



SUPERCEDED P

2009-766

RESOLUTION 2008-745

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
SUPERSEDING RESOLUTION 2000-447 AND
ESTABLISHING MEETING POLICIES AND PROCEDURES FOR
COUNCIL AND ALL TOWN COMMISSIONS**

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

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

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

NOW THEREFORE THE COUNCIL RESOLVES AS FOLLOWS:

1. **Meetings**: A meeting by less than a quorum of a public body is permissible under the OML, and is at times necessary to prepare for Town business or obtain information concerning pending or future agenda items. Violations of OML could occur if ideas are shared from a meeting of *less* than a quorum of members of a public body with intent to circumvent the OML, whether by one of the members attending, or an intermediary, such as a member of the staff, or a member of the public. Discussions concerning Town business that result in a quorum by whatever means must be done in a public meeting.
2. **Calls to the Public**. The OML now allows an open call to the public to allow individuals to address the public body on any issue within its jurisdiction, subject to reasonable time, place, and manner restrictions. Pursuant to Section 2-3-7.E, remarks shall be limited to three (3) minutes, unless the Mayor or chair for good cause modifies the time limits. At the conclusion of the *call* to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, or may

ask that a matter be put on a future agenda. The public body may not otherwise discuss or take legal action on matters raised. Public input will normally be allowed on all agenda items of the public body except the consent agenda, staff updates, reports by members of the public body, and advance approvals.

3. *Management of Meetings.*

- A. Where practicable, executive sessions will be held prior to the regular business meetings, as opposed to during a meeting or following a meeting.
- B. Meetings will conclude at 10:00 p.m. with planned recesses during the meetings.
- C. Council member discussion is limited to three (3) minutes per member. If an item is opened for public input, the public may address the item ONE time. Public input is limited to three (3) minutes.
- D. All routine, administrative-type items such as contract awards and approvals, proclamations, etc. shall be placed on the Consent Agenda.
- E. Previously approved items, such as budgeted items, do not require further Council approval and will not be placed on an agenda.
- F. Consent Agenda items, excluding all Ordinance and Resolution titles, will not be read aloud.
- G. All presentations will be limited to 10 minutes for the presentation and discussion period.

4. *Executive Sessions.* The Council may instruct its attorneys or representatives regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or In settlement discussions conducted in order to avoid or resolve litigation. Agenda items in executive sessions must specifically refer to the matter as well as the statutory authority for the session, and minutes reflect the instructions given to the attorneys. To prevent the public from having to wait an indefinite period while an executive session is in progress, if the Council cannot comfortably fix a time to reconvene, the Council will wait until a special session is posted, or the next normal meeting date, to take action on the item.

5. *Current Events Summary.* The Mayor, chair, or Manager may recite a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that the summary itself is listed on the agenda, and the public body does not propose, discuss, deliberate or take legal action on any of the matters, unless the matter was specifically listed in the summary for legal action.

6. *Enforcement.* The public body and staff will cooperate in written investigative demands by the County Attorney or Attorney General investigating a complaint of a violation of the OML, and supply the information requested by subpoena,

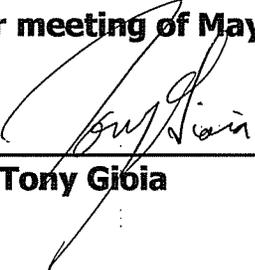
written statements, and depositions. All requests shall come through and responses reviewed by the Town Attorney, or special counsel retained by the Council, to maintain the independence of the investigation. Under the expanded liability provisions of the OML, any person found violating the law, or knowingly aiding another to violate the law, may be ordered to pay a civil I penalty not to exceed \$500 for each violation, and, in the case of a public officer, be removed from office and assessed attorneys fees and court costs.

7. E-Mail. A "meeting" under ARS 38-431.4 now Includes gathering in person or through technological devices. This would mean e-mail or communications through wireless PDA devices could constitute a meeting by members of the public body and/or staff, and is subject to the same policy as set forth In "meetings" above. E-mail communications between members of the public body concerning public business are also considered public records, and the originator will send a copy to the Town Clerk who will print a hard copy in a separate file for public inspection. E-mail cannot be used by staff or members of the public body to conduct straw polls on municipal issues, or discuss Town business by a quorum or more of its members. If e-mail is used by staff or members of a public body to distribute informational material or web sites, it should not be made with the intention of soliciting responses and deliberations on the topic. Whenever possible, e-mail should not be used to communicate with the Town Attorney concerning pending litigation or requests for legal advice.
8. Legal Opinions. If there is a legal issue concerning an agenda item, the Town Attorney or legal counsel may be requested by the Mayor, after direction by the Council, to provide a written opinion to Council, call for a vote for an executive session, or to discuss the matter with the interested Council member in private, rather than give impromptu opinions during the meeting. The Town Manager may also request a formal written opinion in advance of a meeting. This would not prevent the attorney from responding to questions on procedures, or explaining the provisions of forms or documents related to the agenda items.
9. Correspondence. Procedure for handling correspondence will depend on which of the following categories are applicable:
 - A. Incidental correspondence are routine items that do not set policy for the Town, such as acknowledging receipt of documents, public relations responses, letters of appreciation, and congratulations for special activities and events. Incidental correspondence will be answered by the Mayor, or such other member authorized by Council. Individual Council members may review the correspondence and comment to the Mayor on a particular response, or request a review by the full Council.

- B. Policy correspondence is that which purports to set or explain Town official policy, such as letters of support, expressions of position or opinion, or assertions of intent. It must first receive approval of a majority of the Council at a public meeting, and will then be signed by the Mayor, or such other member authorized by Council, on behalf of the Council.
1. At the first meeting in January of each year, Council shall adopt a Policy Statement that authorizes the Mayor, as the Town's Chief Elected Official, to support or oppose bills introduced during Legislative Sessions when they adversely affect the Town's interests and require an immediate response.
- C. Implementation correspondence is that which implements a policy or position already established by the Council, such as continuing letters of support on legislation, positions on actions by other government agencies, responding to public information requests, and other administrative steps identified in the initial presentation of the issue and approved by the Council. It will be signed by the Mayor, or such other member authorized by Council, on behalf of the Council.
- D. Public Inspection each type of correspondence will be kept chronologically in a separate binder available for public inspection, and when possible, indexed by subject.
- E. Citizen Complaints (Non-Personnel): Any correspondence that is addressed to the Town, the Mayor, and/or a Council member and that is signed or otherwise verified and identified to be a citizen complaint concerning any issue(s) relating to official Town business or responsibility as authorized by statute or other legal authority shall be directed to the Town Manager upon receipt to assign appropriately for resolution. Appropriate tracking measures shall be established in order for resolution to be reported back to the Town Manager, the complainant, and the Town Council.
10. Agenda Format. The public bodies shall follow the form and sample detailed content as set forth in **Exhibit A**, which illustrates provisions of this resolution.
11. Mail Distribution. Upon receipt of mail addressed to the Town of Camp Verde, or the Council as a whole, it will be opened and copied to the Mayor and full Council. Upon receipt of mail addressed to the Mayor alone, or an individual Council member, the mail will be opened, date stamped, and copied. Nothing in this policy is intended to require the release of confidential correspondence as protected under State or Federal laws. Should the Mayor or individual

Council members determine that a non-personnel complaint is being made by a citizen or citizens, the correspondence shall be referred to the Town Manager in order for appropriate assignments to be made and allowing the process for resolution to be started. Should the Mayor or individual Council member(s) determine a complaint is being lodged against an employee of the Town; the correspondence shall be referred to the Town Manager for further investigation and resolution keeping the personnel matters confidential.

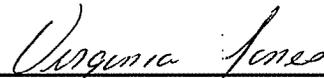
PASSED AND APPROVED by a majority vote of the Common Council at the regular meeting of May 21, 2008.

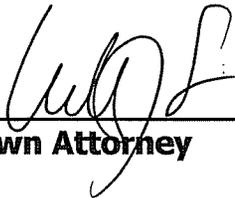
 5/29/08

Mayor Tony Gioia

Approved as to form:

Attest:

 6-6-08
~~Town Clerk Deborah Barber~~ 01
VIRGINIA JONES



Town Attorney

Exhibit A attached

EXHIBIT "A"

AGENDA



**REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, APRIL 16, 2008
at 6:30 P.M.**

1. **Call to Order**

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

2. **Roll Call**

3. **Pledge of Allegiance – (Please remove your hat.)**

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) April 9, 2008 – Work Session – Quarterly Reports
- 2) April 2, 2008 – Regular Session

b) Set Next Meeting, Date and Time:

- 1) Council Hears Planning & Zoning – April 23, 2008 at 6:30 p.m.
- 2) Regular Session – May 7, 2008 at 6:30 p.m.
- 3) Regular Session – May 21, 2008 at 6:30 p.m.
- 4) Council Hears Planning & Zoning – May 28, 2008 at 6:30 p.m.

c) Possible approval of Proclamation declaring April 13-19, 2008 as National Library Week. Staff Resource: Mayor Gioia

d) Possible approval of Proclamation declaring April as Child Abuse Prevention Month. Staff Resource: Debbie Barber

e) Possible acceptance of the following letters of resignation and presentation of Certificates of Appreciation to Trapper Moore, Chair Parks & Recreation; Ginger Mason, Vice-Chair Parks & Recreation; and Dugan McDonald, Vice-Chair of Design Review Board. Staff Resource: Debbie Barber

f) Possible award of bid for a comprehensive classification and compensation study to the low bidder Public Sector Personnel Consultants not to exceed \$25,000. There is \$50,000 budgeted in Consultant Services, Line Item 01-50-55-6604. Staff Resource: David R. Smith

g) Possible approval of a hiring freeze of all vacant Town positions. Staff Resource: Michael Scannell

h) Possible authorization for Town Manager to review and approve or reject any budgeted expenditures over \$1,000 through the end of the 2007-2008 fiscal year. Staff Resource: Michael Scannell

i) Possible approval of the interfund transfers to correct unbudgeted and misappropriated amounts in the FY 2007/2008 budget. Staff Resource: Michael Scannell

- j) **Possible consolidation of the Town's bank accounts.** Staff Resource: Michael Scannell
5. **Call to the Public for Items not on the Agenda.**
6. **Council Informational Reports** Individual members of the Council may provide brief summaries of current events and activities. These summaries are strictly for informing the public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.
- **Councilor Garrison's Liaison Report regarding Camp Verde Sanitary District (District) meetings and possible discussion and/or determination of requests for placement on the District's standard agenda item for Council Updates/Reports.**
Note: Requests may be identified, but no discussion of the item will occur at this time.
7. **Discussion, consideration, and possible award of bid for CDBG project #107-07 to Asphalt Paving and Supply to include Alternate #2, for a total contract price of \$465,231, authorization for the Mayor to execute the contract documents, and authorization for staff to request a transfer of CDBG administration funds to the project fund as needed.** This is a budgeted item in CDBG and CIP. Staff Resource: Ron Long
8. **Discussion, consideration, and possible authorization for the Mayor to send a letter to the U.S. Forest Service requesting that they refrain from divesting public lands located within the Town limits.**
9. **Discussion and possible action by Town Council relative to taking a position opposing any ballot measure that may be placed on the Nov. 08 ballot which addresses the possible transfer of the administration and management of Camp Verde Sanitary District to the Town.** Staff Resource: Mayor and Council
10. **Discussion, consideration, and possible adoption of a Council Mission Statement, Duties, and Performance Objectives for FY 2008/09.** Staff Resource: Mayor and Council
11. **Discussion, consideration, and review of proposed fees for business licenses, liquor licenses, and residential and commercial rental units, followed by possible direction to staff to make appropriate modifications to the rates and/or Town Code so that the new rates and rules will become effective by July 1, 2008. Discussion may include, but not be limited to current rates; non-compliance; methods to ensure compliance with the Town Code as it relates to business licenses; additional requirements for business licenses; and establishing fees for liquor licenses and sales tax on liquor.**
Staff Resource: Debbie Barber
12. **Call to the Public for Items not on the Agenda.**

There will be no Public Input on the following items:

13. **Advanced Approvals of Town Expenditures**
There are no advanced approvals.
14. **Manager/Staff Report**
15. **Adjournment**

Posted by: _____

Date/Time: _____

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.