

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

Tuesday, May 19, 2020, 6:30 P.M.

**DEWEY-HUMBOLDT TOWN HALL
COUNCIL CHAMBERS
2735 S. HWY 69, SUITE 10
HUMBOLDT, ARIZONA 86329**

NOTICE OF MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Town Council and to the general public that the Town Council will hold a public meeting (see notes about public participation below) on **Tuesday, May 19, 2020, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329**. Members of the Town Council will attend by audio/video conference call.

THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY

Due to the federal government’s declaration of a COVID-19 pandemic and the resulting Executive Orders from Arizona Governor Ducey to limit events of people in personal contact and Mayor Nolan’s declaration of an emergency based on the COVID-19 pandemic, the following accommodations are provided for public participation at the Council Meeting:

- Viewing live streaming audio only on the Town’s website, at <http://az-deweyhumboldt.civicplus.com/2164/Town-Meeting-Documents-and-Videos>
- Viewing and potentially participating in the meeting via Join Zoom Meeting
 - Computer: <https://zoom.us/j/88096278809>
 - Telephone: (301) 715-8592; Meeting ID: 880 9627 8809
- Submitting comments via email to the Town Clerk at TimMattix@dhaz.gov. Comments should be submitted no later than 3:30 p.m. on the day of the meeting. Please identify the agenda item and your first and last name.

DEWEY-HUMBOLDT TOWN COUNCIL REGULAR MEETING AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. To make sure we benefit from the diverse views to be presented, the Council believes public meetings to be a safe place for people to speak, and 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 the 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. Council Meetings are 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 Town Council Members: Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan.

3. Pledge of Allegiance

4. Invocation

5. Protocol for participating in the Council Meeting via Zoom (Ed Hanks, Town Manager)

6. Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

A. Council announcements about outside meetings and committees

7. Public Comment on Non-agendized Items 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

8. Consent Agenda

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

Page

5 **A. Approval of Minutes of April 14, 2020 Regular Meeting**

11 **B. Approval of Minutes of April 21, 2020 Regular Meeting**

17 **C. Authorize the Town Manager to sign new account documents and an agreement to open a Town checking account at Foothills Bank and to transfer all Town accounts from Wells Fargo Bank, N.A. to Foothills Bank, as well as closing all Town accounts at Wells Fargo Bank, N.A. (Staff CC; from the May 12, 2020 Study Session)**

21 **D. Adopt Ordinance No. 20-152, amending the Dewey-Humboldt Code of Ordinances to repeal Section 31.20, Residential Values Advisory Committee, Section 31.23, Clean Town Committee, Section 31.24, Groundwater Resource Advisory Committee, and Section 31.25, Environmental Issue Advisory Committee (Staff CC; from the May 5, 2020 Regular Council Meeting)**

9. Town Manager’s Report Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager’s Report, or ask that any item listed on the agenda under Town Manager’s Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager’s Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

A. Town Manager’s Report on the purchase of a new truck to replace Town Site Truck #2 (from the May 5, 2020 Regular Meeting)

B. Town Manager’s Report on the 2019 Volunteer of the Year process

10. General Business Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

25 **A. Presentation, discussion and possible adoption of the Fiscal Year 2020/21 Tentative Budget (Staff CC)**

47 **B. Review, discussion and possible action relating to allowing or not allowing advertising and public comment in Town Media, including The Dewey-Humboldt Newsletter. Staff is presenting to Council draft Town Council Policy PG TC No. 20-05, which includes various levels of allowing advertising and public comment, for Council review, discussion, modification and possible approval. Also included for discussion and possible action is the topic of posting a listing of all Town businesses on the Town’s website, as discussed March 17, 2020. (Staff CC; March 17,**

- 65 **C. Discussion and possible action to direct staff to post and publicize a link and information about www.laser-shelter.org, a 501(C)(3) organization whose mission is to provide safe shelter for barn animals during evacuations in Yavapai County and to provide information for emergency preparedness** (CAARF – Councilmember Collins)
- 69 **D. Discussion and possible action to take from the table the provisions of the draft ordinances establishing business licenses and peddlers’ licenses.** Note: At the October 1, 2019 Regular Meeting, Council voted to table this item and go back to it in a year. (CAARF – Councilmember Brooks)
- 73 **E. If removed from the table by Council, discussion and possible direction to the Town Attorney on the provisions of the draft ordinances establishing business licenses and peddlers’ licenses** (Staff CC from the October 1, 2019 Council Meeting)
- 93 **F. Discussion and possible action relating to the potential donation of the \$20,000 FY 2019/20 Town Budget line item for Firewise (account 10-465-5100) to Dewey-Humboldt Firewise** (CAARF – Councilmember Wendt; from the May 12, 2020 Study Session)
- 95 **G. Discussion and possible action relating to altering the dais in the Council Chambers to address recommendations from the Centers for Disease Control (CDC) to enable in-person public meetings to better accommodate citizen participation** (CAARF – Councilmember Collins)

11. Consideration of additional Special Session(s) Whether to hold and, if so, set the date

12. Adjourn

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 632-7362 at least 24 hours in advance of the meeting.

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 _____, 2020, at _____ a.m./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.

For Your Information:

Next Town Council Regular Meeting: Tuesday, June 2, 2020 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, June 4, 2020, at 6:00 p.m.

Next Town Council Study Session: Tuesday, June 9, 2020, at 6:30 p.m.

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

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
APRIL 14, 2020, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, APRIL 14, 2020, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. THE MEETING WAS HELD VIA ZOOM VIDEO/TELECONFERENCE. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order** Mayor Nolan called the meeting to order at 6:35 p.m.
2. **Protocol for Participating in the Council Meeting via Zoom** (Ed Hanks, Town Manager)
No discussion took place.
3. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan were present. **Town Clerk Note** (as required by Public Body Rules of Policies and Procedures PG No. TC12-01): Town staff implemented and tested Zoom Video Communications – Pro prior to the Council Meeting. Permissions in Zoom prevented the use of a chat feature, to ensure that members could not communicate except for verbally to all members. The first page of the agenda included instructions for public participation via video or calling in to the meeting; members of the public were also able to submit comments via email to the Town Clerk to be read at the meeting. After the meeting, Town staff downloaded the meeting video from Zoom. Additionally, Town staff attended the meeting in the Council Chambers and utilized the video recording system; the video recording system recorded all audio from the Council discussions and actions, and video of staff.
4. **Pledge of Allegiance** Audience Member Glen Blomgren led the Pledge.
5. **Invocation** Given by Vice Mayor Lance.
6. **Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

Mayor Nolan reported that Governor Ducey wants to restart Arizona's economy, though he may wait until the end of the month.

Councilmember Wendt announced that the Prescott National Forest Mitigation Project will begin on April 15, 2020; the property behind Blue Hills, to the west, will be mitigated.

Councilmember Hughes noted that Prescott Mayor Greg Mengarelli's daughter passed away; he requested the Town send a condolence letter to the City of Prescott.

Ed Hanks, Town Manager, explained the "raise hand" feature in Zoom, for individuals to indicate that they would like to speak.

A. Council announcements about outside meetings and committees

Councilmember Brooks attended the Chino Valley Fire District, Central Yavapai Fire District and Central Arizona Fire and Medical Authority ("CAFMA") meeting on March 23, 2020 and reported on discussions relating to the one Workers Compensation insurer who covers CAFMA employees not covering employees who contract COVID-19; she contacted Senator Sinema's office. She attended the Yavapai County Board of Supervisors meeting with the Department of Health on March 20 and 23 and April 1, 7 and 14 relating to COVID-19. She reported that the Northern Arizona Council of Governments, Dewey-Humboldt Historical Society, and Firewise meetings have been cancelled. In response to Councilmember Brooks, Councilmember Wendt indicated that there will not be a Firewise meeting on April 15.

7. **Public Comment on Non-agendized items** 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

Mike Donovan spoke relating to Dewey-Humboldt Firewise, including Firewise sending virtual messages about

important issues; people wanting to receive emails can email dh.firewise@gmail.com; and, Firewise has received short notice to apply for a Department of Forestry and Fire Management (“DFFM”) grant, which requires parcels to be identified before receiving the grant. He also spoke relating to Firewise focusing on the parcels along Henderson and Newtown and Smoki and Cranberry areas for the DFFM grant to help reduce fuels in the areas and keep roads from being shut down in case of a wildfire; Firewise being likely to go to the Town for help in contacting the homeowners; and, the funding won’t be available until January, 2021, though the parcels need to be identified by the end of April, 2020. In response to Mayor Nolan, Mr. Donovan indicated that Firewise is asking for around \$3,000 per grant. Mr. Hanks noted that this is a non-agendized item that shouldn’t be discussed. Councilmember Wendt clarified that this is a new grant, not the agreement on tonight’s agenda.

8. **Consent Agenda** All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

A. Approval of Minutes of February 11, 2020 Study Session

B. Approval of Minutes of February 18, 2020 Regular Meeting

C. Approval of Minutes of February 25, 2020 Special Meeting

D. Approval of Minutes of March 3, 2020 Special Meeting

E. Approve a contract with Civiltec Engineering, Inc., for Civil Engineering for the Community Development Block Grant (CDBG) project entitled Hill Street Improvements (Staff CC)

Councilmember Brooks moved to accept the Consent Agenda; seconded by Councilmember Wendt. Motion passed on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

9. **Town Manager’s Report** Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager’s Report, or ask that any item listed on the agenda under Town Manager’s Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager’s Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

A. Town Manager’s Report on the lease of the existing Town Hall, located at 2735 South Highway 69

Mr. Hanks noted that staff has been contacted by the new property owners; they have applied for building permits.

B. Town Manager’s Report on staff work schedule changes due to COVID-19 (Coronavirus)

Mr. Hanks reported that Beth Evans is working from home on Thursday; Patty Tapp is working Mondays and Thursdays; Don Roberts is working Mondays and Thursdays and doing plan reviews from home on Tuesdays and Wednesdays if needed; Steven Brown is working on Fridays. Town Hall is open by appointment only; access is limited to one person at a time.

Councilmember Wendt asked if Mr. Hanks discussed with the new owners a potential lease extension for while the new Town Hall is being built; Mr. Hanks indicated that the person who came in was the contractor, but the owner is supposed to contact him.

10. **General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

A. Drawing of candidate names for placement on the ballot for the Town’s August 4, 2020 Primary Election (Staff CC) NOTE: Drawing will be done by Town Staff without discussion or action by Council.

Mr. Hanks and Tim Mattix, Town Clerk, drew candidate names to determine the order in which the names will be placed on the ballot. For Mayoral, the order of names will be Karen Brooks, John Hughes. For Councilmember, the order of names will be Debra Snodgrass, Terry Nolan, Glen Blomgren, Amy L. Lance, Ashley Preston.

B. Discussion and possible action to approve a contract with Earth Resources Corporation for the Spring 2020 Chip Seal Overlay Project (Staff CC)

Mr. Hanks noted that the Town had received responses from Asphalt Paving and Supply and Earth Resources Corporation (“ERC”); ERC’s bid is below the Town’s budget. The Town has worked with ERC in the past.

Councilmember Brooks moved to approve the contract with Earth Resources [Corporation] for the Spring 2020 Chip Seal Overlay Project; seconded by Vice Mayor Lance. Motion passed on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan

– aye.

C. Discussion and possible action to grant or deny a Right of Entry to the Arizona Department of Environmental Quality for Town-owned parcels 800-27-004Q, 800-27-004N, and 800-27-004M, to collect and analyze soil samples for lead and arsenic (Staff CC)

Mr. Hanks noted that at the February 4, 2020 Council Meeting, citizen concerns were raised about contaminants in the area of the Hill Street Improvements project; following the meeting, the Arizona Department of Environmental Quality (“ADEQ”) contacted staff and requested permission to do testing.

Councilmember Brooks moved to approve the Right of Entry with the Arizona Department of Environmental Quality; seconded by Vice Mayor Lance.

Mayor Nolan spoke relating to the Town taking responsibility and having liability to be sued if this is done.

Mr. Hanks displayed a map of the area from the remedial investigative report by the Environmental Protection Agency (“EPA”) and discussed the areas that have been tested.

Vice Mayor Lance asked the Town Attorney if this would open the Town up for a lawsuit, and if so, the type of lawsuit. Mayor Nolan, Vice Mayor Lance and Mr. Hanks clarified that the properties are not those that were recently exchanged with the Humboldt Unified School District. In response to Vice Mayor Lance, Kay Bigelow, Town Attorney, spoke relating to ADEQ being the enforcer of environmental complaints and compliance and this possibly resulting in an enforcement liability. Proving liability for illness would require showing that the Town’s property made someone sick and that the Town polluted it. If there is any non-compliance on the property, ADEQ would look to the Town to mitigate it; it may be difficult to mitigate long-term due to the wind.

Vice Mayor Lance spoke relating to the area not being windblown. Mr. Hanks spoke relating to Huron Street being in the old railroad right-of-way; and, the track went away from the smelter instead of into it.

In response to Vice Mayor Lance, Mr. Hanks confirmed that the project is being done with Community Development Block Grant (“CDBG”) funding; the work is a chip seal that will be filled with AB and concrete over the top. Vice Mayor Lance asked about having a third party checking it. Ms. Bigelow responded relating to ADEQ being free; evidence showing that the area is fairly free of contaminants; and, that there are opportunities for private engineering companies to do this type of testing, though the Town would need to be able to pay for it. Vice Mayor Lance spoke relating to resident safety being more important.

Councilmember Wendt asked if the Town would be held liable if something is discovered. Ms. Bigelow responded that the Town would be held responsible by ADEQ if it violates their regulations; that does not mean that the Town is liable in a lawsuit for a person claiming illness due to contaminants.

Councilmember Collins spoke relating to the Right of Entry saying that the owner does not admit liability, and asked about the effect. Ms. Bigelow responded that it means that the Town is not admitting that the Town did it; ADEQ can come to the Town and require the Town to clean it up since it is the Town’s property. In response to Councilmember Collins, Mayor Nolan indicated that this is not a parcel that he suggested for a skate park.

In response to Vice Mayor Lance, Mr. Hanks clarified that the Town’s sidewalk project is along Hill Street and Humboldt Street; the big concern is the area between the school and the Chevron property, across from the teacher parking lot. No work will be done on the Chevron property.

Gary Mortimer spoke relating to his opinion being that there needs to be full disclosure with any potential issue of contamination in the community; ADEQ being able to test on Town-owned property if they want to; and, the contaminated areas getting rectified for the health and safety of the community.

Councilmember Hughes asked if the EPA will come in to remediate if a problem is found, or if the Town will be held to a different standard; Mr. Hanks responded that he was unsure and that the EPA did not test on Town rights-of-way. Councilmember Hughes spoke relating to the EPA being willing to come in to take care of it.

Vice Mayor Lance asked how ADEQ became involved, and if the Town involved them; Mr. Hanks responded that he believes ADEQ was contacted by the community group.

Mayor Nolan spoke relating to ADEQ [EPA] having cleaned up the lots that were tested and not coming in to clean up anything else; and, the cost to the Town for cleaning it up. Vice Mayor Lance clarified that the EPA is responsible for helping remediate; and, spoke relating to it being the EPA’s responsibility to help the Town. Mayor Nolan stated that the EPA indicated that they will not do any more testing.

The motion to approve the Right of Entry passed on a roll call vote 6-1. CM Brooks – aye; CM Collins – aye; CM

Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

D. Review, discussion and possible action to accept one of the proposals received for the Town’s Request for Proposals for Architectural and Project Management Services for the design, purchase and construction of a new steel building for Town hall, and to authorize staff to negotiate a contract with the selected firm. The Town received proposals from Arizona Natural Design, PLLC; LEA Architects, LLC; Michael Taylor Architects, Inc.; and, Morfeld Ray Architects. (Staff CC)

Mr. Hanks provided background information as follows: on February 18, 2020, Council directed staff to resolicit requests for proposals for the new Town Hall, for architectural design and project management services; four bids were received on time; Michael Taylor Architects bid \$73,125; Arizona Natural Design (“AND”) was \$74,422; Morfeld Ray Architects was at \$94,665; and, LEA Architects gave percentages rather than a total dollar amount. In response to Mayor Nolan, Mr. Hanks clarified that Michael Taylor Architects was the lowest bidder.

Councilmember Brooks asked if Council will be able to provide input on the type of building that is wanted; and spoke relating to the location being in the middle of historic buildings and not wanting a flat-roof building. She also asked if the Council will be able to meet with the architect. Mr. Hanks responded that Council could meet with the architect; the request for proposals called out a steel building as directed by Council; and, that the exterior portion can be sided in multiple different ways.

Councilmember Brooks moved to accept the proposal submitted by Arizona Natural Design, PLLC, and authorize staff to negotiate the terms of a contract to bring back to Council for formal approval, and to have a meeting with them to talk about the design or what Council would like to see; seconded by Vice Mayor Lance.

Councilmember Collins spoke relating to community input about the size of the building and where it’s going; six buildings around it that were built in the early 1900’s; and, Town Code Section 153.223, Building Design Elements, specifying that any new non-residential building has to be similar in height and scale to other buildings on the same block. She also spoke relating to people wanting to have a chance to talk to Council in person, and read a letter by Darrell Wyatt that was included in the Council Packet materials as follows:

4/4/2020

To: Dewey-Humboldt Town Council

From: Darrell Wyatt, Member of the DV Vision 2020 Citizen’s Committee, Chairman of the Main Street Redevelopment Team

The New Town Hall is a great opportunity to set the tone for a revitalized Historic Main Street. It will be the first new structure in many years on Main Street. The design should reflect pride in our “Arizona Country Town”. It should be an attraction to visitors and residents alike. The specification to the Architects should include a design that reflects the rustic character of an early 1900’s mining and ranching community, which is our history. The New Town Hall is a long-term investment, involving substantial public funds. There is a lot of public interest in the local community about how the project is being handled. We ask that the Town Council postpone the awarding of the Architect’s contract until more public input is heard by the Council.

Councilmember Collins also spoke relating to AND’s proposal having the most complete information; and, that AND advises that the Town negotiate the current rental situation to stay in the current location until March, 2021.

Claire Clark, AND, spoke relating to architectural contracts allowing Council to take qualifications into consideration; her qualifications including that she is local; that she has done 18 metal buildings since 2015; and, being able to make the outside of metal buildings look like surrounding buildings. She also spoke relating to spending time and talking to people who are concerned; involving the community as much as Council allows; and, that, as she is female, she is a minority-owned business.

Glen Blomgren spoke relating to his concern that the Town would select an architectural firm without assurance that the specifications will match the vision for downtown; not seeing language or specifications about conforming to historical values; and, no indication of any architect being competent regarding preservation of historic value. He also spoke relating to making sure that language in the contract specifies those items.

Ms. Bigelow spoke relating to the purpose of a request for qualifications; the specifications coming after Council makes a choice based on the qualifications; the architect then sitting with Council to get input on what the Council and community want; and, that then, a contract and specifications will be drafted.

Councilmember Hughes spoke relating to this item being for someone to monitor what is being built and to find a contractor; the cost for this being about \$15 per square foot; the architect helping to pick the contractor and

bring answers and questions back to Council; and, tonight's discussion being about the architects and their knowledge, not about the contractor or construction.

Vice Mayor Lance spoke relating to liking the idea of having a resident work on it because they care about the Town; and, the architect helping design plans based on what the Council and community agree upon.

Councilmember Collins moved to accept the proposal submitted by Arizona Natural Design; and, spoke relating to being in a state of emergency and people being unable to attend the meeting to speak about this item.

Vice Mayor Lance clarified that the motion on the floor is for AND; and spoke relating to there being multiple meetings and agendas to discuss this in the future and needing to keep forward movement. She clarified that the motion on the floor is for staff to negotiate the contract and Council having input on the design.

The motion by Councilmember Brooks passed on a roll call vote 4-3. CM Brooks – aye; CM Collins – nay; CM Hughes – aye; CM McBrady – nay; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

E. Discussion and possible action to approve the agreement with the Blue Hills/Foothills Firewise Board and the Prescott Area Wildland Urban Interface. The agreement spells out the terms of an agreement between the parties to cover the implementation of the Town's participation in the Yavapai Countywide Mitigation Project. (Staff CC)

Mr. Hanks introduced the item as follows: Firewise received a grant for a total of 35 acres through December 31, 2021; the agreement allows the Town to front the money and be reimbursed by the Prescott Area Wildland Urban Interface Commission ("PAWUIC"); Firewise has officially become a 501(C)(3) and is working on fundraising to be able to take over these grants so the Town is not involved.

Councilmember Wendt spoke relating to the grant being for 35 acres without a designated number of grants in Blue Hills or Foothills; the grant being the highest grant amount, at \$1,900; the grant can be used on non-developed properties; and, multiple acres can be used on this grant.

Councilmember Wendt moved to approve the PAWUIC grant 2019 as it stands; seconded by Councilmember Brooks.

Councilmember Hughes asked if the Town has the extra \$68,000 in the budget, with the COVID-19 problems; Mr. Hanks responded that the Town is usually \$12,000 out of pocket at a time, not the full \$68,000. Councilmember Hughes asked if the agreement can be shortened if Firewise receives funding; Mr. Hanks responded that the Town can relinquish it to Firewise.

Vice Mayor Lance spoke relating to the Town having absorbed Firewise and asked of any issues if this is approved. Ms. Bigelow responded relating to there not being a legal problem as Firewise provides a public benefit; it can be moved to Firewise when they have everything in place; and, being a legal entity helps the Town in dealings with Firewise.

In response to Councilmember Brooks, Mr. Hanks noted that there was a typographical error in the term of the agreement in the cancelled April 7, 2020 Council Meeting Packet, but the error was corrected in tonight's packet.

The motion by Councilmember Wendt passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

F. Discussion and possible action to authorize hazard pay for Beth Evans and Patty Tapp (CAARF – Mayor Nolan)

Mayor Nolan introduced the item as follows: Ms. Evans and Ms. Tapp are face to face with the public a lot; \$200 per week compensation would help in case something happens.

Vice Mayor Lance spoke relating to Ms. Evans and Ms. Tapp not being alone in facing the public; and, if this is done, doing it across the board to all staff.

Mr. Hanks read a letter from Judy Kerber relating to the discussion possibly being moot due to the emergency declaration; the discussion being an insult to Town citizens who are holding their jobs during this time; every citizen working under hazardous conditions and very few receiving additional pay; and, many people receiving no pay as they cannot work.

Councilmember Wendt asked if other Towns are paying staff an increase for hazard pay. Mr. Hanks responded that he has not received any information of additional pay being made to employees; towns trying to adjust and keep people working as many hours as possible; and, other towns not increasing pay. Councilmember Wendt spoke relating to her daughter working in a hospital and none of them getting extra duty pay; going with what the

majority around the Town are doing; the Town being closed to the public; and, nobody else allowing this.

Mayor Nolan spoke relating to Senator Schumer proposing a bill to give people working in hospitals a \$25,000 bonus; and, people in other parts of the community being paid extra.

Councilmember Brooks spoke relating to all staff being at the front desk to help people; and, staff working 391 hours per week and \$2 per hour resulting in \$782 in a week, \$3,128 in four weeks and \$7,820 over 10 weeks. She also spoke relating to adding plexiglass and limiting the number of people in the lobby; and, Prescott Valley expecting a 7% decrease in revenue.

Vice Mayor Lance spoke relating to believing that all staff deserve hazard pay; private employers providing additional pay; the Town having limited money; Town field staff being at risk; and, it not being fair to only offer it to two. She also asked about staff wage loss; Mr. Hanks responded that full-time staff is still working 40 hours, though Ms. Tapp and Don Roberts, Building Official, are part-time and working two days a week. Vice Mayor Lance spoke relating to the key thing being to keep staff safe, with lost wages second.

Mayor Nolan spoke relating to it being important to staff, whether it is two or all hourly employees; doing it later and making it retroactive; and, people being very susceptible.

Mayor Nolan moved to go ahead and pay hazardous pay to Beth Evans and Patty Tapp to the amount of \$200 a week. Motion failed for lack of a second.

Councilmember Brooks moved to readdress this in the middle of June, to see where things stand with COVID-19 and have better budget numbers at that time; seconded by Councilmember Collins. In response to Council discussion, Mr. Hanks indicated that it could be brought back on June 2, 2020. Motion passed on a roll call vote 5-2. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – nay; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

11. Consideration of additional Special Session(s) Whether to hold and, if so, set the date

In response to Mayor Nolan, Mr. Hanks recommended that Council wait until the April 21, 2020 Council Meeting to consider additional meetings.

12. Adjourn The meeting adjourned at 8:23 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
APRIL 21, 2020, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, APRIL 21, 2020, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. THE MEETING WAS HELD VIA ZOOM VIDEO/TELECONFERENCE. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order** Mayor Nolan called the meeting to order at 6:33 p.m.
3. **Roll Call (Item taken out of order)** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan were present. **Town Clerk Note** (as required by Public Body Rules of Policies and Procedures PG No. TC12-01): Town staff implemented and tested Zoom Video Communications – Pro prior to the first Council Meeting at which Zoom was utilized. Permissions in Zoom prevented the use of a chat feature, to ensure that members could not communicate except for verbally to all members. The first page of the agenda included instructions for public participation via video or calling in to the meeting; members of the public were also able to submit comments via email to the Town Clerk to be read at the meeting. After the meeting, Town staff downloaded the meeting video from Zoom. Additionally, Town staff attended the meeting in the Council Chambers and utilized the video recording system; the video recording system recorded all audio from the Council discussions and actions, and video of staff.
2. **Protocol for Participating in the Council Meeting via Zoom** (Ed Hanks, Town Manager)
Ed Hanks, Town Manager, gave an overview of using Zoom during the meeting.
4. **Pledge of Allegiance** Mayor Nolan led the Pledge.
5. **Invocation** Given by Vice Mayor Lance.
6. **Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

Mayor Nolan reported that he sent Council a report from the Rural Transportation Advocacy Council about funding from the Highway User Revenue Fund, and information about the coronavirus and grants; he also sent the Town Manager contact information for the Arizona Governor's Office to request funding.

A. Council announcements about outside meetings and committees

Councilmember Brooks attended the Yavapai County Board of Supervisors and Health Department hotline on April 21, 2020. Updates include there being 73 positive cases and one death in the County; three inpatients in the Regional Medical Center; and, a warning for people to be aware of going to public places, social distancing and wearing masks. The Northern Arizona Council of Governments is sponsoring a webinar for businesses that are starting back up; the May 1 reopening is not anticipated to be a full-blown restart.

7. **Public Comment on Non-agendized items** 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

Mr. Hanks read a letter from Leigh Cluff with comments including: Council has encouraged residents to do their homework on Town issues; she checked the candidates' nomination petitions to verify they have enough qualified signatures; four candidates had 53 or more qualified signatures, one had 37 and two did not have enough; she challenged the nomination petitions of Mayor Terry Nolan and Debra Snodgrass. She also discovered that one of the current Councilmembers is not listed on the County's registered voter list for the Town.

Mr. Hanks noted that copies of all letters read at tonight's meeting will be placed in Council's mail folders.

Councilmember McBrady spoke relating to the last portion of the comment being on tonight's agenda and the public not being able to talk about agenda items during this agenda item.

8. **Town Manager's Report** Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be

placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

A. Town Manager's Report on the budget questionnaires that were distributed to Council on March 26, 2020

Mr. Hanks noted that surveys were distributed to Council on March 26, 2020 and requested Councilmember Hughes and Councilmember McBrady submit their completed surveys; he has a meeting scheduled with Pat Walker about the budget on April 22, 2020.

B. Town Manager's Report on the status of new bank accounts for the Town

Mr. Hanks noted that staff contacted three financial institutions following the March 17, 2020 Council Meeting; due to the COVID-19 pandemic and closures, there have been difficulties communicating, but staff anticipates presenting information to Council at the May 5, 2020 Council Meeting.

9. General Business Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

A. Discussion and possible action to adopt Resolution No. 20-142, calling and ordering a Special Election to be held on Tuesday, November 3, 2020, for the purpose of submitting to the qualified electors the question of extending the Mayoral term of office to four years (Staff CC)

Mr. Hanks stated that this item was sent to staff at the March 17, 2020 Council Meeting; the Town Attorney is prepared to answer any questions. In response to Councilmember McBrady, Kay Bigelow, Town Attorney, confirmed that this would not apply until the next election for Mayor and would become effective in 2022.

Councilmember Wendt moved to adopt Resolution No. 20-142; seconded by Councilmember Hughes.

Councilmember Brooks spoke relating to the effects of the COVID-19 epidemic on the budget, and election costs; and, foregoing this expense, which would be out of the 2020/21 budget. Ms. Bigelow spoke relating to this item being based on Council direction on March 17, 2020; and, that this item calls the election, while the next agenda item addresses the ballot language.

Vice Mayor Lance spoke relating to the cost of holding it during an already-planned election being lower than as its own ballot. Ms. Bigelow spoke relating to the election being held at the same time as the election for Councilmembers; in response to Vice Mayor Lance, Ms. Bigelow confirmed that it will be on the November ballot. Vice Mayor Lance and Ms. Bigelow discussed the cost of the election further.

Councilmember Collins spoke relating to the effect of the COVID-19 pandemic on the budget and having already committed to doing something about the General Plan.

Councilmember McBrady spoke relating to the Mayoral seat being controversial for the last 10 years; keeping the term at two years giving some control to Council; and, four years potentially leading to a power struggle.

Mayor Nolan spoke relating to two years being barely enough time for a Mayor to become educated in what needs to be done; and, that the cost shouldn't be any more than a regular election.

Mr. Hanks read a letter from Jack Hamilton with comments including: having heard that it takes two years to learn the job; the only duties the Mayor has that the Council does not is conducting meetings and ceremonial duties; whether it took two years for Councilmembers to learn how to be a Councilmember; Councilmembers making changes to the law as soon as they got on Council; and, it not taking long to learn the job for people who work at it. The comments also included: if the people do not like the direction that the Town is going, they can make a change every two years since the majority of Council are elected then; four years being too long for people wanting to make a change; and, that no public member has indicated that they want to change it.

Vice Mayor Lance clarified the cost of an election if everyone is elected in August. Tim Mattix, Town Clerk, responded that there would be a cost, typically discounted, for holding the election in November if the Town did not otherwise have an election; and, an additional cost for a publicity pamphlet.

Councilmember Hughes spoke relating to giving power to the people by letting them vote on the term; the staff report discussing the cost for the election; and, there being an election on November 3, 2020 regardless.

Mayor Nolan spoke relating to publicity pamphlet costs are for people making comments, who pay for their comments, and a cost for mailing.

The motion to adopt Resolution No. 20-142 failed on a roll call vote 3-4. CM Brooks – nay; CM Collins – nay; CM Hughes – aye; CM McBrady – nay; CM Wendt – aye; VM Lance – nay; Mayor Nolan – aye.

B. Discussion and possible action to adopt Resolution No. 20-143, approving ballot language for the Special Election to be held on Tuesday, November 3, 2020, which will be held for the purpose of submitting to the qualified electors the question of extending the Mayoral term of office to four years (Staff CC)

No discussion or action took place.

C. Discussion and possible action, after review of the three quotes provided, to approve the purchase and installation of a rebuilt motor for Town Site Truck #2 (Staff CC)

Mr. Hanks noted that the Town's second truck lost three cylinders in the engine; three mechanics all recommended replacing the engine rather than rebuilding it. Staff recommends Devine Diesel; Galpin Ford, though lower, did not include the cost for break-in oil changes and would not guarantee the quote.

Mayor Nolan moved to approve the bid from Devine Diesel; seconded by Vice Mayor Lance.

In response to Councilmember McBrady, Councilmember Hughes noted that the cost is \$7,600; Vice Mayor Lance noted that the three quotes ranged from \$6,898 to \$7,692.

Councilmember Hughes spoke relating to Devine Diesel charging the Town list price; the depreciation value of the 14-year old truck; and, asked if this is the plow truck. Mr. Hanks responded that this is the runaround truck, not the plow truck. Councilmember Hughes spoke relating to putting \$8,000 into a 14-year old truck; oil intervals not being on the list; \$466 being for the intake manifold; and, suggested the Town look at purchasing a new truck. Mr. Hanks responded relating to the Town being able to cover the purchase within the current budget year without impacting next fiscal year; and, suggested researching and bringing it back to Council.

Vice Mayor Lance asked what the truck hauls and if the Town can get by without it for a while; and, how vital to operations it is. Mr. Hanks responded that the Town uses it to run parts, move equipment and materials, and haul brush; and, that the Town can get by without it. Vice Mayor Lance asked how old the other truck is; Mr. Hanks responded that it is also 14-15 years old.

In response to Mayor Nolan, Mr. Hanks confirmed that the other truck is still running.

Vice Mayor Lance asked where the Town would go to find a new \$22,000 truck; Councilmember Hughes responded that any Ford dealer has single-cab F-150 V-8 automatic rear-wheel drive for \$20,000-\$25,000. In response to Vice Mayor Lance, Mr. Hanks confirmed that is the same type of truck.

Councilmember Hughes spoke relating to helping fleet maintenance down the road; and, by trading the truck in now, the Town could use it for the down payment on a new truck.

Vice Mayor Lance withdrew her second to the motion.

Councilmember McBrady moved to have the Town Manager look into the difference between the brand-new truck and replacing the engine, and come back to the next meeting to give a report; seconded by Vice Mayor Lance.

Councilmember Brooks spoke relating to concurring with Councilmember Hughes; the mileage on the old truck; and, payments not starting until fiscal year 2020/21.

Councilmember McBrady restated the motion to have the Town Manager as soon as possible look into purchasing a new truck versus putting an engine in the old truck, and come back to the next meeting with a comparison; seconded by Vice Mayor Lance.

The motion, as restated, passed on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

D. Discussion and possible action to authorize the Town Manager and Town Attorney to begin negotiations with the new landlord of the current Town Hall facilities located at 2735 South Highway 69 for the amount of rent to be paid for the calendar year of 2021, relating to exercising the single lease extension contemplated in the Amended and Restated Real Property Lease Agreement dated October 15, 2019. All other terms and conditions of the existing Lease remain the same. (Staff CC)

Mr. Hanks noted that the current lease expires December 31, 2020; the Town needs to give the landlord a six-

month notice as to the Town's intent to stay; and, the architect for the new Town Hall recommended a lease extension.

Councilmember Hughes moved to authorize the Town Manager and the Town Attorney to begin negotiations with the landlord of the current Town Hall location on a lease extension, with the final terms of the contract brought back to the Council for approval, with the option of possibly a six-month or a year [term]; seconded by Councilmember Brooks. Motion passed on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

E. Discussion and possible action to adopt Resolution No. 20-144 designating the Town Manager as the Chief Fiscal Officer for officially submitting the Fiscal Year 2021 Expenditure Limitation Report to the Arizona Auditor General (Staff CC)

Mr. Hanks noted that the Town is required to annually file an Expenditure Limitation Report with the Arizona Auditor General; each year, the Auditor General requires the Town to designate an individual responsible and with the authority to submit it; and, the Town's practice has been to designate the Town Manager.

Councilmember Brooks moved to adopt Resolution No. 20-144, designating the Town Manager as the Town's Chief Fiscal Officer for fiscal year 2021; seconded by Councilmember Hughes.

In response to Mayor Nolan, Mr. Hanks stated that the Town Manager was designated for last year.

Mr. Hanks read a letter from Jack Hamilton with comments including: his preference that it be filled by somebody with a financial background; the position being filled by the Town Manager without being specific to Mr. Hanks; and, that Mr. Hanks has no real background in finance.

Mayor Nolan asked about the new financial director; Mr. Hanks responded that she is contract, not a regular employee, and that he could talk with her about it. Mayor Nolan suggested Mickey Moore, Town Accountant; Mr. Hanks responded that Ms. Moore would rather not be the responsible party.

In response to Vice Mayor Lance, Mr. Hanks stated that the Town has normally designated the Town Manager.

The motion to adopt Resolution No. 20-144 passed on a roll call vote 6-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

F. Discussion and possible action to direct the Town Manager and Town Attorney relating to the legal eligibility of a current Dewey-Humboldt Councilmember (CAARF – Vice Mayor Lance)

Vice Mayor Lance introduced the item as follows: the item is to request emergency action and legal advice on the eligibility of a Councilmember who is showing on record as either being inactive or an expired voter registration; that this may have been an oversight on Councilmember McBrady's part, possibly resulting from a postal change; and, wanting to put it into the hands of the Town Manager and Town Attorney.

Vice Mayor Lance moved to request legal advice regarding the legal eligibility of a Dewey-Humboldt Town Councilmember from staff and the Town Attorney; seconded by Councilmember Brooks.

Councilmember Brooks requested that staff be directed to research the issue; Mayor Nolan responded that it was included in the motion.

Councilmember Collins spoke relating to the motion being to allow it to go to a higher authority; and, that state law suggested this may occur. Vice Mayor Lance clarified that the motion was for this to go to Town staff to determine how it needs to be dealt with.

Mr. Hanks read a letter from Jack Hamilton with comments including: this item referring to Councilmember McBrady not being a registered voter; per A.R.S. § 9-232 and A.R.S. § 16-121, a qualification to be a Councilmember is to be a qualified elector, part of which is being registered to vote; not being eligible to hold public office without being a registered voter; and, Councilmember McBrady having been elected by the voters and the only way to be removed is by a court order. Comments also included: if he registers before the Court rules on it, the judge may rule it moot; a ruling that his whole term in office is void could mean that his vote on things in the past not valid, causing a problem for the Town on close votes; and, thinking that the best way forward is that if Councilmember McBrady registers to vote, everything is dropped. Comments also included: understanding all ramifications of a legal ruling as it may change a lot of past decisions; and, the Town Attorney possibly being able to cite past cases where this has gone to Court and a judge has ruled.

Vice Mayor Lance spoke relating to it being found that Councilmember McBrady is not on the voter registration record by people purchasing all candidate records, who brought it to her attention because he signed her petition;

and, asking Legal Counsel for the ramifications in order to take care of it as soon as possible.

In response to Councilmember Hughes, Mr. Mattix clarified that staff needs to do some additional research.

The motion to request legal advice passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

10. Consideration of additional Special Session(s) Whether to hold and, if so, set the date

Vice Mayor Lance moved to hold a Special Meeting on April 28, 2020 for the purpose of reviewing and discussing the financial year 2021 budget and the information on a new vehicle as opposed to replacing the engine on an old vehicle; seconded by Councilmember Brooks. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

11. Adjourn The meeting adjourned at 7:34 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

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CONSENT AGENDA ITEM OVERVIEW

Regular Council Meeting Date: **May 19, 2020**

Consent Agenda Item: **8.C.**

Submitted by Edward L. Hanks, Jr., Town Manager

Subject:

Consent Agenda Approval to authorize the Town Manager to sign new account documents and an agreement to open a Town checking account at Foothills Bank and to transfer all Town accounts from Wells Fargo Bank, N.A. to Foothills Bank, as well as closing all Town accounts at Wells Fargo Bank, N.A.

Background:

At the May 12, 2020, Study Session, Council reviewed information from three financial institutions relating to the provision of banking services for the Town. Based on the discussion at the Study Session, this item has been placed on tonight's agenda for Council to formally authorize staff to take all steps necessary to open a Town checking account at Foothills Bank, as well as transferring to Foothills Bank and closing all Town accounts at Wells Fargo Bank, N.A.

Financial Impact:

Anticipated startup costs are minimal, such as purchasing checks. The Town would be utilizing Foothills Bank's no-cost business checking account.

Direction Requested:

Staff is seeking Council authorization to transfer the Town's checking account to Foothills Bank.

Suggested Motion:

For: I move to authorize staff to take all steps necessary to open and transfer the Town's checking account to Foothills Bank and to close all accounts at Wells Fargo Bank, N.A.

Against: No motion is necessary.

Attachments:

Information from Foothills Bank.

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

Every new business checking account includes

- FREE** VISA® Debit Card
- FREE** Online Banking
- FREE** Bill Pay
- FREE** Mobile Banking
- FREE** eStatements
- FREE** Thank You Gift
- Buy back** of your unused checks and debit cards from another financial institution

1 Will your business have more than 3,000 transaction items each month?

YES

NO

2 Will your business have more than \$10,000 in monthly coin and currency deposits or withdrawals, including change orders?

YES

NO

BUSINESS ANALYSIS CHECKING

- Earnings credit allowance on deposit balances may offset activity fees
- Monthly maintenance fee, plus account activity fees for debits, credits and deposited checks

TOTALLY FREE BUSINESS CHECKING

Perfect for most businesses!

- 3,000 FREE** monthly transaction items
- NO** minimum balance after account opening
- NO** monthly service charge
- Up to \$10,000 in coin and currency deposits or withdrawals, including change orders per month **FREE**

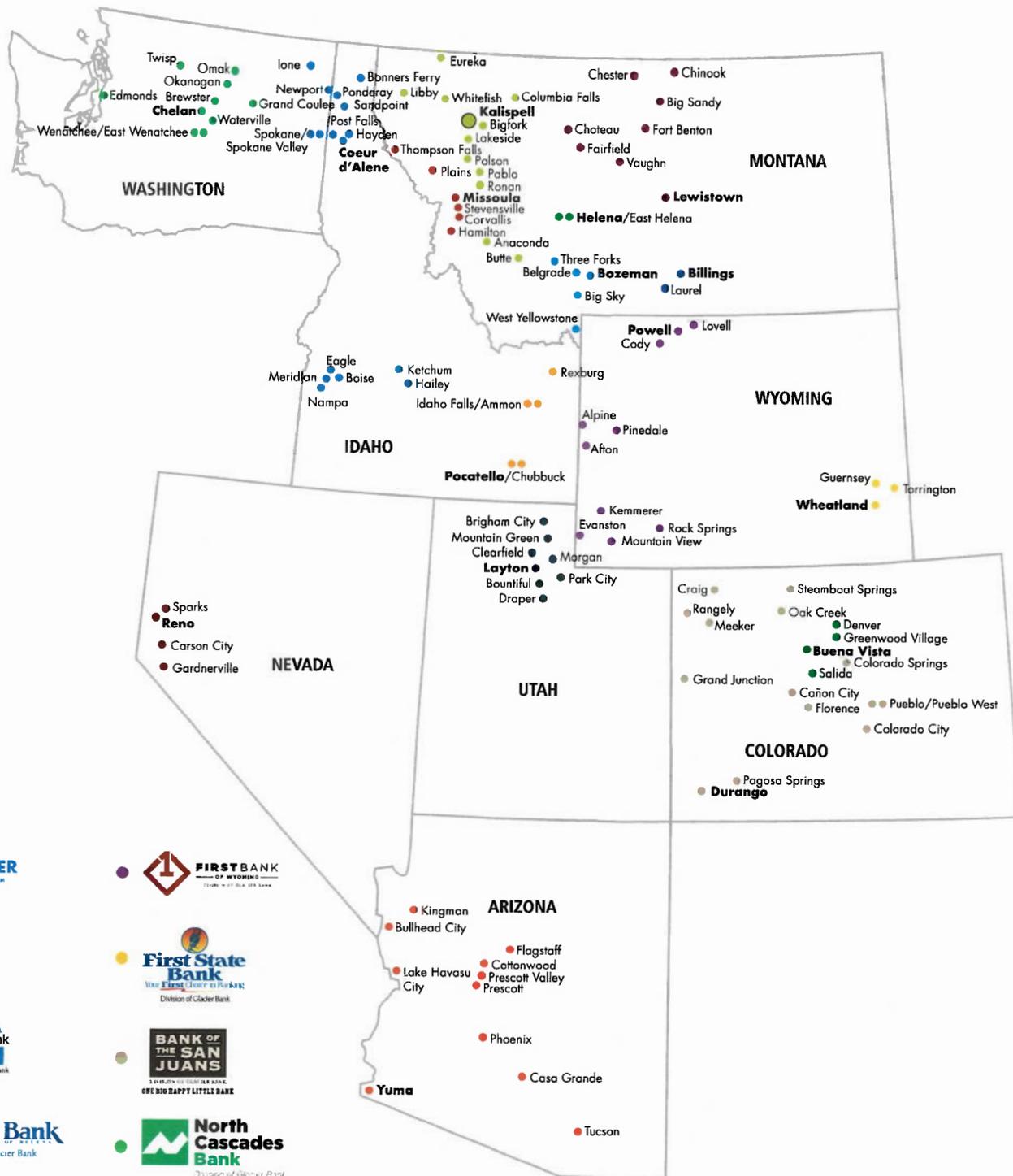
Save time and money with these great products and services:

- FREE** VISA® Debit Card
- FREE** Online Banking and Bill Pay
- FREE** Mobile Banking
- FREE** eStatements
- Cash Management**
Apply for our Cash Management Service available through online banking: ACH Origination, Wire Transfer, Direct Deposit Payroll, and more. All cash management services are subject to approval by Foothills Bank.
- Remote Deposit Capture**
- Merchant Payment Processing**
- Business Credit Card**
- Business Savings**
- FREE** Personal Checking



Transaction items include all debits, credits and deposited items. If the Totally Free Business Checking account exceeds 3,000 free monthly transaction items, \$10,000 in monthly coin and currency deposits or withdrawals, including change orders, or requires additional regulatory oversight, the account may be changed to Business Analysis Checking, which includes additional fees. Unless specified otherwise, customer purchases checks. Other fees such as overdraft, nonsufficient funds (NSF) fee, continuous overdraft, etc. may apply. See fee schedule for details. Free gift provided at the time of account opening. \$2 per pad of checks/debit card up to \$10. Your account will be credited at the time the checks/debits cards are presented. Minimum opening deposit is only \$50. Ask us for details. Bank rules and regulations apply.

Foothills Bank



Member FDIC
 EQUAL HOUSING LENDER
 Revised April 2020

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CONSENT AGENDA ITEM OVERVIEW

Regular Council Meeting Date: **May 19, 2020**
Consent Agenda Item: **8.D.**

Submitted by Edward L. Hanks, Jr., Town Manager

Subject:

Consent Agenda Adoption of Ordinance No. 20-152, amending the Dewey-Humboldt Code of Ordinances (“Town Code”) to repeal Section 31.20, Residential Values Advisory Committee, Section 31.23, Clean Town Committee, Section 31.24, Groundwater Resources Advisory Committee, and Section 31.25, Environmental Issue Advisory Committee.

Background:

At the May 5, 2020, Council Meeting, Council reviewed the Boards, Commissions, and Committees that are established in the Town Code, and directed staff to prepare an ordinance amending the Town Code to remove the following committees:

- Residential Values Advisory Committee;
- Clean Town Committee;
- Groundwater Resources Advisory Committee; and,
- Environmental Issue Advisory Committee.

The attached ordinance repeals the code provisions that established these committees, thereby stopping the above-listed Committees.

If the ordinance is adopted, the following Boards, Commissions and Committees will be the only active ones in the Town:

- Planning and Zoning Advisory Commission;
- Board of Adjustment;
- Open Space and Trails Committee;
- General Plan Steering Committee.

Financial Impact:

Standard costs associated with ordinance adoption include:

- Printing costs to post the ordinance (minimal);
- Publication costs to publish the ordinance as required by state law; and,
- Costs for the third-party codifier to codify the changes into the Town Code.

Direction Requested:

Staff is seeking Council adoption of the Ordinance.

Suggested Motion:

For: I move to adopt Ordinance No. 20-152.

Against: No motion is necessary.

Attachments:

Ordinance No. 20-152

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

ORDINANCE NO. 20-152

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 31 TOWN ORGANIZATIONS AND DEPARTMENTS, BY AMENDING § 31.20, RESIDENTIAL VALUES ADVISORY COMMITTEE, § 31.23, CLEAN TOWN COMMITTEE, § 31.24, GROUNDWATER RESOURCE ADVISORY COMMITTEE, AND § 31.25, ENVIRONMENTAL ISSUE ADVISORY COMMITTEE

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

SECTION I

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 31 Town Organizations and Departments, is hereby amended by repealing Section 31.20 as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 31.20 ~~RESIDENTIAL VALUES ADVISORY COMMITTEE~~ REPEALED.

~~—(A)— The Residential Values Advisory Committee is hereby formed to review and analyze proposals and laws that may have either a direct or indirect impact on the value and use of properties within the town.~~

~~—(B)— The Committee will comprise five individuals appointed by the Council with experience in listing, selling and analysis of property values within the area. Specific issues for study may be assigned by the Town Council or, with approval of the Council, may be subjects as may be identified by the Committee.~~

~~—(C)— Terms shall be staggered and for two years with appointment, and possible reappointment, by the Council as recommended by an ad hoc committee of the Council appointed by the Mayor. Meetings will be at least quarterly as may be called by the Chairperson of the Committee or at the request of the Mayor or a Council Member. A Council liaison will be designated by the Mayor.~~

~~—(D)— Committee meetings will be held in accordance with Arizona Open Meetings Law and shall use Robert's Rules of Order in conducting its business.~~

SECTION II

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 31 Town Organizations and Departments, is hereby amended by repealing Section 31.23 as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 31.23 ~~CLEAN TOWN COMMITTEE REPEALED.~~

~~The Clean Town Committee (CTC) shall be formed of five executive members and any number of associate members. Executive members are responsible to vote on matters before the CTC and constitute a quorum, but all members (associate and executive) have the right to prepare items for the agenda. Executive members must be residents of the town, are appointed by Council, and serve two-year terms; while associate members are appointed by the executive members (subject to Council veto), need not be residents, and may serve for an indefinite duration. CTC members are subject to reappointment without limit. The CTC may set its own meeting schedule, but meetings will be held at least annually or at the request of the Council. The CTC may adopt its own rules of procedure, but such rules must include Robert's Rules of Order. The CTC has the duty to diligently provide organizational oversight of volunteer services to the town and its citizens, and assist in development of programs that address issues of accumulated trash, code enforcement, and related concerns.~~

SECTION III

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 31 Town Organizations and Departments, is hereby amended by repealing Section 31.24 as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 31.24 ~~GROUNDWATER RESOURCE ADVISORY COMMITTEE REPEALED.~~

~~The Groundwater Resource Advisory Committee (GRAC) shall be formed of five executive members and any number of associate members. Executive members are responsible to vote on matters before the GRAC and constitute a quorum, but all members (associate and executive) have the right to prepare items for the agenda. Executive members must be residents of the town, are appointed by Council, and serve two-year terms; while associate members are appointed by the executive members (subject to Council veto), need not be residents, and may serve for an indefinite duration. GRAC members are subject to reappointment without limit. The GRAC may set its own meeting schedule, but meetings will be held at least quarterly or at the request of the Council. The GRAC may adopt its own rules of procedure, but such rules must include Robert's Rules of Order. The GRAC has the duty to diligently provide for the identification, assessment, and monitoring of citizens' rights to access quality groundwater and other appropriate water resources that may be of concern to the Council; however, before moving from identification to assessment, or from assessment to monitoring, the GRAC will report to the Council.~~

SECTION IV

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 31 Town Organizations and Departments, is hereby amended by repealing Section 31.25 as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 31.25 ~~ENVIRONMENTAL ISSUE ADVISORY COMMITTEE REPEALED.~~

~~The Environmental Issue Advisory Committee (EIAC) shall be formed of five executive members and any number of associate members. Executive members are responsible to vote on matters before the EIAC and constitute a quorum, but all members (associate and executive) have the right to prepare items for the agenda. Executive members must be residents of the town,~~

are appointed by Council, and serve two-year terms; while associate members are appointed by the executive members (subject to Council veto), need not be residents, and may serve for an indefinite duration. EIAC members are subject to reappointment without limit. The EIAC may set its own meeting schedule, but meetings will be held at least quarterly or at the request of the Council. The EIAC may adopt its own rules of procedure, but such rules must include Robert's Rules of Order. The EIAC has the duty to diligently provide for the identification, assessment, and monitoring of environmental and public health issues that may be of concern to the Council; however, before moving from identification to assessment, or from assessment to monitoring, the EIAC will report to the Council.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 19th day of May, 2020, by the following vote:

AYES: _____ NAYES: _____ ABSENT: _____ EXCUSED: _____

ABSTAINED: _____

APPROVED this 19th day of May, 2020.

ATTEST:

Timothy A. Mattix, Town Clerk

Terry Nolan, Mayor
APPROVED AS TO FORM:

Bigelow Law Offices, PLC
Town Attorney
By: Kay Bigelow

I, TIMOTHY A. MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 20-152 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE 19TH DAY OF MAY, 2020, WAS POSTED IN THREE PLACES ON THE _____ DAY OF MAY, 2020.

Timothy A. Mattix, Town Clerk



COUNCIL COMMUNICATION

Regular Council Meeting Date: **May 19, 2020**

Agenda Item: **10.A.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Presentation, discussion and possible adoption of the Fiscal Year 2020/21 Tentative Budget.

Background:

The tentative budget adoption process establishes the maximum expenditure limit for next year's budget. Following adoption of the tentative budget, amounts may be moved from one line item to another, however, the overall budgeted amount may not change.

Should adoption of the tentative budget not be possible, staff requests Council hold a special meeting (To be determined) for the purpose of adopting the tentative budget prior to the last working day of June.

Following adoption of the tentative budget, the FY 2020/21 tentative budget will be published once a week for two consecutive weeks as required by state law, and a public hearing will be scheduled for the consideration and adoption of the FY 2020/21 Final Budget.

Financial Impact:

Due to the unknown impact of COVID-19 a flexible budget has been created. There is a COVID-19 contingency in each department.

See attachment.

Direction Requested:

Staff is seeking formal Council adoption of the Fiscal Year 2020/21 Tentative Budget.

Suggested Motion:

For: I move to adopt the Fiscal Year 2020/21 Tentative Budget as presented.

Against: No motion is necessary.

Attachments:

Fiscal Year 2020/21 Tentative Budget

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov



Tentative Annual Budget Fiscal Year 2020-2021

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Town Manager Budget Message



To the Honorable Mayor and Members of the Town Council,

It is a pleasure to present to you the Fiscal 2020-21 (FY21) Proposed Budget for your review and consideration. The preliminary estimates of the budget were presented to the Mayor and Council on May 12, 2020 at the Town Council meeting.

In March 2020, the Town Council completed a survey of what the six strategic issues of the Town would be for the FY21 Budget. The strategic survey establishes a road map for activities and initiatives that will achieve the vision for the Town and will assist the Town to capitalize on opportunities to advance key initiatives. This plan is a flexible tool to guide and assist with proactive policy development. The achievements resulting from this plan will be enjoyed by current residents and future generations. This plan is designed to highlight key activities in support of stated priorities and goals over a period next fiscal year. The following are the top six priorities ranked by the Mayor and Council for the Town of Dewey Humboldt.

1. Financial Sustainability
2. Infrastructure & Facilities (Roads, Town Hall, etc.)
3. Economic Development
4. Managed Growth
5. Quality of Life (Open space, trails, parks, etc.)
6. Organizational Development

These strategic priorities were then taken into consideration in building the Town's FY21 Budget. The Council and Town Staff will need to conduct a fall workshop to review and potentially update the Town's Strategic Priorities.

This year's budget process will be different than prior years due to the COVID-19 crisis. We have created two estimates for revenues and two estimates for expenses for FY21.

The revenues that will be adopted will become the Town's "ceiling" budget if the economy rebounds faster than anticipated. We also developed a revenue projection for the General Fund, and Highway User Revenue Fund (HURF) as those are the ones that may be the most economically impacted by the COVID-19. Every revenue was looked at to determine what impact the shutdown of the economy would have on it. For example, local sales taxes, state shared taxes,

and gas tax for HURF. The difference between the “ceiling budget” and the “COVID-19 Budget” will need to be made up of either departmental budget expense reductions, postponing capital projects, using fund balance or a combination of all three. However, due to the reduction in expenditures the Town may not have to use fund balance for either scenario for the FY21 budget as expenditures are projected to be lower than revenues in each projection.

For the projected expenditures for FY21, each department was asked to review each line item and look at expenditures that could be postponed and were not an immediate expense that would impact the health, safety or welfare of our citizens. These amounts are then going to be placed into a COVID-19 reserve in each department and will be reviewed with the Town Manager and Town Accountant in December to determine if funds can or need to be moved back into line items.

The tentative budget for FY 2020-2021 will be presented at the May 19, 2020 council meeting in the amount of \$5,684,427 or “ceiling budget” compared to \$4,132,564 in fiscal year 2019-20 (FY20). The increase is primarily a result of slight increases in the general fund for local sales taxes and interest revenues and a capital project fund for a USDA loan in the amount of \$1,000,000 for a new City Hall.

The public hearing and final budget adoption are scheduled for Tuesday June 16, 2020 at 6:30PM. We have given the Council the opportunity to review the entire proposed budget and address any questions you have before the final adoption of the budget.

The Town of Dewey Humboldt, like many towns and cities across the Country, are facing the dilemma of what the impact of COVID-19 will be on our community. So far Dewey-Humboldt has weathered the storm but there are may unknown factors to consider in the months ahead. We will need to carefully monitor our budget to understand if additional reductions will need to be made or if the economy turns around, addition projects can be considered.

In summary, I would like to take this opportunity to thank the Mayor and Town Council for their guidance and support throughout the development of this proposed budget. With the Town’s guidance, and Town’s staff’s collaborative effort, we were able to bring forward a balanced budget for fiscal year 2020-21.

I would also like to thank all the Town employees for the tremendous job they do every day in delivering services to the citizens of Dewey-Humboldt. Special thanks go to the Department Managers for finding ways to continue to deliver quality services with limited resources.

Respectfully submitted,

Ed Hanks, Town Manager

Total 2020-21 Tentative Budget

FUND	Adopted 2019-20 Budget	Estimated 2019-20 Expenditures	Proposed 2020-21 Budget (A)	Proposed 2020-21 Budget (B)
GENERAL	2,118,377	1,635,364	2,500,757	2,223,001
HURF	549,187	324,117	438,500	438,500
GRANTS	1,465,000	137,692	1,745,170	1,745,170
CAPITAL IMPROVEMENT	-	-	1,000,000	1,000,000
TOTAL ALL FUNDS	4,132,564	2,097,173	5,684,427	5,406,671

General Fund Proposed 2020-21 Revenues

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Revenues					
10-100-3100	Local Sales Tax	423,000	781,871	782,000	703,800
10-100-3202	Building Fees	102,000	171,832	150,000	135,000
10-100-3310	Income Tax	530,965	530,965	596,359	596,359
10-100-3320	State Sales Tax	382,250	416,968	462,582	370,066
10-100-3330	Vehicle License Tax	297,303	275,462	311,155	248,924
10-100-3403	Planning & Zoning Fees	14,000	23,094	20,000	18,000
10-100-3420	Public Works Fees	4,620	6,000	5,000	4,500
10-100-3425	Utility Franchise Fees	8,517	26,558	44,160	41,952
10-100-3430	Miscellaneous-Special	197,802	-	-	-
10-100-3501	Court Revenues	45,773	29,783	43,500	34,800
10-100-3800	Miscellaneous-Waived permits	3,000	-	-	-
10-100-3801	Interest Earnings	15,000	81,060	82,000	65,600
10-100-3804	Miscellaneous	500	5,815	4,000	4,000
10-100-3900	Transfer In From Other Funds		-	-	-
10-100-3995	Carryforward Fund Balance				
Total Revenues:		2,024,730	2,349,408	2,500,756	2,223,001

Significant Changes

- Covid-19 Economic Impact
- Budget (A) reflects ceiling estimate for revenue
- Budget (B) reflects possible COVID-19 impact on revenue

HURF Fund Proposed 2020-21 Revenues

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
Highway User Revenue Fund (HURF)/ Restricted Revenues					
20-100-3340	HURF	347,187	517,322	369,548	295,638
20-100-3600	Interest Earnings	2,000	10,071	10,200	8,160
20-100-3700	Transfer-in from General Fund	-	-	-	-
20-100-3995	Carryforward Fund Balance			58,752	134,702
Total Revenues:		349,187	527,393	438,500	438,500

Significant Changes

- HB 2748 reflected in FY20 will not be collected in FY21
- Using \$58,752 in carryforward funds to balance FY 21
- Using \$134,702 in carryforward funds in FY21 for COVID-19 budget

Grant Fund Proposed 2020-21 Revenues

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GRANT FUND					
Revenues					
22-100-3380	CDBG Grant Rev	14,000	14,000	345,170	345,170
22-100-3390	Misc. Grants	1,386,000	58,410	1,400,000	1,400,000
22-100-3400	Flood Control Reimbursement	65,000	65,000	-	-
22-100-3700	Transfer in from other fund	-	-	-	-
22-100-3995	Carryforward Funds		282		
Total Revenues:		1,465,000	137,692	1,745,170	1,745,170

Significant Changes

- Decrease result of no HB2748 in FY 21

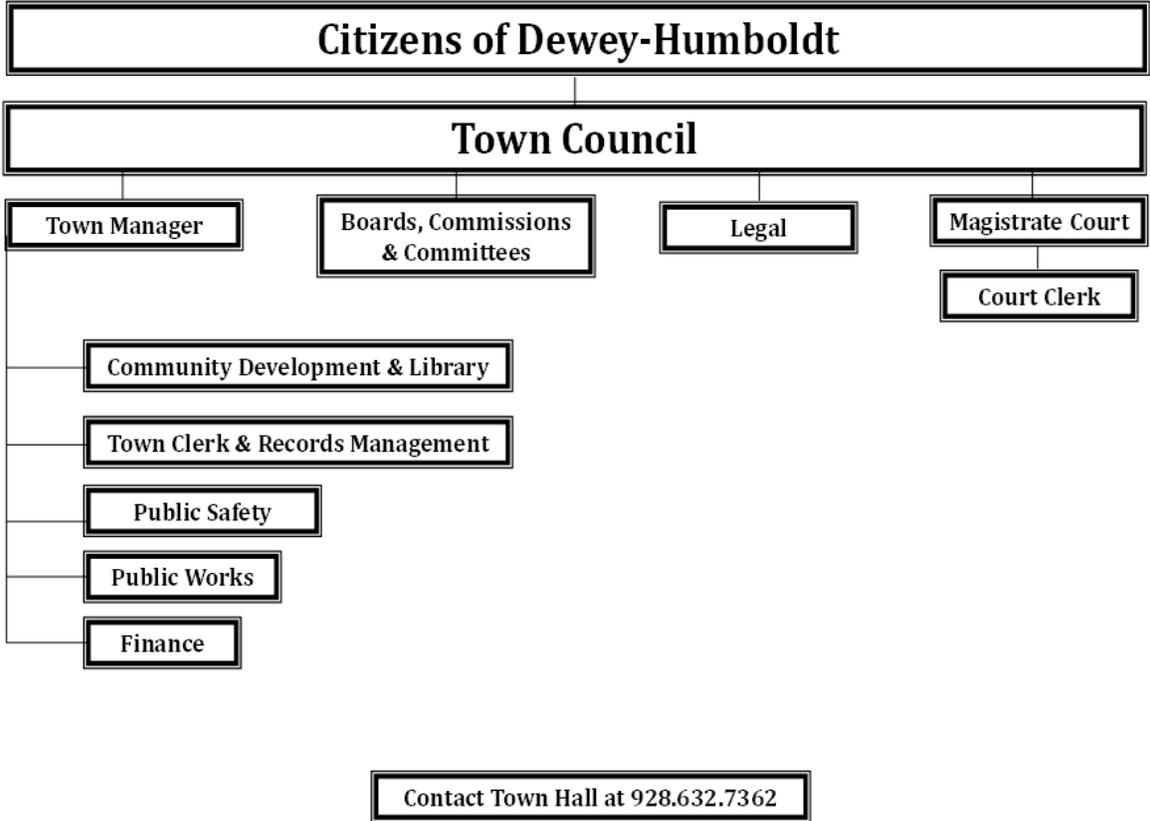
Capital Improvement Fund Proposed 2020-21 Revenues

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
CIP Fund (Loan)					
Revenues					
30-100-3900	USDA Loan Proceeds	-	-	1,000,000	1,000,000
Total Revenues		-	-	1,000,000	1,000,000

Significant Changes

- Appropriated for City Hall if USDA loan is secured
- Does not count toward Expenditure Limitation
- Will structure debt to be the same as rent payment

Dewey-Humboldt Organizational Chart



Dewey-Humboldt, Arizona

General Fund Expenditures

Proposed Budget

2020-2021

Town Council and Management

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Expenditures			(324,678)		
Town Council and Management					
10-413-4000	Salary and Wages	84,048	80,000	80,000	80,000
10-413-4100	Allowances	3,960	3,960	3,960	3,960
10-413-4110	Health Insurance	12,056	11,925	12,272	12,272
10-413-4111	Dental & Vision Insurance	720	702	720	720
10-413-4120	Retirement	10,086	10,075	10,076	10,076
10-413-4150	Medicare	1,219	1,220	1,160	1,160
10-413-4160	State Unemployment	210	26	200	200
10-413-4170	Workers Compensation	222	223	212	212
10-413-6010	Dues & Memberships	8,000	7,250	8,000	8,000
10-413-6020	Training and Travel	11,500	9,000	9,000	-
10-413-4995	COVID-19 Reserve				9,000
Total Town Council and Management:		132,021	124,381	125,600	125,600

Significant Changes

- Reduction in Budget (B) in Travel and Training 10-413-6020
- COVID-19 contingency \$9000

Town Clerk & Records Management

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Town Clerk & Records Management					
10-414-4000	Salary & Wages	60,049	57,132	62,397	58,992
10-414-4110	Health Insurance	12,016	10,711	12,316	12,316
10-414-4111	Dental & Vision Insurance	720	720	720	720
10-414-4120	Retirement	7,206	7,080	7,488	7,080
10-414-4150	Medicare	871	856	905	856
10-414-4160	State Unemployment	210	50	200	200
10-414-4170	Workers Compensation	159	151	165	156
10-414-5100	Software (Granicus, AmerLegal)	20,000	17,315	21,000	21,000
10-414-5300	Elections	12,000	5,448	12,000	12,000
10-414-6010	Professional Memberships	600	300	600	600
10-414-6020	Training and Travel	3,000	225	2,000	1,000
10-414-6100	Newsletter	20,000	19,194	23,000	23,000
10-414-6200	Print, Publish, Advertise	6,000	11,908	9,000	9,000
10-414-6380	Software Maintenance	2,500	2,500	2,500	2,500
10-414-7400	Capital Equipment	2,000	-	1,000	-
10-414-4995	COVID-19 Reserve				5,870
Total Town Clerk and Public Records:		147,331	133,590	155,290	155,290

Significant Changes

- Increase in Newsletter 10-414-6100 for extra information inserts
- Increase in Print, Publish Advertise 10-414-6200 for increase in printing based on increase in FY 20
- COVID-19 contingency is \$5870

Finance and Budget

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Finance and Budget					
10-415-4000	Salary & Wages	88,504	46,720	51,040	49,118
10-415-4110	Health Insurance	11,816	11,874	12,032	12,032
10-415-4111	Dental & Vision Insurance	720	720	720	720
10-415-4120	Retirement	7,737	5,403	6,125	5,894
10-415-4150	Medicare	1,284	653	713	712
10-415-4160	State Unemployment	420	26	200	200
10-415-4170	Workers Compensation	234	110	135	130
10-415-5001	OSP Audit Services	14,000	14,000	14,000	14,000
10-415-5200	OSP Contracts	21,800	19,473	43,000	42,300
10-415-6010	Professional Memberships	500	500	500	250
10-415-6020	Training and Travel	1,500	300	800	-
10-415-6380	Software Maint and Acquisition	4,000	3,530	4,500	4,500
10-415-4995	COVID-19 Reserve				3,909
Total Finance and Budget:		152,515	103,309	133,765	133,765

Significant Changes

- Decrease in Payroll 10-415-4000 due to decision to contract with consultant instead of adding position to department
- 2 changes to OSP Contracts 10-415-5200
 - Decreased estimate for background checks as no new hires are expected
 - Increased to reflect Finance Consultant contract
- COVID-19 contingency \$3909

Legal

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Legal					
10-416-5001	OSP Town Attorney	60,000	49,685	60,000	60,000
10-416-5100	OSP Proj Development Agreemen	2,000	-	-	-
10-416-6030	OSP Public Defender	700	300	1,000	1,000
10-416-6302	OSP Prosecutor	21,600	21,600	21,600	21,600
Total Legal:		84,300	71,585	82,600	82,600

Information Technology

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Information Technology					
10-417-5100	OSP Technical	30,000	17,375	30,000	25,000
10-417-5110	Website & such	2,800	5,333	7,000	7,000
10-417-6380	Software Maint and Acquisition	14,000	7,854	3,500	3,500
10-417-6900	Equipment - Non Capital	15,000	7,605	15,000	1,000
10-417-6950	IT Hardware & Equipment	5,000	2,169	5,000	-
10-417-4995	COVID-19 Reserve				24,000
Total Information Technology:		66,800	40,336	60,500	60,500

Significant Changes

- Decreased Equipment Non-Capital 10-417-6900 for wiring that will not be completed
- COVID-19 contingency \$24,000

Magistrate Court

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Magistrate Court					
10-421-4000	Salary and Wages	51,682	52,150	59,453	58,722
10-421-4120	Retirement	2,585	1,545	2,973	2,936
10-421-4150	Medicare	750	620	852	851
10-421-4160	State Unemployment	420	150	420	420
10-421-4170	Workers Compensation	132	120	150	143
10-421-5005	OSP Specialized Court Fees	4,000	867	3,000	3,000
10-421-5303	Lease, Magistrate Court	3,990	3,971	4,000	4,000
10-421-6010	Professional Memberships	400	25	600	600
10-421-6020	Training and Travel	6,000	2,686	2,500	2,500
10-421-6300	General Supplies	1,500	108	1,000	300
10-421-6301	Supply:Books & Subscriptions	1,500	554	600	600
10-421-6500	Utilities (electricity & gas)	1,500	1,188	1,500	1,500
10-421-6520	Telephone	600	665	675	675
10-421-6900	Equip Supply	3,000	2,330	3,000	3,000
10-421-4995	COVID-19 Reserve				1,475
Total Magistrate Court:		78,059	66,979	80,723	80,723

Significant Changes

- Increase will be if economy improves
- COVID-19 Contingency \$1475

Public Safety

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Public Safety					
10-425-5300	OSP Sheriff Services	438,000	438,000	461,000	461,000
10-425-5301	OSP Emergency Response	1,700	1,674	1,700	1,700
10-425-5501	Facilities Sheriff Office	10,500	10,334	10,500	10,500
10-425-6500	Utilities (electricity)	2,400	2,493	2,400	2,400
Total Public Safety:		452,600	452,501	475,600	475,600

Engineering

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Engineering					
10-430-4000	Salary and Wages	49,379	47,000	51,334	50,272
10-430-4110	Health Insurance	11,736	11,488	11,952	11,952
10-430-4111	Dental & Vision Insurance	720	700	720	720
10-430-4120	Retirement	5,926	5,640	6,160	6,033
10-430-4150	Medicare	716	660	744	729
10-430-4160	State Unemployment	210	35	210	210
10-430-4170	Workers Compensation	1,684	1,490	1,715	1,750
10-430-5001	OSP Design Clearview/Survey	60,000	-	50,000	-
10-430-6010	Professional Memberships	200	200	200	200
10-430-6020	Training and Travel	2,000	1,000	1,500	500
10-430-4995	COVID-19 Reserve				52,169
Total Engineering:		132,571	68,213	124,535	124,535

Significant Changes

- Decrease in Clearview Survey 10-430-5001
- COVID-19 Contingency \$52,169

Public Works & Facilities

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Public Works & Facilities					
10-431-4000	Salary & Wages	134,359	146,189	151,337	147,223
10-431-4010	Overtime	2,500	1,355	2,500	2,500
10-431-4110	Health Insurance	46,104	37,932	46,752	46,752
10-431-4111	Dental & Vision Insurance	2,880	2,125	2,880	2,880
10-431-4120	Retirement	16,123	14,202	18,160	17,667
10-431-4150	Medicare	1,949	1,757	2,194	2,135
10-431-4160	State Unemployment	840	101	840	840
10-431-4170	Workers Compensation	4,582	2,743	5,161	5,020
10-431-5200	OSP Janitorial Services	5,700	5,676	5,700	5,700
10-431-5500	Facilities, Town Hall Rental	39,800	39,770	40,000	40,000
10-431-5503	Facility Maintenance	5,000	1,100	5,000	5,000
10-431-5900	OSP Other	3,100	2,617	3,100	3,100
10-431-5903	Liability & Auto Insurance	29,000	11,464	30,000	30,000
10-431-6020	Training and Travel	200	-	200	200
10-431-6300	General Supplies - Town	9,500	5,123	9,500	7,000
10-431-6500	Facilities, Electric Utilities	7,500	6,731	7,500	7,500
10-431-6510	Facilities, Gas Utilities	1,200	930	1,200	1,200
10-431-6520	Facilities, Telephone	6,000	5,560	6,000	6,000
10-431-6530	Facilities, Cellular	600	580	720	720
10-431-6595	Vehicle Maintenance	500	30	500	500
10-431-6600	Facilities, Fuel	500	50	500	500
10-431-7001	ROW Acquisition	152,802	-	-	-
10-431-7006	OS Trails & Parks	6,000	3,486	600	600
10-435-4995	COVID-19 Reserve				7,308
Total Public Works:		476,739	289,523	340,344	340,344

Significant Changes

- Decrease in ROW Acquisition 10-431-7001 HB2748 funds moved to HURF
- COVID-19 Contingency \$7308

Community Development

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Community Development					
10-465-4000	Salary & Wages	182,746	101,904	166,325	151,650
10-465-4010	Overtime	-	-	-	-
10-465-4110	Health Insurance	11,704	11,506	11,920	11,920
10-465-4111	Dental & Vision Insurance	720	698	720	720
10-465-4120	Retirement	11,846	5,568	11,186	10,394
10-465-4150	Medicare	2,650	1,655	2,412	2,199
10-465-4160	State Unemployment	1,260	220	1,050	1,050
10-465-4170	Workers Compensation	2,529	1,120	2,164	1,900
10-465-5001	OSP P&Z Management	50,000	49,200	50,000	50,000
10-465-5005	IGA Library Service	38,656	42,868	42,868	42,868
10-465-5100	Clean Up Days	15,000	16,667	16,000	-
10-465-5110	Firewise	20,000	-	-	-
10-465-5501	Facilities, Library (rental+repair)	28,000	27,548	28,000	28,000
10-465-5900	OSP Abatements	3,000	3,000	-	-
10-465-6010	Professional Memberships	1,100	350	500	500
10-465-6020	Training and Travel	2,000	-	250	-
10-465-6380	Software maint (windoware; GIS)	2,500	2,200	2,500	2,500
10-465-6940	Strategic Community Partnership	19,800	19,320	-	-
10-465-6950	Community Outreach	430	500	500	100
10-465-6951	Fee Refund	1,500	623	1,000	500
10-465-4995	COVID-19 Reserve				33,094
Total Community Development:		395,441	284,947	337,395	337,395

Significant Changes

- Decrease in Salary & Wages 10-465-4000 due to positions in budget that were not filled
- Decrease in Strategic Community Partnership 10-465-6940
- Decrease in Firewise 10-465-5110 that was budgeted for Town expenses for Firewise-related activities
- COVID-19 Contingency 33,094

Non-Departmental

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
GENERAL FUND					
Non-Departmental					
10-499-9994	Transfer out to HURF	-	-	-	-
10-499-9995	Cost Overruns Contingency	-	-	584,405	306,649
10-499-9998	Employee one time bonus	-	-	-	-
Total Non-Departmental:		-	-	584,405	306,649

Significant Changes

- In FY 21 Proposed Budget, the revenues exceed expenditures by \$584,405 so this amount will be put into a contingency reserve in the General Fund for additional revenue shortfalls and unanticipated expenditures
- Best Practices is to place 3 months of operating expenditures or 25% which would be \$479,088
- If COVID-19 Budget is realized, there will only be \$306,649 available to be placed in contingency reserve for Fy21

Dewey-Humboldt, Arizona

Highway User Revenue Fund (HURF)

Expenditures

Proposed Budget

2020-2021

HURF

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed	FY2020-21 Proposed
				Budget (A)	Budget (B)
Expenditures					
20-431-5900	OSP Road Maintenance	25,000	11,959	15,000	15,000
20-431-6300	Software Maint & Acquisition	3,500	3,131	3,500	3,500
20-431-6595	Vehicle Maintenance	4,000	2,156	4,000	4,000
20-431-6600	Facilities, Fuel	20,000	12,400	15,000	15,000
20-431-6900	Heavy Equip Maintenance	16,000	13,700	16,000	16,000
20-431-7001	ROW Maint Materials/Acquisitor	24,000	24,084	165,000	165,000
20-431-7006	CAPITAL ROAD Maint (OSP)	234,900	234,900	220,000	220,000
20-431-7008	One-time road projects/equip exp	21,787	21,787	-	-
20-431-7400	Capital Equipment	-	-	-	-
20-499-9995	Contingency Reserve	200,000			
Total Public Works Expenditures:		549,187	324,117	438,500	438,500

Significant Changes

- \$385,000 in FY 21 Budget for street maintenance and ROW acquisition
- No COVID-19 Contingency as funds are restricted to only street projects

Dewey-Humboldt, Arizona

Grant Fund Expenditures

Proposed Budget

2020-2021

Grant Fund

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
Expenditures					
22-430-7800	CDBG Qualified Expenditures	14,000	14,000	345,170	345,170
22-430-7810	Misc Grant Expenditure	1,386,000	58,692	1,400,000	1,400,000
22-430-7820	Flood Control Expenditure	65,000	65,000	-	-
Total Expenditures		1,465,000	137,692	1,745,170	1,745,170

Significant Changes

- No Yavapai County Flood Control Funds available in FY 21

Dewey-Humboldt, Arizona

Capital Improvement Fund Expenditures

Proposed Budget

2020-2021

Capital Improvement Fund

Account Number	Account Title	FY2019-20 Adopted Budget	FY2019-20 Estimated to 6-30-20	FY2020-21 Proposed Budget (A)	FY2020-21 Proposed Budget (B)
Expenditures					
CIP Fund (Loan)					
Revenues					
30-100-3900	USDA Loan Proceeds	-	-	1,000,000	1,000,000
Total Revenues		-	-	1,000,000	1,000,000
Expenditures					
30-499-9996	City Hall	-	-	1,000,000	1,000,000
		-	-	1,000,000	1,000,000



COUNCIL COMMUNICATION

Regular Council Meeting Date: **May 19, 2020**

Agenda Item: **10.B.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Review, discussion and possible action relating to allowing or not allowing advertising and public comment in Town Media, including The Dewey-Humboldt Newsletter. Also included will be Council's previous discussion about posting a listing of all of the businesses in the Town on the website.

Background:

Staff has been receiving inquiries as to whether or not advertising and public comment letters are allowed in The Dewey-Humboldt Newsletter ("Newsletter"). There is no policy in place, approved by Council, relating to the Newsletter and the question of advertising and public comment, though in 2014, there was Council consensus to designate the Newsletter as a non-public forum – no advertising.

At the March 3, 2020 Council Meeting, Council revisited the matter, and directed staff to return with a draft policy and include options of varying levels of allowing advertising and public comment for Council consideration.

As an extension of the discussion, it should be noted that Town Media includes the Town website, social media, and constant contact emails, in addition to the Newsletter.

The attached draft policy includes various decision points for Council that include varying levels of allowing advertising and public comment.

At the March 17, 2020 Council Meeting, Council discussed the possibility of posting a listing of all businesses in the Town on the Town's website, which again raises issues of whether the Council wants to open its media elements to being a public forum for which 1st Amendment concerns must be considered. Council voted to continue it until Council discussed a policy for advertising in Town media. As Council is discussing advertising tonight, staff is also seeking Council input on a business listing on the Town's website.

By setting a policy, staff will be able to evaluate the requests for advertising in the Town Newsletter or listing on the Town website in accordance with the policy rather than having the Council make such decisions on an ad-hoc basis.

Financial Impact:

Newsletter costs vary depending on the number of inserts. In the current fiscal year, through March 2020, the Town spent \$13,913.89 on printing and postage. The annual budget for the Town's website is \$2,800. There is no cost for the social media platform. There are additional costs for staff time for managing each.

Direction Requested:

Staff is seeking Council direction on allowing or not allowing, and, if allowed, the level/amount of advertising and public comment allowed in Town media, including the Newsletter.

Staff's recommended direction is:

- Newsletter – Town business only (including content from outside public agencies.)
- Website – Town business only (including content from outside public agencies.)
- Social Media – Town business (including content from outside public agencies); allowing members of the public to comment, like, or interact with the Town's social media account

Town of Dewey-Humboldt
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Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

Suggested Motion:

For clarity, staff recommends Council make a separate motion for each individual decision point in the draft policy.

Attachments:

Draft Town Council Policy PG TC20-05; CAARF from Mayor Nolan dated March 17, 2020; excerpts of minutes from previous Council Meetings relating to this topic.



Town-Wide

Subject: Advertising and Public Comment in Town media, including The Dewey-Humboldt Newsletter

Effective Date:

1. **Scope.** This policy applies to allowing advertising and public comment in Town Media, as defined herein. Compliance with this policy of submitted material for publication on any Town media is determined by the Town Manager or designee.
2. **Purpose.** The purpose of this reference guide is to establish a Council-approved policy establishing the type of advertising and public comment in Town media.
3. **Background.**
 - 3.1. The Town publishes a monthly newsletter to keep the citizens of the Town informed of new developments in Town government and the services provided by the Town.
 - 3.2. The Town maintains a website on which updated news, codes, rules and regulations, forms, and similar information are posted for the use of Town citizens.
 - 3.3. The Town maintains social media accounts as another tool in which information is provided to the citizens of the Town.
 - 3.4. The Town maintains an email distribution groups, with the primary purpose of the group being for the Town to email Town news, announcements or information to.
4. **Definitions.** For the purpose of this policy, the following definitions shall apply:
 - 4.1. Advertisement of Advertising. Text and/or graphics that describes a transaction involving the offer of goods or services whether for commercial or charitable purposes.
 - 4.2. Articles. Text from a submitting organization describing its mission or an event sponsored by it.
 - 4.3. Governmental Agency. A public agency, as defined in state law, with which the Town partners through the form of an intergovernmental or other agreement to provide services that impact the Town and/or the community or a public agency that has jurisdictional powers within the Town.
 - 4.4. Public Letters. Letters submitted by a natural person and signed by that person for publication in the Town Media as space is available but does not include materials supporting or not supporting a candidate or an election issue of any kind.
 - 4.5. Non-profit organization. An organization that has received a federal non-profit status through the Internal Revenue Service.
 - 4.6. Organization. A natural person or a legal entity formed and in good standing under Arizona law.
 - 4.7. Private business. A for-profit organization.
 - 4.8. Public comment material. Material received from a member of the public or an entity other than those defined above for communication purposes. Public comment material may include an announcement meant for the community, a letter to the editor, or any other material.
 - 4.9. Town Media. Any medium of communication sponsored/paid for by the Town, including, the Dewey-Humboldt Newsletter, Town website, and Town social media accounts, or any substitute or additional medium sponsored/paid for by the Town in the future.

5. Policy requirements: Newsletter.

5.1. **Governmental Agencies.** The Town allows advertising from governmental agencies subject to the following.

5.1.1. Advertising from governmental agencies is limited to one full-page per month with a maximum of two pages per month for governmental agencies, on a first-come basis.

5.1.2. There is no cost for a governmental agency to advertise in the Newsletter.

5.2. **OPTION A – Non-Profit Organizations.** Non-profit organizations are allowed to advertise in the Newsletter only if the non-profit organization is physically located in Town limits.

5.2.1. Advertising shall be limited to one advertisement per month, no larger than one-quarter page. Advertising for all non-profit organizations shall be limited to one page per month in total, available on a first-come basis.

5.2.2. Advertisements are due no later than the 10th day of each month. Advertisements received after the 10th day will be placed in the queue for the next month's Newsletter if applicable.

5.2.3. There is no cost for a non-profit organization to advertise in the Newsletter.

5.2.4. No articles will be accepted from non-profit organizations.

OR

5.2. **OPTION B – Non-Profit Organizations.** Non-profit organizations are allowed to advertise in the Newsletter if the non-profit organization is physically located in Town limits and/or if the non-profit organization has received a monetary donation from the Town in the current or the previous fiscal year.

5.2.1. Advertising shall be limited to one advertisement per month, no larger than one-quarter page. Advertising for all non-profit organizations shall be limited to one page per month in total, available on a first-come basis.

5.2.2. Advertisements are due no later than the 10th day of each month. Advertisements received after the 10th day will be placed in the queue for the next month's Newsletter if applicable.

5.2.3. There is no cost for a non-profit organization to advertise in the Newsletter.

5.2.4. No articles will be accepted from non-profit organizations.

OR

5.2. **OPTION C – Non-Profit Organizations.** Non-profit organizations are allowed to advertise in the Newsletter if the non-profit organization provides a service to Town citizens.

5.2.1. Advertising shall be limited to one advertisement per month, no larger than one-quarter page. Advertising for all non-profit organizations shall be limited to one page per month in total, available on a first-come basis.

5.2.2. Advertisements are due no later than the 10th day of each month. Advertisements received after the 10th day will be placed in the queue for the next month's Newsletter if applicable..

5.2.3. There is no cost for a non-profit organization to advertise in the Newsletter.

5.2.4.No articles will be accepted from non-profit organizations.

5.3. **OPTION A – Private Businesses.** Private businesses are allowed to advertise in the Newsletter only if the private business is physically located in Town limits.

5.3.1.Advertising shall be limited to one advertisement per month per business, no larger than one-eighth page. Advertising shall be limited to one page per month, available on a first-come basis with the fee fully paid.

5.3.2.Advertisements are due no later than the 10th day of each month. Advertisements received after the 10th day will be placed in the queue for the next month’s Newsletter if applicable.

5.3.3.Prior to the advertisement being printed, the private business shall have paid the Town a fee as established in the Dewey-Humboldt Code of Ordinances comprehensive fee schedule.

5.3.4. Advertisements will be printed exactly as they were submitted. Town staff shall not verify the accuracy of articles, correct mistakes, or otherwise edit the article in any way.

5.3.5.No articles will be accepted from for-profit businesses.

OR

5.3. **OPTION B – Private Businesses.** Private businesses are allowed to advertise in the Newsletter if the private business is physically located in Town limits and/or the business owner resides in Town limits.

5.3.1.Advertising shall be limited to one advertisement per month per business, no larger than one-eighth page.

5.3.2.Advertisements are due no later than the 10th day of each month. Advertisements received after the 10th day will be placed in the queue for the next month’s Newsletter if applicable.

5.3.3.Prior to the advertisement being printed, the private business shall have paid the Town a fee as established in the Dewey-Humboldt Code of Ordinances comprehensive fee schedule.

5.3.4.Advertisements will be printed exactly as they were submitted. Town staff shall not verify the accuracy of articles, correct mistakes, or otherwise edit the article in any way.

5.3.5.No articles will be accepted from for-profit businesses.

OR

5.3. **OPTION C – Private Businesses.** Private businesses are allowed to advertise in the Newsletter if the private business provides a service or goods to Town citizens.

5.3.1.Advertising shall be limited to one advertisement per month per business, no larger than one-eighth page.

5.3.2. Advertisements are due no later than the 10th day of each month. Advertisements received after the 10th day will be placed in the queue for the next month’s Newsletter if applicable.

- 5.3.3. Prior to the advertisement being printed, the private business shall have paid the Town a fee as established in the Dewey-Humboldt Code of Ordinances comprehensive fee schedule.
- 5.3.4. Advertisements will be printed exactly as they were submitted. Town staff shall not verify the accuracy of articles, correct mistakes, or otherwise edit the article in any way.
- 5.3.5. No articles will be accepted from for-profit businesses.

OR

5.3. **OPTION D – Private Businesses.** Advertisements from private businesses are not allowed. Private businesses may be featured in a one-half page “Spotlight” article, subject to the following terms and conditions.

- 5.3.1. The private business shall be physically located in Town limits.
- 5.3.2. A call will be included in each November’s Newsletter, calling for businesses to respond with their interest in being featured in an edition of the following year’s Newsletter.
 - 5.3.2.1. Interested businesses shall respond to the call no later than close of business on December 1.
 - 5.3.2.2. Business names shall be drawn at a Council Meeting no later than the Council’s second Regular Meeting in December to determine which Newsletter the business will appear in.
- 5.3.3. Each business is responsible for preparing its own “Spotlight” article. Articles are due to the Town no later than the 10th of the month preceding the month in which the article will appear. If an article is not received by the 10th, no “Spotlight” article will be featured that month.
- 5.3.4. Articles will be printed exactly as they were submitted. Town staff shall not verify the accuracy of articles, correct mistakes, or otherwise edit the article in any way.
- 5.3.5. There is no cost for being featured in a “Spotlight” article.
- 5.3.6. Spotlight articles are not guaranteed a certain placement; they will be placed in the Newsletter in any available space.

5.4. **Public Comment.** Public comment material will not be printed in the Newsletter.

OR – In place of all of the above:

5.1. The Newsletter shall consist only of material prepared by the Town of Dewey-Humboldt and relating to Town business, services, or that are of a direct impact to the Community.

6. **Process: Town Website, Social Media, and Email Distribution groups.**

6.1. **Town Website.** The Town website is primarily utilized for the purpose of conveying Town updated news, codes, rules and regulations, forms, and similar information for the use of Town citizens or those who have business with the Town.

- 6.1.1. Upon written request to the Town Manager, the Town may allow a link, graphic, or brief article on the Town website from a governmental agency.

OR

6.1.1. Upon written request to the Town Manager, the Town may allow a link, graphic, or brief article on the Town website from a governmental agency or non-profit organization that is physically located in Town limits and/or that has received a monetary donation from the Town in the current or previous fiscal year.

6.1.2. Public comment material will not be posted on the Town website.

6.2. **Town Social Media.** Similar to the Town website, the primary purpose of Town social media is to serve as another tool by which updated information is communicated to the public.

6.2.1. Upon written request to the Town Manager, the Town may allow a link or graphic on the Town social media account from a governmental agency.

OR

6.2.1. Upon written request to the Town Manager, the Town may allow a link, graphic, or brief article on the Town website from a governmental agency or non-profit organization that is physically located in Town limits and/or that has received a monetary donation from the Town in the current or previous fiscal year.

6.2.2. Public comment material will not be posted on the Town's social media account; however, members of the public may comment on, like, or otherwise interact with the Town's social media page.

6.3. **Town Email Distribution Group.** The Town maintains an email distribution group for the purpose of communicating various news and announcements relating to Town business. At all times, members of the public who receive emails from the Town may unsubscribe or request to be removed from the email distribution group.

6.3.1. Upon written request to the Town Manager, the Town may allow material from a governmental agency or non-profit organization to be sent out using the Town's email distribution group.

6.3.2. In order to ensure that people are not receiving too many emails from the Town, each governmental agency and non-profit organization may submit no more than three emails per month to be sent to the Town's distribution group.

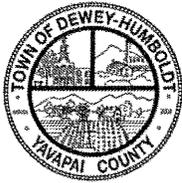
6.3.3. The Town Manager shall review and approve or reject all email requests prior to the email being sent to the Town's distribution group.

6.3.4. Distribution groups with a specific purpose, such as the agenda distribution group, shall only be emailed topics for which they purposely signed up for.

TERRY NOLAN, MAYOR _____

ATTEST:

TIMOTHY A. MATTIX, TOWN CLERK _____



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

Dewey-Humboldt

MAR 06 2020

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: March 17, 2020

Date of Request: March 06, 2020

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):
help the local businesses in the community

Purpose and Background Information (Detail of requested action). to list all Dewey-Humboldt businesses on the towns
Home page. giving the residents an opportunity to
fine a local business to do work for them.

Staff Recommendation(s): Staff recommends that, if Council wishes to proceed, the
Town Attorney be directed to research and gather information and return to Council.

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: oral

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.

Minutes Excerpt

Town Council Regular Meeting Minutes, March 17, 2020

of Dewey-Humboldt voted; seconded by Councilmember Collins.

Leigh Cluff spoke relating to the Mayor having been in office for eight or 10 years; and, if people want the Mayor in, they will vote him back in.

The motion by Vice Mayor Lance failed on a roll call vote 3-4. CM Brooks – aye; CM Collins – aye; CM Hughes – nay; CM McBrady – nay; CM Wendt – nay; VM Lance – aye; Mayor Nolan – nay.

Mayor Nolan moved to extend the Mayor's term to four years; seconded by Councilmember Hughes.

Councilmember Hughes spoke relating to Councilmembers having four-year terms; Council removing power from the Mayor's office; and, that if all offices are the same, they should be the same term.

Vice Mayor Lance spoke relating to the Mayor's office not being different from a Councilmember except as a deciding vote; having previously given the Mayor more power; and, the former Council's perception of the Mayor's abuse of power.

Councilmember McBrady spoke relating to putting it to a vote; seeing the benefits of a four-year term; and, that it should be the community who decides.

Ms. Bigelow stated that this item needs a document that sets out both the election and the ballot language, rather than doing it by motion.

Mayor Nolan moved to direct staff to come up with a statement for the election to be put on the ballot for a decision of the body from a two-year to a four-year term; seconded by Councilmember Hughes. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

E. Discussion and possible action relating to changing how the Vice Mayor is appointed (CAARF – Mayor Nolan)

Mayor Nolan introduced the item as follows: this item being to change how the Vice Mayor is appointed; needing a Vice Mayor perform the duties and the Mayor identifying the person to be the Vice Mayor; and, read Town Code Sections 30.031(E) and (F). The current process is for the next person in line to rotate and become Vice Mayor; when he calls the Vice Mayor to go somewhere for him, they are unable to do it.

Vice Mayor Lance and Mayor Nolan discussed that the Mayor has not contacted her; Vice Mayor Lance having presided over meetings; and, in the past, Councilmember Wendt sometimes being unable to take the Mayor's place due to appointments. They also discussed this going into effect for the next cycle and the next two Councilmembers in line not working.

Leigh Cluff spoke relating to Vice Mayor Lance being Vice Mayor throughout the rest of the year; and, asked Mayor Nolan what guarantee that he will be Mayor next time.

Councilmember Brooks spoke relating to the system being the most equitable, with the most senior Councilmember who has not served previously.

Councilmember Brooks moved to keep the Vice Mayor in a rotating position with the most senior Councilmember that has not previously served in line for Vice Mayor; seconded by Councilmember Collins.

Vice Mayor Lance spoke relating to the current way being fairest; it having worked for everyone involved; and, everyone having a chance to experience how to be Vice Mayor.

The motion by Councilmember Brooks passed on a roll call vote 5-2. CM Brooks – aye; CM Collins – aye; CM Hughes – nay; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

F. Discussion and possible action to direct staff to update the Town's website to have a webpage listing all of the businesses located in the Town (CAARF – Mayor Nolan)

Mayor Nolan spoke relating to this item being to list all businesses on the Town's homepage to help local businesses, giving residents an opportunity to find a local business to do work for them. The Town does not have a Chamber of Commerce.

Councilmember Brooks spoke relating to wanting to see a tab or link to a business directory, rather than posted directly on the website; supporting the idea; and, it being free of charge.

Councilmember Hughes asked about legal ramifications. Ms. Bigelow responded that it is the same as advertising, including not censoring businesses; listing or not listing all based on a criteria rather than the type of

business; and, being able to exclude a business if it is not legally operating, such as not paying for permits.

In response to Councilmember Collins, Ms. Bigelow stated that the Town may define what being located in Town means, such as the business being in Town or the owner living in Town.

Vice Mayor Lance spoke relating to not knowing all businesses due to not having a business license; and, asked if an adult bookstore would be allowed to advertise on the Town's website. Ms. Bigelow responded that the Town cannot make a differentiation based on the type of business.

Councilmember Wendt moved to hold off on doing anything on this CAARF until the Town gets more into the previous Newsletter advertising item that Council dealt with, and it is defined; seconded by Councilmember Hughes. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

G. Discussion and possible action to establish a stipend for members of the Town Council (CAARF – Mayor Nolan)

Mayor Nolan introduced the item as follows: this being to help Councilmembers for their work; read Town Code Section 30.017(A); and, noted that it would become effective at new Councilmember terms of office, rather during a sitting Councilmember's term.

Vice Mayor Lance and Mayor Nolan discussed the item, including that Mayor Nolan brought it forward because he thinks it's time to start paying Councilmembers; it being a stipend rather than a salary; the stipend possibly being \$100/month for the Mayor and \$50/month for Council; and, that Council receives reimbursement for travel.

Vice Mayor Lance spoke relating to a current Councilmember who receives a stipend being required to leave their seat of office in order to run for Mayor. Mayor Nolan spoke relating to this taking effect after the election and being for the new Council rather than the current Council.

Councilmember Brooks spoke relating to it being a burden on the Town to be paying a stipend until businesses are developed and paying taxes; and, Councilmembers receiving mileage reimbursement.

Councilmember Brooks moved to not change anything and not to provide a stipend for any of the Councilmembers. Councilmember Collins seconded the motion.

Councilmember Collins spoke relating to preferring that extra money to go to staff instead.

Vice Mayor Lance spoke relating to not asking for mileage reimbursement and Councilmembers being volunteers.

Leigh Cluff spoke relating to members of the public who volunteer; those in Firewise spending more time volunteering than anyone; and, a stipend would be slapping other volunteers in the face.

Barton Lee McLain spoke relating to finding it offensive that Council think they deserve a stipend when there is not a second road out of the Blue Hills.

Mayor Nolan spoke relating to, if there is a monetary value, there may be more people who run for office.

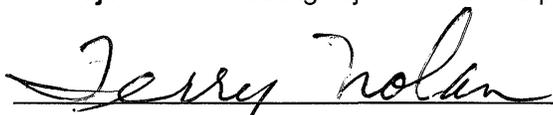
The motion by Councilmember Brooks, seconded by Councilmember Collins, passed on a roll call vote 5-2. CM Brooks – aye; CM Collins – aye; CM Hughes – nay; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

10. Consideration of additional Special Session(s) Whether to hold and, if so, set the date

A. Consideration of the previously scheduled Special Meeting on March 24, 2020; whether to hold, reschedule or cancel the Special Meeting

Councilmember Wendt moved to delay the March 24, 2020 meeting and reschedule it at a future date; seconded by Councilmember Hughes. Motion passed on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

11. Adjourn The meeting adjourned at 7:58 p.m.



Terry Nolan, Mayor

ATTEST: 

Timothy A. Mattix, Town Clerk

Minutes Excerpt

Town Council Regular Meeting Minutes, March 3, 2020

Vice Mayor Lance asked why it needs to be in Executive Session. Ms. Bigelow responded that she will give Council legal advice, which is normally done in Executive Session to keep the Privilege. Vice Mayor Lance asked how often members of the public are allowed in Executive Session; Ms. Bigelow responded that she does not know if it has been done, but that she thinks this would be the first time.

Mayor Nolan spoke relating to Executive Sessions normally not having a member of the public present; and, his thought that that she should be present as the Newsletter editor.

Councilmember Brooks spoke relating to adjourning into Executive Session to discuss the legal ramifications, and then returning for a public discussion with Ms. Rogers.

Councilmember Wendt asked if there can be an Executive Session where Council then comes back to discuss with the public. Ms. Bigelow responded that the legal advice would not be discussed with the public; item 11 will be for Council to discuss whether they want to have outside ads in the Newsletter; and, that the policy can be discussed, as well as what Council would like to do with it. Councilmember Wendt asked if it is possible to contact Ms. Rogers to see if she is on her way.

Councilmember Lance spoke relating to having an Executive Session, and then discussing it with Ms. Rogers and the public after the Executive Session.

Councilmember McBrady indicated that Ms. Rogers is on her way and will be here in about five minutes.

In response to Vice Mayor Lance, Ms. Bigelow noted that there will need to be a motion to waive the Privilege, with a majority vote to allow legal advice to be given without Privilege. Vice Mayor Lance spoke relating to making it open to the public if the Privilege will be waived.

Councilmember Brooks moved to go into Executive Session and discuss the legal ramifications of advertisement or not taking advertisements in Executive Session, come back out, and then have a public discussion, including the editor of the Newsletter; seconded by Vice Mayor Lance.

Councilmember Collins spoke relating to a previous Legal Opinion relating to advertising in the Newsletter; in response to Ms. Bigelow, Councilmember Collins noted that the legal opinion was released in 2012.

The motion to go into Executive Session passed on a roll call vote 4-3. CM Brooks – aye; CM Collins – nay; CM Hughes – aye; CM McBrady – nay; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

The Regular Meeting recessed at 6:56 p.m. for a five-minute break prior to Executive Session.

Vote to Recess to Executive Session

A. An Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for legal advice from the Town Attorney relating to advertising and public comment in Town media, including The Dewey-Humboldt Newsletter, and the establishment of a policy governing such

Close Executive Session/Reconvene Regular Meeting

The Regular Meeting reconvened at 7:28 p.m. All Councilmembers were present.

11. Direction to staff relating to establishing a policy governing advertising and public comment in Town Media, including The Dewey-Humboldt Newsletter (Staff CC)

Vice Mayor Lance requested Ms. Rogers give her thoughts on the matter, as well as the public.

Ms. Rogers spoke relating to her thought that the Town should advertise in the Newsletter; little businesses in the Town that would like to have some exposure; and, the Council deciding if it wants limits, such as for political advertising. Ms. Rogers also spoke relating to ad size, such as business card size or whole page ads; and, that she previously got permission to go to eight pages if necessary and the cost did not change much. Ms. Rogers also spoke relating to the expense being offset by ad cost; and, that there are other smaller newsletters that the Town could see what the going rate for advertising is.

Councilmember Brooks asked if it would be overwhelming if the Town accepted advertisements from Dewey-Humboldt businesses only. Ms. Rogers responded that initially, there would be time to get the kinks out; and, recurring items could be bumped to the next edition. Ms. Rogers also spoke relating to the Council determining if it will be limited to citizens and any limits on the kinds of ads to take.

Councilmember McBrady spoke relating to trying it and seeing what kind of response the Town gets for a three- or six-month period; and, some businesses possibly putting coupons in.

Councilmember Brooks asked if the Town will run into a headache from the northern boundary with Prescott

Valley and the businesses along Highway 69; Councilmember Hughes responded that it should be Town limits. Ms. Rogers suggested that if people pay for the ads, it could possibly spread out more into the community.

In response to Vice Mayor Lance, Mr. Hanks stated that the Newsletter is distributed in the Town, except along Highway 169, at White Horse Ranch where the route deliveries are not able to be broken out; additionally, people with a Dewey post office box would also receive it. Ms. Rogers stated that the distribution is based on carrier routes that pre-date the Town.

Vice Mayor Lance spoke relating to it being limited to Dewey-Humboldt businesses; not wanting the Newsletter to get out of control with things that are not Town-related, that could offend someone or become a problem for the editor or staff; and, supporting a business listing or doing a piece on businesses that want to be spotlighted.

Ms. Bigelow spoke relating to the discussion about ads being about both for-profit and non-profits; and, that the Town can't discriminate based on content, such as saying no to political ads from non-profits.

Leigh Cluff spoke relating to businesses like the Blue Hills Café, in Prescott Valley, while the owners live in the Town; and, asked if Town residents will get upset that they can't list their businesses that are outside of the Town.

Mayor Nolan moved to have staff draw up a policy concerning the newsletter and whether or not the Town is going to advertise, to get the policy started and then decide if the Town is going to advertise or not.

Mayor Nolan and Ms. Bigelow discussed non-profits possibly including something to offend everyone.

Councilmember Hughes asked to include in the policy that whoever the Town donates to is allowed to advertise in the Newsletter, and to give Council several options.

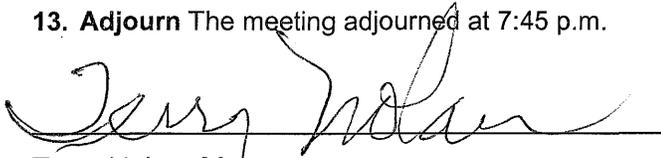
Councilmember Brooks seconded the motion. The motion passed on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

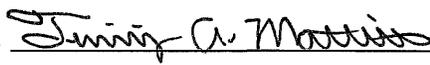
12. Consideration of additional Special Session(s) Whether to hold and, if so, set the date

Council discussed scheduling a Special Meeting for Building Codes, the topics that will be covered at the meeting, Councilmembers providing questions to Mr. Hanks prior to the meeting, and various dates and availability.

After discussion, Council scheduled a Special Meeting on Tuesday, March 24, 2020 at 6:30 p.m. for the Building Codes.

13. Adjourn The meeting adjourned at 7:45 p.m.


Terry Nolan, Mayor

ATTEST: 
Timothy A. Mattix, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL STUDY SESSION MINUTES
TUESDAY, SEPTEMBER 24, 2013, 2:00 P.M.**

A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 24, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DENNIS REPAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:03 p.m.

2. **Roll Call.**

2.1. Town Council. Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady (absent at roll call but arrived at 2:04 p.m.), Sonya Williams-Rowe (arrived late at 3:38 p.m.), Nancy Wright; and Vice Mayor Dennis Repan were present. Mayor Terry Nolan was absent.

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

3.1. Town Visioning Exercise Introduction presented by Richard Bowen, VP Economic Development at NAU. Review and Further Discussion.

Councilmember McBrady returned to meeting at 2:04 p.m.

Richard Bowen was present and gave an introduction on the type of work that he does for small rural communities. He reviewed what was necessary for the Economic Development process: community dialog; figure out how to work together; pull the leaders of the community together for a series of meetings; create a collaborative environment to pool resources and save duplicated efforts; be intentional and figure out D-H's natural niche; create consortiums, tax economic transactions to provide funding for a thriving community; create objects and break them down into "the nuts and bolts", then do something with the plan, take action. His work is to help communities grow appropriately for their situation and build an entrepreneurial culture, moving the community toward the general plan.

There were questions about growth with water and infrastructure concerns, and efforts to reach out to the community and businesses previously. Councilmember McBrady spoke on buying a water company to provide water for the town's citizens.

Mr. Bowen explained this process takes about 3 years. To start the first year they would hold summits (approximately 6) for input. Yavapai County should be part of the process too. Mr. Bowen would work with the town without any cost to the Town, and call it an update to the General Plan, long-term vision of the community. He can also help with the economic development portion of it too.

No action was taken; Council thanked Mr. Bowen for coming.

3.2. Town Newsletter Discussion. Clarification on policy and procedure regarding the newsletter.

Town Manager Kimball gave an overview of the direction she was looking for from the Council regarding the newsletter. The Editor of the newsletter, Denise Rogers was in attendance and joined the Council at the table for discussion.

1. Purpose of the newsletter? Should the newsletter be a non-public forum, limited public forum or designated public forum. Council consensus was to keep it a non-public forum, therefore they would not have advertising or citizen opinions.

Councilmember Williams-Rowe arrived at 3:38 p.m.

2. What is staff's expected role in the entire newsletter operation? Staff role has the overall authority. Council discussed what type of businesses can be included in the newsletter under new business. Only those that are within the town's limits. Educational, transportation, food bank or community cupboard articles are good. There was discussion on who can write articles and whether Council and Mayor should have an article. It was decided to have town news articles coming from staff only to keep any possible political flavor out of the newsletter. Council member articles will only be accepted if they are on an (agency) meeting report. Town Manager Kimball reiterated what she heard was to always have something under Town News from Staff. Editor Rogers suggested changing the heading to "News from Town Hall". Articles that are deemed to be non-productive or political would not be included in the newsletter. A notice of a personal event planned for the community by someone on the council will be placed on the bulletin board but an article will not go in the newsletter.

Yvonne Kimball explained she will contact the Town Attorney to draft a policy and will bring it back to the council for their review.

Councilmember Wright asked to move agenda item 4.1 next in line since Mr. Piper is in attendance to speak on this issue. It was addressed next and then Council resumed to the scheduled agenda order. (Please see 4.1 for these discussion minutes)

3.3. Council Code of Conduct further discussion. Continued from May 14th, June 11th, July 23rd, August 13th, and September 10th Council meetings.

Council returned to this agenda item after 4.1. Councilmember McBrady excused himself from the meeting at 5:10 p.m. explaining he had a prior commitment he had to leave for. He suggested they move 3.3 Code of Conduct to another meeting.

Vice Mayor Repan gave an overview and spoke on reviewing the violation process, which was the last portion of the Code of Conduct.

Councilmember Hamilton spoke on taking VM Repan's violation process and elaborating on it. This information was provided to Council after the packet was put together so many of the Council members had not had a chance to review or compare it to what VM Repan had provided Council.

Councilmember Williams-Rowe spoke on League conference information regarding fining for violations and she recommended they consider not having those fines.

It was explained that this document will go to the Town Attorney before adoption and the attorney can address those issues she feels are problematic.

There was discussion on censure and sanctions.

Vice Mayor Repan suggested moving this to next month's work session(s). This will allow them to review what CM Hamilton submitted and recommend any changes, looking into sanctions and censure. Town Manager Kimball stated she will place it tentatively on the October 8th works session and council can move it to a special "added" work session if they desire.

Town Council Study Session, February 12, 2013

Public comment was taken on this item.

Jack Hamilton spoke on there being a right-of-way that is not aligned with the current roadway, and recommended they find out where that ROW is located.

Jerry Brady spoke on the establishment of public lands and enumeration of properties under the Federal Fortification Act.

Vice Mayor Repan recommended directing staff to put this on another meeting for direction/action on what to do next, finding the end point for town owned section of roadway. Town Manager Kimball explained they would need to get a cost for the engineer to determine the end point through a survey.

3.3. Discussion on advertising in the Town Newsletter. If Council wishes to allow advertising then a clear written policy needs to be implemented. Discussion of pros/cons and related issues. [CAARF CM Wright – moved to Work Session for discussion from January 15, 2013 meeting]

Town Manager Kimball gave an overview and provided a sample policy from Peoria.

Councilmember Rogers spoke on the idea to have paid advertising to help off-set the cost of publishing and mailing the newsletter. There was discussion on current unwritten policy; analyzing costs, determining ad charges and who will administer the advertising process.

Public comment was taken on this item.

Jerry Brady spoke on losing immunity as a government through commercial uses and if charging for advertising must accept from all commercial enterprises.

There was discussion on who to accept ads from and whether to offer free ads for businesses in town. Councilmember Wright recommended they obtain estimates and analysis and discuss this again in the budget process.

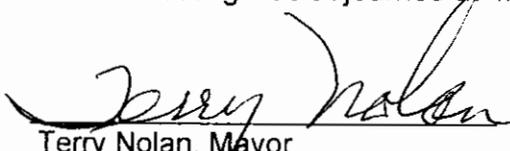
4. Comments from the Public.

Jack Hamilton spoke on Old Black Canyon Highway and historically being County maintained; how many people this ruling will affect and concerns for diminished property values.

Jerry Brady spoke on Monogram wanting to abandon the road; the Town never taking collateral action to bring the road back in to the town; Federal and State Fuel tax reports; and updating data and laws affecting OBC.

5. Adjourn.

The meeting was adjourned at 4:05 p.m.


Terry Nolan, Mayor

ATTEST:


Judy Morgan, Town Clerk

Councilmember Repan spoke on Dewey-Humboldt being a road program, finding a formula to cut the budget across the board, and looking at roads separately.

Councilmember Hiles commended the Town Manager for her work on balancing the budget and spoke on postponing the chip seal project if not intended for this year.

Town Manager Kimball spoke on the HURF fund reduced throughout the year significantly. She spoke in support of Ed's work in Public Works and the reasoning for suggesting the chip seal project this year, and her job being to implement Council's priorities and policies.

Councilmember Wright spoke on recurring road work and the inability to use unassigned funds.

Town Manager Kimball spoke on moving salaries from HURF to General Fund (Public Works/Engineer). She spoke on whether she would need to hire a second accountant, and explained possible lower insurance costs.

Councilmember Rogers left the dais at 11:18 A.M.

Councilmember Wright spoke on having the insurance broker provide accurate information on insurance costs; Town Manager Kimball offered to schedule the broker to speak with Council.

Councilmember Rogers returned to the dais at 11:20 A.M.

Councilmember Wright spoke on contingency being something that can be pulled for one-time purpose and requested detail of the budget.

There was discussion about the newsletter, the Council, Mayor and Management budget, training and the roving dumpster program.

Councilmember Hiles made a motion to approve reducing the dumpster program to one time per year, seconded by Councilmember Wright. The motion passed by a 2-4 vote, Councilmembers Hiles, Repan, Rogers and Wright voting in favor and Councilmember Dibble absent.

Mayor Nolan spoke on other local municipality dumpster programs and how often they occur. There was discussion about the most recent dumpster day and collaborating with other local municipalities.

Councilmember Wright made a motion to remove Box City and Citizen's Academy from the Neighborhood Outreach Program, seconded by Councilmember Rogers. The motion passed by a unanimous vote.

Town Manager Kimball spoke on grant monies, and the Citizen's Academy being a good program but since usually a small group going through, those interested can meet with the Town Manager.

Councilmember Repan spoke on Citizen Academy graduates with the Town.

Mayor Nolan made a motion to delete the newsletter. The motion failed for lack of a second.

There was discussion about publishing the newsletter quarterly, monthly with fewer pages, sending via email, advertising, ability to reach more people via newsletter and the response from the attorney about the newsletter.

Councilmember Rogers made a motion to waive the confidentiality of the Attorney's newsletter response, seconded by Councilmember Hiles. The motion passed by a unanimous vote.

Councilmember Rogers spoke on the Attorney's response, noting there can be advertising. Town Manager Kimball spoke on creating a policy, the cost of asking for Attorney opinion on policy may be equal to amount saved, even if policy created in-house. Councilmember Wright suggested going by the guidelines the Attorney suggested in the response.

Vice Mayor McBrady made a motion to cut the newsletter budget to \$10,000 and accept advertisements, seconded by Mayor Nolan. The motion failed by a 2-4 vote, Councilmembers Hiles, Repan, Rogers and Wright voting against and Councilmember Dibble absent.

There was discussion about scheduling future budget meetings. Mayor Nolan made a motion to approve scheduling a meeting on May 29, 30, 31st from 10 A.M. – 12 P.M., seconded by Vice Mayor Mark McBrady. The motion failed by a 3-3 vote, Councilmembers Hiles, Repan and Wright voting against and Councilmember Dibble absent.

Councilmember Wright chaired the meeting beginning at 11:57 A.M. as the Mayor left the meeting and the Vice Mayor was scheduled to leave shortly.

Town Council decided to go through the budget department by department, line item by line item.

There was discussion about Engineering with Town Manager Kimball noting that roads fall under HURF.

Councilmember Wright made a motion to move \$9,000 of OSP Engineering into OSP Professional, seconded by Councilmember Repan. The motion failed by a 0-5 vote, Councilmembers Hiles, Repan, Rogers, Wright and Vice Mayor McBrady voting against and Councilmember Dibble and Mayor Nolan absent.

Councilmember Nancy Wright made a motion to reduce OSP Engineering to \$1,000, seconded by Councilmember Hiles. The motion passed by a unanimous vote.

Vice Mayor McBrady left the meeting at 12:15 P.M.

Councilmember Hiles spoke on reducing budget line item 10-431-7001 Road Facility Acquisition.

Councilmember Hiles made a motion to change the \$25,000 figure in 10-431-7001 Road/Facility/Acquisition to \$2,000, seconded by Councilmember Rogers. The motion passed by a unanimous vote.

Public comment was taken on this item.

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 • Fax 928-632-7365

Dewey-Humboldt

MAY - 5 2020

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: When available

Date of Request: 5-5-20

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):

Seek Consensus to direct staff to post link to the www.laser-shelter.org Barn Animal Shelter website

Purpose and Background Information (Detail of requested action). FIRE

Season is here - this would be very valuable/necessary info. for evacuation - Also put a mention in town newsletter if possible

Staff Recommendation(s): _____

Budgeted Amount: _____

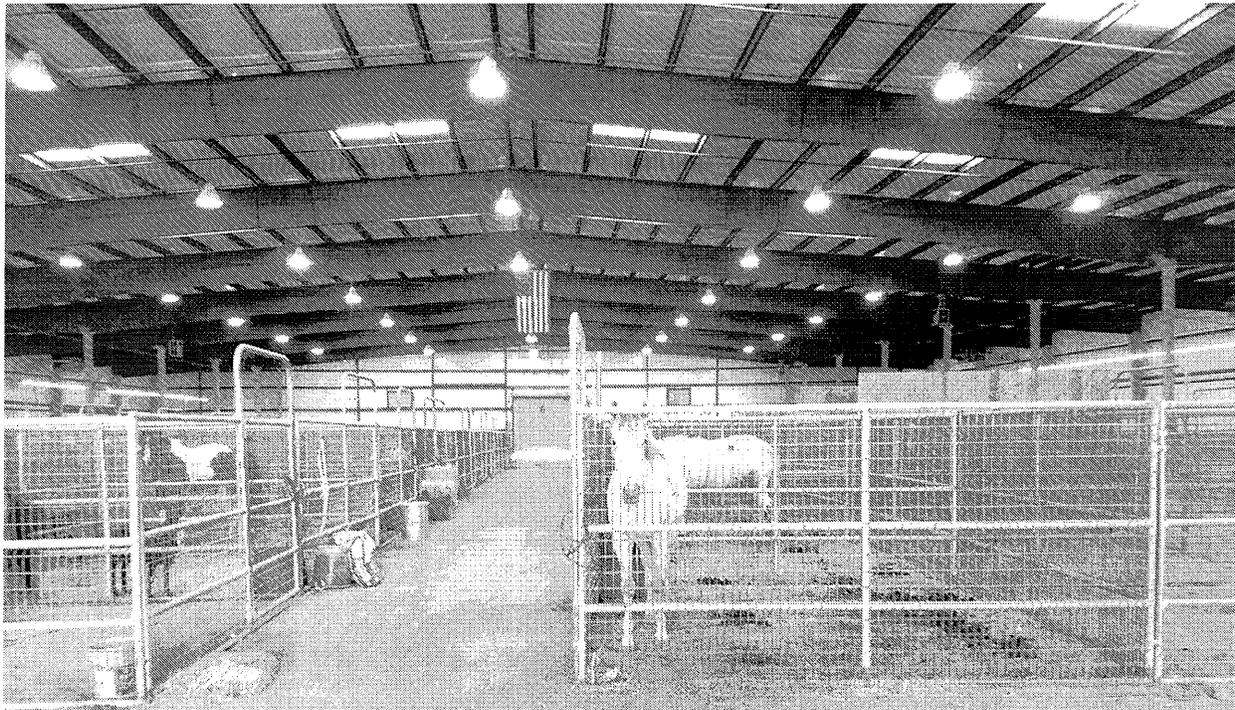
List All Attachments: Print out of Laser-shelter website page

Type of Presentation: oral

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: Lynn Collins

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.



Our Mission is to provide safe shelter for barn animals during evacuations in Yavapai County and to provide information for emergency preparedness.

ANIMALS WE SHELTER

- Horses (mares, geldings, stallions)
- Miniature horses/Ponies
- Mules/Donkeys
- Goats, Sheep, Chickens, Pigs,
- Rabbits
- Llamas/Alpacas

WE DO NOT ACCEPT CATTLE.

BASIC SHELTER RULES

- Only credentialed LASER volunteers and animal owners, 16 years old and up, are allowed in the shelter
- LASER provides alfalfa and grass hay and water. We do not give supplements during sheltering.

A member of COAD, serving Yavapai County, Arizona



OUR VISION: EVERY BARN ANIMAL HAS A SAFE HAVEN
IN DISASTERS

**A nonprofit, 501(c)3 organization
of community volunteers working with the direction of
Yavapai County Emergency Management**

In times of crisis, your STABLE solution

**When there is a disaster
the shelter location will be
posted here**

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TOWN OF DEWEY-HUMBOLDT
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HUMBOLDT, AZ 86329
Phone 928-632-7362 • Fax 928-632-7365

RECEIVED
MAY 18 2020

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: May 19, 2020

Date of Request: May 7, 2020

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):

PLEASE REMOVE THE CAARF FROM THE TABLE ABOUT CITY BUSINESS LICENSES AND VENDOR

Purpose and Background Information (Detail of requested action). LICENSES

PER MS. WALKER'S PRESENTATION ON MARCH 10, 2020, I THINK IT IS THE APPROPRIATE TIME TO EXAMINE INSTITUTING BUSINESS

Staff Recommendation(s): LICENSES AND VENDOR LICENSES.

If Council desires to consider the licenses, for this agenda item a motion to take the item from the table is appropriate. If approved by Council, the next agenda item is to discuss the draft ordinance provisions.

Budgeted Amount: 0

List All Attachments: Excerpt of minutes from October 1, 2019

Type of Presentation: ORAL

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: N/A

Contact Person: KAREN BROOKS

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.

EXCERPT OF REGULAR MEETING MINUTES – OCTOBER 1, 2019

A. Discussion and possible direction from the Town Council to the Town Attorney on the provisions of the draft ordinances establishing business licenses and peddlers' licenses (Staff CC)

Ms. Bigelow stated that tonight's item is to get Council feedback on the draft ordinances. She provided an overview of the business license ordinance, including a business license being required for any business activity; the business license being \$25 per year; a list of exemptions, including casual yard sales, churches, schools, and other entities in the draft ordinance; and, a license is required prior to conducting business and for each kind of entity that an individual has. If a license is applied for in the last quarter of a year, it would run for the next year so that they are not paying in the last quarter and then again in January. The ordinance includes items that can cause revocation and licenses are non-transferrable.

Councilmember Collins spoke relating to casual sales being defined as being on no more than three separate occasions. Ms. Bigelow confirmed that it needs to be casual; it can't be held every Saturday because it is no longer casual; the definition goes along with what is taxed by transaction privilege tax requirements. Councilmember Collins spoke relating to the number of casual sales she had when she first moved and people using casual sales to make ends meet. Ms. Bigelow responded that the number is a placeholder and the Council may want to change the number. Councilmember Collins and Ms. Bigelow discussed more firmly defining the word "occasion" in the ordinance.

Councilmember Brooks spoke relating to casual sales, gave an example of having yard sales while also posting a vehicle for sale, where people are not coming in mass to the house, and about the ordinance making distinctions in cases like this. She spoke relating to violations resulting in the loss of license, of the Town trying to clean up codes and penalties, and not using a Town license as a punishment.

Ms. Bigelow spoke relating to the ordinance anticipating that applications will go to the Fire district to review licenses, which could require individuals to put in fire alarms and other safety measures. Some home businesses that may not have gotten a permit may be impacted. She also spoke relating to types of businesses where people come in one at a time, those where nobody would come to the house, and asked Council if it makes sense to have a fire review for the license. Vice Mayor Wendt spoke relating to the Town's existing home occupation permit in the codes. Mr. Hanks stated that a permit is required for home occupations, and discussed looking at the number of people coming in and whether a fire safety inspection is required; the number who have applied for a home occupation permit is very few.

Councilmember Brooks asked if the Town has codes that cover this, rather than being connected to business licenses. Ms. Bigelow stated that the ordinance requires going through the permit process. Councilmember Collins spoke relating to the home occupation permit code requiring it to not look like a business, people not wanting to apply for a permit due to the number of conditions imposed, and it not being business-friendly.

Councilmember Brooks spoke relating to looking at the home occupation permit code at the same time as the business license ordinance, and making it as customer-friendly as possible. Councilmember Collins spoke relating to other towns having business incubators; the Town has them, but they are hiding due to code requirements. Ms. Bigelow spoke about home-based businesses and the different levels of impact, conditions for home-based businesses, and the state legislature looking into the issue.

Ulys Brooks spoke relating to businesses needing to pay for both a home-based business permit and a business license being double-taxation. Ms. Bigelow stated that if the Council wants, the business license fee could be comped if an individual pays for the home occupation permit.

Jack Hamilton spoke relating to non-local businesses also being required to get a license; Prescott using their license to build a directory of businesses that nobody used; the Town not being able to collect financial information on businesses; the Town being complaint-driven and someone needing to file a complaint; and, putting a burden on everyone to have to come in to fill out the form, and on the Town to verify the information and being liable if a license is issued for a fraudulent business. He also spoke about the Code Enforcement Officer enforcing the ordinance; the amount of time it will take to enforce the ordinance; business licenses not being community enhancement; people will find it oppressive; and, the cost of going to Court to enforce the ordinance.

Councilmember Collins spoke relating to business licenses providing valuable demographic information.

Councilmember Hughes spoke relating to it not working in Prescott; Prescott established business licenses to see the group homes in the City; Prescott getting rid of their ordinance; Council having more pressing things to do; the ordinance requiring Police to enforce it; and, stipulations that can be brought against people. He also spoke relating to the existing home occupation permit and the Town not knowing how many there currently are.

Councilmember Collins spoke relating to the peddlers license ordinance, which requires the Sheriff to enforce it; Ms. Bigelow responded that the Council will determine who will enforce it, such as Finance or Code Enforcement, and spoke of determining whether violations should be criminal or civil, and of being able to get the categories of

businesses who pay taxes. Councilmember Collins continued, speaking relating to Town Code § 10-99 of the code, its history and relying on it for penalty provisions.

Councilmember Brooks spoke relating to going back and working on the codes first and then determining if the Town needs a business license; trying to get a business directory in other ways; and, of putting these off instead of trying to mandate them by January 1, 2020. Councilmember Collins spoke relating to starting with the home occupation permit code. Vice Mayor Wendt concurred with Councilmember Hughes and spoke of putting this to bed for a while and working on other items first.

Mike Donovan spoke relating to using Google Maps to query businesses in the Town; using Google Maps, he got a list of 500-600 businesses. Vice Mayor Wendt requested Mr. Donovan share the list with Mr. Hanks.

Tom Mallette spoke relating to having three licenses already and not needing any more; and, the way it is written, with a bond required, no vendors will come to the Town.

Gary Mortimer spoke relating to being concerned about outside companies, vendors and contractors who should be paying local sales tax, and what the Town can do to ensure that taxes are paid. Ms. Bigelow responded and spoke of the state taking on sales tax collection, a statewide conversation about prime contractor tax, and the state being responsible for enforcement and ensuring that taxes are paid and go to where the work is being done.

Councilmember Hughes spoke relating to realtors not being required to have a business license if their office is not located in the Town.

Councilmember Hughes moved to table this and go back to it in a year, and in this time to go back and get some ideas with that [on proceeding]; seconded by Councilmember Collins. Motion passed on a voice vote 4-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – excused; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – excused.

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **May 19, 2020**

Agenda Item: 10.E.

(as presented October 1, 2019)

Submitted by: Kay Bigelow, Town Attorney

Subject:

Discussion and direction from council members on new ordinances establishing business licenses and peddlers' licenses.

Background:

In prior Town Council meetings, council members instructed staff to draft ordinances establishing business and peddlers' licenses.

The Arizona League of Cities and Town has issued the attached memorandum about the state restrictions and League recommendations for business license ordinances at the municipal level.

One of the League recommendations is to have uniformity among the municipalities' business license regulations. These two drafts are modeled after the City of Prescott ordinances for these types of activities.

These are drafted to be placed in Title XI of the Town of Dewey Humboldt Code (Business Regulations) but there are some other options for placement in the code.

Financial Impact:

\$25 Business license fee

\$25 Peddler license fee with each worker paying \$10 fee

Direction Requested:

Staff requests Council give the Town Attorney and other staff direction on the draft ordinances so that finalized ordinances can be brought for adoption at a later Town Council meeting.

Suggested Motion:

For: n/a

Against: n/a

Attachments:

Draft Business License ordinance, Draft Peddlers' License ordinance, Arizona League of Cities and Towns Restrictions & League Recommendations, Draft Business License Notice of Intent to Establish Fees and Report; Draft Peddlers' License Notice of Intent to Establish Fees and Report

Town of Dewey-Humboldt

P.O. Box 69

Humboldt, AZ 86329

Phone: 928-632-7362 | Fax: 928-632-7365

Title XI Business Regulations

Chapter 112: Business License

§112-1 DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Business activity" means transactions or orders for goods and services with a financial exchange, and shall include any trade, event, amusement, profession, occupation, or performance of services whether engaged in for profit or not for profit.

"Casual activity or sales" means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business for which a license is required. The sale, rental, license for use, or lease transaction concerning real property shall not be treated, or be exempt, as casual. Examples of casual activities or sales include but are not limited to:

1. Individuals engaging in private sales activities, such as the sale of a personal automobile or yard sale, on no more than three (3) separate occasions during any calendar year.
2. Persons under the age of eighteen (18) years engaged in part-time or seasonal employment while still attending school full time.
3. Musicians, musical groups and other performers and entertainment activity performed at a local venue or special event, excluding carnivals or circuses.

"Delivery" includes wholesale or retail deliveries.

"Person" includes all individuals and legal entities which may, under applicable law, conduct business.

"Profession" means any occupation which requires advanced learning acquired by a prolonged course of specialized intellectual instruction or which involves original or creative work depending primarily on invention, imagination, or talent, including, but not limited to, accountants, architects, artists, attorneys, dentists, doctors, medical technicians, nurses, engineers, surveyors, and veterinarians.

"Residential real property rental" means the business of offering for rent, lease or license a building or structure that is used for a home or residence by one (1) or more persons who maintain a household. It also may mean a mobile home offered for rent, lease or license by one (1) or more persons who maintain a household regardless of ownership of the land upon which said mobile home sits. This definition does not include business activities, such as assisted living or behavioral health residential facilities, and/or any other business operation that does not meet this definition of a residential real property rental.

"Separate business location" means a different physical address or branch location of the same business or franchise. A single business occupying more than one (1) suite in the same building does not constitute a separate business location.

"Special event" means any fair, parade, march, motorcade, ceremony, show, exhibition, procession, festival, street dance, circus, carnival, concert, performance, rodeo, organized race, seasonal/holiday sales lot or other temporary activity which invites public participation and patronage (with or without charge) whether held on public or private property. Special events do not include block parties or private events to which the public is not invited or allowed to participate.

"Special event organizer" means an individual or entity who promotes, schedules, contracts for, or otherwise arranges for a sales event, show, exhibition or any other public event where other individuals gather to sell, show, exhibit, display, entertain or in any other way render services to the general public.

"Vendor" means any person or entity engaging in business activity in special events. "Vendor" does not include entities who distribute information only at the event.

§112-2 LICENSE REQUIRED; EXEMPTIONS:

(A) Any person or entity engaging in business activity within the Town, including businesses that have locations outside the Town limits, except for those persons or entities specified in subsection (B) of this section, shall be required to obtain a Business License pursuant to this chapter (hereinafter "Business License") and to pay an annual license fee.

(B) The following persons, when engaging in activities subject to the following licensing provisions, shall not be required to obtain a license:

1. Casual activity or sales.
2. Churches as religious institutions engaged solely as a place of worship.

3. Schools whether public or private.
4. Governmental entities, whether federal, state or municipal.
5. Political organizations and homeowner associations as defined and registered by the Internal Revenue Service (IRS).
6. Businesses physically located outside the municipal limits whose only contact within the Town is the delivery of pre-ordered goods.
7. Employees or independent contractors for another person or entity which holds a Town license for such business activity.
8. Residential real property rental.
9. Sober living homes as defined in A.R.S. § 36-2061.
10. All exemptions granted pursuant to the Arizona Revised Statutes.

(C) It is unlawful for any person to practice, transact or carry on any business within the municipal limits of the Town without first having procured a Business License from the Town to do so, or without complying with any and all regulations of such business designated in this chapter.

(D) A separate license shall be obtained for each branch or separate place of business within the Town and for each business transacted or carried on at the same place or location. Each license issued shall authorize the licensee to practice, transact and carry on only that business set forth on such license and only at the location or place of business described thereon.

(E) A single license will be required for multiple professionals co-located at a single business address.

(F) Special event vendors and special event organizers engaging in business activity are required to obtain a Business License, unless already possessing an annual license to operate in the Town. All vendors and organizers must also comply with the Town Tax Code. In addition, all special event organizers shall furnish a list of all vendors participating in the event, including information requested by the Town Finance Department, ten (10) days before the event or the date otherwise agreed upon by the Town Finance Department and the organizer. Failure to provide the requested information may be grounds for disallowing future events.

§112-3 APPLICATION AND ISSUANCE; APPROVALS REQUIRED:

(A) Every person seeking a Business License must complete an application and furnish the information requested by the Town. The Town reserves the right to request any information deemed necessary to insure public safety and the collectability of license fees. Refusal to provide any requested information is grounds for denial of license.

(B) If the business is to be located within the Town limits, the application may require approval by the appropriate department(s) prior to the issuance of a Business License.

§112-4 LICENSE TERM AND FEES; PENALTIES:

(A) The license fee shall be \$25.00.

(B) The Business License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee.

(C) Proration of license fees is not allowed. According to departmental policy, new license applications received within the fourth quarter of the year may be granted an expiration date through the following calendar year.

(D) The annual license renewal fee is due on or before January 1st of each year and delinquent if not paid and received on or before the last business day of January.

(E) The annual license fee is subject to a fifty percent (50%) penalty if the annual license fee is not paid within thirty (30) days of beginning business within the Town. The annual license fee is delinquent and subject to the fifty percent (50%) penalty if not paid and received on or before the last business day of January.

(F) Penalties may be waived in accordance with Town departmental policy.

§112-5 CANCELLATION, REVOCATION, OR DENIAL OF BUSINESS LICENSE:

(A) A Business License issued under this chapter may be cancelled or revoked at any time during the term of such license, or the application or renewal may be denied if the Town or its designee determines that a person or entity owning or operating the business or an employee of the business has violated one or more of the following:

1. Failed to provide complete and accurate information of the applications required by this chapter; or
2. Failed to renew Business License when required; or

3. Failed to pay the Business License fees in full when due and payable; or
4. Violated or is not in compliance with either Dewey Humboldt Town Code, Dewey Humboldt Land Usage code sections, or the Arizona Revised Statutes; or
5. Been determined by the Town to owe delinquent Town transaction privilege taxes, and/or other delinquent fees payable to the Town.

(B) A notice of cancellation or refusal to issue or renew, or the revocation of an existing license, will be given to the applicant(s) and licensee(s), specifying the nature of the violation(s). Notice shall be delivered or mailed to the address of the applicant(s), licensee(s), or statutory agent(s), as shown on the current Business License application. The giving of notice shall be completed upon the date of mailing or delivery.

(C) No Business License revoked or cancelled pursuant to this section shall be reinstated until the cause for cancellation has been fully rectified and a new fee collected.

(D) It is unlawful for any person to continue to engage in or conduct any business within the Town upon the revocation or nonrenewal of that person's Business License until it has been secured. In the event a person violates this subsection, the Town may seek, in addition to all remedies available in this code, an injunction in the Yavapai Superior Court enjoining the violator from engaging or continuing in business within the Town until such person has complied with this chapter.

§112-6 NONTRANSFERABILITY; DISPLAY:

(A) Business Licenses are not transferable.

(B) Every licensee under this chapter shall display the license conspicuously at the applicable place of business and shall upon demand display the same to the Town police or other designee of the Town. If the licensee does not have a place of business within the Town limits, the license shall be kept on the person conducting the licensee's business.

§112-7 COMPLIANCE WITH OTHER LAWS:

The granting of a Business License is not deemed as evidence or proof that the business is in compliance with other ordinances of the Town, nor shall it stop the prosecution by the Town for any such violations of the Town Code.

§112-8 Penalty

Civil offense or misdemeanor?

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Title XI Business Regulations

Chapter 111: Peddlers and Solicitors

§ 111 -1 DEFINITIONS:

When used in this chapter, the following terms have the following meanings:

PEDDLER: Any person, whether a resident of the Town of Dewey Humboldt or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

PORTABLE SIGN: Any sign not permanently affixed to the ground or the structure on the site it occupies.

SIGN: As defined in Section 153.005 

SOLICITOR: Any person, whether a resident of the Town of Dewey Humboldt or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition includes any person who, for himself, or for another person, hires, leases, uses or occupies any approved building, structure, room in hotels or motels, shops or other approved structures within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.

SPECIAL EVENT: Any fair, parade, march, motorcade, ceremony, show, exhibition, procession, festival, street dance, circus, carnival, concert, performance, rodeo, organized race, seasonal/holiday sales lot or other temporary activity which invites public participation and patronage (with or without charge) whether held on public or private property. Special events do not include block parties or private events to which the public is not invited or allowed to participate.

SPECIAL EVENT VENDOR: Includes any person, whether a resident of the Town or not, who engages in a temporary business of fabricating, displaying, or selling goods or handcrafted objects, curios and textiles, and who in furtherance of such purpose occupies a space, stall, booth or other temporary structure on location in conjunction with, associated with, or attendant to a special event.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TEMPORARY SIGN: Any sign not intended for permanent display.

§ 111 -2 LICENSE REQUIRED:

(A) Requirement. It is unlawful for any peddler or solicitor to engage in any such business within the Town without first obtaining a license therefor in compliance with the provisions of this chapter.

(B) Prohibited Practices.

1. It is unlawful for any peddler or solicitor to make exclusive use of any location to any street, alley, sidewalk or right-of-way for the purpose of selling, delivering or exhibiting goods or merchandise.
2. It is unlawful for any peddler or solicitor to operate in a congested area where such operation impedes or inconveniences the public use of such street, alley, sidewalk or right-of-way.
3. It is unlawful for any peddler or solicitor to display signs on the exterior of any structure; no signs or temporary signs shall be allowed.
4. It is unlawful for any peddler or solicitor to occupy any property or structure for the purpose of selling or delivery of goods, wares or merchandise within the Town, unless said structure or property conforms with the Dewey Humboldt Land Development Code. It is the responsibility of the licensee to assure that approval of each specific structure or property is clearly listed on any license issued under this chapter.
5. It is unlawful for any person to exhibit any copy or facsimile of the original license issued under this chapter.

§ 111 -3 EXEMPTIONS:

(A) The terms of this chapter do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper carriers, nor to the acts of merchants or their employees in delivering goods in the regular course of business.

(B) Nothing contained in this chapter prohibits any sale required by statute, or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

(C) Those persons who have had prior contact with the owners or occupants and have been invited to a private residence for the purpose of making sales, soliciting orders, or delivering goods shall be exempt from the provisions of this chapter.

(D) Special event vendors are exempt from this chapter when they are approved participants of the event by the show organizer, promoter or sponsor.

(E) Religious, Charitable, and Other Federally Exempt Organization. Any organization, society, association or corporation desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than a member of such organization upon the streets, in office or business buildings, by house-to-house canvass, or in public places for a charitable, religious, patriotic, philanthropic, fraternal, public service or other similar purpose.

§ 111 -4 APPLICATION:

Licenses in this chapter are in addition to the business license provisions in Chapter 4-6. Applicants for a license under this chapter shall file with the Town Finance Director a sworn application in writing on a form to be furnished by the Town Finance Director. The Town reserves the right to request any information deemed necessary to insure public safety and the collectability of license fees. Refusal to provide any requested information is grounds for denial of license.

At the time of filing the application, a nonrefundable fee of fifty dollars (\$25.00) shall be paid by the applicant to cover the cost of processing. Upon approval of the application by the Town, the applicant shall pay a fee of ten dollars (\$10.00) for an identification card. The applicant may authorize up to twenty (20) identification cards to be issued under his license for employees, agents or independent dealers handling his products. If the applicant wishes to authorize more than twenty (20) identification cards, he must make a special request, in writing, to the Chief of Police. The Chief of Police will indicate his approval or disapproval on the written request and return it to the Finance Department. Employees, agents or independent dealers must complete applications for such cards, and there will be a fee of ten dollars (\$10.00) for each identification card issued.

§ 111 -5 ISSUANCE:

Upon payment of the prescribed fee, the Town Finance Department shall deliver to the applicant his identification card. Such identification card shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, date of issuance, the license number, and other identifying description of any vehicle used in such

licensed business. Each peddler or solicitor must secure a personal identification card from the Town Finance Department. No identification card shall be used at any time by any person other than the one to whom it is issued. The Finance Department shall keep a permanent record of all licenses and identification cards issued.

§ 111 -6 BONDS:

(A) Every applicant for a license issued under this chapter shall post a cash bond with the Town Finance Director in the amount of two hundred dollars (\$200.00) for the applicant, plus one hundred dollars (\$100.00) for each employee, agent or independent dealer acting in the capacity of peddler or solicitor. The total bond required shall not exceed one thousand dollars (\$1,000.00). This bond is to assure compliance with the provisions of this chapter and shall be forfeited if the licensee or any of his employees, agents or independent dealers are found to be in violation of any of the provisions of this chapter.

(B) Upon surrender by the licensee of his peddler or solicitor license and of all identification cards of his employees, agents or independent dealers to the Town Finance Department, the bond shall be returned in full; provided, all fees, taxes or other encumbrances are paid; and further provided, that the licenses and identification cards are surrendered within sixty (60) days of their expiration date.

§ 111 -7 LOUD NOISES AND SPEAKING DEVICES:

No licensee, nor any person on his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound-amplifying device upon any of the streets, alleys, parks or other public places of the Town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§ 111 -8 EXHIBITION OF LICENSE:

Licensees, employees, agents and independent dealers are required to exhibit their original identification card at the request of any citizen. Exhibition of any copy or facsimile of the card shall not be considered compliance with this section.

§ 111 -9 DUTY OF POLICE TO ENFORCE:

It shall be the duty of the police of the Town to require any person peddling or soliciting to produce his identification card when such person is not known by the officer to be duly licensed. Such police officer shall enforce the provisions of this chapter against any person found to be violating the same.

§ 111 -10 RECORDS:

The Chief of Police shall report to the Town Finance Director all convictions for violation of this chapter and the Town Finance Director shall maintain a record for each license and identification card issued and record the reports of violation therein.

§ 111 -11 REVOCATION OF LICENSE:

(A) Licenses issued under the provisions of this chapter may be revoked by the Town Manager after twenty-four (24) hours' notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or incorrect statement contained in the application for license.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor or peddler.
3. Any violation of this chapter.
4. Conviction of any crime or misdemeanor.
5. Conducting the business of peddler or solicitor as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a license shall be given by the Town Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least forty eight (48) hours prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least forty eight (48) hours prior to the date set for hearing.

§ 111 -12 APPEAL:

Any person aggrieved by the action of the Chief of Police or the Town Finance Director in the denial of a permit, license or identification card as provided in Sections § 111 -5 and § 111 -6 may appeal to the Town Manager. Such appeal shall be made by filing a written statement setting forth fully the grounds for the appeal. Such statement must be filed within forty five (45) days of receipt by the applicant of notice of denial of the permit, license or identification card. The Town Manager shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section § 111 -12 for notice of hearing on revocation.

§ 111 -13 REAPPLICATION:

No licensee or company whose license has been revoked or refused shall make further application until at least one (1) year has elapsed since the last previous revocation.

§ 111 -14 EXPIRATION OF LICENSE:

All licenses and identification cards issued under the provisions of this chapter expire at twelve o'clock (12:00) midnight on December 31st of the year when issued, unless applicant elects an earlier expiration date.

§ 111 -15 PENALTY:

Any person who violates any provision of this chapter shall be guilty of a **CIVIL OFFENSE/misdemeanor** and upon conviction thereof shall be punished as provided in Subsection 10-99(A)/or criminal.

§ 111 -16 FEES ARE IN ADDITION TO TRANSACTION PRIVILEGE TAX:

All fees levied in this chapter are in addition to transaction privilege tax that may be required by Section 34.15 et seq.

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Restrictions and League Recommendations for City and Town Business Licenses

Your city or town (hereafter, "city") may currently require or may be considering instituting a local Business License. Please note that the Business License is NOT the same as a tax license, also known as the Municipal TPT License. This is intended to provide guidance related to requirements for a local Business License only. TPT licensing is a wholly separate matter administered by the Department of Revenue on behalf of the city.

General Information

The issuance of any license by the city is subject to the procedural requirements captured in A.R.S. 9-835, Licensing time frames; compliance; consequence for failure to comply with time frame; exemptions; definitions. It requires the city to establish and publish the ordinary time frame for the city to consider issuing or denying each type of license it issues, as well as identifying the recourse an applicant has if their application is denied, among other things.

The establishment or increase of a Business License fee, including application fees and renewal fees, must follow the requirements set out in A.R.S. 9-499.15, Proposed new or increased municipal taxes and fees; notification; exceptions. This requires certain public notices and schedules to be prepared prior to approval of any proposed increase in taxes or fees.

Restrictions and Prohibitions

Per statute, your city may not require a Business License from any of the following:

- Wholesale Liquor distributors (unless the business is physically located in your city) (A.R.S. 4-223)

While they regularly visit your city to make sales and deliveries to retail stores, restaurants and bars in your city, you cannot require them to have a local Business License unless they have a physical business location in your city.

- Real estate brokers, agents, salesmen, or property managers (unless their office is physically located in your city) (A.R.S. 9-491.01)

You can only require a business license if a realtor has a primary place of business located in your city. You cannot require a license of anyone with a real estate license who is merely showing or managing properties in your city.

- Out-of-state businesses (A.R.S. 9-491.02)

This is a new law as of 2019 that prohibits a city from requiring a local Business License of any person who does not have a physical presence in the city and is only liable for the local TPT because they exceed the thresholds laid out in A.R.S. 42-5043 to establish an economic presence in the State. This is specifically directed to Remote Sellers and Marketplace Facilitators. (Please note: this section provoked considerable discussion about whether it was appropriate to license others who do not maintain a physical business location in the city as well. Please proceed cautiously.)

Restrictions and League Recommendations for City and Town Business Licenses

- Residential rental properties or property owners (A.R.S. 9-1304(B))

While a tax license is allowed, and all rental properties (including most short-term rental properties) are required to register with the County Assessor as a residential rental, you cannot require a Business License of either the property or the owner if the property is considered either Class 3 or Class 4 for property tax purposes (homes, condos, townhouses, apartments). This includes Short-Term Rental or vacation rental properties and their owners, as these are also considered residential rentals. See the related Attorney General's Opinion available here: [AG Report - Sedona STR Business License](#)

- Insurance agents (A.R.S. 20-1098.17)

An insurance agent who is licensed by the State cannot be required to hold a local Business License, even if their office is physically located in your city.

League Recommendations Regarding Business Licenses

There is plenty of potential for additional restrictions on local business licensing, so it behooves all cities to act with restraint when requiring a Business License. We strongly recommend that you remove any requirement based only on the person needing a tax license, or merely entering the city on a temporary basis without establishing a place of business at which to make sales. A Business License can reasonably be required for a "temporary" business location such as a contractor building homes based on the job site, or persons participating in fairs or other special events where they make sales from their booth. Please try to keep in mind that a primary purpose of a business license should be to create a demographic inventory of the businesses that exist in your city. Other purposes, like peddler identification, are better handled through a separate process, such as a specialty license. We further advise against requiring multiple licenses for the same activity unless it's absolutely necessary. The League provides the following advice to all cities and towns regarding Business License programs and ordinances:

- Strive for uniformity among all cities whenever possible
- Consider establishing fees based primarily on the administrative cost of processing, enforcement, and services provided by the city.
- We strongly urge you NOT to require a Business License of anyone who does not have a physical business location in your city. If your current ordinance does this, it is at a minimum in conflict with A.R.S. 9-491.02 and will need to be changed in that respect. This is an opportunity to remove potentially problematic language requiring a Business License of anyone who is required to have a tax license, anyone who does business on an itinerant basis, out-of-state wineries shipping bottles to residents, and similar persons who do not maintain a permanent or temporary business location within the city.
- Do NOT require a Business License of independent operators such as the individual drivers for Uber, Lyft, Door Dash, Grub Hub, etc.



Notice of Intent to Establish Fees

In accordance with A.R.S. § 9-499.15, notice is hereby given that the Dewey-Humboldt Town Council will consider amending the schedule of fees and charges authorized by the Town Code by adding Town Code provisions and fees relating to implementing Business Licenses for conducting business within the Town. The Town Council public hearing and meeting where this item will be considered is scheduled for Tuesday, November 19, 2019. A schedule of the new fees that include the amounts of the fees and the data that supports the new fees are available on the Town of Dewey-Humboldt's website.

Posting date: _____

Purpose:

Propose to the Town Council Business License application fees for conducting business within the Town.

Proposed Schedule of Fees for the Town of Dewey-Humboldt:

Business License fee - \$25/annually (January 1 through December 31)

Town Council Public Hearing and Meeting:

Tuesday, _____, 2019 – 6:30 p.m.

Dewey-Humboldt Town Hall
Council Chambers
2735 S. Highway 69, Suite 10
Humboldt, AZ 86329

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov



Business License Fee Report

Anyone wishing to conduct business within the Town of Dewey-Humboldt must submit a Business License application for review and issuance by the Town of a Business License. Licensure fees will be used for the purpose of recovering a portion of the Town's cost for application processing and license issuance.

Application Review and Approval:

The process for reviewing, approving and issuing a Business License is estimated to take two hours of Town staff time per application. Staff time will include review of the application for completeness, zoning and/or permitting requirements, and entry of the license into a central database, which will then be used to print the Business License.

Staff involved in the initial Business License application and issuance process include an Administrative Assistant, Town Accountant, Community Planner, Building Official, and Town Clerk.

For annual renewals, staff involved in processing include an Administrative Assistant and Town Accountant.

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Humboldt, AZ 86329
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www.dhaz.gov



Notice of Intent to Establish Fees

In accordance with A.R.S. § 9-499.15, notice is hereby given that the Dewey-Humboldt Town Council will consider amending the schedule of fees and charges authorized by the Town Code by adding Town Code provisions and fees relating to implementing Occupational Licensing for Peddlers within the Town. The Town Council public hearing and meeting where this item will be considered is scheduled for Tuesday, November 19, 2019. A schedule of the new fees that include the amounts of the fees and the data that supports the new fees are available on the Town of Dewey-Humboldt's website.

Posting date: _____

Purpose:

Propose to the Town Council Occupational Peddlers License application fees within the Town.

Proposed Schedule of Fees for the Town of Dewey-Humboldt:

Occupational Peddlers License fee - \$25 annual license fee plus \$10/annually for each employee who will be acting as a Peddler (January 1 through December 31)

Town Council Public Hearing and Meeting:

Tuesday, _____, 2019 – 6:30 p.m.

Dewey-Humboldt Town Hall
Council Chambers
2735 S. Highway 69, Suite 10
Humboldt, AZ 86329

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov



Occupational Peddlers License Fee Report

Anyone wishing to conduct business as a peddler within the Town of Dewey-Humboldt must submit an Occupational Peddlers License application for review and issuance by the Town of an Occupational Peddlers License. Licensure fees will be used for the purpose of recovering a portion of the Town's cost for application processing and license issuance.

Application Review and Approval:

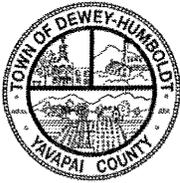
The process for reviewing, approving and issuing an Occupational Peddlers License is estimated to take two hours of Town staff time per application and will include a background check for peddlers who will conduct business by going door-to-door. Staff time will include review of the application for completeness, submittal for background checks for peddlers who will be going door-to-door, and entry of the application into a central database, which will then be used to print the business license.

Staff involved in the Occupation Peddlers License application and issuance process include an Administrative Assistant, Town Accountant, and Town Clerk.

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MAY - 6 2020

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: May 12, 2020

Date of Request: May 6, 2020

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 and clarification of the \$20,000 FY 2019/20 Town Budget line item for Firewise account 10-465-5100.

Discussion of donating these funds to D-H Firewise a 501(c)3 as seed money for future abatement grant assistance.

Purpose and Background Information (Detail of requested action). _____

This seed money would enable the Firewise committee to take over from town the processing and payouts of future abatement grants beyond what the town has currently committed to.

Staff Recommendation(s): Staff recommends that Council discuss it, and will be prepared to answer any questions.

Budgeted Amount: -0-

List All Attachments: _____

Type of Presentation: _____

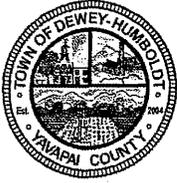
Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: NONE

Contact Person: CM Wendt

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 OF DEWEY-HUMBOLDT
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Dewey-Humboldt

MAY 13 2020

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: May 19, 2020

Date of Request: May 13, 2020

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 altering the council diag to Enable in-person meetings to better accomodate our citizens Excluded from

Purpose and Background Information (Detail of requested action).

As I see it the biggest problem we have is a crowded
diag so I suggest installing plexiglass partitions
between members to Enable social distancing and inclusion
of citizens in the meetings again.

Virtual ones.

Staff Recommendation(s):

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: oral

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: Lynn Collins

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.