

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

**Tuesday, October 1, 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.

**1. Call To Order.**

**2. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**2.2. Invocation.**

**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.

**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. Public Safety Quarterly report.** Reports by Lt. Richard Martin, Yavapai County Sheriff's Department and Cathy Kelley, Dewey-Humboldt Magistrate Judge.

**4.2. HUSD presentation on [budget] override issue.** A presentation by Humboldt Elementary School Principal Cole Young. [CAARF requested by Mayor Nolan]

**4.3. Open Space and Trails (OSAT) Committee update on trailhead support.** A presentation by OSAT Chair Sandra Goodwin.

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

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the September 10, 2013 Special Study Session and September 17, 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  
21

**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. Ordinance 13-101 to Amend town code 30.085 representing an official town position by revising 30.085 (D) and adding 30.085 (F).** Discussion and possible action to adopt, reject or send the proposed ordinance for further revision. (August 20, 2013 direction to amend)

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

**10. Public Hearing Agenda.**

---

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

---

**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, October 15, 2013, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, October 3, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, October 8, 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.

# Yavapai County Sheriff's Office

Dewey-Humboldt Quarterly Report  
June, July, August  
2013

Lt. Rich Martin  
Oct 1, 2013

# Quarterly Overview

During the months of June - Aug 2013, Southern Area Command responded to 291 calls for service and 243 deputy-initiated calls for a total of 534 calls in the town of Dewey-Humboldt.

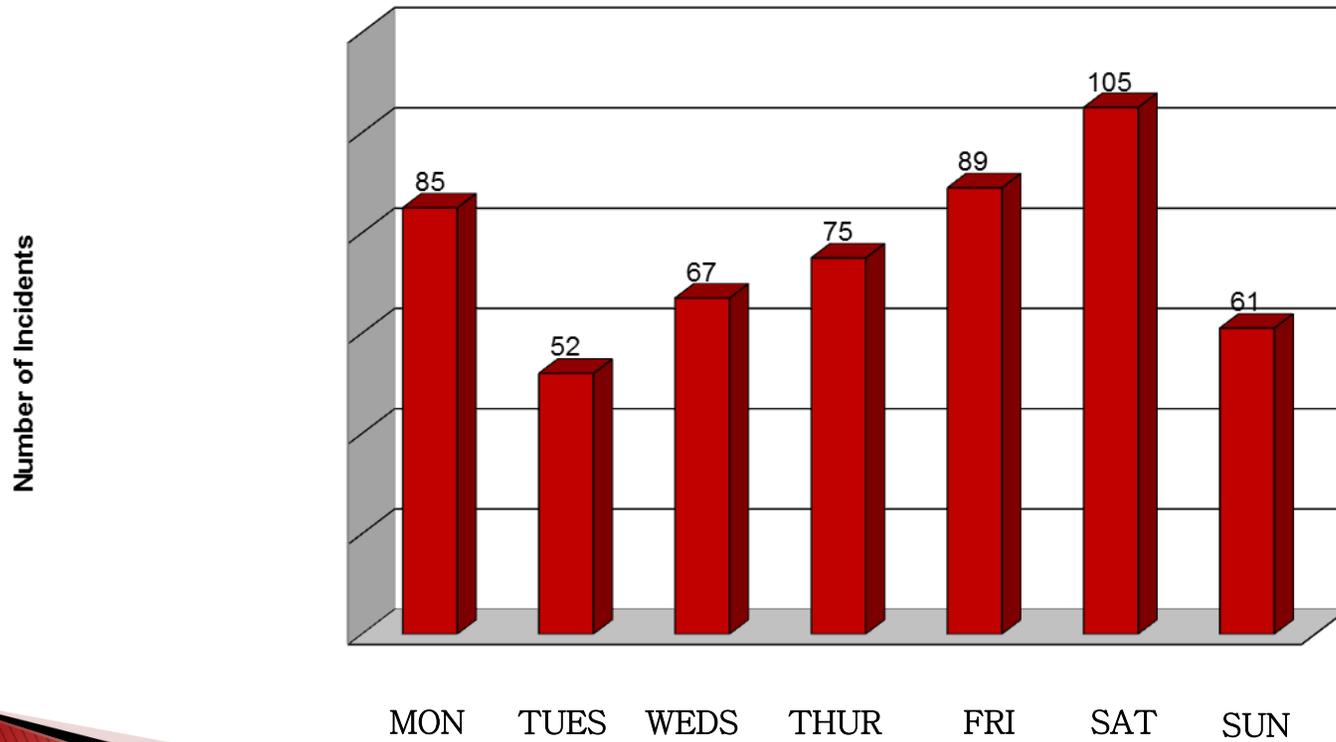
- ▶ 156 Traffic Stops
- ▶ 51 Traffic Citations
  
- ▶ 1 DUI Arrests
- ▶ 3 Drug Arrests
- ▶ 9 Family Fight Arrests
- ▶ 5 Wanted Person Arrests
- ▶ 4 Trespassing Arrests
- ▶ Total Arrests: 34
  - Including Arrests & Criminal Citations
  
- ▶ Cases transferred to Criminal Investigations: 0

# Criminal Investigations

- ▶ So far in 2013, one (1) case has been assigned to Criminal Investigations Bureau
  - Agency Assist
  
- ▶ Year to Date, eight (8) cases are actively being investigated:
  - General Investigation (x2)
  - Agency Assist
  - Auto Theft (x2)
  - Sex Crimes (x3)

# Calls for Service

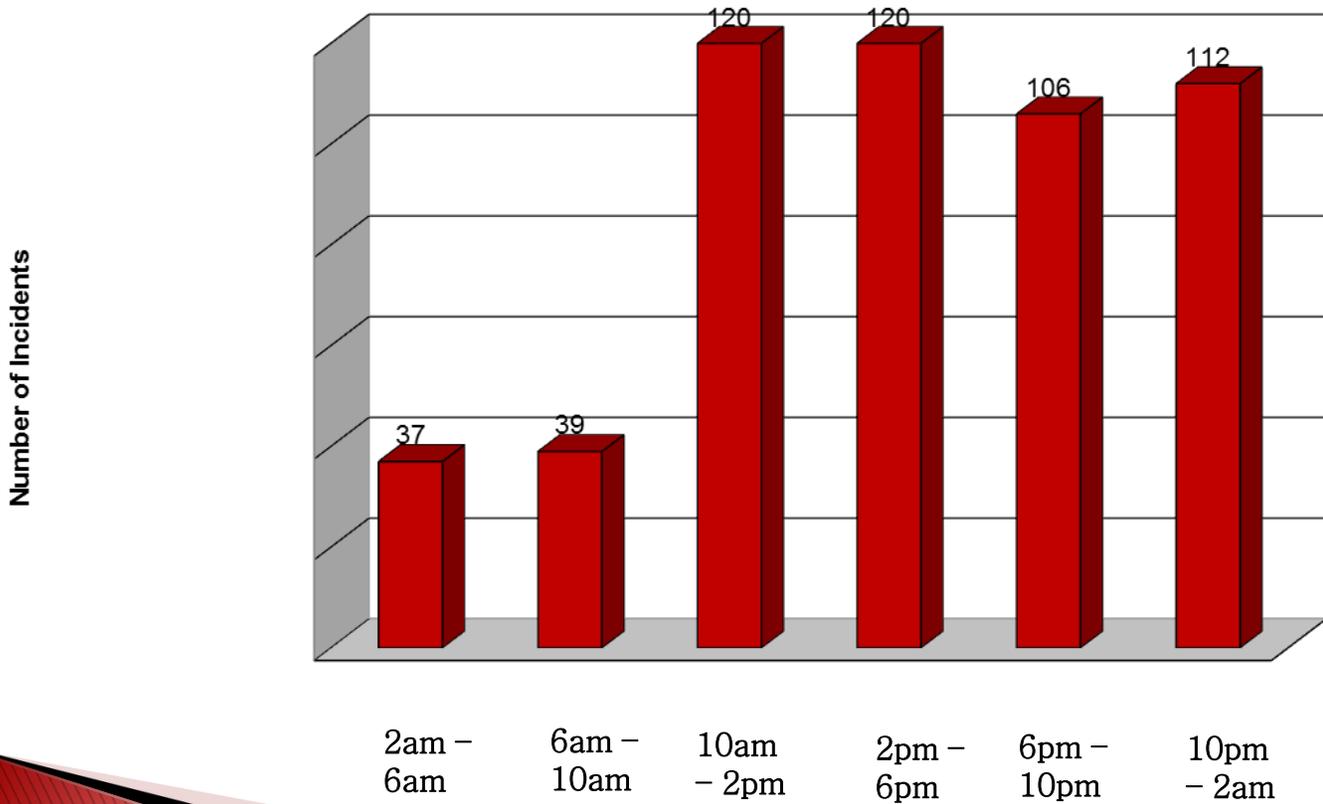
TOTAL CALLS  
By Day of the Week



# Calls for Service

## TOTAL CALLS

### By Time of Day



# Average Response Times for In-Progress calls

- ▶ Accidents : 9 mins
- ▶ Alarm : 5 mins
- ▶ Disorderly : 6 mins
- ▶ Family Fights : 8 mins
- ▶ Trespassing : 8 mins

# Part 1 Crimes – Jun, Jul, Aug

	LESD*	SAC*	S108*	S108 vs LESD	S108 vs SAC
Murder & Non-Negligent Manslaughter	0	0	0	0.00%	0.00%
Forcible Rape	9	1	0	0.00%	0.00%
Robbery	3	1	0	0.00%	0.00%
Aggravated Assault	46	0	0	0.00%	0.00%
Burglary	119	44	4	3.36%	9.09%
Larceny-Theft	225	46	9	4.00%	19.57%
Motor Vehicle Theft	33	5	1	3.03%	20.00%
Arson	0	0	0	0.00%	0.00%
<b>Total**</b>	<b>435</b>	<b>97</b>	<b>14</b>	<b>3.22%</b>	<b>14.43%</b>

[Page intentionally left blank]



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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type:  Regular  Special  Work Session

Meeting Date: 10/01/13

Date of Request: 9/04/13

Requesting:  Action  Discussion or Report Only

Type of Action:  Routine/Consent Agenda  Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

HUSD presentation on Override Issue

Purpose and Background Information (Detail of requested action).

*budget* To inform and ask for support for the upcoming  
override for the school district.

Staff Recommendation(s):

Budgeted Amount:

List All Attachments:

Type of Presentation:

Special Equipment needed:  Laptop  Remote Microphone

Overhead Projector  Other:

Contact Person: Mayor Nolan

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

[Page intentionally left blank]

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL STUDY SESSION MINUTES  
TUESDAY, SEPTEMBER 10, 2013, 2:00 P.M.**

**A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 10, 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 2:01 p.m. Mayor Nolan presided.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe (arrived late at 2:34 p.m.), Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.

3. **Study Agenda.** No legal action to be taken.

**3.1. Council Code of Conduct Summary – Consolidated version.** Review and Further Discussion.

There was discussion on the consolidated version. Council directed the following modifications:

1. All areas where “city” is used and change to “town”.
2. Page 7 of 43, change “his” dealings to “any” dealings.
3. VM Repan to draft verbiage from flowchart for Compliant and Violation Process.

Councilmember Williams-Rowe arrived at 2:34 p.m.

There was discussion on violation wording; official public capacity; reasons for having this document; shortening term for prohibition of disclosure; limiting number of questions that can be asked by Council; wording about “being prepared” and “as opposed to acting out of emotional bias” and “obligation to be accessible...in public and private”. No changes were directed on these issues.

This will be brought back to the Council in the next Study Session for further review.

**3.2. Continuation of Old Black Canyon Highway Research Issues Discussion.** Continued from the July 16<sup>th</sup> Regular session [original CAARF for July 2<sup>nd</sup> meeting by CM Hamilton].

Councilmember Hamilton stated he only had a remote interest and was therefore not going to recuse himself from the discussion. Councilmember’s McBrady and Williams-Rowe spoke on CM Hamilton’s conflict of interest. CM McBrady explained he will file the conflict of interest with the Attorney General and CM Hamilton stated he understood and will proceed anyway.

Councilmember Hamilton gave an overview of the issue with Old Black Canyon Highway and pros and cons of the three options available to the town.

There was discussion on cost to maintain OBC Hwy., repair work that should be done to make it maintainable; ingress and egress onto ADOT highways. Councilmember

Hamilton asked for it to be placed on the 6-year road plan; being able to prove it belongs to the town; having deeds from 1975 which records OBC Hwy. running along the highway; roads not having legal descriptions but they show up on plat maps; needing legal description from the owners of the land and the road going on the deed; listed 5 other roads he believes the town has no legal title on; filing a referendum if the town chooses not to do anything with OBC Hwy; it being shown as a town road on the General Plan.

Public comment was taken on this item.

Dean Cameron spoke on being a landowner along Old Black Canyon Highway, having a shared liability with the Town for OBC Hwy, and his desire to see the traffic slowed down on it and working with the town to do so.

Walt Statler spoke in support of slowing the traffic down on OBC Hwy too and how long the town has been discussing and working on the OBC Hwy ownership problem.

There was discussion already making a decision to not do anything with OBC Hwy and to leave it as it is currently handled; taking the attorney's legal advice; private parties being able to file prescriptive easements but not the town.

**3.3. Council Discussion of Town Manager Evaluation.** Continued from the July 16<sup>th</sup> Regular session [original CAARF CM Wright].

Councilmember Wright gave an overview on the forms available and the process to give the Town Manager a job performance evaluation. Council reviewed the evaluation form included in the packet (ICMA form) and considered when the evaluation would be done. Council asked to have the approval of the form and the review date on the next regular agenda.

Council discussed the process: collating the numerical values portion of the form and bringing the narratives portion to the Executive Session for discussion with the Town Manager. It was decided to ask Judge Kelley to compile the responses. The evaluation date will be held on January 7, 2013 and the forms should be turned in to the Judge on December 6<sup>th</sup> for compilation.

**3.4. Discuss and direct the Town Manager to add one full-time employee to Public Works.** Continued from the July 16<sup>th</sup> Regular session [original CAARF VM Repan].

Vice Mayor Repan spoke on asking for more information for justification at the last meeting. Councilmember Hamilton asked about details on cost savings in-house versus Outside Service Providers (OSP). There was discussion on whether to wait until the next budget season or to do this now.

Public Works Supervisor, Ed Hanks was present to answer questions. He was asked about how many low-water crossings are in town. There was discussion on whether the Town Manager could make the decision to hire an additional employee (administrative), or whether it was up to the Council (setting policy). This agenda item will be placed on a future agenda for a decision.

**4. Special Session.** Legal Action can be taken.

**4.1. Whether to hold additional special session(s) this month.** This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

There was discussion on potential items for an extra work session this month. It was decided to add a special study session on September 24<sup>th</sup> at 2:00 p.m.

5. **Comments from the Public.** None.
6. **Adjourn.** The meeting was adjourned at 4:23 p.m.

---

Terry Nolan, Mayor

ATTEST:

---

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 17, 2013, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 17, 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 6:30 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, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

None.
5. **Town Manager's Report.** Update on Current Events. None.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the September 3, 2013 Regular Meeting.

Vice Mayor Repan made a motion to approve the September 3, 2013 Regular meeting minutes as presented, seconded by Councilmember Alen. 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. **Ordinance 13-99 to amend 30.018 D Council actions and 30.105 C Council Agenda.**

Adopt, reject or send the proposed ordinance for further revision. Direction to amend from May 7, 2013 meeting.

Town Manager Kimball gave an overview on this item, explaining it came from a decision made from Council on the May 7<sup>th</sup> meeting to change town code. This ordinance incorporates those changes.

Vice Mayor Repan made a motion to adopt Ordinance 13-99 as presented, seconded by Councilmember Alen.

There was discussion on the timeframe for submitting agenda items for insertion on agenda. Vice Mayor Repan explained he had suggested a change regarding this but the Council chose to leave it as is at the May 7<sup>th</sup> meeting.

The motion passed by a 4-3 vote in favor, Councilmembers McBrady, Williams-Rowe and Mayor Nolan voting against.
  - 8.2. **Ordinance 13-100 to amend Town Code Section 30.031 E (5) Mayor and Vice Mayor.**

Adopt, reject or send the proposed ordinance for further revision. Direction to amend from May 14, 2013 meeting.

Council reviewed what was decided by Council regarding this at a previous meeting, changing "Mayor" to "Council"; and the Attorney's recommendation was to remove E5 in

Town Council Regular Meeting Minutes, September 17, 2013  
its entirety as it is not the correct spot for this to be placed in the code. Town Code section 30.031 pertains to the Mayor and Vice Mayor duties, not the Council's. There was discussion on this and whether to spend more time reviewing the attorney's memo.

Councilmember Alen made a motion to table the discussion on this until the next regularly scheduled meeting and then re-send the attorney's memo to the council in the meantime, seconded by Councilmember McBrady.

Councilmember Wright made a motion to accept the ordinance as recommended by the attorney, deleting 30.031 E5 in its entirety, seconded by Vice Mayor Repan. It was approved unanimously.

The first motion failed since the subsequent motion passed, making this motion null and void.

**8.3. Discuss and direct the Town Manager to add one full-time employee to Public Works.** Direction made at the September 10<sup>th</sup> Study Session - a continuation from the September 3<sup>rd</sup> Regular session [original CAARF VM Repan].

There was discussion on when this position could be filled and whether to fill it now full-time or part-time, or wait until the next budget year. Vice Mayor Repan spoke on needing someone now since Council approved the accelerated road plan, Public Works has plenty of work and they are shorthanded.

Vice Mayor Repan made a motion to approve moving forward with hiring a full-time Public Works employee, seconded by Councilmember Williams-Rowe.

Councilmember Wright spoke on first needing job duties and measures established before recruiting for this position.

The motion passed by a 4-3 vote in favor, Councilmembers Alen, Hamilton and Wright voting against.

**8.4. Council Discussion of Town Manager Evaluation.** Direction made at the September 10<sup>th</sup> Study Session - a continuation from the July 16<sup>th</sup> Regular session [original CAARF CM Wright].

Council reviewed the reason this is on the agenda, to approve the evaluation form to be used and the deadline dates for the evaluation process.

Councilmember Wright made a motion to approve the form as included and the following process dates: December 6<sup>th</sup> deadline to get evaluations to Judge Kelley; January 7<sup>th</sup> for evaluation with Town Manager, seconded by Councilmember Alen. It was approved unanimously.

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

**9.1. Mortimer Family Farms Use Permit Renewal.** Approve, deny or send the renewal matter for further revision.

Community Development Coordinator, Warren Colvin gave an overview on the renewal of the Mortimer Family Farms Use Permit 2011-1 and 2013-2 extension. This renewal is for a 5-year period. Planning and Zoning had no formal objections to the renewal. Staff recommendation is for Council to approve the use permit extension for a 5-year period with stipulations:

1. Must apply for special event permits.

2. Property signage stays in compliance with code.
3. Modifications, alterations or increased intensities that conflict with use permit and/or conditions of approval shall result in a new use permit application.
4. Use permit extension granted to Mortimer Farms who operates farming industry at SR169, owned by Yavapai Land Holdings LLC. Change of occupancy constitutes termination of this use permit. Transfer, modification or alterations of the use permit shall result in the requirement of a new application.
5. Use permit extension is granted to the applicant for uses occurring on parcel #402-02-013 where the store building is located (12907 E. S.R. 169) only.

There was discussion on the stipulations, why a use permit was required, and health code requirements.

Vice Mayor Repan made a motion to accept Staff's recommendation, approving the use permit extension for a 5-year period and with the attached stipulations, seconded by Councilmember Alen.

Public comment was taken on this item.

Sue Palacio spoke in support of Mortimer Family Farms and their events and what they bring to the community.

Carol Wagner spoke in support of the renewal of the use permit. She said it was good for the economy and Mortimer's tries to comply.

Councilmember McBrady spoke in support of what Mortimer's has done and the good job they have done.

The motion passed by a unanimous vote in favor.

**9.2. Place all renewing IGAs in the Consent Agenda. Put all Town Proclamations in the Consent Agenda.** [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview on his request. He recommended renewing IGAs are just being approved pro forma. He stated proclamations are already included in the packet so therefore they do not need to be read aloud.

Mayor Nolan spoke in agreement with the placement of IGAs on the consent agenda but explained the proclamations are made by the Mayor and therefore read them allowed to proclaim an issue, it is not up for approval by the council.

Councilmember Hamilton made a motion to place all renewing IGAs in the Consent Agenda, seconded by Councilmember Wright. It was approved unanimously.

**9.3. Change Code 30.030 (G) Part 6 to remove language, "with the ratification of the Town Council".** [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview on his request, having spoken to the risk-pool attorneys (at the League conference) about minimizing their (Council's) liability by not being involved in the administrative duties of the town. There was discussion on why this wording was originally placed in the town code and whether it was still needed.

Councilmember Hamilton made a motion to change code 30.030 (G) Part 6 removing language "with ratification of the Town Council", seconded by Councilmember Alen.

Councilmember Wright reminded council that they will need an ordinance developed to codify this change.

The motion passed by a 6-1 vote in favor, Councilmember Wright voting against.

Town Council Regular Meeting Minutes, September 17, 2013  
Town Manager Kimball asked for clarification on whether it only removes the section about ratify by council. Council confirmed this.

**9.4. Discussion of Mayor Nolan’s comment during the 8/20/13 meeting, item 11, Comments from the Public, that “many of the agenda items being frivolous and time consuming”.** [CAARF requested by VM Repan]

Vice Mayor Repan spoke on his reasons for requesting this agenda item and wanting clarification on whether this is allowed. Mayor Nolan explained it was brought up at a League conference that it was okay to speak during public comment from the dais. Councilmember Wright wanted documentation about this right.

Councilmember Hamilton made a motion to have the attorney get back with them on the law about “Council and Mayor speaking from the dais as a public comment”, seconded by Councilmember Wright. It was approved unanimously.

Vice Mayor Repan spoke on the second part of the agenda item “frivolous and time consuming” statement. He spoke on agenda item requests coming from citizen requests. There was discussion on this. Mayor Nolan expressed his opinion that the agenda items should be more service-oriented rather than word-smithing code.

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

**11. Comments from the Public.** None.

**12. Adjourn.** The meeting was adjourned at 7:44 p.m.

---

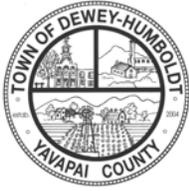
Terry Nolan, Mayor

ATTEST:

---

Judy Morgan, Town Clerk

[Page intentionally left blank]



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

---

**TOWN COUNCIL REGULAR MEETING**

**October 1, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 8.1 Ordinance 13-101 to Amend town code 30.085 representing an official town position by revising 30.085 (D) and adding 30.085 (F).**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: September 26, 2013**

**Recommendation: Adopt the proposed ordinance**

**Summary:**

At the August 20<sup>th</sup> Council meeting, Vice Mayor Repan submitted proposed amendments to Town Code sections 30.085 (D), (E) and an added (F). Changes to (D) and (F) were accepted by Council. The Town Attorney drafted Ordinance 13-101 to address these changes.

These changes are:

- Section (D) - adding wording "including the Mayor";
- Section (F) - addition of proposed section (F) in its entirety (pertaining to notification of alternate if unable to attend).

**ORDINANCE No. 13-101**

**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, § 30.085 REPRESENTING AN OFFICIAL TOWN POSITION RELATED TO COUNCILMEMBER RESPONSIBILITIES WHEN REPRESENTING THE TOWN; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES**

**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 30.085 Representing an Official Town Position is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**§ 30.085 Representing an Official Town Position.**

\* \* \*

(D) If a member of the Town Council, INCLUDING THE MAYOR, appears before another governmental agency organization to give a statement on an issue affecting the town, the Councilmember should indicate the majority position adopted by the Council. If the Council is divided on an issue, the member should make no statement.

\* \* \*

(F) ANY COUNCILMEMBER, INCLUDING THE MAYOR, WHO HAS BEEN DIRECTED BY COUNCIL ACTION (EITHER BY COUNCIL VOTE OR BY DIRECTION) TO REPRESENT THE TOWN AT ANY MEETING OF AN OUTSIDE ORGANIZATION AND WHO CANNOT ATTEND SAID MEETING, SHALL IMMEDIATELY NOTIFY THE ALTERNATE ATTENDEE, WHO SHALL ATTEND THE MEETING. IF THERE IS NOT AN ALTERNATE OR THE ALTERNATE IS NOT AVAILABLE TO ATTEND, THE REPRESENTATIVE SHALL IMMEDIATELY NOTIFY THE MAYOR AND, IN THE ABSENCE OF THE MAYOR, THE VICE MAYOR, OF THE ATTENDANCE CONFLICT.

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.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances

**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 Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-101 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