

**SPECIAL STUDY SESSION MEETING NOTICE**  
**TOWN COUNCIL OF DEWEY-HUMBOLDT**  
**Tuesday, October 8, 2013, 2:00 P.M.**

**COUNCIL SPECIAL STUDY SESSION 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. Roll Call.**

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

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

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**3.1. Proposed 2012 International Building Code County-wide adoption overview.** A presentation and update by Jack Judd, Yavapai County Building Official (and Dewey-Humboldt's Chief Building Official).

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**3.2. Discussion on Town Council's policy on Code Enforcement and Permits.** Continued discussion from September 24, 2013 Special Study Session. [CAARF originally requested from CM Wright for September 24, 2013 meeting]

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**3.3. Council Code of Conduct continued discussion.** Continued discussion from May 14, June 11, July 23, August 13, September 10, and September 24 meetings.

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**3.4. Direction from Council to address at a work session a possible amendment to Town Code Section 30.085 (E), from August 20, 2013 meeting.** [CAARF originally requested from VM Repan for August 20, 2013 meeting]

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**3.5. Direction from Council to address at a work session a possible amendment to Town Policy PG No. TC 12-03, Section 4.3, from the August 20, 2013 meeting.** [CAARF originally requested from CM Hamilton for August 20, 2013 meeting]

**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.

5. **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.

6. **Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, October 15, 2013, at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, November 7, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, November 12, 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.



**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 SPECIAL STUDY SESSION**

**October 8, 2013, 2:00 p.m. Town Council Meeting Chambers**

**Agenda Item # 3.1 Proposed 2012 International Building Code County-wide adoption overview.**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: October 2, 2013**

**Recommendation: Mr. Judd will be in attendance to answer any questions Council may have regarding the proposed 2012 building codes transition.**

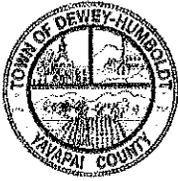
**Summary:**

A county-wide 2012 International Building Code (IBC) adoption effort has taken place. Dewey-Humboldt's building permitting and inspection services are conducted by Yavapai County Building Department through an Intergovernmental agreement. Especially due to this arrangement, Dewey-Humboldt and County staff believes that it would be important and mutually beneficial for the Town to adopt the 2012 IBC in concert with other agencies in the County.

To that end, we have Mr. Jack Judd, Yavapai County Chief Building Official who is the Town's de facto Building Official, to give an overview of the IBC changes, including but not limited to the process, and the highlights of the 2012 Codes.

In addition to Mr. Judd's appearance to give the Town Council an overview, as soon as Yavapai County has a more concrete schedule for the new code adoption, D-H staff plans to roll out activities to increase public awareness of the potential 2012 IBC change, including notices and meetings to help the public understand the process and highlights of the new codes. D-H staff (along with Yavapai County Building Department) strives to make the potential changes easy and smooth for the Town Council and D-H residents.

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**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular  Special  Work Session

**Meeting Date:** September 24, 2013

**Date of Request:** 9-11-13

**Type of Action:**  Routine/Consent  Regular

**Requesting:**  Action  Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**

Discussion on the Town Council's policy on code enforcement and permits, including  
but not limited to proactive approach or compliant - driven approach.  
*w/ CM Wright's consent*

**Purpose and Background Information (Detail of requested action).** Discussion

and possible direction to staff on how to handle complaints about code violations  
enforcement issues and various permitting issues. Discussion may also  
include issues closely related to code enforcement and permits.

**Staff Recommendation(s):** \_\_\_\_\_

**Budgeted Amount:** \_\_\_\_\_

**List All Attachments:** \_\_\_\_\_

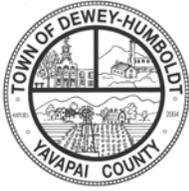
**Type of Presentation:** Oral

**Special Equipment needed:**  Laptop  Remote Microphone  
 Overhead Projector  Other: \_\_\_\_\_

**Contact Person:** *CM Wright*  
CM N Wright for Mr. Jerry Piper

**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.**

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**TOWN COUNCIL SPECIAL STUDY SESSION MEETING**  
**October 8, 2013 – 2:00 p.m. Town Council Meeting Chambers**

**Agenda Item # 3.3. Code of Conduct**

**To: Mayor and Town Council Members**

**From: Judy Morgan, Town Clerk**

**Date submitted: October 1, 2013**

**Agenda Item: Code of Conduct further discussion.** Review and Further Discussion.

**Recommended action:** Review, revision and direction on next steps.

**Summary:** This is the continuation of the May 14<sup>th</sup>, June 11<sup>th</sup>, July 23<sup>rd</sup>, August 13<sup>th</sup>, September 10<sup>th</sup> and September 24<sup>th</sup> Council meeting discussions. At the most recent meeting Councilmember Hamilton provided Council his version of the “Violation process”. Council moved this agenda item to the next work session to give them time to review that version and recommend any changes as well as time to look into sanctions and censure.

Enclosed is a compilation of changes made to date by the Council. Changes made by council members are marked in red; language from 2009 “Town Council Rules and Procedures” is in black. Councilmember Alen’s Grievance Flowchart is included for reference, Vice Mayor Repan’s and Councilmember Hamilton’s versions for the “Grievance/Violation Process” are included as well.

# TOWN OF DEWEY-HUMBOLDT CODE OF ETHICS and CONDUCT (ORIG. 8/2009, REVISED 8/2011)

## Dewey-Humboldt Citizen Participation Guide

As a citizen . . . you can take an active role in shaping Dewey-Humboldt government policies, programs and decisions.

Participating in government can be as simple as voting at each election. But you can go a step further by participating in the day-to-day process of local government.

- You can submit a transformative idea via email to the Town Clerk: judymorgan@dhaz.gov.
- You can volunteer for advisory boards or committees that make recommendations to the Town Council and Town departments.
- You can influence decisions when it comes to adopting laws, the biennial budget, or where to site a new park.
- You can be an active member of a neighborhood association or help form one in your neighborhood.
- You can speak at a Council study session or Council meeting
- You can seek elected office.

One of the greatest challenges of governance is finding a balance between the interests of the community as a whole and those who have a special stake in a particular issue.

Citizens can help strike that balance by looking for solutions that work for the entire community, not just a small group.

Although participating does not always mean prevailing, it does make government a partnership effort. That's something positive, because when citizens are actively involved in their government, decisions can better reflect the will of the people.

**Commented [JM1]:** CM Alen's Participation Guide

## PREAMBLE

**Commented [JM2]:** VM Repan's document with his additions in red.

The residents and businesses of Dewey-Humboldt are entitled to have a fair, ethical and accountable local government and also demand the highest standard of ethics from all its officials. All members of town boards, commissions, committees and the Town Council shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, whether local, state or federal, and never use their position or powers improperly or for personal gain.

**Commented [JM3]:** "Town" replaced "City". Council liked how this section was written with this one minor change.

## DEFINITIONS

**Commented [JM4]:** Any ARS or Code referenced will be included as a definition.

Ethics is defined here as the rules or standards governing those persons functioning as representatives of the Town Dewey-Humboldt. These rules and standards are based upon a set of values judged to be moral to the extent that they enhance society and an

individual's relationship to others. **Honesty and integrity shall be the primary values in all issues whether it be in their duties for the Town of Dewey-Humboldt, or in any regard to their constituents.**

A representative of the Town of Dewey-Humboldt is defined here as a public official, elected or appointed, salaried or unpaid, including the mayor, Town council members, and any board or commission member.

The purpose of this code is to establish ethical standards of conduct for these public officials acting in their official public capacity.

#### **I. Responsibilities of Public Office**

By oath of office each representative is responsible to uphold the Constitution of the United States, the Constitution of the State of Arizona, and the ordinances and regulations of the Town of Dewey-Humboldt. **Elected officials and board and commission members are often asked to make decisions that affect various groups and individuals adversely. Balancing diverse constituent interests is a difficult task and therefore the public official shall perform his or her obligations in a manner that is impartial and responsible to all people and shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness or illegality.**

The public official shall not use his position for personal or monetary gain, **whether directly or indirectly or any other manner in which the possibility of gain might be perceived by the public or another member of the public body and as described here within in section II.**

The public official shall not disclose confidential information concerning the property, government, or affairs of the Town of Dewey-Humboldt without proper legal authorization. **Arizona law provides that during a person's employment or service to the town and for two years thereafter, no member of a Town board, commission, committee or the Town of Dewey-Humboldt council may disclose or use confidential information without appropriate authorization as outlined in A.R.S. 38-5504(B).**

**Councilmember's and citizen advisory boards and commissions have an obligation to be accessible, open and direct, not only with the other members of the Council and/or boards and commissions, but also to the citizens and business representatives that appear before them, both in the public forum and in private. The public is entitled to communicate with their public servants and understand the position of the Council and boards and/or commissions on public issues.**

**Elected officials and advisory board/commission members have an obligation to attend meetings and be prepared. It is expected that these officials will review the materials, participate in discussions and make informed decision of the merits of the issue as opposed to acting out of emotional bias.**

**Commented [JM5]:** Council satisfied with how this section was written by VM Repan with option of going back and editing it.

## II. Conflict of Interest

Elected officials and advisory board members must be constantly on guard against conflicts of interest and shall not be involved in any activity which conflicts with their responsibilities to the town-Town of Dewey-Humboldt and its residents. The people of this town have a right to expect independence and fairness towards all groups without favoring individuals or personal interest.

Arizona conflict-of-interest laws apply to all elected officials and advisory board/commission members. And as such, this code shall reinforce any existing affirmation regarding conflict of interest contained in the public official's oath of office. When acting in a public capacity, the public official shall abstain from participating in discussion and vote on any pending matter that would result in his financial or private gain.

The public official shall not directly or indirectly solicit, accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form that could be reasonably inferred to influence the performance of his official duties and actions or serve as a reward for any official action. In addition and extended under this issue, under no circumstances shall a council or board/commission member accept a gift or favor that is a bribe, or reflects, to a reasonable person, an effort to improperly influence the member contrary to that members responsibility to the public in total or to act impartially and on the merits of the matter. Officials must not be involved in discussing issues that appear to be self-dealing. That is, officials must not be involved in discussing or deciding on any issue over which they have jurisdiction as a Council or board/commission member, which may impact the member or the members family or members business, financially or in any way that may be perceived by any reasonable member of the community as advantageous to that council, board/commission member.

It should also be noted that Councilmember's must comply annually with the Financial Disclosure Act, as outlined in A.R.S. 38-541-545. Arizona law also prohibits elected officials and board/commission members from receiving anything of value or any compensation other than their normal salary or stipend for any service rendered in connection with that person's duties with the Town of Dewey-Humboldt.

## III. Conduct in Public Office

The public official shall not discuss or divulge confidential information acquired by him in the course of his official duties nor shall he use this information for his own personal interest or aggrandizement and as a minimum, utilize A.R.S. 38-504 as, but not limited to, a guideline.

The public official shall respect the rights, privileges and opinions of his fellow officials. Propriety dictates that the public official be sensitive to the possible confidential or personal nature of directives addressed to other individuals.

**Commented [JM6]:** Consensus that Council liked how this section was written by VM Repan.

**Commented [JM7]:** Consensus to keep this section as written by VM Repan with the exception of adding "in the future" to the last paragraph. Nepotism sentence was left in by consensus.

In **his** **any** dealings with Town of Dewey-Humboldt employees, the public official shall maintain professional conduct with respect to the employee's work assignments and obligations. The office of the public official shall in no situation be used to wrongfully obtain information either by intimidation or by deliberately violating the privacy of an employee's work station.

**Commented [JM8]:** 091013 directed to change from his to any.

Public decision making must be fair and impartial and shall be non-discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state and town laws and ordinances. Elected officials and advisory board/commission members must conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion, both and in the relationships of the elected officials and advisory board/commission members with their constituencies.

Elected officials and advisory board/commission members shall not use their political or appointed office to advance private interests and engage in political campaigning at Town meetings or within **city** **town** buildings.

**Commented [JM9]:** Remove "city" reference and change to "town" 091013 directive.

**No relative of a sitting council member, sitting advisory board/commission member may be hired by the town.**

**Commented [JM10]:** Council consensus to leave this sentence in for now.

Discussion of issues which may appear **in the future** before the Council or citizen board shall be prohibited when a situation arises where a quorum of the Council or board exists. Numerous Arizona laws require that meetings of public bodies be open to the public and that public records be available for inspection.

**Commented [JM11]:** CM Wright's suggested addition

### **Complaint of Violation Process**

**Commented [JM12]:** CM Alen's suggestion to put a process in place prior to IV. Compliance and Enforcement.

#### **IV. Compliance and Enforcement with the Dewey-Humboldt Code of Ethics.**

**Commented [JM13]:** Council discussed sanctions and censure. CM Alen was asked to come back with a process. She provided a flowchart at the August 13<sup>th</sup> meeting for discussion.

Public officials take an oath when they assume their duties to uphold the laws of the state of Arizona, the town of Dewey-Humboldt and the United States of America. **Therefore, it is the intent of the Town Council to educate, and where necessary, discipline council members or board/commission members who violate this code.** Consistent with this oath, any possible violation of this code should be reported to the mayor or vice mayor, or in the case of staff, to the Town Manager. Upon this report, one of two protocols can be utilized:

1. If the Mayor, Vice Mayor, and Town Manager all agree that the violation is minor in nature, they may contact the individual in question directly and advise them of the concern and seek to resolve the matter.
2. If the Mayor, Vice Mayor, and Town Manager all agree that the alleged violation is not minor in nature, they may meet with the Town Attorney and appropriate staff and witnesses to determine how the matter should proceed, be resolved or be reported to

the appropriate authorities. These protocols are set forth and can be used as alternatives to any remedial action that otherwise might be available or prudent.

In any regard, other than violations for criminal conduct, discipline shall be progressive in nature, from the least punitive to the most punitive measures, unless the Council believes that progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct or actions. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.

All public officials are expected to honor the mandates set forth in the Town of Dewey-Humboldt Code of Ethics.



The process of filing a complaint for a potential violation of the code of conduct/ethics starts with either the town clerk or the town web site. If a resident (complainant) reads the code of conduct/ethics and determines that the possibility of a violation exists, they may file a complaint through the Town Clerk or through the town website.

The complaint then goes to the Ethics Committee which is made up of the Mayor, Vice Mayor and a rotating council member to determine if a violation occurred. The Ethics Committee may request additional data from the staff, the respondent (object of the complaint) or complainant. If they determine the complaint is minimal or no violation had occurred, the committee will then report the findings of fact to the Council for approval of their determination.

The committee will then speak to the respondent and suggest future behavior to avoid this type of complaint. The town clerk will then send a letter to the complainant thanking them and explaining the determination and outcome.

If the Ethics Committee determines that a possible serious offense has occurred, it may request additional data from the staff, the respondent or complainant and may request information from other sources. The committee may contact the Town Attorney for review if needed. The committee will then make a report to the council of the outcome and their recommendation for discipline and request that the Mayor communicate the results to the respondent.

Discipline, depending on the severity of the offense, can range for a letter of censure, a copy of which would be included in the member's permanent file, to a monetary fine of no less than \$ 100.00 and no greater than \$ 500.00. The amount of the fine would depend on the nature of the offense and whether it was a first offense or of a repeated nature.

The respondent has the right to appeal the findings and outcome through binding arbitration, if desired. The final results of this process will be published on the town web site and the town clerk will send a letter to the complainant explaining determination and outcome.

from CM Hamilton  
9/23/13 @ 11:30 am

#### Item IV Compliance and Enforcement of the Dewey-Humboldt Code Of Ethics.

Public officials take an oath when they assume their duties to uphold the laws of the state of Arizona, the town of Dewey-Humboldt and the United States of America. Therefore, it is the intent of the Town Council to educate, and where necessary discipline council members or board/commission members who violate this code. The process for enforcement follows

1. If a resident (complainant) feels that a violation of the ethics/conduct code has occurred they need to fill out a form, either on line or see the town clerk for the form. The form will include the date, what part of the code they feel was violated, the person who violated the code, when the violation occurred and contact information so they can be told of the outcome of their complaint
2. The complaint then goes to the Ethics Committee which is made up the Mayor, Vice Mayor and a rotating council member to determine if a violation has occurred. The Ethics Committee may request additional information from staff, respondent (object of the complaint), and complainant or town attorney.
3. The Ethics Committee then decides if there was no violation, or was a minor or major violation of the ethics code. The ruling of the majority of the Ethics Committee is then presented to the full council. If there is not a unanimous decision by the Ethic Committee, a minority report can be presented along with the majority opinion. The full Council has the right to look at all the information that the Ethics Committee looked at to make their determination on what should occur.
4. If the full Council decides that no violation occurred, no action will be taken other than to notify the complainant of the outcome.
5. If the full Council has decided a minor violation has occurred the Ethics Committee will talk to the violator in person on how to avoid doing this in the future. The complainant will be notified of the outcome.
6. If the full Council decides a major violation has occurred, they will decide the punishment from formal censure and put in the violators personal file, to possible fine up to \$500. The Ethics Committee should talk to the town attorney to see if what they propose as punishment is legal. The legal ruling should be in evidence for the whole Council to see. The complainant will be notified of the outcome.
7. The Ethics Committee alternate will be selected after the Vice Mayor is selected using the same format as for selecting the Vice Mayor.
8. If the complaint is against one of the ethic committee members that person will be excused from the proceedings and another Council member will be chosen to handle this complaint only.
9. Repeating of the same minor violation can turn it into a major violation.
10. The respondent has the right to appeal any Council decision to binding arbitration by the town's Hearing Officer.

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[REDACTED]

[REDACTED]

IS : 30.085 (E)

Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not reflect the official position of the Town Council.

**PROPOSED:** Any council member, including the mayor, that has been directed by council action (either by council vote or direction) to represent the Town of Dewey-Humboldt to any organization must, within a 2 week period after the meeting, provide the whole council a summarization of those issues addressed at that meeting and how it is pertinent to the Town of Dewey-Humboldt either currently or in the future. This information must be provided whether the issue is temporary or permanent in nature and whether public funding is utilized in expenditures to travel or attend such meeting or not. The information provided should be current and not historical in nature. The summary must also be made available to the public through the Town's website.

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, AUGUST 20, 2013, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 20, 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 6:31 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.**

Mayor Nolan reminded Council to turn on their microphones and speak into them so they can be heard on the A/V system.

Vice Mayor Repan thanked staff for their information and effort that went into the August 13<sup>th</sup> Study Session.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball spoke on the millings being received with more to come next week. She spoke on the traffic control light at Highway 69 and Main Street but not receiving a specific date for the traffic count.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the August 6, 2013 Regular Meeting and August 13, 2013 Special Study Session.

Councilmember Hamilton made a motion to approve the minutes as presented for the August 6, 2013 Regular Meeting and August 13, 2013 Special Study Session. Vice Mayor Repan asked that the August 6<sup>th</sup> meeting be amended to include (under item 9.1) his comment made before the vote asking Council be informed about the WAC meetings. The maker of the motion agreed to this amendment. The motion passed unanimously.
7. **Comments from the Public (on non-agendized items only).**

Christine Dehart spoke on her concerns with the high levels of arsenic in the water and the government's responsibility to protect its citizens.
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 13-98, Amending the Town Code Section 30.102 Study Sessions to Establish the Time of Study Sessions.**

Town Manager Kimball gave an overview on this agenda item. This was unfinished business from 2011 where the Council agreed to approve resolution 11-89 which changed the Study Session time from 3:00 p.m. to 2:00 p.m. The ordinance is required to codify this change into law.

Councilmember Hamilton made a motion to approve Ordinance 13-98 amending the Town Code Section 30.102 Study Sessions to Establish the Time of Study Sessions, seconded by Councilmember Wright.

Mayor Nolan asked if he could rescind his motion made back in 2011 so CM Williams-Rowe can be at the work sessions for most of the meeting (start time of 3:00 p.m.). There was discussion on this and the reasons for the change.

Councilmember Wright called the question. The council voted to call the question by a unanimous vote.

The motion passed by a 5-2 vote in favor, Councilmembers Williams-Rowe and McBrady voting against.

**8.2. Peloso property inspection, report and next steps. 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 dais at 6:50 p.m.

Town Manager Kimball gave an overview explaining options for council: possible resolution to approve, delay or ignore. She asked if they would like to hold this in an Executive Session or an Open Session.

Councilmember Hamilton spoke on why he felt the information should be discussed in open session. There was discussion on this. Ms. Kimball reminded them there are new council members that have not heard the report and they need to be brought up to what the others already know about this issue.

Councilmember Alen made a motion to go in to Executive Session, seconded by Vice Mayor Repan. It was approved by a 5-1-1 vote in favor, Councilmember Hamilton voting against and Councilmember McBrady being recused from this item. The public was asked to leave the room at 6:56 p.m. and the Council recessed into Executive Session.

**8.2.1. 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.

**8.2.2. Reconvene Regular Meeting.**

Council reconvened into the Regular Meeting at 7:31 p.m. No action or discussion was taken on this item.

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

**9.1. Arizona Department of Administration – AZ State Purchasing Cooperative Procurement Agreement Renewal.**

Councilmember McBrady returned to the dais at 7:32 p.m.

Town Manager Kimball spoke on receiving notice that the original agreement was expired. There is no fee to be a member and using the state contract for purchases can be very beneficial.

Mayor Nolan made a motion to approve and execute the renewal of the AZ State Purchasing Cooperative Procurement Agreement, seconded by Councilmember Wright. It was approved unanimously.

**9.2. To revisit Council Policy 12-02 for clarification and especially item 4.6 “Legal research results and opinions on specific questions will be disseminated... at the discretion of the TM.” [CAARF requested by CM Wright]**

Councilmember Wright gave an overview on her agenda item. She gave her opinion that the wording related to “at the discretion of the Town Manager” should be changed to reflect only two exceptions: Disputes with Council members and issues addressed in ARS.

There was discussion on this. Town Manager Kimball voiced her opinion against removing “discretion” wording.

Public comment was taken on this item.

Jerry Brady spoke in support of disclosure of legal counsel opinions over administrative discretion.

Councilmember Wright made a motion to change item 4.6 of policy PG No. TC 12-02 to remove “at the discretion of the Town Manager” and replace it with “unless forbidden by law”, seconded by Councilmember Hamilton.

There was discussion on removing “staff” wording so it clearly addresses public bodies.

The motion on the floor was amended to remove “staff” from the purpose and scope of this procedure (both mover and seconder agreed).

There was discussion on the pros and cons of removing “discretion” wording. Town Manager Kimball asked for clarification on original wording (specific questions versus requests by council).

Vice Mayor Repan made a motion to move this to a work session where they can take action on this item, seconded by Councilmember Alen.

Public comment was taken on this item.

Jerry Brady spoke on the council’s operation of the microphones and problems with listening to recordings. He stated this agenda item defends the interest of the public.

A motion was taken on the work session motion, which was approved by a 5-2 vote in favor, Councilmember McBrady and Wright voting against. TM Kimball asked which study session they wished to move this to. It was decided to move it to the November 12<sup>th</sup> Work Session or next available one. The first motion was not voted on as the second motion action over-rode it.

**9.3. Change Code (30.085 D&E) through council action and/or resolution. [CAARF requested by VM Repan]**

Town Council Regular Meeting Minutes of August 20, 2013  
Vice Mayor Repan gave an overview explaining the added wording makes it clear it includes the Mayor. He suggested reporting requirements (report given at a meeting within a 2-week limit). There was discussion on other means of getting information from these agency meetings.

Public comment was taken on this item.

Jerry Brady spoke on “Minutes” law and only being a record of legal action, not discussion.

Councilmember Hamilton made a **motion** to approve 30.085 D&E as proposed, seconded by Councilmember Wright.

Vice Mayor Repan made a **motion** to move 30.085 D&E to a work session, seconded by Councilmember Alen. There was discussion on work sessions and what they are for.

Councilmember Wright made a **motion** to accept 30.085D as proposed, seconded by Vice Mayor Repan. Mayor Nolan spoke on the redundancy of this code change. It was **approved** by a 6-1 vote in favor, Councilmember McBrady voting against.

Vice Mayor Repan **amended the motion** to move 30.085 E (removing from the motion 30.085 D) to a work session, the seconder agreed. It was **approved** by a 4-3 vote in favor. Councilmembers Hamilton, McBrady and Mayor Nolan voting against.

The first motion was **not voted on** as the subsequent motions over-rode it.

Councilmember Wright asked about bringing the 30.085D amendment back as an ordinance to be placed on the consent agenda.

Public comment was taken.

Jerry Brady spoke in support of bringing the code change back to council as an ordinance.

Town Manager Kimball asked Council which study session to put 30.085 E on; whether to proceed with amending the code for 30.085D or to wait until they have worked on 30.085E and have both on an ordinance. There was discussion. Ms. Kimball stated she will submit the discussion to the attorney for ordinance drafting on 30.085D.

#### **9.4. Change Code (30.085F) through council action and/or resolution.** [CAARF requested by VM Repan]

Vice Mayor Repan gave an overview. There was discussion on having selected alternate(s) to attend other established agency meetings the town is a member with and having a policy adhered to whereby the primary should contact the alternate if the primary can't attend.

Councilmember Hamilton made a motion to approve the proposed change to Code 30.085F. Councilmember Wright made a friendly amendment to the motion to remove the last sentence, “if no council member is available as a substitute, this information will be made available to the public through the town web site”. With this amendment she seconded the motion. The maker of the motion agreed to the amendment.

There was discussion on notifying the alternate and/or the Town Manager if unable to attend; whether to post meeting notifications on the town website; and “must” wording in code change language.

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

#### **9.5. Discuss section 4.3 of Town Policy PG No. TC 12-03.** [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview and requested they discuss this at the same time as VM Repan's code change work session (on reporting-30.085E).

Councilmember Hamilton made a motion to move this agenda item to the same work session where VM Repan's code changes on report summaries is discussed, seconded by Vice Mayor Repan. It was approved unanimously.

**9.6. Create a second work study session a month on the 4<sup>th</sup> Tuesday of the month.**  
[CAARF requested by VM Repan]

Vice Mayor Repan gave an overview, explaining his opinion for needing an additional work session (spend more time in discussion of an item in a work session to streamline regular meetings). There was discussion.

Public comment was taken on this item.

Jerry Brady spoke in support on the work council does and in support of work sessions for better discussion of issues and to prepare research.

Councilmember Wright suggested limiting the number of agenda items on a work session. There was discussion of other times and days for work sessions. Mayor Nolan explained special meetings can be called if additional time is needed.

Mayor Nolan made a motion that if another study session is needed it will be deemed a special study session and not constituted in the Code of ordinances as a mandatory study session, seconded by Vice Mayor Repan.

There was discussion on whether a motion was needed for this or if it can just be decided and directed at the next work session. Town Manager Kimball asked if they wanted a standing agenda item on whether to have a special study session at each regular study session. The original motion was withdrawn by the maker and seconder.

Mayor Nolan made a motion to establish a line item on future study session agendas for a possible additional study session, seconded by Vice Mayor Repan. It was approved unanimously.

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

**11. Comments from the Public.**

Jerry Brady spoke on attorney/client privileges comparing these privileges for local government and the President of the United States. He spoke on the distribution of information on the Town's computers.

Mayor Nolan gave a public comment speaking on many of the agenda items being frivolous and time consuming and spoke on the Council's job to do Town business.

**12. Adjourn.**

The meeting was adjourned at 9:32 p.m.

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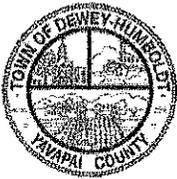
Terry Nolan, Mayor

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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type:  Regular  Special  Work Session

Meeting Date: 8/20/13

Date of Request: 8/9/13

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):

DISCUSS SECTION 4.3 OF TOWN POLICY PG N° TC 12.03

Purpose and Background Information (Detail of requested action):

I BELIEVE WE NEED TO DEFINE WHAT CONSTITUTES  
A REPORT AND DOES THE TOWN GET ALL THE MATERIAL  
FROM A MEETING.

Staff Recommendation(s):

Budgeted Amount:

List All Attachments:

Type of Presentation:

Special Equipment needed:  Laptop  Remote Microphone

Overhead Projector  Other:

Contact Person: Jack Hamilton

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.



**TOWN OF DEWEY-HUMBOLDT  
PUBLIC BODY RULES OF POLICIES  
AND PROCEDURES**

**PG № TC12-03**

**All Public Bodies : Town Council, Board,  
Commission, and Committees**

**Effective Date:**

**Subject: *Council and other Public Bodies  
Training and Travel***

1. **Purpose:** To establish guidelines for Mayor and the Council and all public bodies’ training and travel at Town’s expense.
  
2. **Scope:** This policy applies to all public bodies of the Town. In this Policy, “public bodies” shall mean the Town Council and all boards, commissions and committees of the Town. It does not include Town Staff.
  
3. **Background:**
  - 3.1. Town Council has determined that it is in the Town’s best interests to create policy to reimburse training and travel expenses of the Mayor and councilmembers in conducting official business of and for the benefit of the Town.
  
  - 3.2. Pursuant to Town Code Sections 32.15 and 32.16, the Town Council is authorized to establish written policies outlining and defining town matters within the powers and duties granted to the town council under state law and ordinances.
  
4. **Public Body Travel Policy:**
  - 4.1. Authorized travel, lodging and other reasonable expenses incurred as a result of members of the Public Bodies attending out-of- town trainings or meetings that are town business related may be paid for or reimbursed by the Town pursuant to Administrative Regulation No. 10-04 (attached).
  
  - 4.2. “Authorized travel expenses” are expenses incurred as a result of a member’s attending trainings or meetings that are made upon the Town Council’s request or designation, or that are consistent with the member’s official duties at the Town Council’s discretion. Council’s pre-authorization is required in order for town staff to process individual public body member’s travel expense reimbursement request unless the travel expense has been specifically approved and included in the annual budget. In any case, the attendance at the training would benefit the Town.
  
  - 4.3. Public body members who use Town funds to attend trainings or meetings will provide a written summary of the training or meeting within 30 days following the event. All materials and publications related to the training shall become the property of the Town.

**TERRY NOLAN, MAYOR** \_\_\_\_\_

**ATTEST:**

**JUDY MORGAN, TOWN CLERK** \_\_\_\_\_

Attachment:

Administration Regulation 10-04 - Travel Expenditures Policy and Procedures and associated forms  
(adopted in June 2010)

1. **SCOPE.** This policy applies to all Town staff, Council, Committee, Commission and Board Members.
2. **PURPOSE.** To facilitate travel payment requests, reimbursements, reconciliations, and vendor payments, while meeting Internal Revenue Service (IRS) requirements. To provide clear and consistent guidelines for purchasing card payments, and reimbursement of business-related expenses incurred by a Town of Dewey-Humboldt traveler while traveling to engage in Town business.
  - 2.1. This policy ensures that Town employees and officials follow appropriate procedures when arranging for travel, lodging, and other reasonable expenses incurred as a result of traveling to conduct authorized Town business. This policy is also to ensure that payments made by the Town are for actual and necessary expenses incurred for Town business.
  - 2.2. The guidelines outlined within this policy are considered reasonable, and all Town of Dewey-Humboldt travelers (employees, contract staff, Town Council, Committee, Commission and Board Members) are expected to manage their travel expenditures according to this policy.
3. **TRAVEL EXPENDITURE POLICY.** Travel expenses are not only one of the most scrutinized expenses (public and private) that the Town of Dewey-Humboldt pays, but the IRS also heavily regulates them. The IRS allows that payments for business and training travel may be made without being taxed to the employee as long as the company maintains an "accountable plan." To be considered an "accountable plan," a business-expense reimbursement arrangement must meet three conditions:
  - 3.1. **BUSINESS CONNECTION** - Payments made under the plan must be for work-related expenses.
  - 3.2. **SUBSTANTIATION** – Travelers must substantiate, within a reasonable period of time, the amount, time, use, and business purpose of the allowance or expense payment.
  - 3.3. **RETURN OF EXCESS PAYMENTS** – Travelers must be required to return, within a reasonable period of time, any amounts that exceed their substantiated expenses.

**These guidelines must be followed in order to retain the Town's "accountable plan" status with the IRS. Any allowances (lodging, ground transportation, etc.) advanced for a traveler must be supported by a Post Travel Reconciliation within 21 working days after return date of travel or the Town may initiate the process of converting all allowances provided into taxable compensation to the traveler.**

- 3.4. All Town travel reconciliations will be routinely audited to ensure they follow proper Town of Dewey-Humboldt guidelines and IRS regulations (**not to mention they are subject to regular press inquiry**). Travel expenses submitted without receipts may not be reimbursed as an allowable business expense under an accountable plan (per IRS guidelines).
- 3.5. THE ADVANCE TRAINING/TRAVEL REQUEST (**ATR**) AND POST TRAVEL RECONCILIATION (**PTR**) Form is required for all Town travel - regardless of whether costs are paid by purchasing card. The purchasing card purchases are to be listed on the Travel form as Town pre-paid items.
- 3.6. BUSINESS TRAINING AND CONFERENCES EXPENSES are budgeted in account code 6020 "Training and Travel." **Overnight** Training/Business Travel Expenses is defined as all travel-related expenses when traveler cannot travel to, conduct Town business and return travel within a full work day, e.g., 10 hours maximum. Travel and business that requires less time than this does not justify overnight stay and added travel expenditures for room, meals and transportation, unless the Town Manager specifically authorizes an exception. Registration and/or mileage expenses for "Same Day Training/Business Expenses" should also be charged to account 6020.

3.7. **PURCHASING CARD.** The Town Purchasing Card can be used to pay for airline tickets, registration fees for conferences and seminars, hotel lodging charges, restaurant meals, rental car, taxi or shuttle. The Town Purchasing Card cannot be used to pay for alcohol, tobacco, prohibited goods and services or non-Town employee expense (i.e. airfare, hotels, etc.). See AR 09-03 Credit Card Procedures for additional reference.

3.8. The **ATR** Form is required for all Town travel - regardless of whether costs are paid by purchasing card. The purchasing card purchases are to be listed on the Travel form as Town pre-paid items.

3.9. **INSURANCE.** To reduce the risk of injury, all travelers are to wear seat restraints at all times when riding in ground transportation. If a traveler is involved in an accident while traveling on Town business, first seek medical attention if so required. If possible, gather information about the incident such as names of persons involved and/or the police officer that was at the scene, and all that. Report the information to the Town Manager and your immediate supervisor at the earliest possible time.

3.9.1. If a traveler is involved in an accident while driving his/her personal auto on authorized Town business, the traveler should first contact his/her insurance agent to report the accident. Then contact the Town Manager (or Designee) with details regarding the incident.

3.9.2. Non-Town employees (guests) are not permitted to use/drive a Town rented vehicle. However, allowing guests to accompany a Town employee/contract staff in a rental or personal vehicle is permissible so long as the guests are part of the normal course of Town business.

3.10. **NON-REIMBURSABLE EXPENSES** include:

3.10.1. Trip or personal accident insurance policies.

3.10.2. Personal automobile insurance or maintenance.

3.10.3. Damage to a traveler's personal vehicle that was used while on Town business.

3.10.4. Personal medical expenses (should be submitted under traveler's own medical insurance).

3.10.5. Theft, loss, or damage to personal luggage or property (should be submitted under the traveler's own insurance coverage).

3.11. CONFERENCE/SEMINAR REGISTRATION FEES. The cost of registration shall be included on the **ATR** Form. If indicated on the form, Accounts Payable will send a Town check for registration fees directly to the sponsoring agency. Include a copy of the conference/registration form, and supporting documentation indicating the purpose/business nature of the trip (e.g., travel brochures, bulletins, etc.) with the Travel Request form.

***Note: the registration cost must be included on the ATR Form, even if paid by purchasing card, so that the total cost of the trip can be determined.***

3.12. AIR TRAVEL. Air coach transportation will be limited to an economy class commercial air carrier for out-of-state travel. All airfare bookings will be arranged by Finance after review of at least three comparable price quotes to substantiate that the traveler obtained the most cost-effective rate to the Town that meets their business travel needs. In some cases, the lower airfare may require the traveler to endure a connecting flight or slightly longer layover between flights. When the lowest fare requires multiple connections or very lengthy layovers, it may make business sense to select an alternate to the lowest fare. The decision for selecting the most appropriate and cost-effective option shall be made with input from Finance, traveler, and management.

3.12.1. The price quotes may be obtained through web-based travel services or directly from the travel providers (for example: Orbitz, Travelocity, Expedia, etc. and Southwest Airlines). Criteria for flight selection should be based on the lowest available commercial airfare, taking into consideration cost, expediency, and the carrier. All three price comparisons must be attached to the **ATR** Form when submitted to Finance. Note: If the travel destination is one of Southwest Airlines' posted destinations, one of the required three quotes must be from Southwest Airlines. If the traveler declines the lowest available fare, additional justification may be requested by Finance to support the alternate choice and will be attached to the **ATR** Form.

3.12.2. Travelers are expected to have their trips authorized early so that airfare arrangements can be made at least 21 days prior to travel to take advantage of less expensive flight options. Waiting until the last minute becomes extremely costly to the Town. Airfare arrangements made less than 21 days in advance shall have documentation explaining as to the business necessity for last minute travel arrangements that will be attached to the **ATR Form**.

3.12.3. When a traveler makes personal stops enroute to a business destination, the traveler will only charge the Town up to the cost of a round trip coach ticket from Phoenix to the business destination. Travelers shall obtain documentation supporting the cost of the round trip coach ticket from Phoenix to the business destination point at the time the ticket, including personal stops enroute is purchased. The documentation supporting the amount that is reimbursable to the traveler shall be submitted as part of the travel reconciliation. All additional non-business cost must be paid by the traveler.

3.12.4. Use of other modes of transportation (bus, rail, rental car, Town vehicle, and personal vehicle) may be required based on circumstances of travel that render air transportation uneconomical or impractical. It is recommended that the number of Council Members and/or Town management staff traveling on the same flight be limited to three, in the event of a serious accident.

**Note: The cost of the airline tickets must be included on the ATR form, even though they are paid by purchasing card, so that the total cost of the trip can be determined.**

3.13. LODGING. When possible, in most instances, traveler shall stay in the hotel where the event is taking place. This will reduce the need for a rental car, daily parking expense for the rental car, or other ground transportation expense. All hotel arrangements shall be made by Finance. There may be instances where the room rate offered by the conference is lower than what can be obtained on the Internet or through need for additional ground transportation expense for an offsite hotel. Travelers should always inquire about government room discount rates and the event's discount rate.

3.13.1. Hotels usually request a credit card number to reserve the first night's stay and one night's charge may be required. During the reservation process, Finance will request a Credit Card Authorization Form (CCA) from the hotel. It is important to note that the CCA form be faxed to the hotel with a direct call to confirm receipt 1 week in advance of arrival. Any time sooner runs the risk of the form being "misplaced" by the hotel staff. Valid charges are to be specified on the CCA form and they include lodging, tax, parking, internet connection and local calls *only*. Movies, room service and personal items are not to be approved under any circumstances.

3.13.2. The "paid" lodging receipts must accompany the **ATR Form** whether the receipt amount matches the requested amount or not. Any meal or room service charges on the hotel bill, not paid directly by the traveler, shall be denied. **Note: The cost of the hotel must still be included on the ATR Form, even if paid by purchasing card, so that the total cost of the trip can be determined.**

3.14. MEALS & INCIDENTALS. Itemized receipts can be submitted for all reasonable meals and incidentals incurred while traveling (no alcohol, tobacco, reading material, personal items, etc.). Receipts for laundry will only be reimbursed if the trip required the traveler to stay overnight for more than 4 consecutive days. All expenses must be actual and clearly substantiated prior to reimbursement. Documented evidence, e.g., a itemized receipt, is required before reimbursement will be made.

3.14.1. Meal and incidental expense reimbursement is only allowed when it is necessary to stay overnight to conduct Town business. Travelers attending half-day or one-day training or conferences at which the traveler expects to return to work within a normal workday, (e.g., 10 hours) will not be reimbursed or advanced.

**Note: the cost of the meals and incidentals must still be included on the ATR Form, even if paid by purchasing card, so that the total cost of the trip can be determined.**

3.15. GROUND TRANSPORTATION. It is the traveler's responsibility to use the most economical means available for ground transportation and parking in order to maintain control over their departmental travel budget. In most cases, it is more reasonable to take a taxi, public transportation, or hotel transportation instead of renting a car.

- 3.15.1. Mileage from the traveler's normal place of work to the airport is considered an appropriate ground transportation charge. The mileage must be noted on the **ATR** Form and will be reimbursed at the standard mileage rate. Mileage from home to airport is not reimbursed.
- 3.15.2. When air, bus, or rail transportation is used, expenses for local transportation, such as taxicab and bus fare, will be allowed whenever such transportation is necessary to conduct Town business. Travelers should check ahead to see if a shuttle service is available for airport pick-up to conference or seminar locations. It is the traveler's responsibility to use the most economical means available for transportation and parking in order to maintain control over their departmental travel budget. Typical Shuttle service to Sky Harbor Airport currently charges \$34 one way and \$56 round trip per person with multiple pick-up and drop-off locations. Transportation and parking at Sky Harbor should not ordinarily exceed the cost of using the shuttle service.
- 3.15.3. To reduce the risk of injury, all travelers are to wear seat belt restraints at all times, when riding in ground transportation. If a traveler is involved in an accident while traveling on Town business, first seek medical attention if so required. If possible, gather information about the incident (e.g., names of persons involved and/or the police officer that was at the scene, etc.) as possible. Report the information to the Town Manager and your immediate supervisor at the earliest possible time.
- 3.16. PERSONAL AUTO USAGE. Travelers will be reimbursed for authorized use of their personal vehicle for Town business. The mileage reimbursement rate per mile will be updated periodically in accordance with the approved IRS guidelines [www.irs.gov](http://www.irs.gov). The origination and destination addresses of the trip and the number of miles must be indicated on the **ATR** Form.
- 3.16.1. Though a personal vehicle may be used in lieu of air travel, mileage reimbursement shall not exceed the cost of refundable round trip air transportation (economy class) for a reservation made at least 21 days in advance of the trip. Miles traveled must be included in the *Estimated Travel Costs* portion of the **ATR** Form when the rate times the number of miles driven is being reimbursed. If airfare is the lesser, state that fact and request the amount of the airfare. Include a copy of an airfare quote (at least 21 days in advance) to substantiate the dollars requested.
- 3.16.2. Mileage will be reimbursed only for the miles in excess of the traveler's normal commute to Town offices, e.g., IRS regulations provide for reimbursement from work site to work site not including miles from home to work. Tolls and parking fees are considered reimbursable if incurred while driving for Town business (excluding to and from work).
- 3.16.3. If a traveler is involved in an accident while driving his/her personal auto on authorized Town travel, the employee's insurance coverage shall be deemed primary. The employee must first contact his or her own insurance agent to report the accident. Then contact the Town Manager with details regarding the incident.
- 3.17. RENTAL CARS. Travelers shall inquire about all ground transportation and use the most economical in figuring comparative costs. For example: the costs for shuttles, buses or taxis, are almost always less than rental cars. Information should be obtained about available ground transportation and costs from the organizations sponsoring the conference or training. It is expected that the traveler will take steps to ensure the Town gets the best possible rate. Travelers shall maintain documentation supporting the need for a rental car and that the chosen car rental was procured using the best possible rate to the Town. Travelers should base the quote on a standard or economy car model and obtain the following information in order to accurately estimate the total rental car cost. Travelers must ask about these items, otherwise, it is likely that the traveler will be given the base rental rate only which will not give a true estimate of costs.
- 3.17.1. The base 24-hour rental rate.
- 3.17.2. Availability of grace periods (many agencies will allow up to 59 minutes grace, or no charge for use beyond the 24-hour period).
- 3.17.3. Hourly pro rata cost beyond the 24-hour period.
- 3.17.4. Mileage costs, if any.
- 3.17.5. Applicable tax.

- 3.17.6. Any special or discount rates available.
- 3.17.7. The Town maintains the appropriate domestic car insurance coverage for its traveling employees. Therefore, you should decline all insurance when entering into a car rental agreement for business use in the US or Canada.
- 3.17.8. Travelers should fill up the gas before returning the car to avoid the high gasoline service charge assessed by the rental company. In some instances, the rental car agency offers their gas at a discounted price that is obviously lower than the market price. Traveler discretion is advised in all cases and the rental car receipt should be documented accordingly.

**Note: the cost of the chosen transportation method must be included on the ATR Form, even if paid by purchasing card, so that the total cost of the trip can be determined.**

- 3.18. TELEPHONE CALLS. During travel, all business-related telephone calls will be reimbursed. Documented evidence, e.g., a itemized statement, is required before reimbursement will be made.
- 3.19. NETWORK LAPTOP COMPUTER USAGE. Hotel charges for telephone lines to accommodate computer network usage can be very expensive and use should be limited to carrying out Town business which is absolutely necessary while traveling. Note: Travelers must take extra care to safeguard computer equipment and data when traveling.
- 3.20. TIPS. Reasonable and customary tips are reimbursable when incurred in the conduct of Town business. Tips are to be written in on the bottom of the receipt (i.e. hotel, taxi, restaurant, etc.) thereby becoming a part of the total of the particular expense category. The following are suggested guidelines for the most common tip occurrences:
  - 3.20.1. Restaurant tips should be 15%-20% depending on level of service.
  - 3.20.2. Tips for handling luggage should not exceed \$1 per piece of luggage.
  - 3.20.3. Room service tips are usually included in the bill.
  - 3.20.4. Taxi/shuttle driver tips should be 10%-15%. These tips are included as a ground transportation expense and can be reimbursed upon return as necessary.

**Note: Local customs and circumstances should determine actual expenditure. For example, when traveling outside of the U.S. tips are typically included in the restaurant bill.**

- 3.21. LAUNDRY SERVICE. Laundry and valet costs are reimbursable only if the duration of the trip is (a) longer than 4 consecutive days (does not include personal travel days), or (b) the traveler is unexpectedly required to extend a trip beyond its intended duration. When the above criteria are met, laundry expenses shall not exceed a reasonable amount.
- 3.22. GARAGE AND PARKING FEES. It is the traveler's responsibility to use the most economical means available for transportation and parking in order to maintain control over their departmental travel budget. Travelers should also consider the airports less expensive long-term parking for a trip that will last more than one day. Typical Shuttle service to Sky Harbor Airport currently charges \$34 one way and \$56 round trip per person with multiple pick-up and drop-off locations. Transportation and parking at Sky Harbor should not ordinarily exceed the cost of using the shuttle service. Check the per-day parking rate at the chosen hotel. These rates can be quite expensive and possibly above and beyond other ground transportation services that can be utilized each day.

**Note: The cost of garage and parking fees must be included on the ATR Form, even if paid by purchasing card, so that the total cost of the trip can be determined.**

- 3.23. PERSONAL TRAVEL. Travelers may arrange for an extra night stay over and/or a personal stop en route to a business destination, provided they reconcile and pay all additional expenses. All guest expenses are non-reimbursable and should not be included on any Town travel form.
- 3.24. POSTAGE. As needed for Town business.
- 3.25. MEALS PROVIDED FOR BUSINESS MEETINGS. In the course of Town of Dewey-Humboldt business, Upper Level Management travelers may be required to host affiliates or others for lunch, dinner, etc. Such occasions should not be extravagant or unreasonable and must meet a definite

business purpose. A fully itemized receipt that documents the expense including the date, name and location of the meeting, and the name and company of those who attended the business function must support the occasion, as well as the Town of Dewey-Humboldt business need for the expense. All business meals incurred while hosting appropriate business affiliates are fully reimbursable as long as the cost is within reason. However, the purchase of alcoholic beverages will not be reimbursed and should not be included on the reconciliation form. Also see purchasing card section regarding use for meal expenses.

3.26. MISCELLANEOUS. Any other Town business related expense should be documented and may be reimbursed pending approval by the Town Manager and Finance as long as the expense is reasonable and complies with the Town's travel policy.

3.27. NON-REIMBURSABLE EXPENDITURES. The Town reserves the right to refuse to reimburse a traveler for (a) a charge that is not in accordance with the policy set forth herein; (b) a portion of the charge that exceeds the limit set forth in the policy; (c) any charges that are incurred that are not necessary for the conduct of the Town's business; and, (d) charges that are not substantiated by proper documentation and a **fully itemized receipt**. All expenses must be actual and clearly substantiated prior to reimbursement.

***Note: There are certain common expenses that the Town believes are not necessary in the performance of the Town's business. A list of non-reimbursable items is below. This is not meant to be an all inclusive list:***

3.27.1. Personal travel - Any personal expenses and all expenses related to inclusion of a guest while traveling during the trip. Non-business/personal air travel, auto rental, and hotel arrangements cannot be charged to your Town purchasing card. These expenses must be billed on a personal credit card or paid with personal funds and kept separate from Town travel.

3.27.2. Unauthorized attendance at conventions, meetings, or conferences.

3.27.3. Personal reading material including subscriptions for periodicals or magazines.

3.27.4. Fines or penalties for parking or traffic violations.

3.27.5. Hotel late charges for failure to notify and/or cancel reservations.

3.27.6. "Incidental Expenses" for tips and gratuities for baggage, maid, meals, etc., should be included as part of the post travel reconciliation along with lodging and ground transportation receipts. No additional allowance will be made for tips or gratuities.

3.27.7. Personal phone calls that exceed limitations as specified in this AR.

3.27.8. Personal entertainment (including hotel room movies and health club).

3.27.9. Alcohol.

3.27.10. Tobacco.

3.27.11. Cost of travelers checks.

3.27.12. Incidentals (barber, manicurist, or shoeshine, etc.)

3.27.13. Purchase of luggage, briefcases, etc.

3.27.14. Trip insurance policies.

3.27.15. Personal automobile insurance or maintenance.

3.27.16. Damage to a traveler's personal vehicle that was used on Town business.

3.27.17. Medical expenses (should be submitted under traveler's medical insurance).

3.27.18. Theft, loss, or damage to personal luggage or property (should be submitted under the appropriate insurance).

3.27.19. Gifts, cards or donations.

3.27.20. Any expenses incurred by the traveler's family or guests.

- 3.27.21. Any expenses deemed to be excessive and/or not justified for Town business per the traveler's manager.
- 3.27.22. When Town employees are paid by outside companies to attend or speak while on Town-paid travel, those proceeds (compensation) received must be deducted from the travel expense amount paid by the Town or that the Town is requested to pay.
- 3.27.23. Town travelers may stay with a friend or relative while traveling; however, the Town will not reimburse for any payment to the friend or relative for lodging, meals, or transportation.
- 3.27.24. Expenses incurred as part of election campaign activities shall not be reimbursed.

**Note: If it is later determined that expenses covered by prepayment to a sponsoring or service providing organization or by advance payment or reimbursement to a Town traveler do not comply with this policy, the value must be refunded by the benefiting Town employee.**

3.28. RESPONSIBILITIES. All Town travelers must obtain an approved Training & Travel Request and Reconciliation Form prior to any travel arrangements. The Town Manager may sign his/her own Training & Travel Request and Reconciliation Form. All other travel request forms must be approved by the Town Manager and Finance.

3.28.1. Each Department Head is also responsible for ensuring travel requests submitted by their subordinates is consistent with Town policy and has met all the advance requirements of the regulation. Before the Employee request for training and/or travel has been approved, the traveler must prepare a **ATR** Form. Responsibility for review and pre-approval of the **ATR** Form is delegated to Directors and Managers within each department. It continues to be the primary responsibility of the Directors and Managers within each department to ensure validity of travel, and that all expenses are properly documented and correctly incurred within the guidelines of the Town travel expense policy. Management is also responsible for providing/communicating the Town's travel guidelines to all Town travelers.

3.28.2. An **ATR** Form for all staff must include the approval, review and signature of the Town Manager and Finance.

3.29. PROGRAM/PROCESS CONTROLS. Internal management controls and oversight include:

3.29.1. Requires advanced travel estimates and pre-approval from upper level management prior to travel arrangements. This approval must be obtained whether the trip is paid by Town funds or the meeting/conferences hosts or sponsors pay for the trip.

3.29.2. Requires approval of two levels of management above the traveler on the **ATR** Form. An approved form is required whether the trip is paid by Town funds or whether the meeting/conferences hosts or sponsors pay for the trip.

3.29.3. Requires timely submittal of travel reconciliation.

#### 4. TRAVEL PROCEDURES:

##### 4.1. TRAVELER.

4.1.1. Download and prepare an **ATR** Form, attach support for travel estimates, (e.g. Conference Brochure, registration form, maps, quotes.) The **ATR** Form must be submitted to Finance **no less than six weeks before the travel date, if airfare is involved** otherwise, three weeks.

4.1.2. Use estimates and other expense information (e.g. shuttle, mileage, meals estimates) to complete the **ATR** Form. Copies may be obtained on the Town S-drive in the Forms folder.

4.1.3. Obtain airfare price comparisons using Orbitz, Travelocity, or Expedia and Southwest Airlines or three separate airlines (with Southwest Airlines as one of the airlines) to secure the best possible cost to the Town (i.e., airfare, shuttles, etc.), see §3.11.

4.1.4. Once the Employee request **ATR** Form has been approved, travel arrangements shall be made (hotel, airfare, etc.) by Finance. Travel expenses, such as conference registration or hotel accommodations, can be paid directly to the vendor by Town check or purchasing card. Airfare accommodations can be paid directly by Town purchasing card. Be sure to include any expenses

that have been pre-paid by purchasing card on the form. The traveler cannot sign his/her own travel request unless specifically authorized by §3.25 of this policy. The traveler's supervisor or manager who has signature authority for the charge center must sign the request.

4.1.5. While traveling, it is the traveler's responsibility to obtain **itemized** receipts for **all** expenses incurred. Collect all receipts for lodging, cab fare, shuttle fare, business calls etc., and turn them in with your post travel reconciliation.

4.1.6. Upon return from the trip, the Post Travel Reconciliation (**PTR**) portion of the travel form must be completed, approved (signed by supervisor/manager) and submitted within 21 working days after return date of travel. All receipts must be included as required, including receipts when purchasing card was used to arrange the training/travel (Finance). No expenses will be reimbursed without an itemized receipt.

**Important Note: If the Post Travel Reconciliation is not completed and submitted to Finance within the 21-day period or if receipts are not included, lodging and any ground transportation expenses may be denied and/or considered taxable wages and added to the traveler's payroll records.**

4.1.7. Have the post travel reconciliation reviewed and approved by authorized management.

#### 4.2. UPPER LEVEL MANAGEMENT/DEPARTMENT HEAD.

4.2.1. Review the form as it relates to the employee's training plan. Confirm that the proposed training meets the requirements for the position. Affirm that the training event is listed in the current budget, that the estimated amount is available in the employee's training budget and that the funds are available.

4.2.2. Review and verify the Request for Training and/or Travel Form for completeness per requirements in all sections.

4.2.3. Confirm that coverage for the employee absence will be possible.

4.2.4. Initial the form to indicate that you approve the training and have verified coverage for the dates and times proposed; forward to Finance.

4.2.5. Once the traveler returns, require the traveler to complete and submit the Post Travel Reconciliation portion of the travel form within the next few weeks after travel (the form must be in Finance no later than 21 working days after return date of travel) for your approval. Review all after trip expenses and ensure that all Town policies have been followed and that the appropriate documentation is enclosed. Approve the travel and expenses by signing in the post travel section and ensure that it reaches Finance within the time period allowed.

**Important Note: If the Post Travel Reconciliation is not completed and submitted to Finance within the 21-day period or if receipts are not included, lodging and any ground transportation expenses may be considered taxable wages and added to the traveler's payroll records.**

#### 4.3. TOWN MANAGER AND FINANCE (SIGNATURE AUTHORITY).

4.3.1. Finance: Administer the Town travel process.

4.3.1.1. Confirm the data on the form and supporting documents.

4.3.1.2. Receive the Travel and Training Requests and the Post Travel Reconciliations. Ensure that all documentation is included and that Town policies have been followed. Checks will be printed per policy guidelines.

4.3.1.3. Verify the training event is listed in the employee's training plan.

4.3.1.4. Verify the training event is listed in the current budget, that the estimated amount is available in the employee's training budget and that the funds are available.

4.3.1.5. If all of the requirements are met, sign the form and forward to Town Manager for final approval.

4.3.1.6. Log the training event in the training and travel spreadsheet.

- 4.3.1.7. Review the training and travel spreadsheet and contact any traveler that has not returned their post travel reconciliation within the specified timeframe.
- 4.3.1.8. If any of the requirements are not met; indicate the missing information and/or discrepancy and return the form to the employee's supervisor/manager.
- 4.3.1.9. Upon receipt of post travel reconciliation; review the details, expenditures figures and verify receipt(s) details. If the reconciliation is complete sign off and forward to Town management for a second signature.
- 4.3.1.10. If any of the post travel requirements are not met; indicate the missing information and/or discrepancy and return the form to the employee's supervisor/manager.
- 4.3.1.11. Upon receipt of Town Manager's approval process the reimbursement request with the next accounts payable check run.

4.3.2. Town Manager; Review and approve or deny.

5. DEFINITIONS/GLOSSARY.

**Accountable plan:** A business-expense reimbursement which meets certain conditions set by the Internal Revenue Service.

**Advanced Training/Travel Request (ATR) and Post Travel Reconciliation (PTR) Form:** The ATR portion of this form is submitted to Finance, along with required documentation, at least six weeks prior to overnight travel. The ATR is utilized to approve the travel and to request payment of travel expenses. The PTR portion of this form is submitted to Accounts Payable, along with required documentation, within 21 working days after return date of travel. The PTR is utilized to approve all final travel expenses and reconcile all advance payments and totals.

**Employee Request for Training and/or Travel Form:** Form used to justify the need to attend conference and training that requires overnight travel by Town staff. Must include all associated costs and justifications. The form is required to be approved prior to making any travel arrangements.

**Ground Transportation:** Local forms of transportation (i.e., taxi, shuttle, bus, subway, etc.)

**Incidental expenses:** Includes, but is not limited to, expenses for laundry, maid service, baggage handling or other fees and tips for services. Incidentals do not include taxi fares or the cost of telephone calls, which should be included in ground transportation or lodging expenses.

**Itemized receipt:** A detailed receipt received for goods and services, which specifically lists each individual charge and exactly what was purchased, total of all charges, method of payment, and remaining balance (if any).

**Travel:** A trip to conduct official Town business, which cannot be completed within a full workday and usually requires an overnight stay.

**Upper Level Management:** Town Manager, Finance Director, Charter Officials, Elected Officials, Department Head or Administrator.

6. FORMS.

**Advance Travel Request (ATR) and Post Travel Reconciliation (PTR);** This combination form must be completed for all Town travel (account #6020). The completed ATR/PTR form signifies that travel is required to conduct Town business and all travel pre-pays/advances and post-trip reconciliations and reimbursements have been properly reviewed and authorized as required by IRS guidelines for an Accountable Travel Plan. This form is the only form that will be accepted by Finance – all other forms will be returned to the requester.

The post travel reimbursement reconciliation (PTR part of the form) is submitted to Finance within 21 working days after return date of travel and must also be signed as stated above. The traveler may not sign approval for him/herself nor may a subordinate sign for approval.

All expenses relating to the travel must be recorded on the PTR form, whether Town check, personal check, Town purchasing card or cash paid the expenses. All reimbursements must be requested through this form. No travel reimbursements may be made through the Town's Petty Cash. The PTR form must be submitted after return from traveling regardless of whether or not any funds are due the traveler or the Town.

There can be no more than one traveler listed per form. Submit separate forms for additional travelers.

Expenses that are submitted without receipts may not be reimbursed, per IRS guidelines.
