

**TOWN COUNCIL OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE**

**Tuesday, June 4, 2013, 6:30 P.M.**

**COUNCIL REGULAR MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA**

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**PRIOR TO THIS MEETING, A SMALL CELEBRATION TO WELCOME THE INCOMING COUNCIL AND THANK THE OUTGOING COUNCIL WILL BE HELD FROM 6:00-6:30 P.M. THE PUBLIC IS ENCOURAGED TO ATTEND.**

**1. Call To Order.**

**2. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**2.2. Invocation.**

**3. Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan.

**4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

**5. Town Manager's Report.** Update on Current Events.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the May 7, 2013 Regular Council meeting, May 14, 2013 Special Study Session, May 20, 2013 Special Budget Study Session Meeting, May 21, 2013 Special Budget Study Session Meeting, and May 21, 2013 Regular Meeting.

**7. Comments from the Public (on non-agendized items only).** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing

or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. A 3 minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

Page 8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

29 **8.1. Ordinance 13-97 Consolidated Election – revised.**

35 **8.2. Council’s Final Review of Revised FY 2013-14 Tentative Budget.** Review, questions and discussion in preparation for the June 18th public hearing and final adoption.

37 9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

**9.1. Public Safety Contract with Yavapai County Sherriff’s Department of FY2013-14.**

**9.2. Transition of Council.** Swearing in of new Council Members and Mayor, and signing of Code of Ethics.

**9.3. Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright, Vice Mayor Dennis Repan; and Mayor Terry Nolan.

**9.4. Presentation to out-going Councilmember Rogers.**

**9.5. Comments from Newly Elected Mayor and Council Members.**

**10. Public Hearing Agenda. None scheduled.**

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**11. Comments from the Public.** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is 3 minutes per person. The audience is asked to please be courteous and silent while others are speaking.

**12. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, June 18, 2013, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, June 6, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, June 11, 2013, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2013, at

\_\_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

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**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, MAY 7, 2013, 6:30PM**

**A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 7, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:32 p.m.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

Mayor Nolan made a public apology for his actions at the previous meeting.

**4.1. Public Safety Quarterly Report. Lt. Newnum and Magistrate Kelley.**

Magistrate Cathy Kelley spoke on statistics regarding citizen contact; DPS technology for writing tickets; Credit Card Payment system; and dog issue citations.

The Sheriff's office report was temporarily postponed until later in the meeting allowing them to arrive to give that report. This report was given by Sgt. Myhres at 7:24 p.m. (following agenda item 8.2). Sgt. Myhres reviewed the PowerPoint presentation on the 2013 first quarter's statistics.

**4.2. Poppy Month Proclamation. In Support of our Veterans.**

Mayor Nolan read the proclamation declaring May as Poppy Month and urging the community's support.

Mayor Nolan announced a special concert for mental health awareness month and the availability of free tickets for the event.

5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball's report included information on the EPA team's latest visit, collecting soil samples, with their next return in the fall; Newtown Trailhead efforts with property owners and US Forest Services.

6. **Consent Agenda.**

**6.1. Minutes.** Minutes from the April 9, 2013 Work Session and April 16, 2013 Regular Meeting.

Councilmember Wright made a motion to accept the minutes from the April 9, 2013 Work Session and April 16, 2013 Regular meeting as presented, seconded by Vice Mayor Repan. It was approved unanimously.

7. **Comments from the Public (on non-agendized items only).**

None.

8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

**8.1. Volunteer of the Year Selection by Council and Recognition Day details.**

Vice Mayor Repan spoke as the Chair (non-voting) of the Selection Committee stating Ms. Mathews was selected at that meeting.

Councilmember Alen made a motion to accept the nomination of Pat Mathews as (2012) Volunteer of the Year, seconded by Vice Mayor Repan. It was approved unanimously.

Council discussed when to hold the Volunteer Appreciation Day and details of the event. May 18<sup>th</sup> was suggested for the event date.

Public comment was taken on this item.

Jack Hamilton suggested donating the money being spent on the event to a charity or fund of Ms. Mathews' choice since she was receiving this award posthumously.

There was Council discussion on this being a special event for all volunteers, giving special recognition; and how to get the word out to the public about the event.

- 8.2. **Continuation of the process for filling the Council Vacancy created by Councilmember Hiles' resignation.** Discussion and possible action to appoint a new councilmember or direct Staff regarding the next steps in the process to appoint a new councilmember.

There was discussion on whether election candidates were automatically considered for this vacancy. They were not.

Public comment was taken.

Jack Hamilton spoke against automatically including them; made a recommendation on what to do if there is a split on the vote for an applicant.

Councilmember Rogers made a motion to have candidates come to the work session next week for their interviews (at separate times), seconded by Councilmember McBrady. The motion was amended to add starting the meeting at 1:00 p.m. (mover and seconder agreed). It was approved by a 5-1 vote in favor, Councilmember Wright voting against.

The voting/selection process was discussed.

Councilmember McBrady made a motion to vote for one candidate each, if a tie, then discussion, vote again for one candidate each, then third time go to a rated vote (1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>). If there is still a tie then re-advertise. The motion failed for lack of a second.

Vice Mayor Repan made a motion to approve using the same process as used previously: 3 times voting, if all ties then re-advertise, seconded by Councilmember Wright. It was approved unanimously.

Mayor Nolan announced that Sgt. Myhres had arrived to speak on the Public Safety quarterly report so council re-opened agenda item 4.1. He reviewed PowerPoint presentation on quarterly stats and answered Council questions.

9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

**9.1. Council Acknowledgement and Discussion of FY 13-14 Tentative Budget, Review of Budget Calendar, and determination of future Budget discussion meeting dates.**

Town Manager Kimball gave an overview and asked Council to acknowledge the tentative budget so it can be posted for public inspection. She reviewed the expenditure changes from last year.

Vice Mayor Repan made a motion to acknowledge the Tentative Budget in the amount of \$3,921.305, seconded by Councilmember Alen. It was approved unanimously.

Town Manager Kimball asked council to decide a schedule for budget meetings. There was discussion.

Councilmember McBrady made a motion to give the dates council members are not available to the Town Manager by the next Council meeting, then let the TM choose soonest date available to all, seconded by Councilmember Alen. It was approved unanimously.

Vice Mayor Repan made a motion to approve the 1<sup>st</sup> budget session on May 14<sup>th</sup> at 8:00 a.m., seconded by Councilmember Wright. It was approved unanimously.

There was discussion on the order of meetings for review, public hearing and adoption and timeframe necessary for publishing notices.

**9.2. Ordinance 13-97 Consolidated Elections.** Discussion and possible action to approve ordinance amending Town Code § 30.015 Town Council Generally related to codifying 4-year staggered terms for councilmembers and clarifying dates for assumption of office; and adding new §§ 30.042 Election Day and 30.043 Referendum and Initiative Elections to set forth the dates for Town elections in conformance with A.R.S. § 16-204 re: consolidated elections.

Mayor Nolan introduced the item explaining the ordinance will shorten the term of those whose terms were to end in 2015 and 2017 by 6 months.

Council asked questions of Town Attorney Phyllis Smiley regarding the consolidated elections bill and how it affects the term length. Councilmember Wright asked about including term limits in this ordinance. Ms. Smiley recommended researching the term limits issue and whether it can be done by ordinance.

Public comment was taken.

Jack Hamilton spoke on deleting the part of the ordinance regarding section 30.043 (C) pertaining to basing signatures on the qualified electors.

Ms. Smiley explained that for initiatives it can be set by the town and they are recommending it this way as it is less burdensome to the town.

There was discussion on whether to make it less burdensome to the town or to the citizens (ballots cast versus qualified electors).

Public comment was taken.

Jack Hamilton spoke in support of keeping it based on the ballots cast as it is a lesser amount of signatures required.

Councilmember McBrady made a motion to approve Ordinance 13-97 Consolidated Elections as written, seconded by Councilmember Rogers. A vote was taken, but a motion was made by Vice Mayor Repan to do a roll call vote, seconded by Councilmember Rogers; this motion was approved unanimously. A roll call vote was

Town Council Regular Meeting Minutes, May 7, 2013  
made on the motion to approve the ordinance. The motion failed by a tied vote of 3-3,  
Councilmember Wright, Vice Mayor Repan and Mayor Nolan voting against.

Public comment was taken.

Jack Hamilton asked about just removing the wording regarding initiatives from that  
section of the ordinance.

Mayor Nolan made a motion to direct staff to rewrite the section 30.043 (C) to reflect  
ballots cast at the last election, seconded by Vice Mayor Repan. It was approved by a 4-  
2 vote, Councilmembers McBrady and Rogers voting against.

**9.3. Spring 2013 Chip Overlay Project Bid Selection and Approval of a Contract with the Selected Contractor.** Discussion and possible action to select a contractor for the spring 2013 Chip Overlay Project based upon the bids submitted in the Town's Notice and Invitation for Bids or to reject all proposals and issue a new invitation for bids.

Public Works Supervisor Ed Hanks reviewed the bids received and gave his  
recommendation to accept the low bid from Earth Resources.

Councilmember Wright asked about the bid coming in low and doing more roads than  
original bids to the amount budgeted for this project. Staff agreed they were planning to  
do this.

Vice Mayor Repan made a motion to accept staff's recommendation to accept the low  
bid and award the spring 2013 Chip Overlay Project to Earth Resources, seconded by  
Councilmember Rogers.

Public comment was taken.

Jack Hamilton gave his opinion on the need to fog-coat Old Black Canyon Highway.

A vote on the motion was taken. It was approved unanimously.

**9.4. Modification of Town Code 30.018(D) through Council Action, Resolution and Ordinance.** [CAARF Requested by VM Repan] Discussion and possible direction to Staff to prepare Council policy or ordinance to amend Town Code re: presentation of agenda item by councilmember who requested the item.

Vice Mayor Repan gave an overview on his request, explaining he wanted more detail in  
the town code giving the requestor a chance to introduce their item without restriction.  
There was discussion on the pros and cons of doing so.

Public comment was taken.

David Nystrom spoke in support of this recommendation.

Vice Mayor Repan made a motion to direct staff to change the town code as amended,  
seconded by Councilmember Wright. It was approved unanimously.

**9.5. Modification of Town Code 30.105(C) through Council Action, Resolution and Ordinance.** [CAARF Requested by VM Repan] Discussion and possible direction to Staff to prepare Council policy or ordinance to amend Town Code re: procedure to remove item from Council agenda.

Vice Mayor Repan gave an overview on his request, explaining it is a continuation on the  
last agenda item to make changes to the town code giving more detail on how requested  
agenda items can be removed from an agenda.

Public comment was taken.

Jack Hamilton spoke on an issue the Mayor had with an agenda item at a previous meeting.

There was discussion on pros and cons with this code change.

Councilmember Wright made a motion to direct staff to have the attorney put this together into the proper format for passage, seconded by Councilmember Alen. It was approved unanimously.

**9.6. Modification of Town Code 30.106 through Council Action, Resolution and Ordinance.** [CAARF Requested by VM Repan] Discussion and possible direction to Staff to prepare Council policy or ordinance re: decorum at Council meetings.

Vice Mayor Repan spoke on proper decorum not being followed at a previous meeting. This wording will allow future councils to not be interfered with unless they are doing something wrong. There was discussion on the pros and cons. Mayor Nolan explained his behavior at the previous meeting and reasons for calling a recess.

Vice Mayor Repan made a motion to give this to staff to further investigate and give to the attorney to work on, seconded by Councilmember Wright. The motion failed by a tie roll call vote of 3-3, Councilmembers McBrady, Rogers and Mayor Nolan voting against.

**9.7. Junior Statesmen Foundation Tuition Program.** [Requested by Mayor Nolan] Discussion and possible direction to Staff.

Mayor Nolan spoke on this opportunity for the youth of this town to go to the state capital for four days to learn about how laws are made. He suggested they support sending at least 2 to this program.

There was discussion on the short notice and suggestion of considering this for the following year.

Public comment was taken.

Jack Hamilton spoke on getting this in the budget for next year.

**9.8. Discussion and possible action regarding acquisition of property for Town Hall purposes and possibly to approve Resolution No. 13-107,** authorizing and directing the Town Manager and Town Attorney to obtain appraisals and legal descriptions and take other necessary actions preparatory to acquisition of real property located in Dewey-Humboldt at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street on behalf of the Town and directing the Town Manager to present the above information to the Council for possible approval to proceed with the acquisition. The Council may, by majority vote, recess the regular meeting, hold an executive session, and then reconvene the regular meeting for discussion and possible action on this item.

Councilmember McBrady recused himself from this agenda item and stepped down from the discussion and vote.

Councilmember Wright made a motion to go into Executive Session, seconded by Councilmember Alen. It was approved with a 5-0 vote in favor, Councilmember McBrady recused from the vote.

Jack Hamilton made a comment to give a dollar amount if approving the resolution for the general public's knowledge.

Councilmember Wright made a motion to go into Executive Session, seconded by Councilmember Alen. It was approved with a 5-0 vote in favor, Councilmember McBrady recused from the vote.

Jack Hamilton made a comment to give a dollar amount if approving the resolution for the general public's knowledge.

Councilmember McBrady recommended having a public walkthrough of the property prior to purchase, and to consider cost to upgrade. He recommended Bill Otwell give a presentation regarding historic preservation

Town Attorney Phyllis Smiley clarified that no decisions are to be made in executive session. Resolution is to take preparatory steps on the property.

Council recessed into Executive Session at 9:18 p.m.

**9.8.1 Recess into and hold an executive session** pursuant to A.R.S. § 38-431.03(A) (7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located in Dewey-Humboldt, Arizona, at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street.

**9.8.2. Reconvene Regular Meeting.**

The regular meeting was reconvened at 9:50 p.m. Mayor Nolan directed staff to schedule a walk-through with the Building Inspector and Warren Colvin (Community Development Coordinator) and to contact Bill Otwell regarding the properties and preservation.

**9.9. Discussion and possible action regarding Lease Agreement(s) for Current Town Hall Offices Located at Humboldt Station Inc. Property (2735 S. Hwy 69).**

Vice Mayor Repan made a motion to go into Executive Session on this item, seconded by Councilmember Wright. It was approved by a 5-0 vote in favor, Councilmember McBrady being recused from voting on this item.

Council recessed into Executive Session at 9:52 p.m.

**9.9.1. Recess into and hold an executive session** pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (Humboldt Station) located in Dewey-Humboldt, Arizona, at 2735 S. State Route 69, Humboldt, AZ.

**9.9.2. Reconvene Regular Meeting.**

The regular meeting was reconvened at 10:09 p.m. Mayor Nolan made a motion to direct staff to send a letter to the landlord expressing the town's intention to extend the lease for another 2-year term, seconded by Councilmember Alen. It was approved by a 5-0 vote in favor; Councilmember McBrady was recused from voting.

**10. Public Hearing Agenda.**

No Items.

**11. Comments from the Public.**

Denise Rogers spoke on behalf of her mom and her mother's selection as the Volunteer of

**12. Adjourn.**

The meeting was adjourned at 10:14 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL STUDY SESSION MEETING MINUTES  
TUESDAY, MAY 14, 2013, 8:00AM**

**A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 14, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 8:00 a.m. Mayor Nolan presided.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Arlene Alen, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present. Councilmember Mark McBrady was absent.

3. **FY 2013-14 Budget Deliberation.** (8:00 a.m. – 12:00 p.m.) Legal Action can be taken.

**3.1. Public Works Presentation on Multi-Year Road Maintenance Plan.** A presentation by Ed Hanks, Public Works Supervisor.

Public Works Supervisor Ed Hanks gave an overview on the 6-year Road Maintenance Plan/Schedule. There were questions regarding the chip seal process; how the amount of work is calculated (match with the budgeted amount); how many times a year roads are budgeted to be graded and level of service desirable. There was discussion on the anticipated decline in HURF revenues.

Public comment was taken.

Jack Hamilton spoke on the number of roads to receive maintenance throughout the 6-year plan span and his opinion to have all (town) roads maintained during that time.

There was discussion on where to take the money from and what level to bring road maintenance up to.

Jack Hamilton recommended doing Old Black Canyon Hwy at some time as part of it belongs to the town.

Staff was directed to look at what the costs will be to do more roads in the 6-year plan.

**3.2. Highlights and Review of FY 2013-14 Tentative Budget.** Council Deliberation and possible action to modify Tentative Budget content.

Town Manager Kimball gave an overview explaining her goal was to balance the budget and maintain the level of service with some Council requests included. She stated that revenues are looking stronger this year but she has concerns for future years with the change to construction sales tax. Ms. Kimball reviewed those highlights:

1. Replacement permitting software to replace BlackBear (Town Clerk). There was discussion.
2. OpenBooks (Finance). There was discussion on other possible options and cost effectiveness of going with OpenBooks.
3. Neighborhood Outreach (Community Development) which included Museum Lease, Little League, Dumpster and Recycling Programs, Town Branding.
4. Trailhead Project (Public Works) plus park operations.
5. Council Technologies Allowance (Town Council and Management).

6. Water system Feasibility study (Engineering). Whether to consider Humboldt Water Company purchase. There was discussion on how many customer's served, pros and cons.
7. iPad/tablet purchases for Council - Paperless agendas (Information Technologies).
8. Raises for Employees. Ms. Kimball recommended a 3% COLA/merit combined.

Public comment was taken.

Jack Hamilton spoke in support of merit raises but not COLA (Cost of Living Adjustment) raises.

There was discussion on having goals for employees to exceed to receive full percentage of merit. Ms. Kimball explained she had included two promotions being recommended for Finance and Community Development.

Council took a 10 minute recess at 9:38 a.m. Mayor Nolan reconvened the meeting at 9:57 a.m.

Discussion continued on staff raises, seasonal help for Public Works, and the YCSO IGA being 10k less this year. Ms. Kimball spoke on revenue estimates being on track.

Council discussed whether to consider bringing plan review and inspections back in-house or stay with the County's IGA. Councilmember Wright asked the Town Manager to look into whether there are any private businesses that could be hired to do that work as part-time contractors.

Public comment was taken.

Jack Hamilton recommended asking previous Building Official Terry Ford if he was interested in that position.

Ms. Kimball spoke on her concerns in the near future with construction tax changes.

### EXPENDITURES

Council discussed how much to allow for raises and whether to include a COLA along with merit raises.

Mayor Nolan made a motion to approve up to a 5% total raise including the COLA. The motion failed for lack of a second.

Councilmember Wright made a motion to approve a merit increase of up to 3% for employees, seconded by Councilmember Rogers. There was discussion. The motion was approved by a 3-2 vote in favor, Councilmember Alen and Mayor Nolan voting against.

Councilmember Rogers made a motion to approve the recommended 75% of the League of Cities and Town's COLA brining the COLA to 1.5%, above and beyond the merit (3%), seconded by Mayor Nolan.

Public comment was taken.

Jack Hamilton suggested a review twice a year and eliminating the COLA.

A vote was taken on the motion which passed by a 4-1 vote in favor, Councilmember Wright voting against.

There was discussion on Council Allowances.

Mayor Nolan made a motion to have an \$80 allowance for Council. The motion failed for lack of a second.

Council continued to review the tentative budget line item by line item. There was discussion regarding whether to retain membership with the Yavapai County Water Advisory Committee (WAC). This item was tabled until the Town's representative for this committee was able to give his input.

Mayor Nolan spoke on the Central Yavapai Economic Partnership and its benefits (generate jobs, transportation, schooling, employment). There was discussion on how it benefits the town.

CM Alen suggested providing Council with the seed documents to review before making this decision.

#### CLERK'S DEPARTMENT

Town Manager Kimball reviewed the decreases in costs for this department: Codification; no election scheduled.

Mayor Nolan made a recommendation to eliminate Granicus. Council spoke in support of keeping Granicus for the benefits it provides with transparency of government. Mayor Nolan recommended adding a camera so there is one on the public speakers. There was discussion on whether it was worth the cost.

TM Kimball review the cost saving initiated by staff for travel and training. There was discussion about migrated the newsletter to an electronic version for cost savings.

Public comment was taken.

Jack Hamilton asked for the positions for salary and wages in this department.

TM Kimball showed those on the overhead.

There was discussion on when travel for training would include hotel stay the night before an event. Council agreed if it is in Phoenix then it would not be paid for the night before the training, only if it is a further travel distance.

#### LEGAL

Council discussed the increase in legal fees. CM Wright suggested putting out a request to have someone at every meeting

Public comment was taken.

Jack Hamilton asked about the Town Attorney contract and whether it was under an automatic renewal.

Council reviewed the schedule to determine additional dates for budget meetings.

Council recessed for lunch at 12:04. Council reconvened the meeting at 1:03 p.m.

#### **4. Special Study Session. (1:00 p.m. – 5:00 p.m.) Legal Action can be taken.**

##### **4.1. Water and Soil Testing Information/Grant possibilities for citizens. [CAARF Requested by CM Rogers] Discussion with possible direction to Staff.**

Councilmember Rogers gave an overview, explaining citizens' concerns about arsenic in the water and helping people with testing of their well water. She spoke on the tests being available through the AG extension office, costing from \$9, \$32 and \$100+ test, depending on what the individual wants to test for. There was discussion on whether to provide these tests through town hall for the convenience of the Town's residents.

Public comment was taken.

Jack Hamilton spoke against providing the tests but instead providing information on where to obtain them.

Councilmember Wright made a motion to put an article in the newsletter notifying the residents about the tests and their availability, seconded by Vice Mayor Repan. It was approved unanimously.

For the future, Ms. Karr could be invited to attend a meeting to talk about testing and arsenic. Council members and/or Staff can check on the availability of grants for this purpose through the Sierra Club.

**4.2. OpenBooks IGA with the AZ Department of Administration in order to be in compliance with the state “financial transparency” requirement.** Discussion with possible action of accepting the IGA or rejecting the IGA and next steps of such action.

Town Manager Kimball gave an overview. Accountant Deni Thompson was present and spoke on the statutes requiring this and the three options available to the town, with all but the OpenBooks option costing more for the town to be in compliance.

Vice Mayor Repan made a motion to approve the OpenBooks IGA with the State, seconded by Councilmember Alen. It was approved unanimously.

**4.3. Review of current Code of Conduct and policy, process and procedures related to same.** [CAARF requested by CM Alen]

Councilmember Alen gave an overview on her request explaining they need a process to be in place for these issues. There was discussion

Public comment was taken.

Jack Hamilton spoke on having clear definitions in their policy and procedures.

Councilmember Alen made a motion to move this to a future work session, including the old code of ethics documents in that discussion, then forwarding it to the attorney for legal review, seconded by Councilmember Wright. It was approved unanimously.

Council moved 4.9 and 4.10 to this point in the agenda prior to interviews as they had time to address them. Please see minutes below under those agenda items.

Councilmember McBrady arrived at 2:11 p.m. just as agenda item 4.9 was being introduced.

**4.4. Discussion of Interview Process.**

Town Clerk Morgan asked Council for clarification of how they want to handle the meeting recording during the interviews and after. Council agreed to record the interviews but not stream them live. After the meeting is over they can be published on the website.

Council reviewed how they will handle the voting and what to do if the vacancy is not selected through three voting opportunities.

Vice Mayor Repan made a motion to allow 30 days to go back out for advertising to solicit for more applicants if necessary. It was approved by a 4-1 vote in favor, Councilmember Wright voting against.

TM Kimball asked about whether to automatically include the current applicants or to ask them to apply. By consensus Council agreed to ask them to reapply if interested in the second consideration.

**4.5. 3:00-3:30 p.m. Interview of Robert Ellis for vacant Council seat.**

Mr. Ellis was present for the interview. He spoke on his vision of the future of D-H. Council asked questions and Mr. Ellis answered them.

**4.6. 3:30-4:00 p.m. Interview of Jimmie Stanfield for vacant Council seat.**

Mr. Stanfield was present for the interview. He gave an overview of his experience. Council asked questions and Mr. Stanfield answered them.

**4.7. 4:00-4:30 p.m. Interview of Sonya Williams-Rowe for vacant Council seat.**

Ms. Williams-Rowe was present for the interview. She spoke on her background, experience and her current workload. Council asked questions and Ms. Williams-Rowe answered them.

**4.8. Possible Council Vacancy Appointment replacing David Hiles' seat vacated through resignation.** Discussion and possible action.

The first round of ballots were distributed to each Councilmember. They were instructed to include their name and the name of their choice for the vacancy. Ballots were gathered and tallied. Vice Mayor Repan abstained from the vote. The ballots tallied read as follows. Sonya Williams-Rowe received votes from Mayor Nolan, and Council members Rogers and McBrady. Bob Ellis received votes from Councilmember Wright and Alen.

Ms. Williams-Rose received the majority of votes (3-2 vote) and was selected to fill the vacancy. Council directed staff to sign her up for Newly Elected Officials Training. She will be sworn in at the next regular meeting which she is available for.

TM Kimball reviewed the dates available for budget meetings: May 20<sup>th</sup> at 9:30 a.m., May 21<sup>st</sup> at 8:30 a.m., May 28<sup>th</sup>.

Agenda items 4.9 and 4.10 were moved up following 4.3 to fill in before interview times.

**4.9. Modification of Town Code 30.031(E5) through Council action and resolution or ordinance.** [CAARF requested by VM Repan]

Vice Mayor Repan gave an overview. There was discussion on whose job it is to manage the budget.

Councilmember Wright made a motion to amend the wording of Town Code Section 30.031(E5) from "Mayor" to "Council", seconded by Vice Mayor Repan. It was approved unanimously.

**4.10. Modification of Town Code 30.031(C) through Council action and resolution or ordinance.** [CAARF requested by VM Repan]

Vice Mayor Repan gave an overview. There was discussion on how the process works and it being an administrative process.

Public comment was taken.

Jack Hamilton spoke on finding a way to monitor what is moved to a work session.

David Nystrom spoke on agenda setting meetings being for setting the agenda only not to discuss details of the agenda items.

Councilmember Wright made a motion to amend the code as corrected, changing "written" to "requestor's consent", seconded by Vice Mayor Repan. The motion failed by a tie vote, Councilmembers Alen, McBrady and Mayor Nolan voting against.

The meeting was recessed at 2:44 p.m. until the interview times at 3:00 p.m.

5. **Comments from the Public.**

Jack Hamilton spoke against the selection of any of the three applicants interviewed.

6. **Adjourn.**

The meeting was adjourned at 5:00 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL “BUDGET” SESSION MINUTES  
MONDAY, MAY 20, 2013, 9:30 A.M.**

**A SPECIAL “BUDGET” SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON MONDAY, MAY 20, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR PRESIDED FOR THE FIRST PART OF MEETING (UNTIL 10:23 A.M.). MAYOR NOLAN PRESIDED FOR THE REMAINDER OF THE MEETING.**

1. **Call To Order.** The meeting was called to order at 9:39 a.m.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Mark McBrady, Denise Rogers, Nancy Wright, Vice Mayor Dennis Repan and Mayor Terry Nolan were present (arrived at 10:23 a.m.). Town Council Member Arlene Alen was absent.

3. **FY 2013-14 Budget Deliberation.**

**3.1. Highlights and Review of FY 2013-14 Tentative Budget.** Council Deliberation and possible action to modify Tentative Budget content.

Town Manager Kimball gave an overview on changes made on the budget by council to date, up to 4.5% increase for salaries; Council dues and memberships increased.

Town Council discussed Water Advisory Committee (WAC); Councilmember McBrady spoke in support of staying on the WAC explaining why and indicating there might be a reductions of fees soon. Councilmember Wright spoke on the AMA, asked about the WAC’s “no” vote rule; she suggested having a policy that if something is detrimental to Dewey-Humboldt the representative must vote “no”. Councilmember McBrady spoke on studies related to Dewey-Humboldt, Prescott Valley’s water issues and how they affect D-H. Councilmember McBrady stated he will invite ADEQ is to the next WAC meeting and request notification to D-H of any problems with the Agua Fria dumping in the future.

Public comment was taken on this item.

Jack Hamilton spoke on Prescott Valley’s sewer issues; stated WAC does not affect Dewey-Humboldt, only the AMA and GWAC.

Councilmember McBrady spoke on his intent to vote for reducing the fees for WAC membership.

Jack Hamilton spoke on WAC being for the Verde River.

Councilmember Wright made a motion to approve no longer belonging to WAC. The motion did not receive a seconder and was lost.

There was discussion on considering this after the new Council is seated and making the decision once the bill comes due.

Town Manager Kimball spoke on the Central Yavapai Economic Development Partnership. Councilmember Wright stated this previously came before the Council and it was decided not to pay this. She questioned why to pay money to participate in regional economic development.

Councilmember Wright made a motion to not spend \$4,000 for Economic Development Partnership, seconded by Vice Mayor Repan. The motion passed with a 3-1 vote, Councilmember McBrady voting against and Mayor Nolan absent from this vote.

Town Manager Kimball reviewed other changes made previously. Miscellaneous Revenue was lowered to \$1,000. Liability insurance increased (no dividend paid out to town).

### FINANCE

Ms. Kimball reviewed this department and noted there was a salary promotion and merit/COLA included. Councilmember Wright asked if the promotion will come back to Council at a later date, Town Manager Kimball confirmed.

OSP Contract includes OpenBooks in this line item. E-Civic was dropped. There was discussion on how grants will be pursued. Ms. Kimball stated they will be notified when grants are available to the town, through government agencies.

### LEGAL

Councilmember Wright suggested consider having a local town attorney that would be on retainer rather than hourly so we can have them at each meeting. They can look at that in the future.

### INFORMATION TECHNOLOGY

Ms. Kimball explained there is a higher cost for this line item due to a rate change with the new contract.

Mayor Nolan arrived at 10:23 a.m. He chaired the remainder of the meeting from this point forward.

Town Manager Kimball spoke on remote backup options. Councilmember Wright spoke on an earlier agreement with two other municipalities for using their backup. Town Manager Kimball stated the IT representative could give a better explanation on options and about the cloud service. There are some options 1) sharing, set up a remote connection with the library; 2) DVD's placed in a fire safe.

Councilmember Wright spoke on putting the backup on the cloud. Town Manager Kimball stated it did not sound appealing and would rather the other two options.

There was discussion on software, hardware and acquisitions in this department and what this covers.

There was discussion on purchasing iPads for Council Members and opinions were stated.

Public comment was taken on this item.

Jack Hamilton spoke against iPads, estimating cost to print packets; reminded Council everything on iPads are open for public review.

There was discussion on email, wi-fi access, etc. Councilmember Wright suggested laptops for Council on the dais and keep them there, rather than iPads.

Councilmember Rogers stepped away from the meeting at 10:45 a.m.

Public comment was taken.

Jack Hamilton spoke again against iPads and gave more reasons; considerations on whether they belong to the town or the Council Member.

Councilmember Rogers returned to the meeting at 10:47 a.m.

Town Manager Kimball spoke on her budgeted enough to get the most robust model.

Councilmember Wright made a motion to take iPads out of the budget. The motion failed for lack of a second.

Mayor Nolan made a motion to leave the money in the budget and keep it optional if a Council person wants one, seconded by Councilmember McBrady. This motion was nullified due to the subsequent motion.

There was discussion on who would use the iPads, use for town or personal reasons, policy use, and ownership of devices.

Vice Mayor Repan made a motion to approve leaving the money in the budget but come up with a policy prior to the purchase of iPads, seconded by Councilmember McBrady. The motion passed with a 4-1 vote, Councilmember Wright voting against.

Council review the rest of the items included under IT. No other changes were made.

### COURT

TM Kimball stated the budget includes salary increases for both the Judge and the Court Clerk.

Public Comment was taken on this item.

Jack Hamilton asked whether the magistrate would have a review before receiving a merit increase like the rest of staff.

A five minute break was taken at 11:05 a.m.

The meeting was resumed at 11:10 a.m.

There was discussion on Court's telephone bill and on how the utilities for Court and Sheriff are combined with Town Hall's utility costs rather than being broken out.

Councilmember McBrady left the meeting at 11:15 a.m. due to a prior commitment.

There was discussion on the merits of breaking out those department's utilities separate from Town Hall's. Town Manager Kimball stated she can make that adjustment.

There was discussion on Court costs before it was brought in-house. Vice Mayor Repan spoke on taking a look at whether it is worth the cost having it in-house or whether to find out what Mayer Court would charge. Town Manager Kimball spoke on the advantage of having Court in-house.

Public Comment was taken on this item.

Jack Hamilton spoke against taking away the Court; changing back to Mayer affects this community, the judge is good for this community; but in favor if a large cost benefit.

Town Manager Kimball will contact Mayer Court to see whether they would consider it and the cost.

A lunch break was taken at 11:40 a.m.

The meeting was resumed at 12:33 p.m. Councilmember Rogers arrived late at 12:43 p.m.

### PUBLIC SAFETY

No changes were discussed.

### ENGINEERING

Town Manager Kimball spoke on the water study to decide whether a water system should be considered. Town Manager Kimball explained the owner of the Humboldt Water System approached the tow about buying the system with the purchase price being approximately \$200,000. Councilmember Wright spoke on the high cost to maintain and run the system. Vice Mayor Repan suggested having an agenda item to study this to decide whether to pursue this idea.

Councilmember Rogers arrived at 12:43 p.m.

Town Manager Kimball spoke on having someone speak to the Council regarding this at a future Work Session. Councilmember Wright stated the Study should not be in the budget.

Councilmember Wright made a motion to remove the \$20,000 in the budget for the water study. The motion did not receive a seconder and was lost.

There was discussion on how to address this if they take it out of the budget. Town Manager Kimball suggested Contingency Fund. There was discussion on the benefits and costs to the community on owning/purchasing a water company. Vice Mayor Repan spoke on bringing this to the Council as a general question.

Mayor Nolan made a motion to approve leaving the water study money in the budget for the time being, in the amount of \$20,000.

There was discussion on whether having it in the budget creates a policy about having a water company. Mayor Nolan postponed his motion until tomorrow (May 21) when Councilmember Alen will be in attendance.

#### PUBLIC WORKS

Town Manager Kimball spoke on including seasonal help for this department; \$10,000 is included for part-time seasonal help. Town Manager Kimball explained pursuing the NACOG grant for assistance in which case it would not cost the Town anything. Councilmember Wright asked for documentation on the need for this position, with criteria to measure the need and benefits. Town Manager Kimball explained the need for having extra manpower in the field for safety reasons and necessity to do the job, try it this season and see the benefits. The \$10,000 will stay in the budget and the Council can address the hiring later.

Council looked at the amount budgeted for General Supplies.

Councilmember Rogers made a motion to change General Supplies to \$10,000 (10-431-6300), seconded by Councilmember Wright. The motion passed 5-0.

There was discussion on phone and internet costs, and Road/Facility Acquisition discussion on which projects to consider and options for OBC Highway acquisition.

Mayor Nolan stepped away from the meeting at 1:48 p.m.

Council reviewed the Parks, Recreation and Open Space line item for \$12,000.

Mayor Nolan returned to the meeting at 1:51 p.m.

There was discussion on the trailhead and how the work and maintenance gets done through an IGA with the Forest Service.

#### COMMUNITY DEVELOPMENT

Town Manager Kimball explained the salary item includes two employees and a promotion of one of the employees in this department. There was discussion on a Planning Consultant,

possibly higher dollar amount if Council decides to do a study for development fees. Discussion on development fees will be on the June Work Session.

There was discussion on Neighborhood Outreach. Councilmember Wright spoke on problems with the recycle program and garbage dumped at that location, not just recycling. Mayor Nolan spoke on changing companies so they will pick up all the trash left at the site. There was discussion on this idea. Councilmember Rogers suggested getting proposals from other companies. There was discussion on looking at the contract with Waste Management to see how long they are bound to it.

Councilmember Wright made a motion to do away with the Recycling Program if the contract allows, seconded by Vice Mayor Reban. The motion passed 4-1, with Councilmember Rogers voting against.

There was discussion on removing the Little League allowance of \$3000 from the budget as they did not request it last year or this year. There was discussion on the roving dumpster program.

Mayor Nolan stepped away from the meeting at 2:21 p.m.

There was more discussion on what the dumpster program was designed for and whether they wanted to continue it or stop it.

Mayor Nolan returned to the meeting at 2:24 p.m.

Town Manager Kimball spoke on her experience at Dumpster Day and the need for more volunteers and having people unload their own trash. There was discussion on other ways to provide this service, partnering with Prescott Valley and Prescott, or other types of dumpster days by neighborhood.

Mayor Nolan recommended having Councilmember Alen talk about her "branding" recommendation at the next budget meeting.

Town Manager Kimball spoke on \$22,000 in surplus after those are changes made.

Council discussed how long to provide the Museum assistance (1-year's rent).

Councilmember McBrady made a motion to approve support for the museum for another year, seconded by Councilmember Rogers. The motion passed 5-0.

Town Manager Kimball stated tomorrow's meeting starts at 8:30 a.m.

4. **Comments from the Public.** None.
5. **Adjourn.** The meeting was adjourned at 2:46 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL “BUDGET” STUDY SESSION MEETING MINUTES  
TUESDAY, MAY 21, 2013, 8:30AM**

**A SPECIAL “BUDGET” STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 21, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 8:35 a.m.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Arlene Alen, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present. Councilmember Mark McBrady was absent.

3. **FY 2013-14 Budget Deliberation.** Legal Action can be taken.

**3.1. Public Works Presentation on Multi-Year Road Maintenance Plan.** A presentation by Ed Hanks, Public Works Supervisor.

Public Works Supervisor Ed Hanks gave an overview on the modified road plan changing from a 6-year to a 7-year plan to include all town roads. There was discussion on road repair needed for some of those roads and how to manage the repairs along with the maintenance to get the best value for the dollar.

Council discussed looking at a different plan where the worst roads are identified and repair on those is a priority, being done over the first couple of years, using reserves to bring up to the proper standard.

Town Manager Kimball asked for direction on how much Council would like to spend from reserves.

Vice Mayor Repan made a motion to add the “Aggressive Maintenance” using \$60k from the HURF reserves and \$25k for a dump truck into the budget, seconded by Councilmember Wright. It was approved unanimously (5-0 vote as Councilmember McBrady was absent).

**3.2. Highlights and Review of FY 2013-14 Tentative Budget.** Council Deliberation and possible action to modify Tentative Budget content.

Council reviewed the remainder of the budget starting with the grant funds. There was discussion on the Capital Improvement Plan, whether it needs updating, and those priority projects in the plan being included in the budget. Council recommended re-labeling them to a more generic project name such as trail planning.

Council reviewed those few things left from the previous day’s meeting.

Community Development Community Outreach: trash recycle program (stop the program due to abuse if contract allows); roving dumpster (look into other options); museum rent (provide another 1-year’s rent to D-H Historical Society); Little League (eliminated).

Councilmember Alen spoke on her request for including money in the budget for the Town’s branding. There was discussion on what the branding would do for the town.

Town Council Special "Budget" Study Session Minutes, May 21, 2013  
Mayor Nolan made a motion to include the money in the budget for branding, seconded by Vice Mayor Repan. It was approved by a 4-1 vote in favor, Councilmember Wright voting against.

There was discussion on whether to put money in the budget for the Junior Statesmen Foundation Tuition Program. This will come up to council next year.

Council discussed whether to fund iPads or tablets for the Council.

Vice Mayor Repan made a motion to not fund iPads for the Council, seconded by Councilmember Wright. The motion was approved by a 4-1 vote in favor, Mayor Nolan voting against.

Council discussed the Water System Feasibility funding (for Humboldt Water Systems).

Vice Mayor Repan made a motion to remove the Water System Study from the Budget, seconded by Councilmember Rogers. The motion was approved by a 4-1 vote in favor, Mayor Nolan voting against.

Council agreed to leave \$1k under OSP Engineering for unforeseen issues.

Town Manager Kimball reviewed the changes made with utilities for the court (separated from the rest of town hall expenses).

There was discussion on whether to budget for an election in the event the Council wishes to have a franchise agreement with APS. There was discussion on this and how the town currently handles work by APS within the Town's rights-of-way.

TM Kimball explained the Council now had \$40k in excess under the General Fund. Council considered whether to add in anything to the budget such as money for Town vehicles, Council allowance or for the Yavapai County Economic Development Partnership. There was discussion on the pros and cons of partnering for economic development. Councilmember Alen explained the importance of keeping this in the budget to keep the town "at the table" and decision whether to pay for the membership coming at a later time once they know the ROI.

Mayor Nolan made a motion to put \$4000 back into the budget for Regional Economic Development with the stipulation that Council would need to approve it prior to spending it, seconded by Councilmember Alen.

The motion failed by a 2-3 vote, Councilmembers Rogers, Wright and Vice Mayor Repan voting against.

Town Manager Kimball reviewed the budget fund amounts and explained the document would be provided to the council prior to the public hearing.

4. **Comments from the Public.** None.
5. **Adjourn.** The meeting was adjourned at 12:05 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, MAY 21, 2013, 6:30PM**

**A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 21, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:34 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
  - 2.2. **Invocation.** Given by Councilmember Wright and Mayor Nolan.
  - 2.3. **Oath of office, swearing in Sonya Williams-Rowe as the newly appointed Council Member.** Postponed to June 4, 2013 Regular meeting to accommodate Ms. Williams-Rowe's previous commitment.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Denise Rogers (arrived late at 6:38 p.m.), Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.
  - 4.1. **Memorial Day Proclamation.**

Mayor Nolan read the Memorial Day Proclamation. Councilmember Rogers arrived during this reading. The Mayor announced a Memorial Day Service being held on Monday at 12:30 at the Humboldt Cemetery.
  - 4.2. **Open Space and Trails (OSAT) Committee Interview and Possible Appointment.**

Applicant Jay Arthur Jones to be interviewed and possibly appointed as an Executive Member to the OSAT Committee. Jay Arthur Jones was present and spoke to the Council on his background. Council did not have any questions for Mr. Jones.

Councilmember Rogers made a motion to appoint as an executive member to the Open Space and Trails Committee Mr. Jay Arthur Jones, seconded by Councilmember Alen. It was approved unanimously.

Chair Sandra Goodwin spoke on the appointment and her pleasure in having him on the committee. She spoke on the committee's first draft of a proposal for the Newtown trailhead.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball reported on a few things: Administrative Use Permit extension was issued for Mortimer Farms; May 11<sup>th</sup> Dumpster Day challenges – people will need to unload their own trash; volunteer of the Year and Volunteer Appreciation Day event turnout; Bradshaw Lions Club have asked Town for volunteer opportunities for participation; Councilmember Alen's drawing of Town Hall; Tentatively scheduled Budget meeting for May 28<sup>th</sup> will not be held as it is not needed.
6. **Consent Agenda.** None.
7. **Comments from the Public (on non-agendized items only).**

Sandy Geiger read a letter addressed to the Council regarding Pioneer Days, which was held on April 26<sup>th</sup> at the Humboldt Elementary School.

8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

None.

9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

- 9.1. **Revision of Plat – Ron King.** Discussion and possible approval/rejection of the revision.

Town Manager Kimball gave an overview explaining that P&Z had no objections and staff recommends approval.

Mayor Nolan made a motion to take the recommendation of P&Z to approve the revision of plat, seconded by Vice Mayor Repan. It was approved unanimously.

- 9.2. **Consideration of a Used Dump Truck purchase under \$25,000 as soon as possible.**

Determination of the need of such a purchase, possible approval of the purchase in FY 12-13 with surplus HURF operating fund and/or modify FY 13-14 Tentative Budget to include the expenditure.

Town Manager Kimball gave an overview and explained amount spent to date for dump truck rentals. There was discussion on this item (maintenance, insurance, etc.). TM Kimball explained the high demand recently for these vehicles and the need for town staff to be flexible enough to act on a used vehicle purchase when they become available.

Vice Mayor Repan made a motion to approve the tentative purchase of a dump truck in the FY12-13 budget utilizing HURF fund surplus, seconded by Mayor Nolan. It was approved by a 5-1 vote in favor, Councilmember Wright voting against.

- 9.3. **Require any individual or business entity in which the Town enters into a contractual agreement, to be in “Good Standing” prior to executing the contract or agreement.** [CAARF from David Nystrom through CM Wright]

David Nystrom addressed the Council regarding his agenda item request, reading the second page that accompanied his request. There was discussion on this requirement might impact the town.

Vice Mayor Repan made a motion to put this in the next available work session, seconded by Councilmember Wright. It was approved by a 5-1 vote in favor, Mayor Nolan voting against.

Town Manager Kimball explained she will try and put this in the July work session as the June session is already full, but no later than August. She spoke on a brief discussion with the Town Attorney on this who felt it was important to define what is “in good standing”, and that contract language addresses this already.

10. **Public Hearing Agenda.** None.

11. **Comments from the Public.**

None.

12. **Adjourn.**

The meeting was adjourned at 7:41 p.m.

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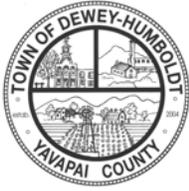
Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR MEETING**

**June 4, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 8.1. Ordinance 13-97 Consolidated Elections (revised)**

**Recommendation: approve the proposed ordinance**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: May 29, 2013**

**Summary:**

This ordinance was introduced to the Council at your May 7th meeting. The Ordinance was prepared as a result of the February 5th Council meeting when the Council discussed the “term issue” in light of the new consolidated election law i.e. A.R.S. § 16-204. At the meeting, the Council collectively decided to “shorten” the 4-year/2-year terms to accommodate 2014’s fall election schedule. Ordinance 13-97 was prepared to reflect that decision.

At the May 7th meeting, when the Ordinance was first introduced, there was some confusion about the “referendum and initiative elections” language. The town attorney has clarified the question in the revised ordinance.

ORDINANCE No. 13-97

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY AMENDING § 30.015 TOWN COUNCIL GENERALLY RELATED TO ASSUMPTION OF OFFICE IN JANUARY AFTER ELECTION; AND BY ADDING NEW §§ 30.042 ELECTION DAY AND 30.043 REFERENDUM AND INITIATIVE ELECTIONS RELATED TO SETTING FORTH THE DATES FOR ELECTIONS IN COMPLIANCE WITH ARS § 16-204 ~~AND SETTING THE NUMBER OF QUALIFIED ELECTORS REQUIRED TO FILE AN INITIATIVE PETITION~~; AND BY AMENDING § 30.045 ELECTION OF MAYOR, RELATED TO DIRECT ELECTION OF THE MAYOR; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

**Whereas**, the Town of Dewey-Humboldt currently holds its primary and general elections in the spring of odd-numbered years; and

**Whereas**, Arizona Revised Statutes Section 16-204 requires candidate elections for municipalities be held in the fall of even-numbered years;

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.15 Town Council Generally is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.15 Town Council Generally

(A) *Number and term.* The elected officials of the town shall be seven Councilmembers (including the Mayor) who shall constitute the Town Council. COUNCILMEMBERS SHALL SERVE FOUR-YEAR STAGGERED TERMS AS PROVIDED IN STATE LAW. Each Councilmember's term shall continue in office until assumption of duties of office by ~~their~~ HIS duly elected and sworn successor. COUNCILMEMBERS ELECTED IN 2011 OR APPOINTED TO FILL THE TERM OF A COUNCILMEMBER ELECTED IN 2011 SHALL SERVE UNTIL THE ASSUMPTION OF DUTIES BY COUNCILMEMBERS ELECTED IN THE FALL 2014 ELECTION. COUNCILMEMBERS ELECTED IN THE SPRING 2013 ELECTION SHALL

SERVE UNTIL ASSUMPTION OF DUTIES BY COUNCILMEMBERS ELECTED IN THE FALL 2016 ELECTION.

\* \* \*

(G) *Assumption of office.* Immediately prior to assumption of the duties of office, each Councilmember shall ~~publicly~~ sign the Council Code of ETHICS ~~Conduct~~ and take and subscribe to the oath of office. The oath shall be given by the Town Magistrate or by the Town Clerk. Councilmembers of the town shall assume the duties of office at ~~a~~ THE FIRST regularly ~~scheduled~~ Council meeting ~~immediately following or concurrent with the canvassing of the vote of the general election or as otherwise provided~~ OF THE COUNCIL in JANUARY NEXT FOLLOWING THE DATE OF THE PRIMARY OR GENERAL ELECTION AT WHICH THE COUNCILMEMBERS WERE ELECTED ~~state law~~. Assumption of an elected office will result in the automatic resignation of all other town offices, elected or appointed.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, is hereby amended to add new Section 30.042 Elections of Councilmembers and 30.043 Referendum and Initiative Elections to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.042 ELECTION DAY

COMMENCING WITH THE ELECTIONS IN 2014, THE PRIMARY ELECTION SHALL BE HELD ON THE DATE OF THE PRIMARY ELECTION OF THE STATE OF ARIZONA. THE GENERAL ELECTION SHALL BE HELD ON THE DATE OF THE GENERAL ELECTION OF THE STATE OF ARIZONA.

§ 30.043 REFERENDUM AND INITIATIVE ELECTIONS

(A) WHEN A REFERENDUM OR INITIATIVE IS REQUIRED TO BE PLACED UPON THE BALLOT, THE COUNCIL SHALL DO SO EITHER:

1. AT THE NEXT REGULARLY SCHEDULED TOWN PRIMARY OR GENERAL ELECTION OR STATE GENERAL ELECTION; OR
2. CALL A SPECIAL ELECTION TO BE HELD ON ANY DATE AUTHORIZED BY A.R.S. SECTION 16-204.

(B) AT ALL TIMES THE CITIZENS SHALL RETAIN THE RIGHT TO VOTE BY ABSENTEE BALLOT.

~~(C) THE BAISS UPON WHICH THE NUMBER OF QALIFIED ELECTORS OF THE TTOWN REQUIRED TO FILE AN INTIATIVE PRITION SHALL BE THE TOTAL NUMBER OF REGISTERED VOTERS QALIFEID TO VOTE AT THE LAST TOWN~~

~~ELECTION, WHETHER PRIMARY, GENERAL OR SPECIAL, IMMEDIATELY PRECEDING THE DATE UPON WHICH ANY INITIATIVE PETITION IS FILED. THE BASIS UPON WHICH THE NUMBER OF QUALIFIED ELECTORS OF THE TOWN REQUIRED TO FILE A REFERENDUM PETITION SHALL BE AS DETERMINED BY LAW.~~

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.045 Election of Mayor is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.045 Election of Mayor.

(A) *Direct election of the Mayor.* ~~Beginning with the election to be held on March 13, 2007,~~ The Mayor of the town shall be directly elected by the qualified electors of the town.

(B) *Term of office.* The term of office of the Mayor shall be two years, EXCEPT THAT TO ACCOMMODATE THE CONSOLIDATED ELECTIONS LAW, ARS § 16-204, THE TERM OF THE MAYOR ELECTED IN 2013 WILL END IN JANUARY, 2015, AT THE TIME OF ASSUMPTION OF DUTIES BY THE MAYOR ELECTED IN THE FALL 2014 ELECTION.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_

Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Phyllis L.N. Smiley

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Judy Morgan, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR MEETING**  
**June 4, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 8.2. Council final review of the FY 2013-14 Budget.**  
**Recommendation: Review the budget document and provide direction for changes if needed.**

**To: Mayor and Town Council Members**  
**From: Yvonne Kimball, Town Manager**

**Date submitted: May 29, 2013**

**Summary:**

At the May 7th council meeting, the Council acknowledged the proposed Tentative Budget for FY 13-14. In the following weeks, the Council had three budget deliberation meetings where each individual accounts have been reviewed in detail.

Staff finalized the budget accounts and associated text after the meetings. One account under the General Fund I wish to bring to your attention is 10-417-6950 IT Hardware and Equipment. This is the same account where the 7 i-pads were considered but has been decided to be removed from the Tentative Budget. During the budget deliberation meetings, the need for a remote data backup system emerged but was not reflected in the tentative budget. After further consideration, I decided to include \$5000 under above mentioned account to handle the need for remote backup in FY 13-14. As a result, the budgeted amount for 10-417-6950 is now \$10,000.

On the HURF side, the Council has made the decision to lift the level of service significantly for road work in FY 13-14 by allocating \$60,000 reserve fund for FY 13-14's major road maintenance projects, such as chip sealing, pavement preservation. The Council also directed allocation of \$25,000 for a used dump truck purchase. The HURF budget has been revised as directed. The Council directed a multi-year road maintenance plan to reflect the higher level of service direction. The Plan is being finalized and will be presented to the Council in July when the council transition completes and all members are available.

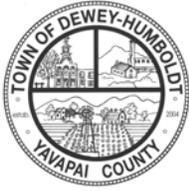
In summary, upon all revisions, the General Fund's budget allows approximately \$41,000 in surplus (revenue over expenditure) while the HURF is \$85,950 tapping into the reserve fund. The HURF has about \$372,000 as the accumulated fund balance/reserve fund (See attached summary sheet for details).

At this meeting, staff seeks your direction on whether further revisions to the accounts are needed. The public hearing and final adoption is scheduled for the June 18<sup>th</sup> meeting.

P.S. - Although I can deeply appreciate the Council's concern on town's road condition and your desire to expedite their improvements, the direction of using HURF reserve to handle major and often on-going maintenance in the coming years remains alarming to me. This direction is opposite from that of a "balanced budget" in the past. The Council appeared clear and resolute in this new direction; I venture to say cautiousness and continued monitoring are in order for its implementation.

**Town of Dewey Humboldt**  
**Budget Summary**  
**General Fund, HURF (Special Revenue) Fund and Grants Fund**  
**2013-2014**

	General Fund	HURF Fund	Subtotal of General and HURF Funds	Grants Fund	2013-14 Total
<b>REVENUES</b>					
<i>Local Taxes</i>	350,000		350,000		350,000
<i>Permits and Fees</i>	51,000	3,000	54,000		54,000
<i>Intergovernmental</i>	972,000	274,000	1,246,000	1,654,471	2,900,471
<i>Fines, Forfeitures and Penalties</i>	27,000		27,000		27,000
<i>Interest Earnings</i>	30,000	850	30,850		30,850
<i>Miscellaneous</i>	1,000		1,000		1,000
	<u>1,431,000</u>	<u>277,850</u>	<u>1,708,850</u>	<u>1,654,471</u>	<u>3,363,321</u>
<b>Total Revenues</b>	<u>1,431,000</u>	<u>277,850</u>	<u>1,708,850</u>	<u>1,654,471</u>	<u>3,363,321</u>
<b>EXPENDITURES</b>					
<i>Town Council &amp; Mgt</i>	127,658		127,658		127,658
<i>Magistrate Court</i>	83,804		83,804		83,804
<i>Public Safety</i>	370,831		370,831		370,831
<i>Town Clerk</i>	180,305		180,305		180,305
<i>Finance</i>	88,779		88,779		88,779
<i>Legal &amp; IT Support</i>	97,000		97,000		97,000
<i>Com. Devel. &amp; Library</i>	196,041		196,041		196,041
<i>Public Works &amp; Engineering</i>					
<i>Operational</i>	239,631	84,800	324,431		324,431
<i>Capital Expenditures</i>	5,000	279,000	284,000	1,654,471	1,938,471
	<u>1,389,049</u>	<u>363,800</u>	<u>1,752,849</u>	<u>1,654,471</u>	<u>3,407,320</u>
<b>Total Expenditures</b>	<u>1,389,049</u>	<u>363,800</u>	<u>1,752,849</u>	<u>1,654,471</u>	<u>3,407,320</u>
<i>Excess of Revenues over (under) Expenditures</i>	<u>41,951</u>	<u>(85,950)</u>	<u>(43,999)</u>		<u>(43,999)</u>
<i>Other (Uses)</i>					
<i>Operating Contingency</i>	<u>(511,520)</u>	<u>-</u>	<u>(511,520)</u>		<u>(511,520)</u>
<b>Net Increase (Decrease) in Fund Balance</b>	<u>(469,569)</u>	<u>(85,950)</u>	<u>(555,519)</u>	<u>-</u>	<u>(555,519)</u>
<b>Fund Balance at the Start of the Year</b>	<u>2,732,190</u>	<u>372,206</u>	<u>3,104,396</u>		<u>3,104,396</u>
<b>Fund Balance at the End of the Year</b>	<u>2,262,621</u>	<u>286,256</u>	<u>2,548,877</u>		<u>2,548,877</u>
<b>Summary</b>					
<i>Committed for Contingency</i>	511,520	-	511,520		511,520
<i>Committed for Reserves</i>	654,920	-	654,920		654,920
<i>Unassigned Fund Balance</i>	<u>1,096,181</u>	<u>286,256</u>	<u>1,382,437</u>	<u>-</u>	<u>1,382,437</u>
<b>Total Fund Balance</b>	<u>2,262,621</u>	<u>286,256</u>	<u>2,548,877</u>	<u>-</u>	<u>2,548,877</u>



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR MEETING**  
**June 4, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 9.1. Public Safety IGA**  
**Recommendation: Accept the IGA**

**To: Mayor and Town Council Members**  
**From: Yvonne Kimball, Town Manager**

**Date submitted: May 29, 2013**

**Summary:**

The Town's Policing services are provided by Yavapai County Sherriff's Office through an annual inter-governmental agreement. This IGA is for FY 13-14, proposed by the Sherriff's Office. At the budget deliberation meetings, the Council has indicated your acceptance of the service. The IGA in its entirety is presented before the Council at this meeting. The IGA has been reviewed by the Town Attorney.

Staff recommends Council's acceptance of the IGA.

After recording, please return to:  
Clerk of the Board  
Yavapai County  
1015 Fair Street  
Prescott, AZ 86305

**INTERGOVERNMENTAL AGREEMENT  
TOWN OF DEWEY-HUMBOLDT/YAVAPAI COUNTY  
LAW ENFORCEMENT SERVICES**

This Agreement is entered into this \_\_\_ day of \_\_\_\_\_ 2013, by and between the Town of Dewey-Humboldt, an Arizona municipal corporation (hereinafter the "Town"), and Yavapai County, a political subdivision of the State of Arizona (hereinafter the "County").

**RECITALS**

**WHEREAS**, the County, through the Yavapai County Sheriff's Office (hereinafter, the "Sheriff's Office"), provides law enforcement services in the unincorporated areas of Yavapai County, including the areas surrounding the corporate boundaries of the Town;

**WHEREAS**, the Town wishes to provide for enhanced law enforcement services in order to protect persons and property within its municipal boundaries;

**WHEREAS**, the parties have determined that an Agreement whereby the Sheriff's Office provides enhanced law enforcement services within the Town's corporate limits will allow the Town to better protect persons and property within its municipal boundaries in a cost-effective manner; and

**WHEREAS**, the parties are authorized pursuant to ARS §11-952 to enter into agreements for joint or cooperative action:

**NOW, THEREFORE**, the parties agree as follows.

1. **Enhanced Law Enforcement Services.** For the consideration to be paid by the Town as specified herein, the County, through its Sheriff's Office, agrees to the following:
  - a. To continue providing three (3) full-time Deputy Sheriff positions during the initial term of this Agreement and any renewals thereof for the purpose of providing the enhanced law enforcement services as described herein.
  - b. To assign an additional patrol officer position to Sheriff's Patrol Sector 1 (as identified in *Attachment 1* to this Agreement) on a daily basis during the 6 A.M. – 4 P.M. shift and the 4 P.M. – 2 A.M. shift to respond to calls originating from within the Town's corporate limits.
  - c. To assign a patrol officer position within the area constituting Sheriff's Patrol Sectors 1, 2, and 3 (as identified in *Attachment 1* to this Agreement) as needed on a daily basis between the hours of 2 A.M. and 6 A.M. to respond to calls originating from within the Town's corporate limits.
  - d. To provide the subject services in accord with the additional terms and conditions as specified in *Attachment 2* to this Agreement.

- e. To be responsible, except as expressly provided herein, for all payment of all costs of providing enhanced law enforcement services pursuant to this Agreement including, but not limited to cost for personnel salaries benefits, support services, capital equipment and facilities, supplies and vehicle operating costs.
2. **Enhanced Service Standards.** With respect to the County's obligation to provide enhanced law enforcement services pursuant to this Agreement, the parties understand and agree:
    - a. That the County's obligation to provide enhanced law enforcement services is expressly limited to the continuation of the Deputy positions, the deployment of personnel in the manner provided herein subject to the additional terms and conditions as set forth in **Attachment 2** to this Agreement. In the event the services described in Paragraph 1 of this Agreement are reduced due to failure to continue the all or some of the Deputy positions, the compensation set forth in this Agreement shall be proportionately reduced.
    - b. That, by agreeing to provide enhanced law enforcement services, the County does not warrant or guarantee a specific response time for calls originating from within the Town's corporate limits.
    - c. That officers assigned to patrol sectors pursuant to this Agreement may, at times, be required to respond to higher-priority calls originating outside the Town's corporate limits and may, under those circumstances, be required to delay response to calls originating from within the Town's corporate limits.
  3. **Payment for Enhanced Services.** In consideration for the County's agreement to provide enhanced law enforcement services as described herein and the Ancillary and Support Services as set forth in **Attachment 2**, the Town agrees to pay the annual sum of Three Hundred Fifty Seven Thousand Five Hundred Thirty One Dollars (\$357,531) (the "Payment"). Payment shall be made in twelve (12) equal installments of Twenty Nine Thousand Seven Hundred Ninety Four Dollars and Twenty Five Cents (\$29,794.25), with each installment to be due and payable no later than the fifth (5<sup>th</sup>) day of each month during the effective term of this Agreement. The amount of this Payment may be administratively adjusted in writing as of the anniversary date of the Agreement in any extension year (as outlined in § 5) without further action of the legislative bodies of the parties, for only so long as the change in Payment does not exceed five percent (5%) in any one (1) year and for so long as neither party unilaterally demands a change in the Scope of Services. For subsequent renewals pursuant to Section 5 of this Agreement, the County shall annually calculate the amount to be paid by the Town for the proposed renewal term, using the payment worksheet attached hereto as **Attachment 3**. The worksheet shall be provided to the Town no less than one hundred twenty (120) days prior to the effective date of said renewal. In the event the proposed payment increase does not exceed five percent (5%) over the current payment, the agreement shall be deemed automatically renewed of the amount of the proposed payment. In the event that the proposed payment increase exceeds five percent (5%) the Agreement may be renewed for a payment amount as agreed by the parties.

4. **Local Facilities.** The Town shall provide space within or near Town offices that will allow Sheriff's personnel to prepare and file reports, maintain records as needed and to meet as required with citizens and Town staff.
5. **Term of Agreement; Records.** The term of this agreement shall commence on July 1, 2013 and shall terminate on June 30, 2014, unless automatically extended as follows. It shall thereafter be deemed renewed for up to five (5) successive one-year terms unless written notice of intent not to renew is given by either party to the other party no less than one hundred twenty (120) days prior to the expiration of the then-current term. Both parties will have access to the other party's records with respect to this Agreement for the period of three (3) years following the termination of this Agreement.
6. **Indemnification and Insurance.** The County shall save, hold harmless and indemnify the Town, its officers, employees or agents from claims, damages or other losses arising from the negligent acts or omissions of the County, its officers, employees or agents pursuant to this Agreement. The County shall obtain and maintain general liability insurance in such amounts as may be required to protect itself and the Town from claims, damages or other losses as described in this Section and shall designate the Town as an additional insured on said policies of insurance with respect to such claims, damages or losses.
7. **Severability.** The invalidity of any provision of this Agreement as determined by a Court of competent jurisdiction, shall in no way effect the validity of any other provision hereof, so long as the original intent of the parties is not defeated thereby.
8. **Applicable Law.** The terms and conditions of this agreement shall be construed and governed in accordance with the laws of the State of Arizona.
9. **Termination for Breach.** In the event of a breach of any term or condition of this Agreement by either Party the Party claiming breach shall provide written notice to the other Party said notice setting forth the factual basis for the determination that a breach has occurred. If the breach is not remedied within fifteen (15) days of receipt of notice, the Party claiming breach may terminate this Agreement without further notice.
10. **Disputes; Trial by Court.** The Parties expressly covenant and agree that in the event of a dispute arising from this Agreement, each of the parties hereto waives any right to a trial by jury. In the event of litigation, the parties hereby agree to submit to a trial before the Court.
11. **Disputes; Attorney Fees.** The Parties expressly covenant and agree that in the event of litigation arising from this Agreement, neither party shall be entitled to an award of attorney's fees, either pursuant to the Contract, pursuant to ARS Section 12-341.01(A) and (B), or pursuant to any other state or federal statute.
12. **Entire Agreement.** This Intergovernmental Agreement contains the entire agreement of the parties with respect to the subject matter hereof, and it may only be amended, modified or waived by a written instrument signed by the authorized agents or the parties hereto.

13. **Notices.** Notices relating to this Intergovernmental Agreement shall be deemed to have been delivered upon personal delivery, or as of the second business day after mailing by United States postage prepaid, addressed as follows:

Dewey-Humboldt: Town of Dewey-Humboldt  
Town Manager  
P.O. Box 69  
Humboldt, AZ 86329

Yavapai County: Yavapai County  
County Administrator  
1015 Fair Street  
Prescott, AZ 86305

With copy to: Yavapai County Sheriff  
255 East Gurley Street  
Prescott, AZ 86301

These addresses may be changed by either party by giving notice in writing. Such changes shall be deemed to have been effectively noticed five (5) calendar days after being mailed to each party by the party changing the address.

14. **Recording.** This Agreement shall be recorded in the Office of the Yavapai County Recorder upon its proper approval and execution by the authorized representatives of both parties, pursuant to ARS §11-952(G), and shall become effective upon such recordation.
15. **Conflict of Interest.** This Agreement is subject to the ARS §38-511 pertaining to conflicts of interest, the pertinent provisions of which are incorporated by reference herein.
16. **Employees.** The employees of one party hereto will not for any reason be considered employees of the other party.
17. **Disposition of shared assets.** Upon termination of this Agreement, any personal property acquired pursuant to this Agreement will become the property of the County, and any real property acquired pursuant to this Agreement will become the property of the Town.
18. **Immigration Law Compliance Warranty.** As required by A.R.S. § 41-4401, County hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). County further warrants that after hiring an employee, County verifies the employment eligibility of the employee through the E-Verify program. If County uses any subcontractor in performance of the enhanced law enforcement services, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A), and subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employment eligibility of the employee through the E-Verify program. A

breach of this warranty shall be deemed a material breach of the Agreement that is subject to penalties up to and including termination of the Contract.

- 19. **Sudan and Iran.** County warrants that it does not have scrutinized business operations in Sudan or Iran, as prohibited by A.R.S. §§ 35-391.06 and 35-393.06, and further acknowledges that any subcontractor who is contracted by County to perform work pursuant to this Agreement shall warrant that they do not have scrutinized business operations in Sudan or Iran.

**APPROVALS**

**YAVAPAI COUNTY**

**TOWN OF DEWEY-HUMBOLDT**

\_\_\_\_\_  
Chip Davis, Chair of the Board

\_\_\_\_\_  
Terry Nolan, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Ana Wayman - Trujillo, Clerk of the Board

\_\_\_\_\_  
Judy Morgan, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ACCEPTANCE AND CONCURRENCE:**

\_\_\_\_\_  
Scott Mascher, Sheriff

Pursuant to A.R.S. Section 11-952(D), the foregoing agreement has been reviewed by the undersigned attorney for the Town of Dewey-Humboldt, who has determined that the agreement is in proper form and is within the powers and authority under the laws of this State to the Town of Dewey-Humboldt.

Date: \_\_\_\_\_

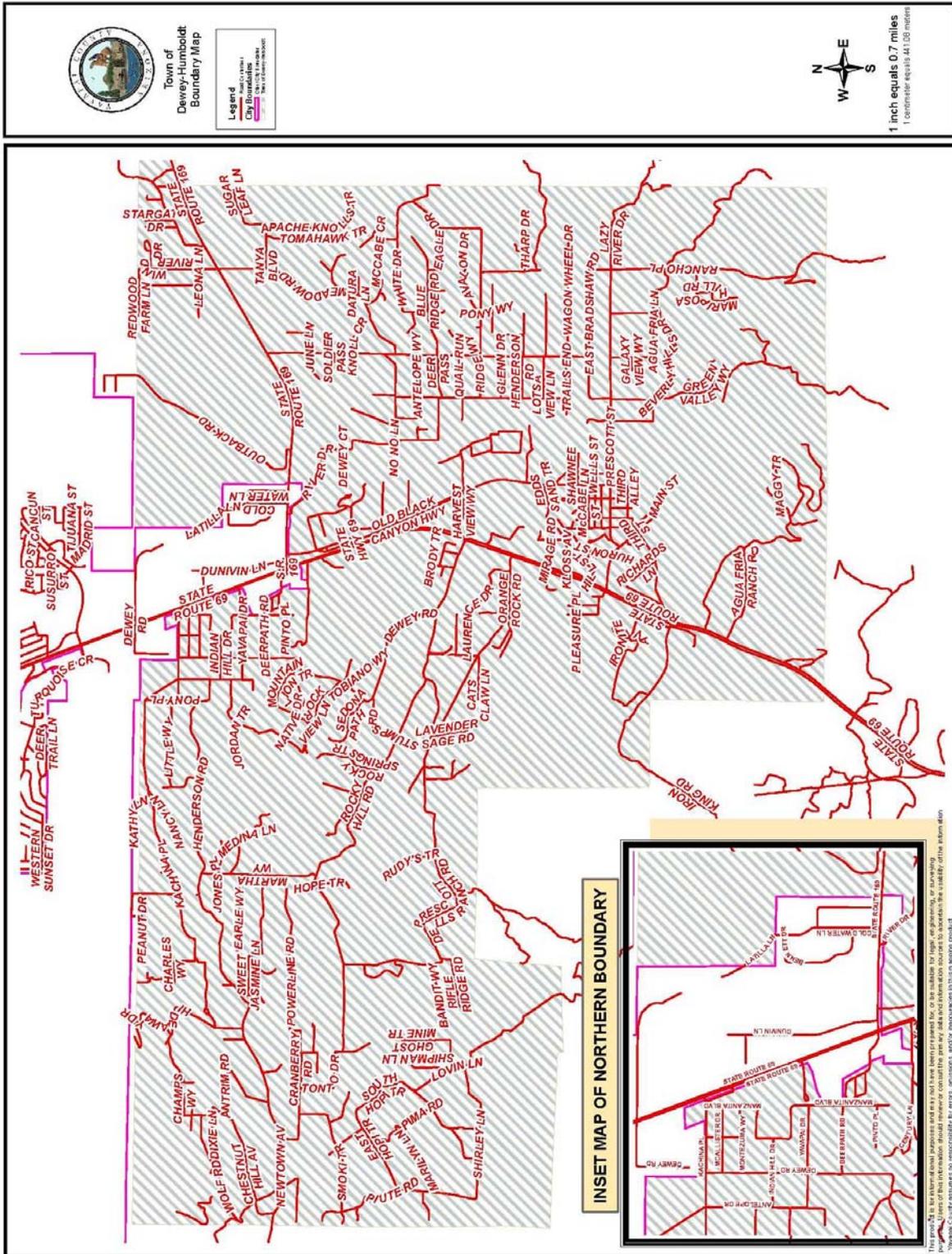
Pursuant to A.R.S. Section 11-952(D), the foregoing agreement has been reviewed by the undersigned Deputy County Attorney, who has determined that the agreement is in proper form and is within the powers and authority granted under the laws of this State to the County of Yavapai.

\_\_\_\_\_  
Deputy County Attorney

\_\_\_\_\_  
Susan Goodwin, Town Attorney

D/H SO IGA FY2011

Yavapai County Sheriff's Office -Patrol Zone Map





**DEWEY-HUMBOLDT/YAVAPAI COUNTY IGA**  
**SCOPE OF SERVICE**

**1. Ancillary Services.**

In addition to the Sheriff's Patrol Services as specified in Section 1 of this Agreement, the County through the Yavapai County Sheriffs Office shall provide the following ancillary services:

- Canine unit
- SWAT team
- Mobile command post availability
- Animal Control Services
- Humane Society contracts
- VIP volunteer services
- Organizing Neighborhood Watch groups and conducting periodic Neighborhood Watch meetings.
- Organize Business Watch groups
- Perform security inspections for residences and businesses
- Facilitate "Community Advisory Partnership" meetings
- Organize or participate in community events with public safety displays or demonstrations to educate on drug awareness, burglary and theft prevention, personal safety and others.

It is understood that the specified ancillary services shall be provided at the levels which have been provided to Sheriffs Office Patrol Area 1 prior to the execution of this Agreement and are not subject to enhancement unless expressly provided herein.

**2. Support Services.**

In addition to the Sheriff's Patrol Service and Ancillary Services as provided in this Agreement or attachments thereto, the County, through the Yavapai County Sheriff's Office shall provide the following support services as needed to support the Patrol and Ancillary Services at the levels specified herein:

- Sergeant supervision
- Crime investigations
- Dispatch services.
- Clerical services and supplies
- Patrol vehicles to include payment of all costs of operation.

## Town of Dewey-Humboldt Fiscal year 2013-2014

### Annual Personnel Costs      **\$271,096**

\$48,724      Average Deputy Salary (62-16)  
 \$28,732      Employee Benefits  
**\$77,456      Total Salary + Benefits**

### Annual vehicle Costs    **\$45,771**

2013/2014    \$.57/mile (includes fuel cost/maintenance/depreciation)  
 \$0.57/mile x 110 miles/shift(2) x 365 days/year = \$45,771  
**\$45,771 Total Annual Vehicle Cost**

### Support Services Costs    **\$40,664**

Costs based on 15% of personnel costs

## Budget Cost Summary

- **Personnel Costs**  
 YCSO is contracted to dedicate 1 Deputy Sheriff to the Town of Dewey-Humboldt for 20 hours per day between the hours of 6:00 AM and 2:00 AM daily.  
     20 hrs/day x 7 days/week = 140 hours/week  
  
     140hrs / wk  
     ===== 3.5 deputies  
     40hrs / deputy / wk  
     **\$77,456 x 3.5 deputies = \$271,096**
- **Vehicle Costs**  
     \$0.57/mile x 110 miles/shift(2) x 365 days/year = **\$45,771**
- **Support Services Costs**  
     15% of Salaries  
     \$271,096 x 15% = **\$40,664**
- **Total Budget Cost FY 2013/2014**  
     **\$271,096 + \$45,771+ \$40,664 = \$357,531**