

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

Tuesday, June 16, 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, June 16, 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/83239318265>
 - Telephone: (301) 715-8592; Meeting ID: 832 3931 8265
- 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. 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

6. 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.

7. 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.

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5 A. Approval of Minutes of May 5, 2020 Regular Meeting

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 federal CARES Act funding and distribution requirements through the State of Arizona, including steps taken since the June 2 report and additional information received

B. Town Manager’s Report on the implementation of Town Council Policy PG TC20-05 Advertising and Public Comment in Town media, and of the distribution to Council of printed copies of all current Town Council policies

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

11 A. Discussion and possible action to approve the Accountability Contract with Dewey-Humboldt Firewise for Fiscal Year 2019/20 budget funding in the amount of \$12,000 (Staff CC)

17 B. Discussion and possible action to adopt Resolution No. 20-146, designating the Town Manager as Applicant Agent and Town Clerk as Alternate Point of Contact for the Hazard Mitigation Program with respect to the coronavirus (COVID-19) pandemic. (Staff CC)

19 C. Review, discussion and possible action relating to authorizing hazard pay for Town staff due to COVID-19. Continued from the June 2, 2020 Regular Meeting. (Staff CC; CAARF from Mayor Nolan from the April 14, 2020 Regular Meeting)

21 D. Discussion and possible direction from Town Council relating to bringing back the previous Conduct and Ethics provision in the Dewey-Humboldt Code of Ordinances (CAARF – Mayor Nolan)

E. Discussion and possible action to direct staff to delay the consideration of controversial issues and issues of widespread community concern that are suggested in the CAARF until Council Meetings are held in person (CAARF – Councilmember Collins)

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

11. Public Hearing. Discussion and legal action may be taken.

39 **A. Hold a Public Hearing to receive public comments on the Fiscal Year 2020/21 Final Budget.**

- 1. Staff Report
- 2. Open Public Hearing and receive public comments
- 3. Close Public Hearing

12. Adjourn. Note: Immediately after the Regular Meeting is adjourned, Council will reconvene in a Special Meeting to consider the Fiscal Year 2020/21 Final Budget.

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, July 7, 2020 at 6:30 p.m.
- Next Planning & Zoning Meeting: Thursday, July 9, 2020, at 6:00 p.m.
- Next Town Council Study Session: Tuesday, July 14, 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
MAY 5, 2020, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 5, 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 6:30 p.m.
2. **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 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.
3. **Pledge of Allegiance** Mayor Nolan led the Pledge.
4. **Invocation** Given by Vice Mayor Lance.
5. **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.

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.

D. Proclamation – declaring May 3, 2020 through May 9, 2020 as Municipal Clerks Week (item taken out of order)

Mayor Nolan read a proclamation declaring May 3, 2020 through May 9, 2020 as Municipal Clerks Week and announced that May is Military Recognition Month.

A. Council announcements about outside meetings and committees

Mayor Nolan attended a meeting on May 5, 2020 about developing literature for Congress to get money for road improvements in Arizona; these are ongoing meetings and there will be a meeting next week.

Councilmember Brooks attended the Co Operators Countywide Communication meeting on COVID-19 on April 30, 2020 and May 5, 2020 and provided updates including: Yavapai County's total positive cases increased by 40 cases due to the Mingus Mountain Girls Academy; Yavapai County's second death was a counsellor for inmates at Verde Valley and contact tracing has been done; and, Yavapai County and Arizona have not reached the peak yet. She attended the April 27, 2020 meetings of the Central Yavapai Fire District and Central Arizona Fire and Medical Authority ("CAFMA"); updates include that no staff has tested positive; there have been fewer car accidents; and, there is still a huge time lapse on getting ambulance to assist. She encouraged everyone to recheck their voter registration and noted important election dates, including: July 6 - voter registration deadline; July 8 - first day early ballots are mailed; August 4 - Primary Election Day; October 5 - voter registration deadline for the General Election; and, November 3 - General Election Day. Councilmember Brooks also spoke relating to the Spring Cleanup Days, May 26-29, 2020, being in a different location and requested signs on Main Street to direct people to the correct location. She also noted that people who only have a Post Office Box will not receive the Census forms and encouraged advertising the Census 2020 phone number, 844-330-2020.

Mayor Nolan spoke relating to his petitions being challenged in Court; having collected 59 signatures when 33 were needed; that his name will not be on the ballot due to signatures being disqualified; there being two candidates on the ballot for three Town Council seats; and, having contemplated for a long time about not running.

- B. Presentation and Council discussion on the Future of Yavapai College, by Rodney Jenkins, Yavapai College Vice President of Community Relations & Student Development and Richard Hernandez, Director, Economic Development.**

Rodney Jenkins and Richard Hernandez, Yavapai College, gave a PowerPoint presentation on the future of Yavapai College ("College"). Mr. Jenkins spoke relating to the COVID-19 pandemic, including: the College working with the community to ensure enrollments didn't dip; enrollments being up by 36%; using COVID-19 funding to provide free tuition for the summer; and the percent of classes being offered online. All students who took classes in spring can take up to six credits for free in summer. The College is looking at how to disrupt technologies to become the Community College of the future; in the fall, the College will be launching Open Educational Resources ("OER"). OER is real-time electronic material with no printed textbook, allowing students to be taught on real-time issues and resulting in savings to students of approximately \$1,600 per semester. The College is trying to increase Hispanic student enrollment and is working to help people who took some coursework but had something interrupt their education. The College added a process so that there is an adviser every step of the way to assist students.

Mr. Hernandez spoke relating to the District Governing Board's Strategic Plan, which includes helping with economic development in Yavapai County. The vision is to educate young people and provide them with an opportunity to use that education in a job that supports their families. The College recently started advancing its 3D printing program. He discussed the printers and how they function; the College has purchased two, one large enough to print up to a 2,000 square foot home and one that is in a classroom environment. A livable, attainable home can be printed in about a month for about half the cost of a traditional house. Mr. Hernandez played a Youtube video relating to the Vulcan II printer from Icon and noted that the College has partnered with MudBots.

The Regional Economic Development Center ("REDC") was asked by the Governor to participate on the task force for the design of the reopening. The REDC is undergoing a proposed expansion and wants to build a 30,000 square foot building within the County, not on the College campus; the REDC will be an affiliate of the College, with no taxpayer money. The REDC will house the Small Business Development Center ("SBDC") and will have a strong focus on jobs of the future. The REDC has visited federal agencies, the Governor's Office, and others, all of whom received the proposal with a strong commitment of support.

Mayor Nolan asked about installing electricity, doors and windows, and foundations; Mr. Hernandez responded that the foundation is traditional and the printer will print around the stub-ups; electrical will still be done by an electrician. The printer stops printing and prompts to lay the conduit; once that is done, it starts printing again. The building only takes a few hours, though it needs time to cure; the cost without electrical and plumbing for a 2,000 square foot house is less than \$100,000.

In response to Councilmember Brooks, Mr. Jenkins stated that around 40% of the students who get their Associates Degree go on to get a four-year degree; most of the students enter the workforce.

Councilmember Collins asked about support for small businesses; Mr. Hernandez confirmed that is done now; the SBDC provides business counselling, access to capital, workshops, and other services at no cost. Mr. Jenkins stated that the incubator supports existing businesses and the accelerator helps to flush out and build a business. The SBDC steps in when the business is ready to be on its own. Councilmember Collins asked if a site has been found for the REDC. Mr. Jenkins responded that a site has not yet been found; the College is trying to get the funding in place first, and then will talk to communities about the appropriate location.

In response to Councilmember Hughes, Mr. Hernandez stated that the R Factor on the buildings can be almost whatever is wanted; the air gap can create a 19R value, which can be added to.

10.A. Discussion and possible action to approve a structure for the General Plan Steering Committee (item taken out of order) (Staff CC)

Mr. Hanks noted that staff requested this item be moved up, to set the structure of the General Plan Steering Committee ("Committee"), such as the number of people on the Committee.

Mayor Nolan spoke relating to having six people who applied for the Committee; appointing them to the Committee and the Committee deciding who they want to Chair to be the Secretary; and, Mr. Blomgren not being able to be on the Committee if he will be on the Council.

Councilmember Collins spoke relating to the COVID-19 pandemic; the Committee not lending itself to virtual meetings; and, Mr. Blomgren being a good ambassador for the process.

Mayor Nolan spoke relating to there being an ordinance saying that Councilmembers won't serve on the Committee.

Councilmember Hughes asked what staff is requesting of Council. Mr. Hanks responded that he would like to see Council set the number of members and whether Council wants businesses or others involved.

Mayor Nolan spoke relating to letting the Committee get started and having others come in after.

Councilmember Hughes moved to approve the General Plan Steering Committee; seconded by Councilmember Wendt. Councilmember Hughes clarified that six resident voting members is fair if Council is in favor of it.

Vice Mayor Lance spoke relating to have an odd number of voting members and recommended either five or seven.

Councilmember Hughes amended his motion to five.

Councilmember Brooks spoke relating to making a motion that the Committee be composed of five resident voting members, with three to seven non-voting partners; and, that the committee have the roles and responsibilities outlined in the staff Council Communication in the Council packet. She also spoke relating to Mr. Blomgren, if elected, not taking a seat on Council until December, and, him being a valuable member.

Vice Mayor Lance asked about one of the applicants being a non-resident; Mayor Nolan confirmed that Mr. Lacey is a non-resident and would be a non-voting member.

Councilmember Collins spoke relating to having five members; and, her hope that Council comes up with a list of groups to include as non-voting members and not having seen a list of who they would be. Councilmember Collins and Mayor Nolan discussed needing to amend the ordinance as mentioned earlier; Kay Bigelow, Town Attorney, responded that a member would not be able to be on the Committee once they took office.

Vice Mayor Lance moved to make the Steering Committee members Christopher Baker... Mayor Nolan and Vice Mayor Lance discussed this item being to set the structure; and, the discussion about Mr. Blomgren as a member. Mr. Hanks clarified that the current item is for the overall number of members. There was further discussion.

The motion by Councilmember Hughes, with five voting members and three to seven as non-voting members (clarified by Councilmember Hughes) passed on a roll call vote 6-1. CM Brooks – aye; CM Collins – nay; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye. **Town Clerk Note:** This motion was revisited and amended during agenda item 6.C. See page 4 for the amended motion.

C. Review of applications and possible interview/appointment of applicants to the General Plan Steering Committee. Applicants: Christopher Baker, Glen Blomgren, Mel Kuhnel, Judy Kerber, William Lacey (non-resident), Denise Rogers, Darrell Wyatt. Note: Since March 17, 2020, two applicants have withdrawn their applications.

Applicants Glen Blomgren, Judy Kerber, William Lacey and Darrell Wyatt were present.

The Council interviewed Darrell Wyatt. Mr. Wyatt stated his interest in the General Plan and that he would like to be involved. In response to the Council, Mr. Wyatt spoke relating to his background in business planning; the general philosophy in the existing General Plan appealing to him; there being opportunities to develop interesting things in Town; people residing in his area not relating to being a resident of Dewey-Humboldt; and, there being a need to develop more of a sense of community, such as developing Main Street. In response to the Council, Mr. Wyatt also spoke relating to having reviewed the existing General Plan in detail on the Planning and Zoning Advisory Commission; wanting to look at specific development ideas; and, measurement steps in the General Plan, such as an annual review of goals, that haven't been done on a regular basis.

The Council interviewed Glen Blomgren. Mr. Blomgren stated that in the Town there is a sentiment for keeping the Town friendly, open and rural, rather than high-density; the General Plan being well-written and well-conceived; and, one of his goals would be to try to make sure that there is follow-through. In response to the Council, Mr. Blomgren spoke relating to developing a tax base by identifying areas suitable for, and designated as, commercial development; needing to capture tourism and an opportunity to develop the historic value to where the Town could be a major destination; emphasizing and showcasing the rich history of mining and ranching; and, carefully developing the Town so people who drive by see that something is going on in the Town.

The Council interviewed Judy Kerber. Ms. Kerber stated that the General Plan hasn't been followed and the Town needs enthusiastic people who can recognize and act on the Town's abilities to pull in more revenues through tourism and emphasizing small businesses. She also spoke relating to retaining the rural atmosphere; trying to unite the different factions that make up the community; and, needing fewer restrictions on people's freedoms as long as it promotes the Town. In response to the Council, Ms. Kerber stated that she has lived here since 1992; she does not like homeowners associations ("HOAs"), does not want them in the Town and that she was involved with HOAs because she owned condos; a decision such as about a developer who wants an HOA needs to be made by a group of people; and, that the fact that she does not like HOAs doesn't necessarily mean that she would not be open to one.

The Council interviewed William Lacey. Mr. Lacey spoke relating to his history and involvement with the Town; having ideas of what he would like to see happen in the Town; the Town needing growth and facilities for young families. He also spoke relating to his experience developing properties and education; wanting residential areas to stay clean and quiet; designating areas where the Town would like development; developing Main Street while maintaining a distinct style; needing a grocery store; and, wanting to see growth with an appreciation of the history. In response to the Council, Mr. Lacey clarified that he has owned land in the Town for the past 50 years, though he doesn't live in the Town; the Town needing development guidelines for what is wanted for the Town; and, wanting to see the Town change the process for someone to change zoning and the General Plan. In response to the Council, Mr. Lacey also spoke relating to hoping that the Town doesn't do tract homes in large subdivisions; that HOAs can be used to maintain the rural atmosphere and quality of development; with strong enough building codes and development standards, there not being a need for HOAs; and, his experience with a General Plan Amendment in the past, and the process being cost prohibitive.

Councilmember Brooks moved to appoint Christopher Baker, Glen Blomgren, Mel Kuhnel, Judy Kerber, Denise Rogers, and Darrell Wyatt to the General Plan Steering Committee; seconded by Councilmember Collins.

In response to Mayor Nolan, Councilmember Brooks confirmed that she wanted to include William Lacey; however, he is a non-voting member. Councilmembers discussed Mr. Lacey's appointment. Ms. Bigelow spoke relating to the number of voting members in the motion.

Mayor Nolan requested an amendment to the motion to include Mr. Lacey. Discussion ensued.

Vice Mayor Lance spoke relating to the meetings being open to the public; and, Mr. Lacey being welcome to come to the meeting. In response to Vice Mayor Lance, Mr. Hanks confirmed that on agenda item 10.A., Council approved five to seven voting members with 3-7 non-resident, non-voting members.

Councilmember Wendt spoke relating to Ms. Rogers being a business owner.

Ms. Bigelow noted that Council could make a motion to reconsider the previous item.

Councilmember Brooks moved to amend the previous motion from five to six [voting members] on [agenda item] 10.A.; seconded by Councilmember Hughes. The 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.

Mr. Hanks restated the motion on the current agenda item as to appoint the six resident applicants as voting members and the non-resident as a non-voting member. 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.

D. Proclamation – declaring May 3, 2020 through May 9, 2020 as Municipal Clerks Week

Item taken out of order. See page 1.

- 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: she checked all candidate nomination petitions and five were valid; two, Debra Snodgrass and Terry Nolan, were challenged in Court; Ms. Snodgrass withdrew her name from the ballot; Mayor Nolan was removed from the ballot by the Judge due to not having enough valid signatures. Comments also included: 17 signatures were disqualified by the County Recorder; signatures dated before the candidate filled out a Statement of Interest form were disqualified; on two petitions, the candidate omitted the name of the office being sought; the candidate had 26 qualified voters out of 54 signatures; and, these were the reasons that Mayor Nolan was withdrawn from the ballot.

- 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 March 10, 2020 Study Session

B. Approval of Minutes of March 17, 2020 Regular Meeting

Councilmember Brooks moved to accept the consent agenda items, minutes of March 10 and March 17, 2020; 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.

- 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 question of the eligibility of Councilmember Mark McBrady as a sitting Councilmember due to a question of voter registration (from the April 21, 2020 Regular Meeting)

Mr. Hanks reported that following the April 21, 2020, Council Meeting, the Town Attorney and Town Manager looked into the voter registration question; it was a matter of needing to update the address in the voter registration record that has now been corrected. At no time was Councilmember McBrady not qualified as a Councilmember. He was on an inactive list and did not show up on the active voter registration list.

B. Town Manager’s Report on the question of Conflict of Interest/Financial Disclosure Statement requirements for members of Town boards, commissions and committees (from the March 17, 2020 Regular Meeting)

Mr. Hanks noted that there was a question at a previous meeting; for Town boards, it has to be a direct Conflict of Interest and Financial Disclosure Statements are not required.

- 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. Discussion and possible action to approve a structure for the General Plan Steering Committee (Staff CC)

Item taken out of order. See pages 2-3 for discussion and action.

B. Review, discussion and possible action to direct staff relating to existing Boards, Commissions, and Committees as set forth in Dewey-Humboldt Code of Ordinances Title III, Chapter 31. Existing Boards, Commissions, and Committees for possible review, discussion and action include the Residential Values Advisory Committee, Planning and Zoning Advisory Commission, Board of Adjustment, Clean Town Committee, Groundwater Resource Advisory Committee, Environmental Issue Advisory Committee, and Open Space and Trails Committee. (Staff CC)

Mr. Hanks noted that in the ten years that he has worked with the Town, the only Committees that have had members are the Open Space and Trails Committee, the Planning and Zoning Advisory Commission and the Board of Adjustment. If Council would like the Committees to be filled, staff will begin advertising; otherwise, staff is seeking direction to draft an ordinance to remove some or all from the Town Code.

Councilmember Brooks moved to direct staff to prepare an ordinance amending the Town Code to remove the Residential Values Advisory Committee, removal of Clean Town Committee, removal of Groundwater Resource Advisory Committee, removal of Environmental Issue Advisory Committee, and removal of Open Space and Trails Committee from the Town Code. Councilmember Collins offered a friendly amendment to keep the Open Space and Trails Committee open. The friendly amendment was accepted by Councilmember Brooks, as long as the Committee can be viable and hold meetings.

In response to Vice Mayor Lance, Mr. Hanks stated that there are no members on the Committees in the motion.

The motion to prepare an ordinance amending the Town Code to remove the Residential Values Advisory Committee, Clean Town Committee, Groundwater Resource Advisory Committee, and Environmental Issue Advisory Committee from the Town Code; 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.

C. Discussion and possible action to authorize staff to 1) purchase a new truck using a State of Arizona Cooperative Purchasing Contract; 2) issue a formal bid for the purchase of a new truck to replace Town Site Truck #2; or 3) approve the purchase and installation of a rebuilt motor for Town Site Truck #2 from one of the three vendors who provided quotes. If Council chooses to proceed with the purchase of a new truck, Council will also be asked for approval of the recommended specifications as outlined in the Staff CC. (Staff

CC; from the April 21, 2020 Regular Meeting)

Mr. Hanks noted that under the state procurement office, staff obtained quotes from Sanderson Ford and Pioneer Ford; the F-250 4X4 is in stock at Sanderson Ford. It can be set up as a second snowplow truck; it will cost \$31,837.96 through the state procurement office, including a heavier front end for the snowplow component. A second option is to issue a formal bid; a price quote from Sanderson Ford, which would be provided for a formal bid would be \$39,854.01. A third option is for the quotes for the rebuilt engine.

Mayor Nolan spoke relating to purchasing the one truck now and purchase the other truck later; when the other truck is purchased later on, brackets for a snowplow can be installed by staff. Mr. Hanks clarified that the F-250 has beefed-up suspension for the added weight on the front end in the four-wheel drive.

In response to Councilmember Collins, Mr. Hanks clarified that Bluetooth is for headphone hookups.

Councilmember Brooks moved to authorize staff to proceed with purchasing a new truck with the staff's recommended specifications from Sanderson Ford on the state cooperative purchasing contract with a total cost not to exceed \$35,000; seconded by Councilmember Hughes.

Councilmember Brooks spoke relating to not finding better pricing than through the competitive state contract.

Councilmember Hughes spoke relating to the 4-wheel drive F-250 being a good asset to the Town; if the existing F-250 goes down, the Town being able to replace it; and, the price being a good deal. In response to Mayor Nolan, Councilmember Hughes clarified that he is not wanting to purchase both; rather, staff presented choices.

In response to Vice Mayor Lance, Mr. Hanks clarified that staff recommends the 4-wheel drive.

Councilmember Brooks spoke relating to the 3/4-ton truck being less likely to jackknife than a 1/2-ton and the importance of going with a 3/4-ton.

The motion by Councilmember Brooks 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.

In response to Vice Mayor Lance, Mr. Hanks stated that the old truck will be listed on a public surplus auction site, as per purchasing requirements.

D. Discussion and possible action to change the Council's voting procedure to a roll call vote for all action taken at Council Meetings (CAARF – Vice Mayor Lance)

Vice Mayor Lance introduced the item as follows: this would change the Council's procedure to a roll call vote; at least one resident has requested this in writing; and, that this would be every time Council votes until further notice. In response to Mayor Nolan, Vice Mayor Lance confirmed that this would include the consent agenda.

Vice Mayor Lance moved to change voting procedures to roll call votes; seconded by Councilmember Collins.

Ms. Bigelow spoke relating to this being part of the Town Code and asked if the Code provision will be suspended temporarily. Vice Mayor Lance responded that until further notice it would be suspended to a roll call vote; and, that the Town has a roll call vote machine for Council to push a button to vote.

Councilmember Wendt clarified that Vice Mayor Lance is wanting to suspend it temporarily until the voting machine is available in the Council Chambers; Vice Mayor Lance confirmed and spoke relating to not seeing this as a temporary situation due to the COVID-19 pandemic. In response to Councilmember Wendt, Mr. Hanks stated that the Town does have the machine.

The motion by Vice Mayor Lance 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. Consideration of additional Special Session(s) Whether to hold and, if so, set the date

Council discussed having a Special Meeting to review the budget; Mr. Hanks noted that Council may revisit scheduling a Special Meeting after the initial budget presentation at the May 12, 2020, Study Session.

12. Adjourn The meeting adjourned at 8:46 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk



COUNCIL COMMUNICATION

Regular Council Meeting Date: **June 16, 2020**

Agenda Item: **9.A.**

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

Subject:

Discussion and possible action to approve the Accountability Contract with Dewey-Humboldt Firewise for Fiscal Year 2019/20 budget funding in the amount of \$12,000.

Background:

At the May 19, 2020 Council Meeting, Council voted to donate \$12,000 to Firewise and to eliminate Town support (staffing/resources) for Firewise. During the discussion, Firewise indicated that, with receipt of the \$12,000, they will take over the administration of the current agreement with the Prescott Area Wildland Urban Interface ("PAWUIC"), in which the Town has been advancing funding to property owners for abatement grants.

The attached Accountability Contract:

- Provides for a \$12,000 donation to Firewise (funds to be taken out of the current fiscal year);
- Stipulates that the donation is solely for the purpose of advancing funds to property owners for fire abatement grants;
- Stipulates that the Town will not provide support in the form of staffing, printing, materials or any other service to Firewise;
- Requires Firewise to provide evidence that steps have been taken between Firewise and PAWUIC to release the Town from all responsibility in the current PAWUIC fire abatement grant;
- Requires Firewise to submit an annual report to the Town Manager, for distribution to the Town Council, setting forth its activities and the details about the grants for which the Town's donation was used to advance the funds.

Financial Impact:

The Town will be donating \$12,000 of Fiscal Year 2019/20 (current fiscal year) funds to Firewise, taken out of account 10-465-5110. At the end of the term, Firewise will return the \$12,000 to the Town; should Firewise have a similar grant agreement in place at that time, the agreement may be extended so that Firewise may continue to utilize the funds.

Direction Requested:

Staff is seeking formal Council approval of the accountability contract.

Suggested Motion:

For: I move to approve the Accountability Contract with Dewey-Humboldt Firewise for Fiscal Year 2019/20 funding in the amount of \$12,000.

Against: No motion is necessary.

Attachments:

Accountability Contract

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

**DEWEY-HUMBOLDT FIREWISE
PUBLIC BENEFITS ACCOUNTABILITY CONTRACT**

This Agreement is entered into this ___ day of _____, 2020 by and between the Town of Dewey-Humboldt, Arizona, an Arizona municipal corporation (hereinafter referred to as “Dewey-Humboldt”) and Dewey-Humboldt Firewise, a domestic nonprofit corporation (hereinafter referred to as “Contractor”).

RECITALS:

1. The Dewey-Humboldt Council finds that Contractor is offering services that benefit the Dewey-Humboldt community and that it is therefore appropriate for Contractor to receive public funds (“Grant Funds”) in support of its activities and provided services benefitting the community; and
2. The Contractor promotes awareness, preparedness, and solutions to the fire dangers in Dewey-Humboldt; and
3. The Contractor provides a framework for education and dissemination of fire-safety information through community meetings, workshops, events, and visibility campaigns, implement residential fire risk-reduction plans through abatement projects and emphasis on homeowner responsibility, and assist with community safety measures such as road signage and access, water storage, and support for the mobility and accessibility-limited population.
4. The Town is currently in contract with the Prescott Area Wildland Urban Interface Commission (“PAWUIC”) [a sub-grantee of the Arizona Department of Forestry, under Grant #WFHF 19-202] for receipt of Reimbursement Funds to reimburse the Town for its temporary advanced lending of a large majority of the contract-specified amount for up to one acre belonging to an individual Town citizen for his/her clearing of flammable vegetation and other materials to create fire-defensible space on their private property. The individual citizen is responsible for the amount not covered by the Reimbursement Funds and the citizens’ portion is not paid by the Town. Under Grant # WFHF 19-202, PAWUIC reimburses the Town for the contract-specified amount of the individual property owners’ costs so that the Town’s advanced outlay of public funds is temporary and fully reimbursed by PAWUIC. Temporary outlay of public funds by the Town allows more citizens to participate in the fire mitigation activities as they only need to pay a small minority of the cost without paying a much larger sum and waiting for reimbursement.
5. Recently Contractor has become a legal entity capable of direct entry into contract with PAWUIC, or other similar grantors; and thus, has requested a \$12,000 loan of Grant Funds from the Town to provide it with seed money so that it can take over the role being performed by the Town as summarized in Recital 4, as well as the same role under other future grants with PAWUIC and other similar grantors where the Contractor’s use of the Grant Funds is temporary and fully reimbursed by the granting entity.

6. The Contractor will use the Grant Funds as specified herein but the Grant Funds are never depleted since the Contractor will have a prior enforceable contract with a granting entity, such as PAWUIC, that requires full reimbursement of all of Contractor's expenditures of Grant Funds.

7. The Town's latest agreement, Grant # WFHF 19-202, with PAWUIC has a term through December 31, 2021.

Now, therefore, in consideration of the mutual covenants between the parties, it is agreed as follows:

1. **DURATION OF AGREEMENT AND DISPOSITION OF GRANT FUNDS:** The duration of the Agreement shall be from June 2, 2020 through December 31, 2021 which can be extended on the approval of the Town for a longer term if other grants similar to Grant # WFHF 19-202 are obtained by the Contractor. Since the Grant Funds are essentially a loan to the Contractor during the Term of the Agreement, Contractor will return the Grant Funds to the Town within 30 days of the termination of this Agreement.
2. **SCOPE OF SERVICES:** Contractor agrees to use Grant Funds solely to advance payment for fire mitigation activities to property owners within the corporate limits of the Town as summarized in Recitals 4 through 6 ("Services"). Contractor agrees that pursuant to this Agreement, Dewey-Humboldt will not provide support in the form of staffing, printing or materials or any other service related to the fire abatement grants or to support any other service provided by Contractor. Contractor agrees that Grant Funds shall not be used for the administrative or labor costs of the activities necessary to obtain the Reimbursement Funds from the granting entity. For example, Grant Funds are not to be used for postage or mailing supplies to/from property owners or granting entity.
3. **LOAN OF GRANT FUNDS:** During the Term of this Agreement, Dewey-Humboldt shall lend \$12,000.00 to Contractor for the performance of the Services. Such Grant Funds shall be used only to perform the Services as defined in Section 2. Town's disbursement of the Grant Funds shall be made as set forth in Subsection 3.2.
 - 3.1 In order to obtain disbursement of Grant Funds, Contractor shall provide Dewey-Humboldt with a written invoice.
 - 3.2 No disbursement will be paid to Contractor until the following have been met:
 - a. This Agreement is fully executed;
 - b. Proof of insurance coverage as set forth in Paragraph 13 has been provided to and accepted by Dewey-Humboldt;
 - c. Contractor has provided a fully-executed Assignment Agreement between Contractor and the Prescott Area Wildland Urban Interface Commission ("PAWUIC") either
 - i. because the Town and PAWUIC have terminated its agreement and the Contractor has, by new agreement with PAWUIC, taken over the duties of the Town; or
 - ii. Contractor has been substituted into the place of the Town in Grant #WFHF 19-202 by assignment in which the Town is released from all responsibilities associated with Grant

#WFHF 19-202.

3.3 Dewey Humboldt will disburse Grant Funds by check payable to Dewey Humboldt Firewise and mailed to the Contractor's address set forth in Section 17. Disbursement shall occur within two weeks of receipt the invoice and acceptance by the Town Manager that all criteria in Subsection 3.2 have been met.

4. **RECORDKEEPING AND REPORTING:**

4.1 Contractor will maintain accurate financial records to enable Dewey-Humboldt to verify that the Grant Funds provided under this Agreement are expended for provision of the Services

4.2 Contractor shall provide a written report ("Annual Report") to the Town Manager on or before June 30 at the end of each calendar year, for distribution to the Town Council. The Annual Report shall include a summarized description of each grant received by Contractor including the name of grantor, identifying number, and locations of properties for which Reimbursement Funds are usable. The Annual Report shall the provide the total number and total amounts for which the Contractor has provided advanced payments to individual Town citizens, the balance of the Grant Funds in the Contractor's bank account on the date of the report as well as the amount expected in the future to be reimbursed to the Contractor from the Reimbursement Funds (Grant Funds Accounts Receivables). Contractor agrees that the sum of the balance of the unexpended Grant Funds in the Contractor's bank account plus the total of the Grant Funds Accounts Receivable should always equal at least \$12,000.

5. **INSPECTION:** Within five (5) days of receipt of a written request from Dewey-Humboldt, Contractor agrees to open for inspection and to make available all financial records relating to the Services.
6. **NOTICE TO CURE NONCOMPLIANCE:** If Dewey-Humboldt, in its sole discretion, determines Contractor may be in breach of this Agreement, Dewey-Humboldt shall give written notice to Contractor of the specific area of noncompliance ("Notice of Noncompliance"). Within 10 calendar days of the date on which Notice of Noncompliance was sent, Contractor shall start correcting the noncompliance and shall come into full compliance within 30 calendar days of the Notice of Noncompliance date.
7. **TERMINATION FOR CAUSE:** If Contractor does not cure its noncompliance within 30 calendar days from the date on which Notice of Noncompliance was sent, Dewey-Humboldt may terminate this Agreement for breach of contract. Within three (3) calendar days of the breach of contract, Contractor must remit, to the Town, the unexpended Grant Funds existing in the Contractor's bank account plus any Grant Funds misspent for activities unrelated to Services and augment the full balance of the Grant Funds within five (5) calendar days of Contractor's receipt of the Reimbursement Funds in the future.
8. **TERMINATION PURSUANT TO A.R.S. § 38-511:** Dewey-Humboldt may terminate this Agreement pursuant to A.R.S. § 38-511.
9. **INDEMNIFICATION:** Contractor agrees to hold harmless and indemnify Dewey

Humboldt from any loss, damage, liability, cost, charge or expense, whether direct or indirect, including reasonable attorney's fees, and whether to any person or property to which Dewey-Humboldt, its agents, employees or said parties may be subject to related to the Services, including, but not limited to, actions for bodily injury, illness, death or property damage.

10. **INDEPENDENT CONTRACTOR:** Contractor is an independent contractor and not an agent or employee of Dewey-Humboldt. Contractor shall supervise and direct the Services using Contractor's best skill and attention. Contractor shall be solely responsible for all staffing, curriculum, scheduling, supplies, equipment for and transportation of participants to events for Services. Contractor shall be responsible to its employees, volunteers, Dewey-Humboldt employees and other persons performing any services related to the Services as set forth in this Agreement.
11. **ENTIRE AGREEMENT; AMENDMENTS:** This Agreement represents the entire agreement between the parties with respect to the subject matter hereof. This Agreement may not be amended except through an appropriate writing signed by both parties prior to any changed actions.
12. **ASSIGNMENT PROHIBITED:** Contractor shall not assign any rights acquired hereby, without first obtaining the written consent of Dewey-Humboldt which may be withheld in its sole discretion and without reason.
13. **INSURANCE:** Contractor agrees that it will carry the following insurance coverage during the term of this Agreement:

General Liability Insurance: \$1,000,000.00 per occurrence.

Contractor shall submit certificates of insurance acceptable to Dewey-Humboldt and warrants that such coverage(s) shall be maintained in full force and effect until Contractor is released from this Contract. Further, Dewey-Humboldt shall be named as an additional insured with respect to the services to be performed under this Contract.
14. **NO DISCRIMINATION:** Neither Contractor nor its employees or agents will discriminate on the basis of race, religion, handicap, gender or national origin in providing the Services.
15. **NON-BOYCOTT OF ISRAEL:** Contractor certifies that it is not currently engaged in, and agrees for the duration of this Agreement that it will not engage in, a boycott of Israel, as that term is defined in A.R.S. § 35-393.
16. **IMMIGRATION LAW WARRANTY:** As required by A.R.S. § 41-4401, Contractor hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). Contractor further warrants that after hiring an employee, Contractor verifies the employment eligibility of the employee through the E-Verify program. If Contractor uses any subcontractors in performance of the services, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A), and

subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employment eligibility of the employee through the E-Verify program. A breach of this warranty shall be deemed a material breach of the Contract that is subject to penalties up to and including termination of the Contract.

17. NOTICES: All notice provided for herein shall be hand delivered, delivered by overnight courier (e.g., Federal Express) or sent by certified or registered mail, return receipt requested, addressed to all parties hereto at the address designated for each party beside its signature or at such other address as the party who is to receive such notice may designate in writing. Notice shall be deemed completed upon: (i) such hand delivery or courier delivery or (ii) three (3) days after the deposit of same in a letter box or other means provided for the posting of mail, addressed to the party and with the proper amount of postage affixed thereto. Except as otherwise herein provided, actual receipt of notice shall not be required to effect notice hereunder.

DEWEY-HUMBOLDT:

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

CONTRACTOR:

Debbie Miller
Dewey-Humboldt Firewise
P.O. Box 764
Humboldt, AZ 86329

18. Contractor will comply with all applicable federal, state and local laws and regulations.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names,

For Contractor

For Dewey-Humboldt

(Signature)

Terry Nolan, Mayor

Title

Attest:

Town Clerk

Approved as to Form:

Kay Bigelow, Town Attorney
Bigelow Law Offices, PLC



COUNCIL COMMUNICATION

Regular Council Meeting Date: **June 16, 2020**

Agenda Item: **9.B.**

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

Subject:

Discussion and possible action to adopt Resolution No. 20-146, designating the Town Manager as Applicant Agent and Town Clerk as Alternate Point of Contact for the Hazard Mitigation Program with respect to the Coronavirus (COVID-19) Pandemic. This resolution is required by the Arizona Department of Emergency and Military Affairs (“DEMA”) and is a necessary step to apply for federal CARES Act funding through the State of Arizona.

Background:

As a result of the COVID-19 Pandemic, the federal government passed the CARES Act which, among other things, provides funding to state and local governments for reimbursable expenses made as a direct result of the Pandemic.

Staff is in the process of registering an account to be eligible to apply for funding. More information on this process will be provided during tonight’s Town Manager’s Reports.

As part of the registration process, DEMA is requiring Council to designate an individual who is authorized to execute and file an application and other documents to obtain funding under various relief programs.

Financial Impact:

There is no financial impact to the Town for adoption of this resolution.

Direction Requested:

Staff is seeking formal Council adoption of Resolution No. 20-146.

Suggested Motion:

For: I move to adopt Resolution No. 20-146, designating the Town Manager as the Applicant Agent and the Town Clerk as the Town’s Alternate Point of Contact for the Hazard Mitigation Program.

Against: No motion is necessary.

Attachments:

Resolution No. 20-146

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

RESOLUTION NO. 20-146

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, DESIGNATING AN APPLICANT AGENT AND AN ALTERNATE POINT OF CONTACT FOR THE HAZARD MITIGATION PROGRAM WITH RESPECT TO THE CORONAVIRUS (COVID-19) PANDEMIC.

WHEREAS, the Town of Dewey-Humboldt must authorize an agent to act on its behalf to receive public assistance through the Arizona Department of Emergency and Military Affairs;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Dewey-Humboldt, Arizona that Edward L. Hanks, Jr., Town Manager, is hereby designated as the Applicant Agent and Authorized Representative for the Town of Dewey-Humboldt, Arizona, and is hereby authorized to execute for, and on behalf of the Town of Dewey-Humboldt, Arizona, an application and all other required documents and to file said documents in the appropriate state office for the purpose of obtaining certain financial assistance under the Disaster Relief Act or Hazard Mitigation Assistance Grants or Public Assistance Grants.

FURTHER RESOLVED that Timothy A. Mattix, Town Clerk, is hereby designated as the Alternate Point of Contact (Alternate PA Coordinator) to perform the Applicant Agent’s duties when the Applicant Agent is unavailable.

FURTHER RESOLVED that the Applicant Agent is authorized to provide information to state and federal authorities for all matters pertaining to disaster assistance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 16th day of June, 2020.

Terry Nolan, Mayor

ATTEST:

Timothy A. Mattix, Town Clerk

APPROVED AS TO FORM:

Bigelow Law Offices, PLC, Town Attorney
By: Kay Bigelow



COUNCIL COMMUNICATION

Regular Council Meeting Date: **June 16, 2020**

Agenda Item: **9.C.**

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

Subject:

Review, discussion and possible action relating to authorizing hazard pay for Town staff due to COVID-19.

Background:

At the April 14, 2020 Council Meeting, Council considered a CAARF from Mayor Nolan relating to approving hazard pay for two Town employees. During the discussion, Council broadened the discussion to include multiple staff, be they in the office or in the field.

At the meeting, Council voted to readdress this in June, to better see where things are at with COVID-19 and to have better budget numbers from which a decision could be made. At the June 2 Meeting, Council discussed the matter and Town staff was asked to look into whether or not CARES Act funding may be utilized to pay for hazard pay.

Staff's understanding is that CARES Act funding may not be directly utilized for hazard pay for Town staff; however, the Town would be eligible to apply for reimbursement of costs associated with public safety and said reimbursement could then be utilized for other Town programs. What the Town is eligible to apply for is based on Yavapai County's application for funding. At this time, staff does not recommend proceeding with hazard pay for Town staff as any funding the Town receives could be utilized for other programs.

Financial Impact:

Based on the current budget situation Staff does not recommend this item.

Direction Requested:

Council's pleasure.

Suggested Motion:

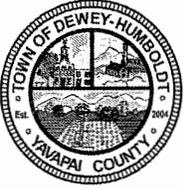
For: Council's pleasure.

Against: No motion is necessary.

Attachments:

CAARF from Mayor Nolan from April 14 Council Meeting.

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



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

Dewey-Humboldt

APR - 6 2020

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: April 7

Date of Request: April 6

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):

Hazard pay for Beth Evans
& Patty

Purpose and Background Information (Detail of requested action).

These ladies need this type
of compensation due to exposure
to the public

Staff Recommendation(s): _____

Budgeted Amount: _____

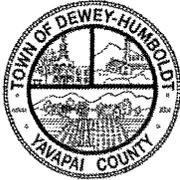
List All Attachments: _____

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.



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

JUN - 1 2020

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: June 16, 2020

Date of Request: June 01, 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):

Previous Ethics Code

Purpose and Background Information (Detail of requested action). to bring back the previous Ethics Code to the Town.

Staff Recommendation(s): Staff recommends that Council direct staff to 1) contact other jurisdictions to determine what measures are in place and 2) bring the matter back to a Study Session for further review and discussion.

Budgeted Amount: \$0.00

List All Attachments: Ordinance No. 13-103; Ordinance No. 15-112.

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.

ORDINANCE No. 13-103

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY ADDING NEW SECTION 30.020 CODE OF ETHICS AND CONDUCT TO ESTABLISH A CODE OF ETHICS AND CONDUCT FOR MEMBERS OF THE TOWN COUNCIL AND MEMBERS OF TOWN BOARDS, COMMISSIONS AND COMMITTEES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES

Whereas, Arizona Revised Statutes Section 9-240(b)(29) authorizes the Town Council to adopt ordinances for the government of its officers; and

Whereas, The Town Council of the Town of Dewey-Humboldt finds that a code of ethics and conduct for public officials of the Town would further public confidence in the integrity of the Town's public officials.

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

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials is hereby amended by adding new Section 30.020 Code of Ethics and Conduct to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.020 CODE OF ETHICS AND CONDUCT FOR THE TOWN COUNCIL AND TOWN BOARDS, COMMISSIONS AND COMMITTEES

(A) *PREAMBLE*

(1) THE RESIDENTS AND BUSINESSES OF DEWEY-HUMBOLDT ARE ENTITLED TO HAVE A FAIR, ETHICAL AND ACCOUNTABLE LOCAL GOVERNMENT AND TO DEMAND THE HIGHEST STANDARD OF ETHICS FROM ALL ITS OFFICIALS. ALL MEMBERS OF TOWN BOARDS, COMMISSIONS, COMMITTEES AND THE TOWN COUNCIL SHALL MAINTAIN THE UTMOST STANDARDS OF PERSONAL INTEGRITY, TRUTHFULNESS, HONESTY AND FAIRNESS IN CARRYING OUT THEIR

PUBLIC DUTIES, AVOID ANY IMPROPRIETIES IN THEIR ROLES AS PUBLIC SERVANTS, COMPLY WITH ALL APPLICABLE LAWS, WHETHER LOCAL, STATE OR FEDERAL, AND NEVER USE THEIR POSITION OR POWERS IMPROPERLY OR FOR PERSONAL GAIN.

(2) ETHICS IS DEFINED HERE AS THE RULES OR STANDARDS GOVERNING THOSE PERSONS FUNCTIONING AS REPRESENTATIVES OF THE TOWN DEWEY-HUMBOLDT. THESE RULES AND STANDARDS ARE BASED UPON A SET OF VALUES JUDGED TO BE MORAL TO THE EXTENT THAT THEY ENHANCE SOCIETY AND AN INDIVIDUAL'S RELATIONSHIP TO OTHERS. HONESTY AND INTEGRITY SHALL BE THE PRIMARY VALUES IN ALL ISSUES WHETHER IT BE IN THEIR DUTIES FOR THE TOWN OF DEWEY-HUMBOLDT OR IN ANY REGARD TO THEIR CONSTITUENTS.

(3) THE PURPOSE OF THIS CODE IS TO ESTABLISH ETHICAL STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS ACTING IN THEIR OFFICIAL PUBLIC CAPACITY.

(B) *DEFINITIONS*

"CENSURE" MEANS:

1. AN EXPRESSION OF STRONG DISAPPROVAL OR HARSH CRITICISM.
2. AN OFFICIAL REBUKE, AS BY A LEGISLATURE OF ONE OF ITS MEMBERS.
3. TO CRITICIZE SEVERELY; BLAME.
4. TO EXPRESS OFFICIAL DISAPPROVAL OF
5. A FORMAL, PUBLIC REPRIMAND FOR AN INFRACTION OR VIOLATION.

"PUBLIC OFFICIAL" MEANS THE MAYOR, TOWN COUNCIL MEMBERS, AND ANY TOWN BOARD, COMMISSION OR COMMITTEE MEMBER.

"SANCTION" MEANS:

1. THE PENALTY FOR NONCOMPLIANCE SPECIFIED IN A LAW OR DECREE.
2. A PENALTY, SPECIFIED OR IN THE FORM OF MORAL PRESSURE, THAT ACTS TO ENSURE COMPLIANCE OR CONFORMITY.
3. TO PENALIZE, ESPECIALLY FOR VIOLATING A MORAL PRINCIPLE OR INTERNATIONAL LAW.
4. TO IMPOSE A SANCTION ON; PENALIZE, ESP. BY WAY OF DISCIPLINE
5. TO PUNISH SO AS TO DETER

(C) *RESPONSIBILITIES OF PUBLIC OFFICE*

(1) BY OATH OF OFFICE EACH PUBLIC OFFICIAL IS RESPONSIBLE TO UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF

THE STATE OF ARIZONA, AND THE ORDINANCES AND REGULATIONS OF THE TOWN OF DEWEY-HUMBOLDT. PUBLIC OFFICIALS ARE OFTEN ASKED TO MAKE DECISIONS THAT AFFECT VARIOUS GROUPS AND INDIVIDUALS ADVERSELY. BALANCING DIVERSE CONSTITUENT INTERESTS IS A DIFFICULT TASK AND THEREFORE THE PUBLIC OFFICIAL SHALL PERFORM HIS OR HER OBLIGATIONS IN A MANNER THAT IS IMPARTIAL AND RESPONSIBLE TO ALL PEOPLE AND SHALL ADHERE TO ETHICAL STANDARDS THAT ELIMINATE DISAPPOINTMENT BORNE OF DISHONESTY, CONFLICTS OF INTEREST, UNFAIRNESS OR ILLEGALITY.

(2) THE PUBLIC OFFICIAL SHALL NOT USE HIS POSITION FOR PERSONAL OR MONETARY GAIN, WHETHER DIRECTLY OR INDIRECTLY OR ANY OTHER MANNER IN WHICH THE POSSIBILITY OF GAIN MIGHT BE PERCEIVED BY THE PUBLIC OR ANOTHER MEMBER OF THE PUBLIC BODY AND AS DESCRIBED HERE WITHIN IN SECTION II.

(3) THE PUBLIC OFFICIAL SHALL NOT DISCLOSE CONFIDENTIAL INFORMATION CONCERNING THE PROPERTY, GOVERNMENT, OR AFFAIRS OF THE TOWN OF DEWEY-HUMBOLDT WITHOUT PROPER LEGAL AUTHORIZATION. ARIZONA LAW PROVIDES THAT DURING A PERSON'S EMPLOYMENT OR SERVICE TO THE TOWN AND FOR TWO YEARS THEREAFTER, NO PUBLIC OFFICIAL MAY DISCLOSE OR USE CONFIDENTIAL INFORMATION WITHOUT APPROPRIATE AUTHORIZATION AS SET FORTH IN A.R.S. SECTION 38-504(B).

(4) PUBLIC OFFICIALS HAVE AN OBLIGATION TO BE ACCESSIBLE, OPEN AND DIRECT, NOT ONLY WITH THE OTHER MEMBERS OF THE COUNCIL AND/OR BOARDS, COMMISSIONS OR COMMITTEES BUT ALSO TO THE CITIZENS AND BUSINESS REPRESENTATIVES THAT APPEAR BEFORE THEM, BOTH IN THE PUBLIC FORUM AND IN PRIVATE. THE PUBLIC IS ENTITLED TO COMMUNICATE WITH THEIR PUBLIC SERVANTS AND UNDERSTAND THE POSITION OF THE COUNCIL AND BOARDS, COMMISSIONS AND COMMITTEES ON PUBLIC ISSUES.

(5) PUBLIC OFFICIALS HAVE AN OBLIGATION TO ATTEND MEETINGS AND BE PREPARED. IT IS EXPECTED THAT PUBLIC OFFICIALS WILL REVIEW THE MATERIALS, PARTICIPATE IN DISCUSSIONS AND MAKE INFORMED DECISION OF THE MERITS OF THE ISSUE AS OPPOSED TO ACTING OUT OF EMOTIONAL BIAS.

(D) *CONFLICT OF INTEREST*

(1) PUBLIC OFFICIALS MUST BE CONSTANTLY ON GUARD AGAINST CONFLICTS OF INTEREST AND SHALL NOT BE INVOLVED IN ANY ACTIVITY WHICH CONFLICTS WITH THEIR RESPONSIBILITIES TO THE TOWN OF DEWEY-HUMBOLDT AND ITS RESIDENTS. THE PEOPLE OF THIS TOWN HAVE A RIGHT TO EXPECT INDEPENDENCE AND FAIRNESS TOWARDS ALL GROUPS WITHOUT FAVORING INDIVIDUALS OR PERSONAL INTEREST.

(2) ARIZONA CONFLICT-OF-INTEREST LAWS APPLY TO PUBLIC OFFICIALS. AND AS SUCH, THIS CODE SHALL REINFORCE ANY EXISTING AFFIRMATION REGARDING CONFLICT OF INTEREST CONTAINED IN THE PUBLIC OFFICIAL'S OATH OF OFFICE. WHEN ACTING IN A PUBLIC CAPACITY, THE PUBLIC OFFICIAL SHALL ABSTAIN FROM PARTICIPATING IN DISCUSSION AND VOTE ON ANY PENDING MATTER THAT WOULD RESULT IN HIS FINANCIAL OR PRIVATE GAIN.

(3) PUBLIC OFFICIALS SHALL NOT DIRECTLY OR INDIRECTLY SOLICIT, ACCEPT OR RECEIVE ANY GIFT--WHETHER IT BE MONEY, SERVICES, LOAN, TRAVEL, ENTERTAINMENT, HOSPITALITY, PROMISE, OR ANY OTHER FORM THAT COULD BE REASONABLY INFERRED TO INFLUENCE THE PERFORMANCE OF HIS OFFICIAL DUTIES AND ACTIONS OR SERVE AS A REWARD FOR ANY OFFICIAL ACTION. IN ADDITION AND EXTENDED UNDER THIS ISSUE, UNDER NO CIRCUMSTANCES SHALL A PUBLIC OFFICIAL ACCEPT A GIFT OR FAVOR THAT IS A BRIBE, OR REFLECTS, TO A REASONABLE PERSON, AN EFFORT TO IMPROPERLY INFLUENCE THE PUBLIC OFFICIAL CONTRARY TO THAT PUBLIC OFFICIAL'S RESPONSIBILITY TO THE PUBLIC IN TOTAL OR TO ACT IMPARTIALLY AND ON THE MERITS OF THE MATTER. PUBLIC OFFICIALS MUST NOT BE INVOLVED IN DISCUSSING ISSUES THAT APPEAR TO BE SELF-DEALING. THAT IS, PUBLIC OFFICIALS MUST NOT BE INVOLVED IN DISCUSSING OR DECIDING ON ANY ISSUE OVER WHICH THEY HAVE JURISDICTION AS A COUNCIL OR BOARD, COMMITTEE OR COMMISSION MEMBER, WHICH MAY IMPACT THE PUBLIC OFFICIAL OR MEMBERS OF HIS FAMILY OR THE PUBLIC OFFICIAL'S BUSINESS, FINANCIALLY OR IN ANY WAY THAT MAY BE PERCEIVED BY ANY REASONABLE MEMBER OF THE COMMUNITY AS ADVANTAGEOUS TO THAT PUBLIC OFFICIAL. IT SHOULD ALSO BE NOTED THAT COUNCILMEMBER'S MUST COMPLY ANNUALLY WITH THE FINANCIAL DISCLOSURE ACT, AS REQUIRED IN A.R.S. 38-541-545. ARIZONA LAW ALSO PROHIBITS PUBLIC OFFICIALS FROM RECEIVING ANYTHING OF VALUE OR ANY COMPENSATION OTHER THAN THEIR NORMAL SALARY OR STIPEND FOR ANY SERVICE RENDERED IN CONNECTION WITH THAT PUBLIC OFFICIAL'S DUTIES WITH THE TOWN OF DEWEY-HUMBOLDT.

(E) *CONDUCT IN PUBLIC OFFICE*

(1) THE PUBLIC OFFICIAL SHALL NOT DISCUSS OR DIVULGE CONFIDENTIAL INFORMATION ACQUIRED BY HIM IN THE COURSE OF HIS OFFICIAL DUTIES NOR SHALL HE USE THIS INFORMATION FOR HIS OWN PERSONAL INTEREST OR AGGRANDIZEMENT AND AS A MINIMUM, UTILIZE A.R.S. 38-504 AS, BUT NOT LIMITED TO, A GUIDELINE.

(2) THE PUBLIC OFFICIAL SHALL RESPECT THE RIGHTS, PRIVILEGES AND OPINIONS OF HIS FELLOW OFFICIALS.

(3) PROPRIETY DICTATES THAT THE PUBLIC OFFICIAL BE SENSITIVE TO THE POSSIBLE CONFIDENTIAL OR PERSONAL NATURE OF DIRECTIVES ADDRESSED TO OTHER INDIVIDUALS.

(4) IN ANY DEALINGS WITH TOWN OF DEWEY-HUMBOLDT EMPLOYEES, THE PUBLIC OFFICIAL SHALL MAINTAIN PROFESSIONAL CONDUCT WITH RESPECT TO THE EMPLOYEE'S WORK ASSIGNMENTS AND OBLIGATIONS. THE OFFICE OF THE PUBLIC OFFICIAL SHALL IN NO SITUATION BE USED TO WRONGFULLY OBTAIN INFORMATION EITHER BY INTIMIDATION OR BY DELIBERATELY VIOLATING THE PRIVACY OF AN EMPLOYEE'S WORK STATION.

(5) PUBLIC DECISION-MAKING MUST BE FAIR AND IMPARTIAL AND SHALL BE NON-DISCRIMINATORY ON THE BASIS OF PROTECTED CLASSES, SUCH AS RACIAL AND RELIGIOUS GROUPS, OUTLINED IN FEDERAL, STATE AND TOWN LAWS AND ORDINANCES. PUBLIC OFFICIALS SHALL CONDUCT BUSINESS AND OPERATE IN A MANNER THAT IS FREE FROM ILLEGAL DISCRIMINATION ON THE BASIS OF AGE, SEX, COLOR, RACE, DISABILITY, NATIONAL ORIGIN, OR RELIGIOUS PERSUASION.

(5) PUBLIC OFFICIALS SHALL NOT USE THEIR POLITICAL OR APPOINTED OFFICE TO ADVANCE PRIVATE INTERESTS AND ENGAGE IN POLITICAL CAMPAIGNING AT TOWN MEETINGS OR WITHIN TOWN BUILDINGS.

(6) NO RELATIVE OF A SITTING COUNCIL MEMBER, MEMBER OF A TOWN BOARD, COMMITTEE OR COMMISSION MAY BE EMPLOYED BY THE TOWN.

(7) DISCUSSION OF ISSUES WHICH MAY APPEAR IN THE FUTURE BEFORE THE COUNCIL OR A BOARD, COMMITTEE OR COMMISSION SHALL BE PROHIBITED WHEN A SITUATION ARISES WHERE A QUORUM OF THE COUNCIL OR A BOARD, COMMITTEE OR COMMISSION EXISTS. NUMEROUS ARIZONA LAWS REQUIRE THAT MEETINGS OF PUBLIC BODIES BE OPEN TO THE PUBLIC AND THAT PUBLIC RECORDS BE AVAILABLE FOR INSPECTION.

(F) *COMPLIANCE AND ENFORCEMENT WITH THE DEWEY-HUMBOLDT CODE OF ETHICS*

(1) PUBLIC OFFICIALS TAKE AN OATH WHEN THEY ASSUME THEIR DUTIES TO UPHOLD THE LAWS OF THE UNITED STATES OF AMERICA, THE STATE OF ARIZONA, AND THE TOWN OF DEWEY-HUMBOLDT. THEREFORE, IT IS THE INTENT OF THE TOWN COUNCIL TO EDUCATE AND WHERE NECESSARY, TO DISCIPLINE PUBLIC OFFICIALS WHO VIOLATE THIS CODE.

(2) THE PROCESS FOR ENFORCEMENT FOLLOWS:

(A) IF A RESIDENT (COMPLAINANT) THINKS THAT A VIOLATION OF THIS CODE HAS OCCURRED THEY SHALL COMPLETE A COMPLAINT FORM. THE FORM WILL BE AVAILABLE ON-LINE OR AT TOWN HALL. THE FORM WILL INCLUDE THE DATE OF FILING THE COMPLAINT, THE DATE OF THE VIOLATION, THE FACTS SUPPORTING THE COMPLAINT, WHAT PART OF THE CODE THAT WAS VIOLATED, AND THE NAME OF THE PERSON THAT VIOLATED THE CODE. THE COMPLAINANT WILL SUPPLY CONTACT INFORMATION SO HE CAN BE TOLD OF THE OUTCOME OF THEIR COMPLAINT.

(B) THE COMPLAINT THEN GOES TO THE ETHICS COMMITTEE. THIS COMMITTEE WILL BE MADE UP OF THE MAYOR, VICE-MAYOR AND A ROTATING COUNCIL MEMBER. THE ROTATING MEMBER WILL BE SELECTED IN THE SAME MANNER AS THE VICE-MAYOR IS SELECTED ON A YEARLY BASIS. THE COMMITTEE WILL DETERMINE WHETHER A VIOLATION HAS OCCURRED. THE ETHICS COMMITTEE MAY REQUEST ADDITIONAL INFORMATION FROM STAFF, THE RESPONDENT (OBJECT OF THE COMPLAINT), THE COMPLAINANT AND TOWN ATTORNEY.

(C) THE ETHICS COMMITTEE WILL THEN DECIDE WHETHER OR NOT THERE WAS A VIOLATION AND WHETHER THE VIOLATION WAS A MINOR OR MAJOR VIOLATION OF THE ETHICS CODE. THE RULING OF THE MAJORITY OF THE COMMITTEE IS THEN PRESENTED TO THE FULL COUNCIL. IF THERE IS NOT A UNANIMOUS DECISION BY THE COMMITTEE, A MINORITY REPORT CAN BE PRESENTED ALONG WITH THE MAJORITY OPINION. THE WHOLE COUNCIL CAN ALSO LOOK AT ALL THE INFORMATION RECEIVED BY THE ETHICS COMMITTEE TO MAKE THEIR DETERMINATION. THE ETHICS COMMITTEE DISCUSSION MAY BE HELD IN EXECUTIVE SESSION.

(D) IF A MAJORITY OF THE COUNCIL DETERMINES THAT NO VIOLATION OCCURRED, NO ACTION WILL BE TAKEN AND THE COMPLAINANT WILL BE NOTIFIED OF THE OUTCOME.

(E) IF A MAJORITY OF THE COUNCIL AGREES THAT A MINOR VIOLATION HAS OCCURRED, THE COMMITTEE HAS THE FOLLOWING OPTIONS:

(1) FOR THE 1ST MINOR OFFENSE THE COMMITTEE CAN TALK TO THE VIOLATOR IN EXECUTIVE SESSION AND EXPLAIN HOW TO AVOID A VIOLATION IN THE FUTURE.

(2) FOR THE 2ND MINOR OFFENSE THE COMMITTEE CAN CHOOSE TO AGAIN SPEAK TO THE VIOLATOR ON HOW TO AVOID A VIOLATION IN THE FUTURE OR RECOMMEND A PUBLIC CENSURE.

(3) FOR THE 3RD MINOR OFFENSE THE COMMITTEE CAN RECOMMEND A PUBLIC CENSURE.

(F) IF A MAJORITY OF THE COUNCIL AGREES THAT A MAJOR VIOLATION HAS OCCURRED THE COMMITTEE HAS THE FOLLOWING OPTIONS:

(1) FOR THE 1ST MAJOR OFFENSE THE COMMITTEE CAN RECOMMEND A PUBLIC CENSURE.

(2) FOR THE 2ND MAJOR OFFENSE THE COMMITTEE CAN RECOMMEND A PUBLIC SANCTION. THIS CAN BE REMOVAL FROM A TOWN BOARD, COMMITTEE OR COMMISSION OR REMOVAL FROM REPRESENTING THE TOWN AT OTHER GOVERNMENT ENTITIES SUCH AS CYMPO, NACOG, WAC OR THE LIKE.

(3) FOR THE 3RD MAJOR OFFENSE THE COMMITTEE CAN RECOMMEND A FINE OF UP TO \$500 PER TOWN CODE 10.99.

(G) FOR ANY OUTCOME THE COMPLAINANT WILL BE NOTIFIED OF THE DECISION.

(H) IF THE COMPLAINT IS AGAINST ONE OF THE MEMBERS OF THE ETHICS COMMITTEE, THAT PERSON WILL BE EXCUSED FROM THE PROCEEDINGS AND ANOTHER COUNCIL MEMBER WILL BE APPOINTED IN HIS OR HER PLACE.

(I) THE RESPONDENT HAS THE RIGHT TO APPEAL ANY COUNCIL DECISION TO BINDING ARBITRATION BY AN INDEPENDENT HEARING OFFICER MUTUALLY AGREED TO BETWEEN THE TOWN COUNCIL AND THE PUBLIC OFFICIAL. THE COST OF THE HEARING OFFICER SHALL BE BORNE EQUALLY BETWEEN THE TOWN AND THE PUBLIC OFFICIAL.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court

of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

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

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 17th day of December, 2013, by the following vote:

AYES: 5

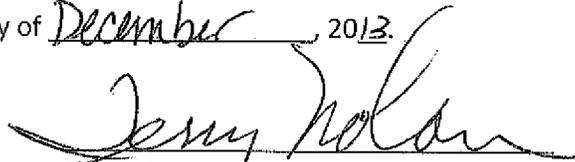
NAYES: 2

ABSENT: 0

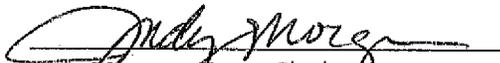
EXCUSED: 0

ABSTAINED: 0

APPROVED this 17th day of December, 2013.


Terry Nolan, Mayor

ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-103 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 17th DAY OF December, 2013, WAS POSTED IN THREE PLACES ON THE 18th DAY OF December, 2013


Judy Morgan, Town Clerk

ORDINANCE No. 15-112

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 35 CODE OF ETHICS AND CONDUCT, § 35.06 COMPLIANCE AND ENFORCEMENT RELATED TO COMPLAINTS OF VIOLATION OF THE ETHICS CODE, PROCEDURES AND SANCTIONS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

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

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 35 Code of Ethics and Conduct, Section 35.06 Compliance and Enforcement is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 35.06 COMPLIANCE AND ENFORCEMENT.

(A) Public officials take an oath when they assume their duties to uphold the laws of the United States of America, the State of Arizona, and the Town of Dewey-Humboldt. Therefore, it is the intent of the Town Council to educate and, where necessary, to discipline public officials who violate this chapter.

(B) The process for enforcement follows:

(1) If a resident (complainant) thinks that a violation of this chapter has occurred, ~~they~~ HE shall complete a complaint form AND FILE IT WITH THE TOWN CLERK WITHIN FOURTEEN DAYS OF THE DISCOVERY OF THE ALLEGED VIOLATION. The form will be available online or at Town Hall. The form will include the date of filing the complaint, the date of the ALLEGED violation, the facts supporting the complaint, which part of the code was IS ALLEGED TO HAVE BEEN violated, and the name of the person ~~that~~ ALLEGED TO HAVE violated the code. The complainant will supply contact information so ~~they~~ HE can be told of the outcome of ~~their~~ THE complaint.

(2) WITHIN SEVEN DAYS OF RECEIPT OF THE COMPLAINT, THE TOWN CLERK SHALL FORWARD THE complaint AND SUPPORTING DOCUMENTATION TO A HEARING OFFICER APPOINTED PURSUANT TO PARAGRAPH (C) OF THIS SECTION.

(3) THE HEARING OFFICER SHALL CONDUCT A HEARING ON THE COMPLAINT WITHIN FORTY-FIVE DAYS OF THE DATE OF THE COMPLAINT, WHICH DATE MAY BE EXTENDED BY THE HEARING OFFICER FOR GOOD CAUSE. THE HEARING IS NOT SUBJECT TO THE OPEN MEETING LAW. ~~then goes to the Ethics Committee. This Committee will be made up of the Mayor, Vice-Mayor and a rotating Council Member. The rotating Member will be selected in the same manner in which the Vice-Mayor is selected on a yearly basis. The Committee will determine whether a violation has occurred.~~

(a) THE HEARING OFFICER SHALL PROVIDE NOTICE OF THE HEARING TO THE COMPLAINANT AND PUBLIC OFFICIAL ALLEGED TO HAVE VIOLATED THIS CHAPTER AT LEAST TEN DAYS PRIOR TO THE HEARING.

(b) ~~The Ethics Committee~~ HEARING OFFICER may request additional information from staff, the ~~respondent (object of the complaint)~~ PUBLIC OFFICIAL, the complainant and the Town Attorney.

(c) AT THE HEARING, THE COMPLAINANT AND THE PUBLIC OFFICIAL MAY SUBMIT EVIDENCE AND TESTIMONY REGARDING THE ALLEGED VIOLATION. AT THE END OF THE HEARING, THE HEARING OFFICER SHALL ISSUE HIS WRITTEN DECISION REGARDING WHETHER THERE HAS BEEN A VIOLATION OF THIS CHAPTER AND, IF SO, WHETHER THE VIOLATION WAS A MAJOR OR MINOR VIOLATION.

(d) THE HEARING OFFICER SHALL FORWARD HIS WRITTEN DECISION TO THE TOWN COUNCIL WITHIN FIVE DAYS OF THE END OF THE HEARING. THE WRITTEN DECISION SHALL BE A PUBLIC RECORD.

(4) THE TOWN COUNCIL SHALL REVIEW THE WRITTEN DECISION OF THE HEARING OFFICER AT ITS NEXT REGULARLY SCHEDULED MEETING OR AT A SPECIAL MEETING. IF THE COMPLAINANT IS A MEMBER OF THE COUNCIL, HE SHALL RECUSE HIMSELF FROM THE DISCUSSION AND THE VOTE. IF THE DECISION OF THE HEARING OFFICER IS THAT THE PUBLIC OFFICIAL VIOLATED THIS CHAPTER, THE COUNCIL SHALL DETERMINE WHAT SANCTIONS, IF ANY SHALL BE IMPOSED.

(a) FOR A FIRST MINOR VIOLATION, THE COUNCIL MAY DISCUSS THE VIOLATION WITH THE PUBLIC OFFICIAL AND EXPLAIN HOW TO AVOID A VIOLATION IN THE FUTURE. FOR A SECOND MINOR VIOLATION, THE COUNCIL MAY EITHER DISCUSS THE VIOLATION WITH THE PUBLIC OFFICIAL OR MAY ADOPT A PUBLIC CENSURE. FOR A THIRD MINOR VIOLATION, THE COUNCIL MAY ADOPT A PUBLIC CENSURE.

(b) FOR A FIRST MAJOR VIOLATION, THE COUNCIL MAY ADOPT A PUBLIC CENSURE. FOR A SECOND MAJOR VIOLATION, THE COUNCIL MAY REMOVE THE PUBLIC OFFICIAL FROM A TOWN BOARD, COMMITTEE OR

COMMISSION, OR REMOVE HIM FROM REPRESENTING THE TOWN AT OTHER GOVERNMENT ENTITIES SUCH AS CYMPO, NACOG, WAC OR THE LIKE. FOR A THIRD MAJOR VIOLATION, THE COUNCIL MAY IMPOSE A FINE OF UP TO \$500 PER § 10.99.

(c) THE DECISION OF THE COUNCIL SHALL BE FINAL. THE COMPLAINANT SHALL BE NOTIFIED IN WRITING OF THE DECISION OF THE COUNCIL.

~~—(3) The Ethics Committee will then decide whether or not there was a violation, and whether it was a minor or major violation of the ethics code. The ruling of the majority of the Committee is then presented to the full Council. If there is not a unanimous decision by the Committee, a minority report can be presented along with the majority opinion. The whole Council can also look at all the information received by the Ethics Committee to make its determination. The Ethics Committee discussion may be held in executive session.~~

~~—(4) If a majority of the Council determines that no violation occurred, no action will be taken and the complainant will be notified of the outcome.~~

~~—(5) If a majority of the Council agrees that a minor violation has occurred, the Committee has the following options:~~

~~—(a) For the first minor offense, the Committee can talk to the violator in executive session and explain how to avoid a violation in the future.~~

~~—(b) For the second minor offense, the Committee can choose to again speak to the violator on how to avoid a violation in the future or recommend a public censure.~~

~~—(c) For the third minor offense, the committee can recommend a public censure.~~

~~—(6) If a majority of the Council agrees that a major violation has occurred, the Committee has the following options:~~

~~—(a) For the first major offense, the Committee can recommend a public censure.~~

~~—(b) For the second major offense, the Committee can recommend a public sanction. This can be removal from a town board, committee or commission, or removal from representing the town at other government entities such as CYMPO, NACOG, WAC or the like.~~

~~—(c) For the third major offense, the committee can recommend a fine of up to \$500 per § 10.99.~~

~~—(7) For any outcome the complainant will be notified of the decision.~~

~~—(8) If the complaint is against one of the members of the Ethics Committee, that person will be excused from the proceedings and another Council Member will be appointed in his or her place.~~

~~—(9) The respondent has the right to appeal any Council decision to binding arbitration by an independent hearing officer mutually agreed to between the Town Council and the public official. The cost of the hearing officer shall be borne equally between the town and the public official.~~

(C) THE TOWN ATTORNEY SHALL PREPARE A LIST OF AT LEAST THREE QUALIFIED HEARING OFFICERS FOR PRESENTATION TO THE COUNCIL. FOR EACH ETHICS CODE VIOLATION COMPLAINT FILED WITH THE TOWN CLERK, THE COUNCIL SHALL SELECT A HEARING OFFICER FROM THE LIST PREPARED BY THE TOWN ATTORNEY. A COMPLAINANT OR PUBLIC OFFICIAL WHO IS A MEMBER OF THE COUNCIL SHALL RECUSE HIMSELF AND NOT PARTICIPATE IN THE SELECTION OF THE HEARING OFFICER.

Section II. Savings Clause

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

Section III. Repeal of Conflicting Ordinance

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

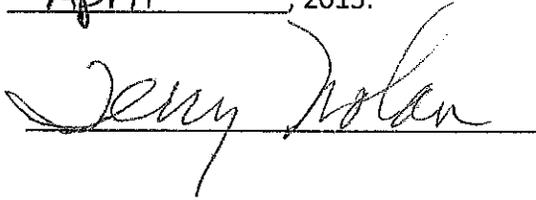
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 21st day of April, 2015, by the following vote:

AYES: 5

NAYES: 2 ABSENT: 0

EXCUSED: 0 ABSTAINED: 0

APPROVED this 21st day of April, 2015.

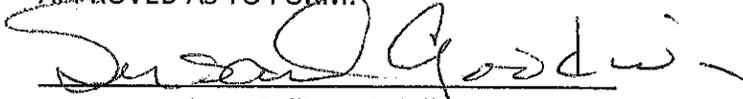


Terry Nolan, Mayor

ATTEST:


Judy Morgan, Town Clerk

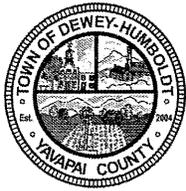
APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-112 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 21st DAY OF April, 2015, WAS POSTED IN THREE PLACES ON THE 27th DAY OF April, 2015.


Judy Morgan, Town Clerk

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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

JUN - 2 2020

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: Next available

Date of Request: June 2

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 delaying any consideration of controversial and issues of widespread community concern (i.e. Update of Gen Plan) until

Purpose and Background Information (Detail of requested action).

Need to include whole community - even elderly and fixed-income people who can't have access to zoom, and/or are not able to use computers due to disability or lack of familiarity with computers.

Every one can participate equally

Staff Recommendation(s):

Staff recommends that Council approve the item, with clear guidance as to the types of items

Council wishes to delay until in-person meetings resume. It should be noted that there are a number of items that staff has been delaying until in-person meetings resume, due to anticipated
Budgeted Amount: public interest.

List All Attachments: _____

Type of Presentation: _____

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.

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **June 16, 2020**

Agenda Item: **11.A.**

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

Subject:

Hold a Public Hearing to receive public comments on the Fiscal Year ("FY") 2020/21 Final Budget.

Background:

Pursuant to A.R.S. § 42-17104, the Town will hold a public hearing at which any taxpayer may appear and be heard in favor of or against any proposed expenditure in the Fiscal Year 2019/20 budget.

This item is a public hearing only. Any Council discussion and action will take place during the Special Meeting.

Following the close of the public hearing, Council will adjourn the Regular Meeting and convene into a Special Meeting for the purpose of discussing and potentially adopting the FY 2020/21 Final Budget.

Financial Impact:

There is no financial impact for the public hearing. Council's budget discussion will take place during the next agenda item.

Direction Requested:

None.

Suggested Motion:

None.

Attachments:

None. The FY 2020/21 Budget is available for review online at <https://www.dhaz.gov/2229/Budget>.

Town of Dewey-Humboldt
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