paper. Also note that if a government employee or public official sends an electronic mail message from home using a personal electronic mail account, in their official capacity as an employee or official, that electronic mail message is also a record.

All electronic mail messages that meet the criteria of the definition of a public record (*ARS § 41-1350*) must be made available to the public upon request under the Arizona Inspection of Public Records Law (*ARS § 39-121*) during the required retention period, unless the content of the message falls under one of the exceptions contained in the law or in any other statute, regulation, Executive Order, or rule of court.

Any public record, whether it is subject to access by the general public or not, must be retained according to records retention and disposition schedules approved by Arizona State Library, Archives and Public Records (*ARS § 41-1345)* unless a legal hold has been issued that halts all records destruction. Destruction of public records without legal, administrative, historical, or other value must be reported annually to Arizona State Library, Archives and Public Records (*ARS § 41-1351*).

Retention and Scheduling Requirements

Electronic mail software programs are a means of transmission of messages or information. Like paper or microfilm, electronic mail is the medium by which this type of record is transmitted. Just as an agency cannot schedule all paper or microfilm records together under a single retention period, an agency cannot simply schedule electronic mail as a single record series. Rather, retention or disposition of electronic mail messages must be related to the information they contain or the purpose they serve. The content, the information about the transmission of the message, and any attachments associated with the message are considered records (if they meet the criteria of a public record in *ARS § 41-1350*). The content of electronic mail messages may vary considerably, and therefore, this content must be evaluated to determine the length of time the message must be retained.

Simply backing up all of the messages on an electronic mail software program to tapes or other media or purging all messages after a set amount of time is not an appropriate strategy for managing electronic mail messages that are public records. For more information on records management, contact your agency's records officer or the Records Management Division of the Arizona State Library, Archives and Public Records.

For the purposes of this document, there are non-record electronic mail messages and public records electronic mail messages.

Non-Record Electronic Mail Messages

Electronic mail messages that do not meet the criteria of the Arizona statutory definition of a public record may be deleted at any time, unless they become part of some official record as a result of special circumstances. These types of messages may include:

Personal Correspondence

Any electronic mail message that is not received or created in the course of state business may be deleted immediately, since it is not a public record. Examples of the type of messages that may be deleted are unsolicited electronic mail advertisements, commonly called "SPAM," personal messages, or the "Let's do lunch" (not a State-business meeting over lunch) or "Can I catch a ride?" type of message.

Other Types of Correspondence and Non-Record Publications

Publications, promotional material from vendors, and similar materials that are publicly available to anyone are not public records unless specifically incorporated into other public records. For example, electronic mail discussion groups' messages, unsolicited promotional material, files copied or downloaded from Internet sites, etc. are not public records and may be deleted immediately, or they may be kept in a "Non-Record" mailbox (or folder) and deleted at a later time, just as you might trash unwanted publications or promotional flyers received in the mail. However, if you justify the purchase of a "Zip Filing System" by incorporating the reviews you received via an electronic mail discussion group in your proposal to your boss; those messages become official records and must be retained in accordance with the retention schedule for purchasing records.

Public Record Electronic Mail Messages

Electronic mail messages that meet the definition of a public record must be managed (created, maintained and used, and disposed of) as such. The retention period for electronic mail messages that are public records depends on the content of the message. For more information on retention periods, consult the proper State of Arizona Records Retention and Disposition Schedule and your agency's retention schedule.

Managing Electronic Mail: Best Practices

Record Copy Electronic Mail Messages that are Public Records

Electronic mail users should be aware that electronic mail messages are often widely distributed to a number of various recipients. Determining which individual maintains the record copy of the message (i.e. the principle, authentic copy of the message that must be retained per the retention schedule) is vital. If the holder of the record copy is not identified or aware of his or her responsibility, the agency may find that no one retains the message or that everyone retains the message. Neither of these scenarios is appropriate.

For example, agency policy documents which are transmitted to multiple recipients via an electronic mail software program need not be maintained by each recipient beyond his or her need for this information if record copy responsibility is established so that the record is maintained by some office or agent for its established retention period. In this example,

logically, the record copy responsibility rests with the creator of the policy document. Prompt deletion of duplicate copies of electronic mail messages from an electronic mail software program makes the program as a whole much easier to manage and reduces disk space consumed by redundant information.

Generally speaking, the individual who sends an electronic mail message and the primary recipient ("To" not "CC") should maintain the record copy of the message. A suggested consideration is whether or not the message impacted the function or caused some business activity to occur. However, the varied uses and wide distribution of electronic mail messages may result in many exceptions to this rule that will have to be dealt with internally.

Filing

Non-transitory electronic mail messages (records that require administrative action, formulate policy decisions, or are used as the basis of administrative or program actions or decisions) should be filed in a way that enhances their accessibility and that facilitates records management tasks. Agencies should set up or modify electronic mail software programs that will allow electronic mail messages that are public records to be easily shifted to an appropriate recordkeeping environment to facilitate proper management of their public records. Procedures and system configurations will vary according to the agency's needs and the particular hardware and software in place; however, the Arizona State Library, Archives and Public Records' Records Management Division strongly encourages consistent and systematic records management procedures to assist in the preservation of electronic mail messages that are public records.

After brief periods in your IN-OUT boxes, messages that are identified as public records should be shifted to an appropriate recordkeeping environment to facilitate proper management of public records. Reference copies could also be transferred to other "mailboxes" or "folders" in the electronic mail software program, based on business functions or other filing classification schemes. Provisions should be made for the deletion of the reference copies once their reference/administrative need ceases to exist. No reference copies should be maintained longer than the retention period of the record copy, unless a legal hold has been issued that halts all records destruction.

Employees should be responsible for classifying messages they send or receive according to content, the agency's folder/directory structure and established records series.

Distribution Lists

If you send electronic mail messages that are public records to a "distribution list" (a specified list of individuals), you must also keep a copy of the members of that list for as long as you are required to keep the message itself. It is of little value to know that the "Security Alert" notice went to "SWAT Team 7," without knowing whether Arnold Smith received the message. Nicknames present a similar problem.

Subject Lines

Fill in the subject line on your electronic mail messages both to help your recipient identify and file messages, and to help you file your messages that must be retained for some period. Subject lines should be as descriptive as possible. Developing standards and naming conventions will benefit users with this task.

Subject lines can also be used to aid in the retention of messages. Retention codes, records series titles, or retention period information can be added at the end of the descriptive subject line to facilitate easy routing of sent electronic mail messages into appropriate folders to manage messages. Detailed subject lines can also facilitate classification with a proper electronic recordkeeping system.

Cautionary Note about Messages with Sensitive or Confidential Information

Employees should use caution when dealing with sensitive, proprietary or confidential information. It is advisable to use other methods to transmit records containing inter-agency, intra-agency, confidential or other information that fall under exceptions to public access under the Arizona Inspection of Public Records Law. Examples of such information include:

1. Attorney-client privileged communications;
2. Trade secrets or other proprietary information; and
3. Personally identifiable information, such as social security numbers or medical information

Storing and Managing Electronic Mail Messages that are Public Records

Storage of Electronic Mail

Users should understand that they have an obligation to manage record electronic mail messages with retention in mind rather than technology. Messages only have to be retained and stored for as long as the required retention period (unless there is a foreseeable, pending or ongoing legal or fiscal investigation). Very few messages must be maintained for a long period of time or permanently. The storage method of record messages usually depends on the retention period of the record and risk associated with that record. Risk should be assessed by the agency in regards to the impact on the rights of citizens, government accountability and documenting the Arizona experience should the record no longer be available or inadvertently deleted.

For example, low risk records do not impact the rights of citizens, do not document government accountability, nor do they document the Arizona experience. Low risk messages that need to be retained for six months should be relatively easy to maintain on the current electronic mail software program and then be deleted (unless there is a foreseeable, pending or ongoing legal or fiscal investigation). Storage decisions for record messages that need to be retained permanently will require more careful consideration.

Storage strategies for record messages vary and each option has corresponding benefits and disadvantages. An agency's information technology environment will also have an impact on the storage method. Regardless of the strategy, it is important to incorporate metadata

considerations into your storage decision (In this context metadata refers to information such as sender, recipient, date, routing, subject lines, system information and manuals, etc.).

It is recommended that agencies explore three options when retaining records received from an electronic mail software program:

- Records with very short retention periods that are identified as being low-risk to the agency could be maintained in the electronic mail software program
- Electronic recordkeeping systems
- Other proper recordkeeping systems

Short-term and low-risk messages

As discussed previously, electronic mail messages that meet the definition of "public records" must be properly managed. The content of the record message determines the retention period of the record and the level of risk associated with the record should it be improperly managed determines how that record should be managed.

The majority of record messages are records of low risk, such as:

1. "Transitory materials" [which include correspondence of little or limited reference value, transmittals and informational messages];
2. "Reference materials" [which include duplicate documents, newsletters, reports and publications that are not generated by the specific organizational unit in which such messages are being received]; or
3. "Working documents" [which include notes, drafts, feeder reports that are used in the development of final or summary records].

These low risk records have short-term retention periods:

1. 3 months after created or received (Transitory materials);
2. After informational value is served (Reference materials); and
3. After completion of the final record (Working documents).

With proper attention to records retention periods and files management, users can maintain these types of records within the electronic mail software program itself, with no need to transfer them to an electronic recordkeeping system or other proper recordkeeping system. The software program maintains the full functionality of the electronic mail message, and allows users to recall the message at any time for reference or responding.

Disadvantages of this method include the potential costs and effects of storage on the performance of the electronic mail software program and the lack of access to records by anyone other than the individual who sent or received the message. This could be a significant problem in answering inspection of public records requests. The law (*ARS § 39-121*) requires that records shall be open to inspection by any person at all times during office hours. Custodians are charged with furnishing copies promptly (*ARS § 39-121.01.D.1*). Any solution to retention of record messages that includes maintaining the records within the electronic mail software program should be done only after consultation with the agency information resource manager and the agency network administrator.

Without proper attention to retention periods and files management aspects of electronic mail message management, organizations also will run the risk of reducing the retrievability of records; disposing of record messages from within the electronic mail software program; or maintaining long-term, high risk records in an inadequate environment

Long-term and high-risk messages

Record messages that have a longer retention period than six months or have a higher risk should be managed differently than those low risk records messages with short retention periods of six months or less. For these records keeping them in the electronic mail software program reduces central control and places them at risk of being deleted, therefore, it is advisable to move them out. Users should move them into an electronic recordkeeping system or another proper recordkeeping system.

Recordkeeping Systems

A recordkeeping system is a system in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition. Recordkeeping systems allow record messages to be:

- grouped with related records into classifications according to operational needs;
- retrieved easily and in a timely manner;
- retained in a usable format (including the transmission and receipt data of record electronic mail messages) for the required retention period found in an approved records retention schedule; and
- accessed by individuals who have a need for the records found within the system.

Electronic Recordkeeping Systems

Electronic recordkeeping systems are usually a combination of hardware; software; and policies and procedures that allow for the storage of record electronic mail messages and other electronic records in a digital format. Capturing records into an electronic recordkeeping system allows the user to maintain a moderate amount of functionality, in that record messages can be retrieved and referenced electronically.

With the cost of electronic storage decreasing, electronic recordkeeping systems are becoming more common. The real costs associated with a system of this nature are found in the ongoing maintenance and management of both the system and the records themselves. It is important for agencies to ensure that electronic records (including those that are delivered or sent through an electronic mail software program) and their associated systems are supported over time and that the records these systems contain are accessible and usable throughout their lifecycle.

When a record message is moved from the electronic mail software program, it is important that users move not only the message, but also the metadata and attachments associated with the message into the new system. For example, a record message can be captured into an electronic document management (EDMS) or records management application (RMA) system. The record should be captured in a format that is compatible with agency operations, and classified according to practices established by the agency. It is not recommended to transfer messages

stored in an electronic mail software program to a local hard drive as this limits access of the record to only one user and backup policies and procedures for desktop computers are not adequate.

Users should maintain a classification system that is consistent with established practices. This includes classification schemes as well as the use of naming conventions. In addition, users may want to consider protecting records from alteration.

Other Proper Recordkeeping Systems

The use of other proper recordkeeping systems to manage record electronic mail messages is also a viable solution. As with electronic recordkeeping systems, this strategy requires good filing structures and naming conventions.

Proper recordkeeping systems may include an analog component where the information could be printed to paper or transferred to silver halide microfilm. Any recordkeeping system that allows for the grouping of related records into a classification system, easy and timely retrieval; the retention of the records in a usable format for the required retention period; and for ready access to all individuals requiring the records should be considered.

The clearest example of a proper recordkeeping system is to print out a record message to paper, with its relevant metadata and attachments, for filing within existing filing systems in the agency. (In this context, metadata refers to information such as sender, recipient(s), date, routing, and subject lines, etc.). Record messages may no longer be searchable or retrievable in electronic form and/or the searching and retrieving functionality may be dramatically reduced in other proper recordkeeping systems, however, this option may offer the ability to integrate the filing of record messages within existing proper recordkeeping systems in agencies. Any record messages, metadata, and attachments stored in other proper recordkeeping systems should be done in a manner consistent with agency practice.

Permanent Electronic Mail Record Messages

Record messages that have permanent retention periods will have to be removed from the electronic mail software program and stored in either an electronic recordkeeping system or another proper recordkeeping system.

Should an agency choose to store the record messages electronically, they need to be cognizant of the potential impediments to digital preservation. The agency will need to develop plans for the refreshing, migration, emulation, and/or encapsulation of these electronic records. The storage of permanent records in an electronic format must be reviewed and approved by Director of the Arizona State Library, Archives and Public Records.

If an agency decides to store the record messages in any other proper recordkeeping system, they need to be cognizant of any potential impediments to permanent preservation. It is the agency's responsibility to ensure that the records are maintained and accessible throughout the record's lifecycle.

Regardless of the long-term preservation strategy, agency records managers should regularly examine the condition, retrievability, and usability of their records.

In any of the aforementioned situations, storage of records should be in compliance with State records storage standards.

Record Electronic Mail Messages and the Rules of Evidence

Agency personnel should be familiar with both state and federal "Rules of Evidence" requirements. For records maintained electronically, courts concentrate on assurances that records, and the systems in which the records are created and maintained, are reliable. The reliability of the process or system used to produce records, not the type of media or technology used, determines the admissibility of records in evidence.

At a minimum, agency personnel should ensure the following:

- Electronic mail software programs used to create, receive and maintain record electronic mail messages have full, complete, and up-to-date systems documentation;
- Electronic mail software programs follow all recommendations for system security, and complete system backups are regularly and consistently performed;
- Backup procedures should be coordinated with disposition actions so that no copies of records are maintained after the retention period for the records has expired;
- Backups do not have recordkeeping features and therefore should not be used for recordkeeping purposes;
- Electronic mail software programs retain all data and audit trails necessary to prove their reliability as part of the normal course of agency business, the record copy of a message is identified and maintained appropriately;
- Agency records officers need to plan for records maintenance and record copy responsibilities for the recordkeeping system to meet requirements for reliability and legal records disposition;
- Electronic mail software programs should allow the server administrator to prevent destruction of records for legal and/or audit purposes.

A Further Note about Backups

If backup tapes are used exclusively for disaster recovery, they do not have to be searched during discovery. If the tapes are used to recover messages outside disaster recovery - Oops! I didn't mean to delete that message, can you get it off the backup tapes?-, then the agency will have to search the tapes. The Sedona Principles address the issue of discovery and backup tapes, and judges are giving it imprimatur through their decisions in case law.[1]

Access

A major challenge for agency records officers is to guarantee that records maintained electronically are accessible and usable for the entire length of the retention period. Rapid changes and enhancements to both hardware and software compound this challenge. As

[1] More about the Sedona Principles can be found at http://www.thesedonaconference.org/miscFiles/ SedonaPrinciples200401

electronic mail software programs have limitations in storage space that cause operational problems when messages are stored in the program beyond a specific period (such as sixty or ninety days), procedures must be in place to transfer records from the electronic mail software program to proper recordkeeping system to meet retention requirements, when appropriate. As previously discussed, it may not be necessary to transfer short-term (retention period is six months or less), low-risk record messages.

Record messages should be maintained in a format that preserves contextual information (metadata) and that facilitates retrieval and access. The recordkeeping system should allow deletion of records once their retention periods have expired, unless a hold has been placed on destruction due to foreseeable, pending, or on-going legal or fiscal investigations.

Beyond the generic challenge of technological change, there are more mundane, but equally critical steps that must be faced in order to ensure that records created by electronic mail software programs can be located and retrieved when required. Central to this process is the creation of standard electronic mail addresses and the establishment of standardized naming conventions and classification rules.

Record messages should be indexed in an organized and consistent pattern reflecting the ways in which records are used and referenced. Records maintained electronically have an advantage over conventional hard copy document filing systems in that indexing for multiple access points is relatively simple and inexpensive, provided an effective indexing framework is in place. Time spent indexing records and establishing retrieval systems is time well spent. On the other hand, excessive time expended on identifying and retrieving poorly managed electronic records is not a productive use of staff time, and is an annoyance to the public as well. Records should be stored in logical classification schemes that are searchable by multiple data (metadata) elements.

Responsibility

Roles and responsibilities of agency personnel should be clearly defined. Employees must understand and carry out their role in managing record electronic mail messages and agencies must ensure compliance with agency procedures and Arizona law. The creator and recipient(s) of record messages should make decisions regarding the classification and retention of messages per established retention schedules. Unauthorized users should not be able to access, modify, destroy or distribute records.

Agency administrators, individual agency employees, records managers, information technology (IT) managers and server administrators share responsibility for managing electronic records. Agencies should clearly identify the roles of each staff member; adopt procedures, train staff, and monitor compliance on a regular basis. The agency should take appropriate measures to preserve data integrity, confidentiality and physical security of record messages.

When an employee separates from an agency, whether it is due to resignation, retirement, or termination, knowledgeable agency administrator(s) should review the employee's electronic mail account to determine which electronic mail messages should be retained as records, where the records should be maintained, and the appropriate retention period.

5. Endnotes:

This document is based in large part upon the work done by the New Jersey Division of Archives and Records Management, New Jersey CIO's Office, Maine State Archives, Delaware State Archives, Florida Department of State, the National Archives and Records Administration and the Electronic Records Committee (ERC) for the State of Ohio

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