



Camp Verde, Arizona



Council/Manager Retreat – “Working Together for the Future”

**Agenda
Council Chambers
473 S. Main St., Ste. 106
Friday, January 23, 2015 at 8:30 a.m.**

Note: Direction to staff may be given relative to the following items.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Discussion, consideration, and possible direction to staff relative to, but not limited to the following matters:
 - a. Findings from Investigations
 - Training for council on Council-Manager form of Government, including what actions are prohibited, would be beneficial. “inquiries” and attempts to “verify” information, if accompanied by requests for documents and/or with a goal of changing procedures and outcomes of proper processes, can cross the line-or come close to it and be considered improper interference
 - Human Resource Department
 - Records Management Manual
 - Policies regarding individual inquiries of the Town Attorney
 - Logging public records request for Council review
5. Discussion and review of the following:
 - Public Records Policy
 - Mail Distribution Policy
 - Agenda Policy
 - Complaint Procedure Policy
6. Discussion and review of possibilities of training manual developments
7. Adjournment

Posted by: U Jones

Date/Time: 1-15-2015

Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



TOWN COUNCIL POLICIES, RULES, AND PROCEDURES

Approved by Council 4-20-2011

Resolution 2011-844

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SECTION 1 RULES OF PROCEDURE/AUTHORITY

1.1 PROCEDURES

All meetings of the Town Council and its appointed Boards, Commissions, and Committees shall be governed by these procedures, as applicable. In addition, such meetings shall be governed by the following:

- A. Applicable provisions of the Arizona Revised Statutes ("A.R.S."), including, but not limited to, the Arizona Open Meeting Law (A.R.S. §§ 38-431 *et seq.*, as amended) and the Arizona Conflict of Interest Law (A.R.S. §§ 38-501 *et seq.*, as amended); and
- B. The Town of Camp Verde Town Code.
- C. Where not inconsistent with these rules and procedures, the Arizona Revised Statutes and the Town of Camp Verde Town Code, and **the current version of Robert's Rules of Order on file** will be used as a supplementary guideline.
- D. As used herein, the term "Member" shall refer to either a member of the Town Council or Board, Commission or Committee, as applicable. The term "Meeting" shall refer to a meeting of the Town Council, Board, Commission or Committee, as applicable.

1.2 PARLIAMENTARIAN

- A. The Town Clerk shall serve as Parliamentarian for all Town Council meetings. The Deputy Clerk shall serve as Parliamentarian in the absence of the Town Clerk.
- B. The Town Clerk shall also serve as Parliamentarian for those Board, Commission, and Committee meetings that he or she attends.
- C. The Chairperson of a Commission or Committee shall serve as Parliamentarian for each respective Board, Commission, or Committee meeting. The Vice-Chairperson shall serve as Parliamentarian in the absence of the Chairperson. The Chairperson Pro Tem shall serve in the absence of the Chairperson and the Vice-Chairperson. In the event that there is a lack of agreement to a parliamentary procedure, the Town Clerk shall serve as the resource for a final procedural determination.

1.3 POINTS OF ORDER

The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any member to appeal to the entire Town Council or any Board, Commission or Committee. In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

1.4 QUORUM

Four or more Council members shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of four (4) votes, to enact any measure, resolution, ordinance, or other business on the agenda.

SECTION 2 PRESIDING OFFICER FOR MEETINGS

2.1 MAYOR AS PRESIDING OFFICER

The Mayor is the Presiding Officer of all meetings of the Town Council. In the Mayor's absence, the Vice-Mayor shall serve as the Presiding Officer. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk, whereupon the Town Clerk shall immediately call for the selection of a Presiding Officer Pro Tem. The Council members present shall, by majority vote, select a Presiding Officer Pro Tem for that meeting.

2.2 CHAIRPERSON AS PRESIDING OFFICER

The Chairperson is the Presiding Officer of all meetings of the Board, Commission or Committee. In the Chairperson's absence, the Vice-Chair shall serve as the Presiding Officer. In the absence or disability of both the Chairperson and the Vice-Chair, the meeting shall be called to order by the Town Clerk or principal Town staff present, whereupon the Town Clerk or Town staff shall immediately call for the selection of a Presiding Officer Pro Tem. The Members present shall, by majority vote, select a Presiding Officer Pro Tem for that meeting.

SECTION 3 MEETINGS OF TOWN COUNCIL AND BOARDS, COMMISSIONS AND COMMITTEES

3.1 REGULAR MEETINGS

- A. The Council shall establish regular meeting dates, times, meeting place by Resolution in January of each year for Town Council and all Boards, Commissions, and Committee meetings.
- B. When the day for a Regular Meeting falls on a legal holiday, no meeting shall be held on such holiday. The meeting shall be cancelled and be convened at the time and the location as designated by the Town Council or Board, Commission, or Committee.

3.2 SPECIAL MEETINGS

- A. The Mayor, after a public vote of the Council may schedule a special session within the jurisdiction of the Town and shall direct staff to schedule a special session; or the Mayor and Manager may jointly schedule a special session to be held in appropriate facilities within Town limits, to begin at the time and place as designated in the motion.
- B. Special and emergency meetings, as permitted by law, shall be called and posted in the same manner as regular meetings by the Mayor or the Town Clerk, after confirmation of the availability of a quorum.

- C. Notices and agendas will be posted for the special sessions as required by law and additionally posted at the alternate site if applicable.
- D. Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on controversial topics likely to interest citizens of the Town in general rather than a particular neighborhood.
- E. A Board, Commission, or Committee may, upon majority vote and approval of the Town Manager, set a special meeting or work session.

3.3 EXECUTIVE SESSIONS

- A. The Town Council may hold an Executive Session pursuant to A.R.S. §§ 38-431.01. Boards, commissions, and committees may also hold Executive Sessions pursuant to A.R.S. §§ 38-431.01 with prior Council authorization.
- B. All information distributed and all discussions during an executive session shall remain confidential indefinitely and are not to be divulged or provided to or discussed with persons who were not parties to the executive session or members of the Council or Board, Commission or Committee, except as permitted or required by A.R.S. § 38-431.03 or a court order.

3.4 WORK SESSIONS

The Town Council or Board, Commission or Committee may schedule work or study sessions for the purpose of presentations and discussions on such issues that require more in-depth consideration by the Town Council or Board, Commission or Committee than may be possible at a Regular Meeting. No formal action may be taken by the Town Council or Board, Commission or Committee at such meetings, other than a general consensus or conveying direction to Town Staff for further action.

3.5 EMERGENCY MEETINGS

As provided for in ARS § 38-431.02(D) and (E), , including a Special Emergency Executive Session, may be called to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. In such event, the meeting shall be held upon such notice as is appropriate or practicable to the circumstances. A Notice of an Emergency Meeting will be posted within 24-hours following the holding of an Emergency Meeting. The Notice will include the Agenda and a brief and complete description of the nature of the emergency.

3.6 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next Regular Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion.

3.7 MEETINGS TO BE OPEN TO THE PUBLIC

- A. Pursuant to the Arizona Open Meeting Law, with the exception of Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions, and Emergency Meetings shall be open to the public.
- B. All public meetings may be recorded or photographed by means of audio, video, or photographic equipment; provided however, that there is no interference with the orderly conduct of the meeting and the equipment is placed in non-hazardous locations as designated by Town Staff.

3.8 CONDUCT AND DECORUM

A. Members:

- 1. Any Member desiring to speak shall address the Presiding Officer and upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition. However, the Presiding Officer may call for a vote as to whether to continue a repetitive discussion or motion.
- 2. When two or more Members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.
- 3. While a Member is speaking, no other Member shall interrupt except to make a point of order or point of personal privilege. A point of order is raised when a Member raises a question of whether there has been a breach of the procedures. A point of privilege is raised when a disturbance occurs or when anything affecting the rights of the Members occurs and a Member states the problem; the Presiding Officer decides the question.
- 4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.
- 5. The Town Council will not tolerate harassment, personal attacks, or discrimination against each other or by members of appointed Boards, Commissions, or Committees. Any Town Council appointee who violates this provision will be subject to removal by a majority vote. Elected Officials who violate this section may be subject to the provisions of Section 15.11 Sanctions.
- 6. If a Member acts in violation of these rules, the Presiding Officer shall, or any Member may, call that Member to order. The Member so called shall immediately cease speaking, but may appeal to the Town Council or Board, Commission or Committee, as applicable. Any such appeal shall be decided by a majority vote without debate. See Section 1.3.

B. Town Staff:

Town Staff and employees of the Town shall observe the same rules of procedure and decorum as the members of the Town Council.

C. Public:

Members of the public attending meetings shall observe the same rules of order and decorum applicable to the Town Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. The Presiding Officer, or the Council or Board, Commission or Committee as applicable, by majority vote may, after issuing a verbal warning to persons causing such disturbances, direct a police officer to remove such offender(s) from the meeting.

SECTION 4 MEETING AGENDAS AND NOTICES

4.1 AGENDA ITEM SUBMITTAL FOR COUNCIL REGULAR AND SPECIAL MEETINGS AND WORK SESSIONS

- A. Items may be placed on a Regular, Special, , or Work Session Agenda for Town Council discussion and possible action by any Council member and Town staff pursuant to procedures as outlined in the Town Code.
- B. Contracts, ordinances, resolutions and other documents requiring review by the Town Attorney shall be provided to the Town Attorney prior to placing the item on the Agenda and in sufficient time for legal review.
- C. Any item placed on an agenda must be accompanied by supporting documents and an Agenda Action Form that contains, at a minimum, the following information:
 - 1. Background information on the item;
 - 2. Financial impact if approved; and
 - 3. Proposed action.

The documents and Agenda Action Form must be submitted to the Clerk's Office sufficiently in advance to be included in the council packet, but no later than noon on the Monday prior to the regularly scheduled meetings. If the agenda item is requested by a Council member, it will be noted on the agenda and the requesting member should sign an Agenda Action Form.

4.2 AGENDA ITEM SUBMITTAL FOR EXECUTIVE SESSIONS

Items may be placed on the Agenda for a Town Council Executive Session for discussion if in compliance with the Town Code, these Rules of Procedure, and applicable provisions of the Arizona Revised Statutes, by the following process:

- A. Items may be placed on an Agenda for Executive Session discussion by Council members, Town Staff, and the Town Attorney.
- B. The Town Attorney may review items submitted for Executive Session discussion prior to placement on the Agenda to ensure that the item is legally permissible to be discussed in Executive Session pursuant to A.R.S. § 38-431.03.

4.3 COUNCIL PACKETS

- A. Town Council packets contain the Agenda, unapproved Minutes of previous Town Council Meetings, Town Council communications, and any ordinances, agreements, or resolutions to be acted upon including Agenda Action Forms, and other documentation that may be attached to support items contained on a Town Council Agenda for all noticed meetings of the Town Council.
- B. Full packets for all noticed Town Council Meetings (except Executive Session documentation) are placed in the Council member's box. Every effort will be made to distribute full packets by the Thursday prior to each Regular Town Council Meeting, but not less than 24 hours prior to any Special Session.
- C. Material that is not received in a timely manner to include in the Council packets will be distributed to Council members with a bright green sheet attached, noting the agenda item number to which the document applies. These green sheets are used only in connection with agenda items to alert Council members that there is additional meeting information.

4.4 PREPARATION OF AGENDA

- A. An Agenda is the formal description of items to be considered by the Town Council at a noticed meeting of the Town Council. Complete agenda items, the Agenda Action Form, and all supporting documentation must be submitted to the Clerk's Office no later than noon the Monday before the meeting. Incomplete agenda requests and/or late agenda items will be returned to the submitting department.
- B. The Town Clerk shall prepare the agendas for all meetings of the Town Council based on the Agenda Action Forms that are submitted to the Clerk's Office. The Town Clerk may prepare an addendum to the Agenda for items that have emerged after the Agenda has already been distributed with the approval of the Town Manager AND the Mayor.

Addenda will be prepared on bright-green colored paper to catch the attention of Council members. Bright-green colored paper is reserved for agenda matters only and shall not be used by other Town staff.

- C. Agenda Meetings are held no later than the Wednesday before the Council meetings at a time set by the Mayor and Manager. Agenda Meetings are attended by the Mayor, Manager, Town Clerk, and no more than two (2) interested Council members for the purpose of reviewing the agenda for appropriateness, comprehensiveness, and order only. The Agenda Meeting will not be used for discussion or deliberation of the proposed agenda items. **Note: to avoid potential violations of Open Meeting Laws, no more than two Council members, in addition to the Mayor, may attend Agenda Meetings.** To avoid a possible quorum in attendance at an Agenda Meeting, interested members must notify the Town Clerk prior to an Agenda Meeting that he or she plans to attend.

Incomplete or inaccurate items and/or the timeliness of items shall cause them be removed from the agenda and returned to the appropriate department with a request to resubmit the item(s) upon resolution of the issue.

Special Session agendas are usually reviewed by the Manager and the Mayor only.

- D. The final Agenda must be posted by Thursday at 5:00 p.m. prior to the Town Council's regular meetings. To meet this requirement, the packets are prepared no later than 2:00 p.m. on Thursdays. Special, Executive, and Work Session agendas must be posted no later than 24-hours prior to the meeting.

4.5 AMENDED AGENDAS

The Town Clerk may amend a published Agenda, but not less than twenty-four (24) hours prior to the designated Meeting and only upon approval from the Mayor and the Town Manager. The Town Clerk may amend the agenda to correct minor errors upon notification to the Manager and/or Mayor. Subsequent amended Agendas will indicate the sequential number of the amendment and the date amended.

4.6 PREPARATION AND POSTING OF MEETING NOTICES

Council Agendas are posted at each of the following locations at least 24 hours before each meeting:

1. The bulletin board on the wall outside Town Hall
2. The bulletin board at Basha's, and
3. on the Town's Website.

Commission agendas are posted at the Town Hall Bulletin Board and on the Town's webpage.

4.7 DISTRIBUTION OF AGENDAS AND NOTICES

- A. The Town Clerk shall ensure that the Mayor and Town Council members receive copies of all Town Council Meeting Notices and Agendas, and any documentation provided for said Meeting, not less than twenty-four (24) hours prior to the Meeting.
- B. The Town Clerk shall ensure that the Town Council Meeting Notices, Agendas, and documentation, as deemed necessary, are distributed to the Town Manager and the Town Attorney and necessary Town Staff, and posted to the Town's website.

SECTION 5 ORDER OF BUSINESS FOR TOWN COUNCIL MEETINGS

5.1 ORDER OF BUSINESS

The Order of Business of each meeting of the Town Council shall be as contained in the Agenda as prepared by the Town Clerk and approved by the Mayor and Manager. The Agenda shall be sequentially numbered by topic and list each item included under each agenda category followed by a brief description, including a dollar amount where appropriate.

5.2 REGULAR MEETINGS

The general form of the Agenda shall be as follows and may be changed as necessary:

AGENDA

Members of the Camp Verde Town Council may attend either in person or by telephone conference call.

I. Call to Order

- II. **Pledge of Allegiance**
- III. **Roll Call**
- IV. **Consent Agenda**
- V. **Call to the Public**
- VI. **Council Informational Reports**
- VII. **Business**
- VIII. **Call to the Public**
- IX. **Manager/Staff Report**
- X. **Adjournment**

Presentations to the Town Council will be limited to 10 minutes, unless otherwise designated by a majority vote. Responses from the audience shall be limited to 3 minutes per speaker. Public input on items other than the Call to the Public for items not on the agenda is at the discretion of the Council; however, public input is usually encouraged on non-administrative matters.

All Agendas shall have the following statement placed at the bottom of the Agenda: Persons with special accessibility needs should contact the Town Hall, 928-567-6631, at least 24-hours prior to the meeting.

5.3 **SPECIAL MEETINGS**

- A. For Special Meetings, the Agenda will generally be prepared in the following order:

AGENDA

- I. **Call to Order**
- II. **Roll Call**
- III. **Pledge of Allegiance**
- IV. **Business**
- V. **Executive Session (optional)**
- VI. **Adjournment**

5.4 **WORK SESSION MEETINGS**

Questions may be directed by the Town Council to a member of the public or another interested party, or in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item or a particular question related to an Agenda item. Presentations to the Town Council will be limited to 10 minutes for the presentation and discussion period, unless otherwise designated by a majority vote.

Citizens may attend work-study sessions, but can speak only after an open Call for Public Input. Speakers will be limited to 3 minutes per speaker.

The Agenda generally will be prepared in the following order:

AGENDA

- I. **Call to Order**
- II. **Pledge of Allegiance**
- III. **Roll Call**
- IV. **Agenda Items for Discussion (Items numbered for order). Normally, work session items listed are for discussion only. No Action will be taken unless the item(s) is properly agendized for action.**
- V. **Adjournment**

5.5 EXECUTIVE SESSIONS

The Agenda for an executive session generally will be prepared in the following order:

- I. **Call to Order**
- II. **Agenda Items for Discussion**
- III. **Adjournment**

5.6 ITEMS CONSIDERED IN ORDER

- A. The Presiding Officer, or the Town Council by a majority vote, may consider items out of sequence from the printed Agenda for the meeting.
- B. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda. However, the action must subsequently be noticed in accordance with A.R.S. §38-431.02, as amended.

5.7 MAYOR AND COUNCIL MEMBERS REPORT ON CURRENT EVENTS

This is the time that Council members may present a brief summary on current events. Attendance at meetings and other important information shall be listed on the agenda or shall not be otherwise stated. Open Meeting Laws prohibit the Town Council from proposing, discussing, deliberating, or taking any legal action on the information presented unless the specific item is listed on the Agenda.

5.8 MANAGER/STAFF REPORT ON CURRENT EVENTS

The purpose of this section of the Agenda is to afford the Town Manager and/or staff an opportunity to provide the Town Council and the public with status reports or updates on Town projects and to alert them to upcoming Town events or regional events of potential interest. The topic of these reports shall be listed on the agenda. No discussion or action may be taken unless the specific item is listed on the Agenda.

5.9 CALL TO THE PUBLIC

- A. Presentation of petitions or public comments on Non-Agenda items are heard under "Call to the Public." All citizens and interested parties will be limited to a maximum of three (3) minutes to address the Town Council on a non-agenda item. However, the time limit may be waived by vote of the Town Council.
- B. At the conclusion of all citizen comments, the Mayor or any Councilmember may take any or all of the following actions:
 - 1. Ask Town Staff to review the matter.
 - 2. Ask that the matter be put on a future Agenda.
 - 3. Thank the citizens for their comments.

If a citizen has criticized one or more members of the Council, the Council may respond to such criticism, but only at the conclusion of the Call to the Public.

5.10 PRESENTATIONS

This section of the Agenda is for allowing the Mayor, Council members, Town Staff, and invited interested parties to make informational presentations to the Town Council and the public. Presentations are limited to no more than ten minutes for the presentation and discussion. Such informational items may only be discussed if specifically listed on the Agenda. No action may be taken on Presentation items unless properly agendized. The Mayor or the Chair will monitor this.

5.11 CONSENT AGENDA

- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be needed or required or (ii) have been previously studied by the Town Council. These items may be adopted by a single motion, second, and affirmative vote of a majority (4) Council members. All routine, administrative-type items, such as contract awards and approvals, etc. shall be placed on the Consent Agenda.
- B. Consent Agenda items will NOT be read aloud, except for resolution and ordinance titles and proclamations.
- C. There is no discussion on items listed under the Consent Agenda beyond asking questions for simple clarification, unless a Council member requests that an item be removed for discussion.
- D. If an item is pulled from the Consent Agenda for discussion, public input may be allowed on that item.

5.12 BUSINESS

- A. The Presiding Officer or designee will introduce each Business item by reading its title or description from the Agenda. Consent Agenda items, except Resolutions and Ordinances will NOT be read aloud.
- B. If a public hearing is required for a business item, the following sequence of events will generally be followed: Appropriate Town Staff will present its report and recommendation (if any). Council members will then have an opportunity to question Town Staff. The Presiding Officer will then open the public hearing. The first speaker will be the applicant (if any), who will have an opportunity to present comments, testimony, or arguments to the Town Council. The Presiding Officer will then ask for public comment. The applicant will then be afforded an opportunity for rebuttal and concluding comments. The public hearing will then close and no further public comments will be taken. The Town Council will then deliberate and take action.
- C. Those speaking before the Town Council, other than the applicant, will be allowed three (3) minutes to address the Town Council, but time limits may be waived upon consensus of the Town Council.

5.13 ADJOURNMENT

The open public meeting of the Town Council may be adjourned by a motion, a second, and an affirmative majority vote.

SECTION 6 PROCEDURES FOR CONDUCTING THE MEETING

Where practicable, executive sessions will be held prior to the regular business meetings, as opposed to during a meeting and/or following a meeting. Meetings will conclude at 10:00 p.m. unless a majority of Council votes to continue the meeting to a later time. Council member discussion may be limited by a majority vote if the agenda is large and the meeting is expected to last past 10:00 p.m. A break will be scheduled as close to 8:00 p.m. as possible.

6.1 CALL TO ORDER

All meetings shall be called to order by the Presiding Officer.

6.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer shall conduct the meeting. The Presiding Officer may debate and vote, subject only to such limitations of debate as are imposed on all Members.

6.3 INTRODUCTION/EXPLANATION OF AGENDA ITEMS

Except for Consent Agenda Items, the Presiding Officer shall introduce each Agenda item by reading its full title and description, if any, and may provide whatever additional information he or she deems necessary or reasonable.

6.4 MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all times. All questions and remarks shall be addressed to the Presiding Officer.

SECTION 7 MOTIONS

7.1 MOTION PROCEDURE

- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- B. The maker of the motion has the right to modify his or her motion or to withdraw it entirely. If the motion is modified, the Member who has seconded it has the right to withdraw or affirm his or her second.
- C. If a modification to a motion made by another Member is accepted by the maker of the motion, the Member who seconded the unmodified motion shall be requested to reaffirm his or her second after modification. If the Member refused to reaffirm the second, the second is presumed made by the Member suggesting the modification.
- D. In the case of a tie in votes on any motion, the motion shall be considered defeated.

7.2 MOTION TO APPROVE OR ADOPT

A motion to approve or to adopt shall be to approve the Agenda item as proposed or as proposed with an amendment(s) or stipulation(s). After the motion is made and seconded, it shall require an affirmative majority vote (4 votes) to pass, unless the matter is subject to a super majority vote (two-thirds or three-quarters majority). If the motion fails, the Agenda item shall be deemed defeated, unless a new motion is introduced and seconded.

7.3 MOTION TO DENY OR DISAPPROVE

A motion to deny or to disapprove shall be to reject the Agenda item as proposed. After the motion is made and seconded, it shall require an affirmative majority vote (4 votes) to defeat the item. If the motion fails, the Agenda item will not be deemed approved, unless a separate motion to approve or adopt is made and seconded and passes by the requisite majority vote.

7.4 MOTION TO POSTPONE

A motion "to postpone" is used to postpone an item on the Agenda until a definite time or indefinitely. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

7.5 MOTION TO TABLE

Motions to table or more properly, to "lay on the table" is a proposal to suspend consideration of the pending motion. Under Robert's Rules of Order, a motion to table is properly used only when it is necessary to suspend consideration of a main motion in order to deal with another matter that has unexpectedly arisen and which must be dealt with before the pending motion can be properly addressed. Tabling a motion can be very useful to an assembly when 1) a presenter has been delayed or 2) timely information is not available, and staff needs to leave to retrieve or copy the information. Using the Motion to Lay on the Table enables Council to move on. When the delayed person arrives or the information is available, Council can then "take the item from the table" and resume discussion.

The use of a motion "to table" in order to 'kill' a motion is improper. A Member that seeks to avoid a direct vote on a main motion while cutting off debate should make a motion that requires a 2/3 vote, such as an "objection to consideration of the question" which is in order *before* debate has begun or a motion to "postpone indefinitely" (in order at any time with a simple majority), followed by an immediate motion for the "previous question" (2/3 vote required).

Although the motion is undebatable, the Chair can ask the maker of the motion to state his or her reason in order to establish the urgency and legitimate intent of the motion or the maker can state it on his or her own initiative.

7.6 MOTION TO CLOSE, LIMIT, OR TO EXTEND DISCUSSION

Commonly referred to as "Calling the Question," this motion is used to limit or close debate on, or further amend, the main motion. This motion cuts off debate. The Presiding Officer shall immediately ask the Members to vote on whether to call for a vote on the main motion. The next vote will be on the main motion, which the Chair must state.

7.7 MOTION TO AMEND

- A. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to the amendment shall not be in order.
- B. Amendments shall be voted on first, then the main motion as amended.

7.8 MOTION TO CONTINUE

Motions to continue shall be to a definite time. Such motions shall be amendable and debatable only as to the propriety of postponement and the time set.

7.9 DIVISION OF QUESTION

If the question or motion contains two or more propositions that could be divided, the Presiding Officer may, upon his or her own initiative or upon the request of a Member, divide the question or motion into multiple questions or motions for separate consideration and action.

SECTION 8 VOTING PROCEDURE

8.1 CASTING A VOTE

- A. In acting upon every motion, the vote shall be taken by casting an affirmative ("yes" or "aye") or negative ("no" or "nay") voice, roll call, or other vote method as determined by the Presiding Officer from which the vote of each Member **can be clearly ascertained**.
- B. The vote on each motion shall be entered into the Record by number of and the names of Members casting votes for and against, if called for by voice, roll call, or other method.
- C. If a Member has declared a Conflict of Interest and is absent during the roll call vote, the Town Clerk shall include "Absent for the vote due to declared conflict of interest" in the Official Minutes as part of the results of the vote.

8.2 ABSTENTION AND RECUSAL

- A. If a Member has a conflict of interest on a matter before the Council or Board, Commission or Committee, he or she shall declare a conflict of interest pursuant to Section 10 and recuse him or her from voting on a particular Agenda item on grounds of a declared conflict of interest.
- B. Sometimes a Member may have a reason other than a statutory or non-statutory conflict of interest that he or she believes hinders, compromises, or impairs his or her ability to cast a vote for or against a particular Agenda item. In such event, the Member may abstain from voting.

8.3 TIE VOTES

When there is a tie vote on a motion requiring a majority vote (4 votes) for adoption or approval, the motion shall be deemed defeated.

8.4 RECONSIDERATION

A reconsideration is a method used to temporarily suspend an action taken during a meeting. Any Member who voted with the majority may, **at the same meeting**, move for reconsideration of any action taken at that meeting. If the motion receives a second from either side (prevailing or non-prevailing), no further discussion can occur and no vote is required. The item will be placed on the next available agenda for reconsideration and action. This method suspends all discussion to allow for appropriate and adequate public notice that Council might or might not change their decision at a future meeting.

After a motion for reconsideration has been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Town Council or Board, Commission or Committee.

For the purposes of this section, discussion of items that Council addressed at previous meetings are not to be considered a 'reconsideration' unless, the motion for reconsideration was made and seconded as described above. Matters that were voted upon at a previous meeting must follow procedures as outlined in the Town Code relative to placing items on the agenda.

8.5 APPOINTMENTS BY THE TOWN COUNCIL OF BOARD, COMMISSION AND COMMITTEE MEMBERS

A nomination that does not receive a second fails. Four votes are required for appointment of Board and Commission members.

SECTION 9 MEETING RECORDS; MINUTES

9.1 MEETING RECORDS

The official record of each Town Council Meeting shall consist of any legal actions formally adopted or approved by the Town Council during the Meeting, including any attachments or exhibits thereto, and the final approved Minutes of the Meeting. The record shall also include any documents or other tangible matter submitted to the Town Council, Board, Commission or Committee or the Town Clerk for inclusion in the record by persons addressing the Council or Board, Commission or Committee in connection with agenda items during the Meeting. These records shall be maintained and preserved by the Town Clerk as the official custodian of records for the Town.

9.2 MINUTES

- A. The Town Clerk's office shall provide staff support at all Council meetings to include Regular, Special, and Emergency Meetings and Work and Executive Sessions for the purpose of taking notes and/or audio recordation of the Meeting or Session, as appropriate.
- B. For Regular, Special, and Emergency Meetings, written action Minutes instead of verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town Clerk. The Minutes shall reflect Member attendance for the entire meeting (including notations indicating when a Member arrives late or leaves early). Audio or video recordings of meetings will be retained in accordance with the current State of Arizona Records Retention and Disposition Schedules.
- C. Executive Session Minutes shall be confidential. Executive Session Minutes shall be taken in summary form and shall be restricted to indicating the topic discussed, the speakers, and a brief summary of what was said by each speaker. Executive Session Minutes shall be kept in a separate secure confidential file in the Office

of the Town Clerk. Executive Session Minutes may be accessed only as provided by the Arizona Revised Statutes or court order.

- D. All Minutes of Meetings are Public Records under the Arizona Public Records Law (A.R.S. §§ 39-121 *et seq.*, as amended), with the exception of Executive Session Minutes. Audiotapes and videotapes of public Meetings are also Public Records.

SECTION 10 CONFLICT OF INTEREST

10.1 ARIZONA CONFLICT OF INTEREST LAW -- INTRODUCTION

Sometimes a member of the Town Council or Board, Commission or Committee may face a situation which requires that Member not to participate in a discussion and voting on an agenda item. This situation exists when the member has a pecuniary or proprietary interest in the outcome of the vote. (*This results in a "conflict of interest" as defined by the Arizona conflict of interest law, A.R.S. §§ 38-501, et seq.*) This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision that may unduly affect their personal interests or those of their close relatives.

10.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's conflict of interest law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, that may bear on an official's decision, as well as to discourage deliberate dishonesty.

10.3 APPLICABILITY OF ARIZONA CONFLICT OF INTEREST LAW

The Arizona conflict of interest law, as now in effect and as it may be amended in the future, applies to all matters considered by and all actions taken by the Town Council or Boards, Commissions and Committees.

10.4 DISCLOSURE OF INTEREST

Any Member who believes he may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the Arizona conflict of interest law. Any Member who has a conflict of interest in any agenda item or other matter discussed by the Council or Board, Commission or Committee must disclose that interest. The Member must file a signed written disclosure statement fully disclosing the interest, and declare the existence of the conflict and the reasons therefore at a Town Council or Board, Commission or Committee meeting. The Disclosure of the conflict shall include a statement that the Member withdraws from further participation regarding the matter. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Member.

10.5 WITHDRAWAL FROM PARTICIPATION

Having disclosed the conflict of interest and withdrawn from the matter, the Member must not participate in the decision-making process of the Council or Board, Commission or Committee. Further, the Councilmember should remove himself/herself from the room while the matter is being considered and decided.

10.6 RULE OF IMPOSSIBILITY

In the unlikely situation that a majority (4) of the Members have a conflict of interest on a matter such that the Town Council or Board, Commission or Committee is unable to act in its official capacity, less than a quorum may act on the matter upon approval of the Town Attorney.

10.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

10.8 SANCTIONS FOR VIOLATIONS

Violations of the conflict of interest provisions set forth herein shall be punished as provided for by state law.

10.9 NON-STATUTORY CONFLICTS OF INTEREST

The Council is committed to an open and transparent government and as such, endeavors to avoid all *appearances* of impropriety. As such, if a Member feels ethically constrained from participating in the discussion and voting on an agenda item, even though the circumstances may not technically amount to a conflict of interest under the Arizona conflict of interest law, the Member may declare a conflict. Such conflicts may not violate the state law, but may create an appearance of impropriety. Under such circumstances, the Member should consider disclosing the conflict on the record, formally recusing himself, and stepping down from the dais until the Town Council or Board, Commission or Committee has concluded the public hearing and its discussion and voting upon the item.

SECTION 11 BOARDS, COMMISSIONS, AND COMMITTEES

The Town Council may create such Boards, Commissions, and Committees, as it deems necessary to assist in the conduct of the operation of Town government.

11.1 BOARDS, COMMISSION, AND COMMITTEES

- A. All Boards, Commissions, and Committees of the Town shall be classified as a regularly scheduled or unscheduled Board, Commission, or Committee. Regularly scheduled Boards, Commissions, and Committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled Boards, Commissions, and Committees meet on an as called basis. All Boards, Commissions and Committees serve at the pleasure of the Council.
- B. The Town's current regularly scheduled Boards, Commissions, and Committees are:
 - 1. Planning and Zoning Commission
- C. The Town's unscheduled Boards, Commissions, and Committees consist of the Board of Adjustments and Appeals.
- D. Any Board, Commission, or Committee the Town creates shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by the Town Council.

11.2 SELECTION OF BOARD, COMMISSION, AND COMMITTEE MEMBERS

- A. The Town Council generally makes appointments to the Town's Boards, Commissions, and Committees in January of each year and on an as-needed basis. The Town continually accepts applications from Camp Verde residents interested in serving on a Board, Commission, or Committee. The application form is available from the Town Clerk or on the Town's web site. Completed applications are kept on file for consideration when vacancies occur.
- B. A call for applications to fill vacant seats shall be published via media public service announcements, advertising where budget permits, posting, web site, and other means available to the Town.
- C. Persons applying for the vacant seats must fill out and submit the Town application form to the Town Clerk.
- D. After reviewing the completed applications, the Town Clerk shall place selection of the new Board, Commission, or Committee members on the next available Regular Meeting Agenda. The Council Packet for the meeting shall include copies of all applications that meet eligibility requirements that are received for the vacant seats.
- E. All applicants shall be notified of the time and date of the public meeting for selection of the new Board, Commission, or Committee members and shall be invited to attend so that they may answer questions by the Town Council. The public will not be able to ask questions of the applicants.

- F. At the conclusion of the question and answer session, the Council members shall vote to fill each vacancy by casting a vote in favor of one of the applicants.

The applicant receiving the lowest number of votes will be dropped, and the Council will continue to vote until one applicant receives a majority of four (4) votes.

- G. Each vacancy will be voted on separately. In the event that there are an equal number of applicants for the vacant seats, Council may make one motion to appoint a certain number or all of the applicants.

11.3 QUALIFICATIONS FOR APPOINTMENT

- A. All members of Boards, Commissions, and Committees shall meet the following minimum qualifications upon their appointment, unless the Town Council by a majority vote waives or alters the requirement:
1. At least eighteen years of age.
 2. A full-time resident of the Town of Camp Verde for at least one year. Residency will be determined in the same manner as residency is determined for purposes of voting in Town elections.
- B. Town employees or appointed officers shall not be eligible for appointment to any Board, Commission, or Committee, but may be requested to provide support thereto. Council members may serve on Committees or as a liaison to a Board or Commission, unless provided otherwise.

11.4 TERM, VACANCIES, AND REMOVAL

- A. All members of the Town's Boards, Commissions, and Committees shall serve at the pleasure of the Council and any Board, Commission, or Committee member may be removed by the Town Council.
- B. A vacancy on a Board, Commission, or Committee shall be deemed to have occurred upon the following:
1. Death or resignation of a member of a Board, Commission, or Committee.
 2. A member ceasing to be a Town of Camp Verde resident.
 3. Three consecutive unexcused absences by a member from Board, Commission, or Committee meetings. Unexcused absences are those in which a member has failed to provide sufficient notice to the Department Head (at least three days if not an emergency). Such notice allows staff to determine if a quorum will be present.
 4. Failure to attend mandatory meetings as set by Council (i.e. work sessions, Quarterly Report meetings, or the Annual Training meeting for all Boards and Commissions).

- C. If a Member is no longer eligible to serve and does not resign voluntarily, the Department Head shall notify the Town Manager that a vacancy has occurred. The Manager shall place the matter on the next available agenda for Council consideration.

11.5 APPLICABILITY OF ARIZONA'S OPEN MEETING LAW AND CONFLICT OF INTEREST LAW

All Boards, Commissions, and Committees are subject to the Arizona Open Meeting Law and Conflict of Interest Law.

SECTION 12 COUNCIL AND CANDIDATE RELATIONS WITH TOWN STAFF

12.1 USE OF TOWN STAFF

No Councilmember shall request any staff project without first seeking approval of the Town Manager.

Section 3-2-1.E of the Town Code: Council to Act through Manager: Except for the purpose of inquiry, the council and its members shall deal with the administrative branch solely through the manager, and neither the council nor any member thereof shall give orders or instructions to any subordinate of the manager either publicly or privately. The Town Manager shall take his orders and instructions from the Council only when sitting in a duly convened meeting of the Council and no individual Council member shall give orders or instructions to the Town Manager.

12.2 INFORMATION PROVIDED TO ALL CANDIDATES

- A. For purposes of these Rules of Procedure, Town Council "candidates" shall be those who qualify as candidates when the nominating period closes. For purposes of these Rules of Procedure, the time period between when nominations close and the final election shall be known as the "Campaign Period."
- B. Once the candidates, including incumbents running for re-election, have been identified, all candidates shall receive Council Packets for each Town Council Meeting that is scheduled during the Campaign Period.
- C. During the Campaign Period, when one candidate submits a public information request to the Town, all of the other candidates shall be notified that the request has been made and, if the information is provided to the requestor, shall be afforded the opportunity to request and obtain the same information.

12.3 STAFF COMMUNICATIONS THROUGH TOWN MANAGER

At all times, all formal communications by Town Council members to Town Staff shall be made through the Town Manager or the appropriate department head.

12.4 STAFF COMMUNICATIONS THROUGH TOWN CLERK

During the Campaign Period, all communications to Town staff regarding the pending election by Town Council members running for re-election and candidates to Town Staff shall be made through the Town Clerk, and the Clerk shall notify all other candidates of each communication. This provision shall not preclude a Councilmember speaking directly to the Town Manager regarding any matter related to Town business.

12.5 PROHIBITION AGAINST USING TOWN RESOURCES FOR ELECTION

Pursuant to A.R.S. § 9-500.14, no Town Council member or other representative of the Town may use Town personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome of an election. In addition, copies of candidate filings will not be provided free of charge. This rule applies to all candidates, including incumbents.

SECTION 13 CORRESPONDENCE POLICIES AND USE OF PERSONAL COMPUTERS AND PERSONAL ELECTRONIC DEVICES FOR TOWN BUSINESS

13.1 DEFINITIONS

- A. Personal Computers (PCs) means: home, business, and lap top computers not owned by the Town.
- B. Personal Electronic Devices or (PEDs) means cell phones, palm pilots, and any other equipment capable of sending or receiving electronic messages.
- C. E-Mail means messages and communications sent to or received by others through any type of technological device concerning Town business and/or matters that are or could be a future agenda item.
- D. Legal Opinion means a written opinion given by the Attorney.
- E. Incidental Correspondence means routine items that do not set policy.
- F. Policy Correspondence means that which purports to set or explain official Town policy.
- G. Implementation Correspondence means that which implements a policy or a position that is already established by Council.
- H. Citizen Complaint Correspondence means a written complaint form that has been filed by a citizen.

- I. Mail Distribution means incoming mail that is distributed by Clerk's Office staff to the appropriate party.

13.2 PUBLIC ACCESS AND STORAGE OF E-MAIL

- A. The Town cannot guarantee that PCs and PEDs used by Town Council members in conducting Town business will be protected from public access. All public records are subject to public records requests. In addition, e-mails, and other documents related to Town business not otherwise classified as public records may be subject to discovery orders in litigation. Thus, all e-mails or other correspondence pertaining to Town business that is received or sent by a Council member should be copied to the Town Clerk for the public record.
- B. Town Council members who send or receive e-mails related to Town business from PCs or PEDs shall copy the e-mail to the Town Clerk each time an e-mail is sent or received.
- C. The Town shall maintain a repository for all e-mails that are received or sent by Town Council members for the time prescribed by law. The repository will be subject to public records, discovery, and other lawful requests. The Town does not have resources to delete personal comments from e-mails. Town Council members shall have no expectation of privacy with respect to the contents of e-mails copied to or forwarded to the repository.
- D. E-mails and documents related to Town business shall be retained on PCs and PEDs only for such time as needed and may be deleted from PCs and PEDs after they have been copied to or forwarded to the Camp Verde e-mail address.

13.3 CORRESPONDENCE

- A. **Incidental Correspondence** are routine items that do not set policy for the Town, such as acknowledging receipt of documents, public relations responses, letters of appreciation, and congratulations for special activities and events. Incidental correspondence may be answered by the Mayor or other Council members. Note cards with the Town logo are available for Council use. Individual Council members may review the correspondence and comment to the Mayor or a Council member on a particular response or request a review by the full Council.
- B. **Policy Correspondence** is that which purports to set or explain official policy of the Town, such as letters of support, expressions of position or opinion, or assertions of intent. It must first receive approval of a majority (4) of the Council at public meeting and will then be signed by the Mayor or other such member authorized by Council on behalf of the Council.

At the first meeting in January of each year, Council may adopt a Policy Statement that authorizes the Mayor, as the Town's Chief Elected Official, to support or oppose bills introduced during Legislative Sessions when they adversely affect the Town's interests and require an immediate response.

- C. **Implementation Correspondence** is that which implements a policy or position already established by the Council, such as continuing letters of support on legislation, positions on actions by other governmental agencies, responding to public information requests, and other administrative steps identified in the initial representation of the issue and approved by the Council. It will be signed by the Mayor and/or other such members authorized by Council.
- D. **Public Inspection** each type of correspondence will be kept chronologically in a separate binder available for public inspection.
- E. **Citizen Complaints** is that correspondence that is addressed to the Town, the Mayor, and/or any other Council member and that is signed or otherwise verified and identified to be a citizen complaint concerning any issue(s) relating to official Town business or responsibility as authorized by statute or other legal authority shall be directed to the Town Manager upon receipt to assign appropriately for resolution. Appropriate tracking measures shall be established in order for resolution to be reported back to the Town Manager, complainant, and the Town Council.
- F. **Mail Distribution** takes place upon receipt of mail addressed to the Town of Camp Verde, the Council as a whole, or to a particular staff member or department. Mail addressed to the Mayor and/or Council will be opened, date stamped, and copied to the entire Council if the content contains something of interest or that pertains to the entire Council. Documents will only be maintained as confidential if permitted under the Arizona Public Records Act. Thus, all mail marked "Personal and confidential" or "Confidential" will be opened and placed in the appropriate Council member's box. Should the Mayor or individual Council member determine that a citizen is making a complaint, the correspondence shall be immediately referred to the Town Manager in order for the appropriate assignments to be made and allowing for the resolution process to be started. Note: all personnel matters MUST be kept confidential unless the attorney advises otherwise.

Staff and department mail will not be opened; however, the envelopes will be date-stamped and placed in the appropriate box.

SECTION 14 COUNCIL BUDGET

14.1 ADOPTION OF TOWN COUNCIL BUDGET

The annual budget for the Town adopted by the Council will contain a line item designated for Council members' expenditures. This line item shall be the maximum amount that may be reimbursed to or expended by individual Council members pursuant to this section. This line item is a part of the approved Town Council Budget.

14.2 USE OF BUDGETED FUNDS; PROCEDURES

- A. The Council budget may be used only for expenses incurred by individual Council members for participation in business activities and events at which a Council member is representing the Town in the Councilmember's official capacity.
- B. In order to receive reimbursement for amounts expended for participation in activities or events described in Paragraph A, a Councilmember shall submit a receipt(s) to the Finance Director showing the amount expended and the purpose of the expenditure. If no receipt was received for the expenditure, reimbursement may be given if satisfactory evidence of the expenditure is submitted to the Finance Director. If there is uncertainty regarding whether the expenditure is an expense for which the Council member may be reimbursed pursuant to this section, the Finance Director shall obtain approval from the Town Manager prior to providing reimbursement to the Councilmember.

SECTION 15 CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

15.1 SUMMARY

The Three Rs of Camp Verde Government Leadership: Roles, Responsibilities and Respect

The Town Code provides information on the roles and responsibilities of Council Members, the Vice Mayor and the Mayor. This is a Code of Conduct for the Town of Camp Verde's elected officials.

This Code of Conduct is designed to describe the manner in which Council Members and appointed officials of the Town (collectively, "Public Officials") should treat one another, Town staff, constituents, and others they come into contact with in representing the Town of Camp Verde. It reflects the work of defining more clearly the behavior, manners and courtesies that are suitable for various occasions. This is designed to make the public meetings and the process of governance run more smoothly.

The content of this Code of Conduct includes:

- Overview of Roles and Responsibilities
- Policies and Protocol Related to Conduct
- Council Conduct with One Another
- Council Conduct with Town Staff
- Council Conduct with the Public
- Council Conduct with Other Public Agencies

- Council Conduct with Boards and Commissions
- Council Conduct with the Media
- Sanctions
- Principles of Proper Conduct
- Checklist for Monitoring Conduct

The constant and consistent theme through all of the conduct guidelines is "respect." Public Officials experience significant workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Public Officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Public Officials to do the right thing in even the most difficult situations.

15.2 OVERVIEW OF ROLES AND RESPONSIBILITIES

Other resources that are helpful in defining the roles and responsibilities of Public Officials can be found in the Town of Camp Verde Code and in the Elected Officials Guide published by the League of Arizona Cities & Towns.

MAYOR

- Is directly elected by the people pursuant to ARS §9-232.03. (Town Code, Section 2-2-1)
- Acts as the official head of the Town for all ceremonial purposes
- Chairs Council meetings (Town Code, Section 2-2-4)
- Calls for special meetings (Town Code, Section 2-3-2)
- Recognized as spokesperson for the Town of Camp Verde
- Makes judgment calls on proclamations, agendas, etc.
- Recommends subcommittees as appropriate for Council approval
- Leads the Council into an effective, cohesive working team
- Sign documents on behalf of the Town of Camp Verde

VICE MAYOR

- Serves at the pleasure of the Council (Town Code, Section 2-2-2)
- Performs the duties of the Mayor if the Mayor is absent (Town Code, Section 2-2-2)
- Chairs Council meetings in the absence of the Mayor

- Represents the Town at ceremonial functions at the request of the Mayor

ALL COUNCIL MEMBERS

All members of the Town Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more authority than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in Town Council meetings and other public forums while demonstrating kindness, consideration, and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the Town at ceremonial functions at the request of the Mayor or at the request of the Council.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Camp Verde government
- Provide contact information with the Town Clerk in case of an emergency or urgent situation arises while the Council Member is out of Town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

MEETING CHAIR

The Mayor will chair official meetings of the Town Council, unless the Vice Mayor or another Council Member is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda items under consideration
- Makes parliamentary rulings. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

15.3 POLICIES AND PROTOCOL RELATED TO CONDUCT

A. **Ceremonial Events**

Requests for a Town representative at ceremonial events will be handled by Town staff. The Mayor will serve as the designated Town representative. If the Mayor is unavailable, then Town staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

B. **Correspondence Signatures**

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. The Town Clerk will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or the Town Clerk.

If correspondence is addressed only to one Council Member, then that Council Member may check with staff on the best way to respond to the sender.

C. **Endorsement of Candidates**

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official Town meetings.

D. **Public Announcements in Council Meetings**

Council Members who want to speak during the Call to the Public or Council Members Report portion of the Council meeting should notify the Chair in advance. Council Members, like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest. Matters that may require Council action or direction should not be discussed and those items on the agenda should not be used for any form of campaigning.

E. **Public Hearing Protocol**

The applicant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. All speakers should be heard. All statements should be made to and through the Chair. The applicant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Council Members should not express opinions during the public hearing portion of the meeting, except to ask pertinent questions of the speaker or staff. All Council Member comments or questions should be directed to the Chair. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. Council Members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for the question or a point of order. Only Council Members, who voted on the prevailing side, may make motions to reconsider. Motions to reconsider must be made prior to adjourning the meeting.

F. **Travel Expenses**

The policies and procedures related to the reimbursement of travel expenses for official Town business by Council Members is according to the Town of Camp Verde Financial Operations Guide, as may be amended. All Council travel in excess of the allowed budget, in which the Council Member expects to officially represent the Town and/or be reimbursed by the Town for travel costs, must be approved in advance by the Council. In addition, all out of state travel for which the Council Member expects to officially represent the Town and/or be reimbursed by the Town for related travel costs, must be approved by the entire Council PRIOR to taking the trip. The travel policy and budget for Council should be reviewed at each annual budget cycle.

15.4 COUNCIL CONDUCT WITH ONE ANOTHER

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

A. **IN PUBLIC MEETINGS**

1. **Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

2. **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

3. **Avoid personal comments that could offend other Council Members**

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

4. **Demonstrate effective problem-solving approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. When requesting that staff provide copies to Council members, provide an explanation **as to** your reasoning for the request.

B. IN PRIVATE ENCOUNTERS

1. Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

2. Be aware of the lack of security of written notes, voicemail messages, and e-mail

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

3. Even private conversations can have a public presence

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Remember the open meeting law prohibits conversations of four or more council members or the "linking" together through a common source of four or more individual conversations.

4. Other Town Public Officials

The foregoing guidelines concerning "Conduct with One Another" shall be followed not only by Council Members but also by other Town Public Officials.

15.5 COUNCIL CONDUCT WITH TOWN STAFF

Governance of a Town relies on the cooperative efforts of elected officials, who set policy, and Town staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

A. Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Inappropriate behavior towards staff is not acceptable.

B. Limit contact to specific Town staff

Consequently, remember Town staff is accountable to their supervisors. Tasks performed by staff that come from outside the normal chain of supervision could cause staff confusion, inadequate work product and inefficient performance. Questions of Town staff and/or requests for additional background information should be directed through the Town Manager, Town Clerk or Department Heads, or the Department Head's designee. The Town Manager should be copied on any request. In accordance with Town Code Section 3-2-1-E, no Council Member shall give orders or instructions to any subordinate of the Town Manager other than instructions for the purpose of inquiry without the consent of the Town Manager.

When in doubt about what staff contact is appropriate, Council Members should ask the Town Manager for direction. Materials supplied to a Council Member in response to a request will be made available to all members of the Council so that all have equal access to information.

C. Do not disrupt Town staff from their jobs

Council Members should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

D. Never publicly criticize an individual employee

Council should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the Town's personnel rules and limit the Town's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

E. Do not get involved in administrative functions

Council Members must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits.

F. Check with Town staff on correspondence before taking action

Before sending correspondence, Council Members should check with the Town Manager to see if an official Town response has already been sent or is in progress.

G. Do not attend meetings with Town staff unless requested by staff.

Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

H. Limit request for staff support

Routine secretarial support will be provided to all Council Members by Clerk's Office staff. Routine secretarial support consists of simple requests that consume minimum staff time, such as an occasional letter or note, travel arrangements for Council-approved events, or providing copies of requested material. Secretarial support does not include making phone calls or other support for non-Council-sanctioned events and/or maintaining an appointment calendar.

The Clerk's Office staff will prepare and/or process all correspondence and documents that have been approved in a duly convened Council meeting by a majority of the members. All requests for secretarial support must be made through the Town Clerk.

Requests for additional staff support – even in high priority or emergency situations – should be made through the Town Manager who is responsible for allocating Town resources in order to maintain a professional, well-run Town government.

The Clerk's Office opens all mail for Council Members and distributes per the Correspondence policy. Mail delivered to Town Hall and marked 'confidential' will not be treated as confidential unless permitted under the Arizona Public Records Act, but will be distributed according to the Correspondence policy.

I. **Do not solicit political support from staff**

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff; to do so could violate the law. Town staff may, as private citizens with constitutional rights, support political candidates for other government entities but all such activities must be done away from the workplace.

J. **Other Town Public Officials**

The foregoing guidelines concerning "Conduct with Town Staff" shall be followed not only by Council Members but also by other Town Public Officials.

15.6 COUNCIL CONDUCT WITH THE PUBLIC

A. **IN PUBLIC MEETINGS**

1. **Making the Public Feel Welcome** is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with respect

Be fair and equitable in allocating public hearing time to individual speakers

Generally, each speaker will be allocated three minutes. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he/she exhibits inappropriate behavior. After the close of the public hearing, no more public testimony will be accepted.

2. **Give the appearance of active listening**

It is disconcerting to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing

around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

3. Ask for clarification, but avoid debate and argument with the public

Only the Mayor, no individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

4. No personal attacks of any kind, under any circumstances

Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

B. IN UNOFFICIAL SETTINGS

1. Make no promises on behalf of the Council

Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Town staff will do something specific (fix a pothole; remove a library book; plant new trees, etc.)

2. Make no personal comments about other Council Members

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

3. Remember Camp Verde is a Small Town

Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Camp Verde. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Other Town Public Officials

The foregoing guidelines concerning "Conduct with the Public" shall be followed not only by Council Members but also by other Town Public Officials.

15.7 COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

A. Be clear about representing the Town or personal interests

If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority or minority opinion of the Council.

Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement in order to assure their independence and impartiality on behalf of the common good. Public Officials should not use their official positions to influence government decisions in which they have a substantial financial interest or a relationship that may give the appearance of a conflict of interest. Public Officials should abstain from participating in deliberations and decision-making where conflicts of interest may exist as defined under Arizona law. Public Officials should discuss issues of conflict of interest with the Town Attorney.

B. Correspondence also should be equally clear about representation

Town letterhead may be used when the Council Member is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record.

Town letterhead should not be used for correspondence of Council Members representing a personal point of view, and is best not used to express a dissenting point of view from an official Council position. However, should Council Members use Town letterhead to express a dissenting point of view, the official Town position must be stated clearly, so the reader understands the difference between the official Town position and the viewpoint of the Council Member.

C. Other Town Public Officials

The foregoing guidelines concerning "Conduct with Other Public Agencies" shall be followed not only by Council Members but also by other Town Public Officials.

15.8 COUNCIL CONDUCT WITH BOARDS AND COMMISSIONS

The Town has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

A. If attending a Board or Commission meeting, be careful to only express personal opinions

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by a Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

B. Limit contact with Board and Commission members to questions of clarification

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

C. Remember that Boards and Commissions serve the community, not individual Council Members

The Town Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

D. Be respectful of diverse opinions

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

E. Keep political support away from public forums

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Town Council Member.

F. Inappropriate behavior can lead to removal

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council.

15.9 COUNCIL CONDUCT WITH THE MEDIA

Council Members are frequently contacted by the media for background and quotes.

A. The best advice for dealing with the media is to never go "off the record"

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

B. The Mayor is the official spokesperson for the Town.

The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official Town position or a personal viewpoint.

C. Choose words carefully and cautiously

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

D. Other Town Public Officials

The foregoing guidelines concerning "Conduct with the Media" shall be followed not only by Council Members but also by other Town Public Officials.

15.10 ENFORCEMENT OF THE ETHICS POLICY

A. Complaints

1. Public Officials themselves have the primary responsibility to assure compliance with this Code of Conduct.
2. The Chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of the Public Officials appear to be in violation of this Code of Conduct.
3. If the Mayor or the chair of the applicable board, commission or committee fails to intervene, two members of the Council, board, commission may request the Mayor or the chair of the applicable public body to intervene. If the complaint arises out of actions or inactions of the Mayor or the chair, the matter shall be directed to the vice-mayor or vice-chair. If the Mayor, chair, vice-mayor or vice-chair fails to intervene, then the matter shall be referred to the Town Attorney.
4. The Town Attorney shall review the complaint and shall simultaneously notify in writing the Town official subject to the complaint of such review.
5. Within 30 days, the Town Attorney shall submit the results of his or her review to the complainant, to the official who is the subject of the complaint, and to the Mayor or chair of the public body on which the official who is the subject of the complaint sits. If the matter cannot be resolved within ten days, the matter shall be referred to the Town Council. The Town Council shall consider the Town Attorney's report at a public meeting. If the Town Council finds an ethical violation by a person serving on a commission, board or committee, then the Town Council may remove the member from the Town board, commission, or committee. In resolving a complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.
6. In addition, the Town Council may impose sanctions on Public Officials whose conduct does not comply with this Code of Conduct, such as reprimand, censure, loss of seniority or committee assignment, or official travel restrictions.

B. Resolving Complaints against the Mayor and/or other Members of the Town Council.

1. When complaints are levied against the Mayor or members of the Town Council, the Town Attorney shall have the authority to decide either to (a) act directly on any complaint filed against the Mayor and/or other members of the Town Council pursuant to subparagraph A above, or (b) refer a complaint to an independent reviewing authority such as a city or town attorney from another jurisdiction or an attorney from the office of the county attorney.

15.11 SANCTIONS

A. Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

B. Inappropriate Staff Behavior

Council Members should refer to the Town Manager any Town staff that does not follow proper conduct in their dealings with Council Members, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

C. Council Members Behavior and Conduct

In addition to sanctions imposed pursuant to paragraph A.6 above, Town Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the Town of Camp Verde or with inter-government agencies) or have official travel restricted.

15.12 PRINCIPLES OF PROPER CONDUCT

Proper conduct IS . . .

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively

- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT . . .

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

IT ALL COMES DOWN TO RESPECT

Respect for one another as individuals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

15.13 CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?

- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

15.14 EXIT PROCESS FOR DEPARTING COUNCIL/COMMISSION MEMBERS

DURING THE ELECTED/APPOINTED TERM, MEMBERS RECEIVE AND/OR HAVE ACCESS TO INFORMATION RELATIVE TO THE TOWN OF CAMP VERDE GOVERNMENT, SUCH AS REPORTS, MAPS, PHOTOGRAPHS, GIFTS THAT HAVE BEEN ACCEPTED BY A MEMBER ON BEHALF OF THE TOWN, AND OTHER DOCUMENTATION, AS WELL AS TOWN-OWNED EQUIPMENT, CELL PHONES, KEYS, COMPUTERS, OFFICE SUPPLIES, ETC. THIS LIST IS NOT ALL INCLUSIVE.

THE CLERK'S OFFICE IS RESPONSIBLE FOR COORDINATING THE EXIT PROCESS WITH ALL COUNCIL/COMMISSION MEMBERS. ALL TOWN-OWNED EQUIPMENT AND OTHER DOCUMENTS, SUPPLIES, INFORMATION, KEYS, ETC. MUST BE RETURNED TO THE CLERK'S OFFICE AT LEAST TWO BUSINESS DAYS PRIOR TO THE END OF THE MEMBER'S TERM. STAFF WILL ASSIST THE MEMBER WITH DETERMINING WHAT INFORMATION, DOCUMENTS, ETC. THAT MAY BE REMOVED TOWN OFFICES. AT NO TIME, WILL A DEPARTING MEMBER BE PERMITTED TO REMOVE ITEMS WITHOUT STAFF REVIEW.

SECTION 16 SUMMARY OF GOOD GOVERNMENT RULES FOR ELECTED AND APPOINTED OFFICIALS

16.1 SUMMARY AND NOTICE OF STATUTORY AUTHORITY.

The following is a brief summary of many of the items addressed in this document, along with the statutory authority. If you have a question or concern about any situation, it is best to speak to your Department Liaison, the Town Clerk, or the Town Manager *before* taking action.

16.2 THE PUBLIC'S PROPERTY.

Public property belongs to the people in general, and should not be used to benefit specific public officers. *Examples* of misuse of public property are requiring employees to do tasks for superiors that are not work-related; using public computers or personnel for a personal side business; claiming false travel expenses; destroying public records; using public vehicles for personal errands; and using public employees, equipment, supplies, or facilities for political campaigns.

- Personal use of public resources is *theft* (ARS §13-1802)
- Making false representations to obtain a benefit is punishable *fraud* (ARS §13-2310)
- Computer fraud occurs when a person exceeds authorization of use of any computer (ARS §13-2316)
- Destroying, altering, or falsifying a public record is *tampering with a public record* (ARS §13-2407/§38-421)
- Using public personnel or equipment to influence the outcome of an election is *prohibited political activity* (ARS §500.14.A)

16.3 PUBLIC MONEY.

Arizona law strictly regulates the receipt, custody, control, and expenditure of public money to protect taxpayers (ARS §35-196/301). Arizona Constitution, Article IX, Section 7, prohibits governmental bodies from expending public monies to give advantage to special interests or engage in non-public enterprises. **Use of public money must always be for a public purpose.**

16.4 PUBLIC PROCUREMENTS.

Laws regulate the expenditure of public money for procurement or any materials, services, construction, or property in order to promote competition, obtain the best product or service at the lowest price, and treat vendors equally. *Examples* of violations of this policy are sharing confidential bid information with vendors or third parties; purchasing an item outside of the required process simply because the product or price seems superior; obligating public funds without authorization; contracting for services without a purchase order (PO) and without quotes; bid-rigging to eliminate competition; and misuse of change orders to exceed budget or authorization. Intentional violations of the State code are class 4 felonies, with lesser penalties for violations of local ordinances. Personal civil liability even for inadvertent violations may also attach, including a 20% penalty, interest, costs, and damages. (ARS §41-2616.A). Contracts may be canceled and all amounts paid recovered by the public body. (ARS §38-506.A/511). State and federal *antitrust laws* apply, regardless of which procurement code is being followed, and procurement personnel risk being implicated in an anti-competitive combination if a vendor seeks direct influence by writing the specifications, seeks

removal of a competitor from a vendor list, seeks inside information about competitors' bids before a bid award, asks about competitors' prices, or seeks modification of the contract after the bid is awarded. There are treble civil damages and criminal penalties for violations.

16.5 CONFLICTS OF INTERESTS.

Public policy requires that personal interests not exist as a possible factor influencing a public official in the performance of his duties. Any pecuniary or proprietary interest, direct or indirect, of public officers or employees (or their relatives), is deemed a "substantial interest" which triggers a conflict, unless it falls within one of the 11 statutory exceptions set out in ARS §38-502.10. A conflict must be declared on the public record and by filing a paper signed by the public officer or employee which fully discloses the substantial interest (ARS §38-502.3). The filing shall be in a special file established pursuant to ARS §38-509. If a conflict is made known, it is not enough to simply refrain from voting. The public officer or employee may not participate in the discussion or decision of the matter on which there is a conflict with other members of the public body before, during, or after the meeting. These steps must be taken even if there is little or no likelihood that the public servant would participate in the matter, and even if the person is confident that neither his nor her objectivity nor the public interest would be harmed by participation. The conflict of interest statutes are mandatory. Criminal penalties apply for knowing violations of the statutes, and public servants may be subject to prosecution even if they were unaware of a conflict when they took official action (ARS §38-510.A.2). In addition to civil and criminal penalties, assessment of damages, attorneys fees and costs, removal from office, and other equitable relief, a contract made on behalf of the public agency in violation of the conflict of interest laws is voidable at the discretion of the agency (ARS §38-506.A/511).

16.6 COMPENSATION.

Arizona law prohibits all public officers and employees from receiving any money, tangible thing of value, or financial benefit, whether directly or indirectly, for any service rendered in connection with their duties (ARS §38-505)(Class 4 felony under ARS §38-444). The acceptance of a gift, even if given in the best intentions (without attempting to influence the public servant though rarely will gifts be brought by persons other than those who are dealing with the Town!), can still violate the law. State code section R2-5-501.C.4 prohibits employees from receiving anything of economic value as a gift, gratuity, favor, entertainment, or loan, which may even appear to be designed to influence the employee's official conduct.

16.7 FAVORITISM.

Federal and state laws are numerous which prohibit discrimination, and the reverse conduct of favoritism. Related to this are requests by constituents for assistance in dealing with other agencies or branches of government. Public officials should not use their positions to improperly influence the outcome of proceedings in which they play no official role, such as matters in other agencies or branches of government. Responses to requests by constituents should be limited to inquiry about the status of a matter, and to help the constituent understand the procedures that may be involved, and not directly or indirectly interfere.

16.8 PUBLIC RECORDS.

Public records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person (ARS §39-121). The public records include records reasonably necessary or appropriate to maintain an accurate knowledge of the public officer's or public body's official activities. "Other matters" means documents which are not required by law to be filed as public records, and are held by the public officer in his or her official capacity, and in which the public's interest in disclosure outweighs the governmental interest in confidentiality. These may include informal communications such as notes, memos, calendars, and e-mail that is related to or could be related to some future Town business.

Examples of problems areas are refusing to produce public records; purposefully delaying the release; refusing to release records based on speculation that they may contain information that does not need to be produced; refusing to disclose records because they are "only drafts" or are incomplete; refusing to disclose because of a promise of confidentiality when there is no statutory basis of confidentiality. One example of confidentiality of interest is that during and for 2 years following a public servant's position, that person may not disclose or use for personal profit confidential information acquired in the course of official duties (ARS §38-504.B). Portions of personnel files containing a peace officer's home address, home telephone number and personal cell phone, and photograph if serving or scheduled to serve as an undercover agent, are confidential.

RECORDS REQUEST
2015

DATE RECORD REQUESTED	PERSON REQUESTING RECORD	RECORD REQUESTED	RECORDS PROVIDED	HOW WAS RECORD REQUESTED			DATE COMPLETED
				WRITTEN	VERBAL	E-MAIL	

DRAFT

TOWN OF CAMP VERDE
Records Management Policy

~~December, 2010~~

DRAFT 2015

Town of Camp Verde Records Management Policy

All records received or generated by officials, employees, or representatives of the Town of Camp Verde in the performance of their duties shall be maintained in accordance with the provisions set forth in this policy **and in accordance to State Law.**

INTRODUCTION

State law ([A.R.S. § 41-151.14](#)) requires every municipality to establish and maintain an active, continuing program for the economical and efficient management of records, and to appoint an individual to manage the program in accordance with all applicable statutes. The designated individual oversees the program to ensure that accurate Records Retention and Disposition Schedules are maintained and adhered to, and that all reporting requirements are met.

The Town Records Manager, under authority of the Town Clerk, is responsible for the day-to-day oversight of the Town of Camp Verde's Records Management Program to ensure compliance with State law. Through an ongoing Records Management Program, the Town Records Manager provides assistance and support to Departments, and offices of the Town of Camp Verde to ensure that schedules are followed and destructions are properly documented and reported. The Town Records Manager advises the Records Management Coordinators in each department, or office on conducting records inventories and preparing Records Retention and Disposition Schedules. The Town Records Manager also serves as the liaison to the Arizona State Library, Archives and Public Records (State Library).

This manual was prepared by the Town Clerk's Office to provide written procedures for complying with State law and the Town's records management policies and procedures.

The manual includes:

- **Quick Start Guide – Three Basic Steps of Records Management**
- **Overview of the Town of Camp Verde's Records Management Program**
- Operating Procedures and Guidelines for Complying with State Law and Town Policies for Managing Public Records:
 - Section 1: Records Retention and Disposition Schedule
 - Section 2: Records Retention and Storage
 - Section 3: Records Destruction
 - Section 4: Electronic Records
 - Section 5: Electronic Messages (E-Mail and Voice Mail)
 - Section 6: Social Networking Utilities
 - Section 7: Records Requests
 - Section 8: Frequently Asked Questions
- Supplemental Information, including:
 - Links to Online Records Management Forms (Appendix A)
 - Instructions for Transferring Records to Storage (Appendix B)
 - Document Standards (Appendix C)
 - Essential Records Protection and Recovery Plan (Appendix D)
 - Historic Records Preservation (Appendix E)

Quick Start Guide: Three Basic Steps of Records Management

Step 1: Prepare and Maintain a Current Retention and Disposition Schedule

Every department of the Town is required to have a current, State-approved Records Retention and Disposition Schedule (Retention Schedule or schedule) on file with the Town Clerk's Office. A State-approved schedule lists the types of records, or record series, maintained by each department; indicates how long documents are to be kept; and authorizes the destruction of non-permanent records once retention periods have been met. The Town of Camp Verde adheres strictly to the State Retention Schedule.

Section 1 of this manual provides detailed information on how to prepare and maintain a Records Retention and Disposition Schedule.

Step 2: Retain Records According to an Approved Retention Schedule

Every department is legally required to comply with the Retention Schedule; therefore, schedules are to be followed carefully, consistently, and in a timely manner.

Section 2 of this policy provides detailed information on how to retain and store records.

Step 3: Destroy Records According to an Approved Retention Schedule

Records are to be destroyed promptly and consistently according to the current, State-approved Retention Schedule. An approved Retention Schedule serves as authorization from the State Library to destroy a record once the retention period has been met.

If a record is not listed on a current, State-approved Schedule, or if a record is required beyond the prescribed retention period for litigation or legal discovery, criminal or government investigation, or ongoing audit purposes, **do not destroy the record**. Whenever there is a question regarding whether a record can be destroyed, call the Town Records Manager for assistance.

After a document has been destroyed in accordance with the approved Retention Schedule, the department's Records Management Coordinator must document the destruction on a Report/Certificate of Destruction Form and file the original with the Town Records Manager. The Town Records Manager retains a copy for the official files and forwards the original report to the State Library.

Section 3 of this manual provides detailed information on records destruction.

Where to Go for Help

Section 1, Section 2, and Section 3 contain general guidelines for managing public records, and Section 8 provides answers to many records management "Frequently Asked Questions."

Every department has a Records Management Coordinator who is responsible for enforcing the department's Retention Schedule and for ensuring that records are maintained according to that schedule.

The Town Records Manager is available to answer records management questions and to assist in the preparation and update of forms and reports.

OVERVIEW

Purpose

The Town of Camp Verde Records Management Program was established to provide a comprehensive and cost effective method for maintaining, preserving, and disposing of Town records in compliance with State law.

Authority

Camp Verde Town Code Section 3-2-2 b1.)

Town wide Records Management Program – Document Standards

The Documents Standards, issued by the Town Clerk and Town Records Manager and approved by the Town Manager, provide general guidelines for the classification, construction, and control of official Town documents to ensure completeness and authenticity.

Arizona Supreme Court Administrative Order No. 2007-34

Administrative Order Nos. 2007-34 and 2008-88 adopt the Retention and Disposition Schedule identifying the length of time court records must be kept prior to destruction, and purge lists identifying documents to be removed from case files before storage or replication.

Arizona Revised Statutes

Arizona Revised Statutes are available online at: <http://www.azleg.state.az.us/arizonarevisedstatutes.asp>

A.R.S. § 38-421 – Destruction of Public Records

A.R.S. § 38-421 declares the destruction of public records by a public officer without authorization a class 4 felony, and by persons other than a public officer, a class 6 felony. Stealing, mutilating, defacing, altering, falsifying, removing or secreting public records are also felony offenses.

~~A.R.S. § 41-1346 – Public Records Management~~

~~A.R.S. § 41-1346 directs each governing body within the State to establish a records management program, provides a definition for "records management," and sets forth the classification and penalty for violating the statute.~~

A.R.S. §41-151-14 PUBLIC RECORDS MANAGEMENT

- A. THE HEAD OF EACH STATE AND LOCAL AGENCY SHALL:**
- 1. ESTABLISH AND MAINTAIN AN ACTIVE, CONTINUING PROGRAM FOR THE ECONOMICAL AND EFFICIENT MANAGEMENT OF THE PUBLIC RECORDS OF THE AGENCY.**
 - 2. MAKE AND MAINTAIN RECORDS CONTAINING ADEQUATE AND PROPER DOCUMENTATION OF THE ORGANIZATION, FUNCTIONS, POLICIES, DECISIONS, PROCEDURES AND ESSENTIAL TRANSACTIONS OF THE AGENCY DESIGNED TO FURNISH INFORMATION TO PROTECT THE RIGHTS OF THE STATE AND OF PERSONS DIRECTLY AFFECTED BY THE AGENCY'S ACTIVITIES.**
 - 3. SUBMIT TO THE DIRECTOR, IN ACCORDANCE WITH ESTABLISHED STANDARDS, SCHEDULES PROPOSING THE LENGTH OF TIME EACH RECORD SERIES WARRANTS RETENTION FOR ADMINISTRATIVE, LEGAL OR FISCAL PURPOSES AFTER IT HAS BEEN RECEIVED BY THE AGENCY.**
 - 4. SUBMIT A LIST OF PUBLIC RECORDS IN THE AGENCY'S CUSTODY THAT ARE NOT NEEDED IN THE TRANSACTION OF CURRENT BUSINESS AND THAT ARE NOT CONSIDERED TO HAVE SUFFICIENT**

ADMINISTRATIVE, LEGAL OR FISCAL VALUE TO WARRANT THEIR INCLUSION IN ESTABLISHED DISPOSAL SCHEDULES.

5. ONCE EVERY FIVE YEARS SUBMIT TO THE DIRECTOR LISTS OF ALL ESSENTIAL PUBLIC RECORDS IN THE CUSTODY OF THE AGENCY.

6. COOPERATE WITH THE DIRECTOR IN THE CONDUCT OF SURVEYS.

7. DESIGNATE AN INDIVIDUAL WITHIN THE AGENCY TO MANAGE THE RECORDS MANAGEMENT PROGRAM OF THE AGENCY. THE AGENCY SHALL RECONFIRM THE IDENTITY OF THIS INDIVIDUAL TO THE STATE LIBRARY EVERY OTHER YEAR. THE DESIGNATED INDIVIDUAL:

(A) MUST BE AT A LEVEL OF MANAGEMENT SUFFICIENT TO DIRECT THE RECORDS MANAGEMENT PROGRAM IN AN EFFICIENT AND EFFECTIVE MANNER.

(B) SHALL ACT AS COORDINATOR AND LIAISON FOR THE AGENCY WITH THE STATE LIBRARY.

8. COMPLY WITH RULES, STANDARDS AND PROCEDURES ADOPTED BY THE DIRECTOR.

B. THE GOVERNING BODY OF EACH COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION SHALL PROMOTE THE PRINCIPLES OF EFFICIENT RECORD MANAGEMENT FOR LOCAL PUBLIC RECORDS. SUCH GOVERNING BODY, AS FAR AS PRACTICABLE, SHALL FOLLOW THE PROGRAM ESTABLISHED FOR THE MANAGEMENT OF STATE RECORDS. THE DIRECTOR, ON REQUEST OF THE GOVERNING BODY, SHALL PROVIDE ADVICE AND ASSISTANCE IN THE ESTABLISHMENT OF A LOCAL PUBLIC RECORDS MANAGEMENT PROGRAM.

C. A HEAD OF A STATE OR LOCAL AGENCY WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

D. FOR THE PURPOSES OF THIS SECTION, "RECORDS MANAGEMENT" MEANS THE CREATION AND IMPLEMENTATION OF SYSTEMATIC CONTROLS FOR RECORDS AND INFORMATION ACTIVITIES FROM THE POINT WHERE THEY ARE CREATED OR RECEIVED THROUGH FINAL DISPOSITION OR ARCHIVAL RETENTION, INCLUDING DISTRIBUTION, USE, STORAGE, RETRIEVAL, PROTECTION AND PRESERVATION.

~~A.R.S. § 41-1347 - Preservation of Public Records~~

~~A.R.S. § 41-1347 declares all records made or received by public officials of the State in the course of their public duties to be the property of the State. Public records are not personal property, nor are they the property of a specific agency or political subdivision. The statute also prohibits the destruction or disposition of any public record unless the Department of Library, Archives and Public Records has determined that the record has no further administrative, legal, fiscal, research, or other value.~~

A.R.S. §41-151-15 PRESERVATION OF PUBLIC RECORDS

A. ALL RECORDS MADE OR RECEIVED BY PUBLIC OFFICIALS OR EMPLOYEES OF THIS STATE OR THE COUNTIES AND INCORPORATED CITIES AND TOWNS OF THIS STATE IN THE COURSE OF THEIR PUBLIC DUTIES ARE THE PROPERTY OF THIS STATE. EXCEPT AS PROVIDED IN THIS ARTICLE, THE DIRECTOR AND EVERY OTHER CUSTODIAN OF PUBLIC RECORDS SHALL CAREFULLY PROTECT AND PRESERVE THE RECORDS FROM DETERIORATION, MUTILATION, LOSS OR DESTRUCTION AND, WHEN ADVISABLE, SHALL CAUSE THEM TO BE PROPERLY REPAIRED AND RENOVATED. ALL PAPER, INK AND OTHER MATERIALS USED IN PUBLIC OFFICES FOR THE PURPOSE OF PERMANENT RECORDS SHALL BE OF DURABLE QUALITY AND SHALL COMPLY WITH THE STANDARDS ESTABLISHED PURSUANT TO SECTION 39-101. ADDITIONALLY, THE CUSTODIAN OF RECORDS THAT KEEPS PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPES OF REPRODUCTION OR ELECTRONIC MEDIA PURSUANT TO SECTION 41-151.16, SUBSECTION A SHALL PROTECT RECORDS FROM LOSS OR DESTRUCTION PURSUANT TO STANDARDS THAT ARE ESTABLISHED BY THE DIRECTOR.

B. RECORDS SHALL NOT BE DESTROYED OR OTHERWISE DISPOSED OF BY ANY AGENCY OF THIS STATE UNLESS IT IS DETERMINED BY THE STATE LIBRARY THAT THE RECORD HAS NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL,

RESEARCH OR HISTORICAL VALUE. THE ORIGINAL OF ANY RECORD PRODUCED OR REPRODUCED PURSUANT TO SECTION 41-151.16 MAY BE DETERMINED BY THE STATE LIBRARY TO HAVE NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL, RESEARCH OR HISTORICAL VALUE. A PERSON WHO DESTROYS OR OTHERWISE DISPOSES OF RECORDS WITHOUT THE SPECIFIC AUTHORITY OF THE STATE LIBRARY IS IN VIOLATION OF SECTION 38-421.

~~A.R.S. § 41-1350 – Definition of Records~~

~~A.R.S. § 41-1350 provides the definition of a record.~~

A.R.S. § 41-151-18 DEFINITION OF RECORDS

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "RECORDS" MEANS ALL BOOKS, PAPERS, MAPS, PHOTOGRAPHS OR OTHER DOCUMENTARY MATERIALS, REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS, INCLUDING PRINTS OR COPIES OF SUCH ITEMS PRODUCED OR REPRODUCED ON FILM OR ELECTRONIC MEDIA PURSUANT TO SECTION 41-151.16, MADE OR RECEIVED BY ANY GOVERNMENTAL AGENCY IN PURSUANCE OF LAW OR IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS AND PRESERVED OR APPROPRIATE FOR PRESERVATION BY THE AGENCY OR ITS LEGITIMATE SUCCESSOR AS EVIDENCE OF THE ORGANIZATION, FUNCTIONS, POLICIES, DECISIONS, PROCEDURES, OPERATIONS OR OTHER ACTIVITIES OF THE GOVERNMENT, OR BECAUSE OF THE INFORMATIONAL AND HISTORICAL VALUE OF DATA CONTAINED IN THE RECORD, AND INCLUDES RECORDS THAT ARE MADE CONFIDENTIAL BY STATUTE. LIBRARY OR MUSEUM MATERIAL MADE OR ACQUIRED SOLELY FOR REFERENCE OR EXHIBITION PURPOSES, EXTRA COPIES OF DOCUMENTS PRESERVED ONLY FOR CONVENIENCE OF REFERENCE AND STOCKS OF PUBLICATIONS OR DOCUMENTS INTENDED FOR SALE OR DISTRIBUTION TO INTERESTED PERSONS ARE NOT INCLUDED WITHIN THE DEFINITION OF RECORDS AS USED IN THIS ARTICLE.

A.R.S. § 41-4172 – Anti-Identification Procedures

~~A.R.S. § 41-4172 requires government agencies to ensure that the personal identifying information of individuals or businesses, collected or obtained by the agency, is secure and cannot be accessed or viewed unless authorized by law. A Governmental agency shall develop and establish commercially reasonable procedures to ensure that entity identifying information or personal identifying information that is collected or obtained by the governmental agency is secure and cannot be accessed, viewed or acquired unless authorized by law. Nothing in this article shall be construed to restrict, diminish or otherwise affect the provisions of title 39.~~

A.R.S. § 44-7601 – Discarding and disposing of records containing personal identifying information; civil penalty; enforcement; definition

~~A.R.S. § 44-7601 requires the Town to ensure that records containing personal information, as defined in the statute, are not discarded or disposed of without first redacting the personal information or destroying the records.~~

A. AN ENTITY SHALL NOT KNOWINGLY DISCARD OR DISPOSE OF RECORDS OR DOCUMENTS WITHOUT REDACTING THE INFORMATION OR DESTROYING THE RECORDS OR DOCUMENTS IF THE RECORDS OR DOCUMENTS CONTAIN AN INDIVIDUAL'S FIRST AND LAST NAME OR FIRST INITIAL AND LAST NAME IN COMBINATION WITH A CORRESPONDING COMPLETE:

1. SOCIAL SECURITY NUMBER.
2. CREDIT CARD, CHARGE CARD OR DEBIT CARD NUMBER.
3. RETIREMENT ACCOUNT NUMBER.
4. SAVINGS, CHECKING OR SECURITIES ENTITLEMENT ACCOUNT NUMBER.
5. DRIVER LICENSE NUMBER OR NONOPERATING IDENTIFICATION LICENSE NUMBER.

B. THIS SECTION MAY BE ENFORCED BY EITHER OF THE FOLLOWING:

1. A COUNTY ATTORNEY IN THE COUNTY IN WHICH THE RECORDS OR DOCUMENTS WERE WRONGFULLY DISCARDED OR DISPOSED. IF A VIOLATION OCCURS BY THE SAME ENTITY IN MULTIPLE COUNTIES, A COUNTY

ATTORNEY IN A COUNTY IN WHICH RECORDS OR DOCUMENTS WERE NOT PROPERLY DISCARDED OR DISPOSED OF, AFTER FILING A NOTICE OF INTENT TO ENFORCE THIS SECTION, MAY SEND A COPY OF THE NOTICE TO THE COUNTY ATTORNEY IN EACH COUNTY IN WHICH RECORDS OR DOCUMENTS WERE NOT PROPERLY DISCARDED OR DISPOSED OF AND MAY REQUEST THAT THE ACTIONS BE CONSOLIDATED.

2. THE ATTORNEY GENERAL.

C. A CIVIL PENALTY SHALL BE IMPOSED FOR EACH VIOLATION OF SUBSECTION A ARISING OUT OF ONE INCIDENT. THE CIVIL PENALTY SHALL NOT EXCEED:

1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.
2. ONE THOUSAND DOLLARS FOR A SECOND VIOLATION.
3. FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

D. AN ENTITY THAT MAINTAINS AND COMPLIES WITH THE ENTITY'S OWN PROCEDURES FOR THE DISCARDING OR DISPOSING OF RECORDS OR DOCUMENTS CONTAINING THE INFORMATION LISTED IN SUBSECTION A THAT IS CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SECTION.

E. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

1. AN ENTITY SUBJECT TO TITLE V OF THE GRAMM-LEACH-BLILEY ACT OF 1999 (P.L. 106-102; 113 STAT. 1338; 15 UNITED STATES CODE SECTIONS 6801 THROUGH 6809).
2. COVERED ENTITIES AS DEFINED UNDER REGULATIONS IMPLEMENTING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, 45 CODE OF FEDERAL REGULATIONS SECTION 160.103 (1996).
3. AN ENTITY SUBJECT TO THE FEDERAL FAIR CREDIT REPORTING ACT, 15 UNITED STATES CODE SECTION 1681X.

F. THIS SECTION ONLY APPLIES TO PAPER RECORDS AND PAPER DOCUMENTS.

G. FOR THE PURPOSES OF THIS SECTION, "ENTITY" INCLUDES A CORPORATION, FOREIGN CORPORATION, NOT FOR PROFIT CORPORATION, PROFIT AND NOT FOR PROFIT UNINCORPORATED ASSOCIATION, NONPROFIT CORPORATION, SOLE PROPRIETORSHIP, CLOSE CORPORATION, CORPORATION SOLE OR LIMITED LIABILITY COMPANY, A PROFESSIONAL CORPORATION, ASSOCIATION OR LIMITED LIABILITY COMPANY, A BUSINESS TRUST, ESTATE, PARTNERSHIP, REGISTERED LIMITED LIABILITY PARTNERSHIP, TRUST OR JOINT VENTURE, GOVERNMENT, GOVERNMENTAL SUBDIVISION OR AGENCY OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

Scope

The Records Management Program is applicable to all Departments, officials, employees, and representatives of the Town of Camp Verde. ~~All records defined under A.R.S. § 41-1346, including records maintained by the Town of Camp Verde, are the property of the State of Arizona. No Town official or employee has any personal or proprietary right to such records, even though he or she may have developed, created, or compiled the record. Unauthorized removal, destruction, or use of Town records is prohibited PER A.R.S. § 41-151-15~~

- A. ALL RECORDS MADE OR RECEIVED BY PUBLIC OFFICIALS OR EMPLOYEES OF THIS STATE OR THE COUNTIES AND INCORPORATED CITIES AND TOWNS OF THIS STATE IN THE COURSE OF THEIR PUBLIC DUTIES ARE THE PROPERTY OF THIS STATE. EXCEPT AS PROVIDED IN THIS ARTICLE, THE DIRECTOR AND EVERY OTHER CUSTODIAN OF PUBLIC RECORDS SHALL CAREFULLY PROTECT AND PRESERVE THE RECORDS FROM DETERIORATION, MUTILATION, LOSS OR DESTRUCTION AND, WHEN ADVISABLE, SHALL CAUSE THEM TO BE PROPERLY REPAIRED AND RENOVATED. ALL PAPER, INK AND OTHER MATERIALS USED IN PUBLIC OFFICES FOR THE PURPOSE OF PERMANENT RECORDS SHALL BE OF DURABLE QUALITY AND SHALL COMPLY WITH THE STANDARDS ESTABLISHED PURSUANT TO SECTION 39-101. ADDITIONALLY, THE CUSTODIAN OF RECORDS THAT KEEPS PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPES OF REPRODUCTION OR ELECTRONIC MEDIA PURSUANT TO SECTION 41-151.16, SUBSECTION A SHALL PROTECT RECORDS FROM LOSS OR DESTRUCTION PURSUANT TO STANDARDS THAT ARE ESTABLISHED BY THE DIRECTOR.**

- B. RECORDS SHALL NOT BE DESTROYED OR OTHERWISE DISPOSED OF BY ANY AGENCY OF THIS STATE UNLESS IT IS DETERMINED BY THE STATE LIBRARY THAT THE RECORD HAS NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL, RESEARCH OR HISTORICAL VALUE. THE ORIGINAL OF ANY RECORD PRODUCED OR REPRODUCED PURSUANT TO SECTION 41-151.16 MAY BE DETERMINED BY THE STATE LIBRARY TO HAVE NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL, RESEARCH OR HISTORICAL VALUE. A PERSON WHO DESTROYS OR OTHERWISE DISPOSES OF RECORDS WITHOUT THE SPECIFIC AUTHORITY OF THE STATE LIBRARY IS IN VIOLATION OF SECTION 38-421.**

Objectives

The primary goal of the Records Management Policy is to provide for efficient, economical, and effective control over the creation, distribution, maintenance, use, preservation, and disposition of all Town of Camp Verde records, regardless of physical form or characteristic.

The Records Management Policy objectives are:

- Provide written guidelines and procedures for the creation, retention, and disposition of the Town's records to ensure consistency and compliance with State law.
- Ensure periodic review and updating of the Records Retention and Disposition Schedules.
- Develop a plan for evaluating, identifying, protecting, and recovering the Town's mission critical records (Essential Records Protection and Recovery Plan).
- Develop a process for evaluating, identifying, preserving, and protecting the Town's historic documents (Historic Records Preservation).

Duties and Responsibilities

Town Clerk

The Town Clerk is the Chief Records Management Officer of the Town of Camp Verde and is responsible for administering the Town's Records Management Program.

The Town Clerk: **ARS 41-151.14 and TOWN CODE 3-2-2 B.1**

- Develops, approves, and applies general guidelines for the creation and version control of official Town documents (agendas, minutes, contracts, resolutions, ordinances, and publications).
- Confers with the Town Attorney, as needed, for legal review of new records management policies and procedures prior to implementation.
- Confers with the Town Manager, as needed, for approval of the Records Management Policy.

Town Records Manager

The Town Records Manager is responsible for the day-to-day oversight of the Town's Records Management Program.

The Town Records Manager:

- Oversees the daily operation of the Town's Records Management Program to ensure compliance with State law.
- Serves as the liaison to the State Library.

- Assists individual Departments in establishing an internal records program for active and inactive records.
- Prepares and maintains the Town Records Management Manual.
- Provides training in the fundamentals of the Records Management Program.
- Files destruction reports with the State Library.
- Prepares and maintains the Essential Records Protection and Recovery Plan.
- Evaluates and classifies historical and archival Town documents, and oversees their storage and preservation.
- Assists Departments and offices of the Town in the identification and preservation of the Town's historic and essential records.
- Makes recommendations on budgetary needs to ensure the Records Management Program is funded appropriately.

Records Management Coordinator(s)

The Records Management Coordinator is responsible for coordinating the records management responsibilities for his/her respective department.

The Records Management Coordinator:

- Maintains department records in a neat and orderly manner to facilitate the maintenance, retrieval, storage, and disposition of the records in compliance with State law.
- Establishes and maintains a current Retention and Disposition Schedule of all existing records created within the department.
- Identifies documents meeting destruction requirements and ensures their destruction.
- Prepares records management-related forms and reports.
- Works with the Town Records Manager to ensure compliance with records management laws, policies, and guidelines.

Town Officials, Employees, and Representatives

All Town officials, employees, and representatives shall adhere to the Town's records management policies and procedures. No Town official or employee has a personal or proprietary right to such records, even though he or she may have developed, created, or compiled the record.

Unauthorized removal, destruction, or use of Town records by any official, employee, or representative of the Town of Camp Verde is prohibited.

Duty to Protect Personal Information

A.R.S. § 41-4172 requires government agencies to ensure that the personal identifying information of individuals or businesses, collected or obtained by the agency, is secure and cannot be accessed or viewed unless authorized by law. The law cautions that nothing in A.R.S. § 41-4172 is to be construed to restrict, diminish or otherwise affect the provisions of Title 39, Public Records Laws, and affirms that the Town is still required to provide access to non-confidential public records as required by A.R.S. § 39-121.

A.R.S. § 44-7601 requires the Town to ensure that records containing personal information, as defined in the statute, are not discarded or disposed of without first redacting the personal information or destroying the records.

Specifically, A.R.S. § 44-7601 provides:

- A. An entity shall not knowingly discard or dispose of records or documents without redacting the information or destroying the records or documents if the records or documents contain an individual's first and last name or **first** initial and last name in combination with a corresponding complete:
 1. Social security number.
 2. Credit card, charge card or debit card number.
 3. Retirement account number.
 4. Savings, checking or securities entitlement account number.
 5. Driver's license number or non-operating identification license number.

To comply with the provisions of A.R.S. §§ 41-4172 and 44-7601, all Departments and offices must:

1. Review the records they maintain on a regular basis to identify personal information.
2. Establish written procedures to identify records containing personal information and protect that information from unauthorized access.
3. Annually, review and update procedures concerning the collection of identifying information to verify whether the information collected is essential to the records being created or received.

Departments also must ensure the proper disposition of records containing personal information pursuant to the Town's record retention schedules. Paper records containing personal information must be shredded, unless an equally cost-effective and thorough method is used. The data in electronic records (including, computers, disks, CDs, magnetic tapes, hard drives, laptops, PDAs, cell phones, or any other electronic media or hardware containing personal identifying information) must be permanently erased.

DEFINITIONS

Archival Paper

Archival paper is a high quality, high fiber content, alkaline buffered, acid free paper used to preserve permanent documents. Other paper that has been tested and approved by the State Library as suitable for permanent records may also be considered "archival" quality. A representative from the State Library can conduct a simple test to determine whether a specific type or brand of paper is suitable for permanent documents. The Town Records Manager is available to arrange testing by the State Library.

Employee

"Employee" for records management purposes shall mean any official; regular, part-time, or contract employee; representative; or volunteer of the Town of Camp Verde.

Record(s)

~~A.R.S. § 1350~~ A.R.S. §41-151.18 defines "records" as:

" . . . all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section ~~41-1348~~, 41-151.16 made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein." ~~IN THE RECORD, AND INCLUDES RECORDS THAT ARE MADE CONFIDENTIAL BY STATUE. LIBRARY OR MUSEUM MATERIAL MADE OR ACQUIRED SOLELY FOR REFERENCE OR EXHIBITION PURPOSES, EXTRA COPIES OF DOCUMENTS PRESERVED ONLY FOR CONVENIENCE OR REFERENCE AND STOCKS OF PUBLICATIONS OR DOCUMENTS INTENDED FOR SALE OR DISTRIBUTION TO INTERESTED PERSONS ARE NOT INCLUDED WITHIN THE DEFINITION OR RECORDS AS USED IN THIS ARTICLE.~~ (A.R.S. § ~~41-1350~~ 41-151.18)

To summarize, a record is any recorded information, regardless of medium or characteristics, including any paper, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been created, received, or used by an organization as evidence of its activities.

Active Records

A record is considered active as long as the reference value of the record remains high. As a good rule of thumb, any document that is referred to at least six times per year is considered to be an active record.

Electronic Records

Electronic records are those that, regardless of physical form, reside in or are accessed by a computer system or are maintained in a media readable only by a machine or electronic device.

Essential Records

Essential records are any records containing information necessary for the Town to continue its key functions and activities in the event of an emergency or disaster. Essential records are not necessarily permanent, nor are they required to be maintained on a special medium. However, every Town department is required to implement and adhere to the Town's

Essential Records Protection and Recovery Plan. In addition, each department is specifically responsible for the identification and protection of its own essential records. Original documents are always filed in the Clerk's Office

Inactive Records

A record is considered to be inactive when there is no longer any activity or interest in the document.

Non-Permanent Records

A non-permanent record is any record that has a time-defined retention period, even if the retention period spans a great number of years. Non-permanent records must be retained and destroyed in compliance with a State-approved Retention Schedule. [Insert link to department of library and archives here](#)

If a document (or documents) in a non-permanent record series is deemed to have historic value, the document is reclassified as a permanent record and cannot be destroyed. The remaining non-historic documents in the series are still considered non-permanent records and must be destroyed according to their respective Retention Schedule.

The list of non-permanent records is quite extensive; however, a few examples include:

- Administrative and Personnel Files
- Budget and Financial Records
- Legal Opinions
- Executive Session Minutes
- Most Contracts

Non-Records

~~A.R.S. § 1350 defines non-records as:~~

~~“Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons.” (A.R.S. § 41-1350) **41-151.18**~~

While the definition of records encompasses a broad spectrum of recorded information, not all recorded information is considered a record. Some examples of non-record materials include:

- Duplicate or extra copies of correspondence and reports initiated by another department and retained for informational purposes.
- Working papers and notes that do not pertain to a specific project.
- Drafts of reports or correspondence that have been finalized.
- Published materials originating from Town offices or other entities which require no action.
- Catalogs, trade journals, and other publications.
- Correspondence of short-term value, such as transmittal memos, courtesy copies of memos, etc.
- Informational or courtesy copies of records in which no documented administrative action is taken.
- “While-You-Were-Out” telephone logs (copy pages).

Non-record material should not be filed or retained in the same file with record material. Sometimes documents that are normally considered non-records, such as transmittals or routing slips, will acquire record status if they clarify the matter being documented. Such distinctions require care and discretion when filing.

Generally, for records management purposes, multiple copies of a single document are non-records. One copy of the document, preferably the original, must be designated as the official record. The remaining copies of the document are considered to be non-record, reference copies generated for informational purposes. Non-records that are used on a regular basis in the course of a department's official business must be listed either on the Town's General Schedule or on a department's custom schedule.

Non-record copies are discoverable and admissible as evidence in court and are subject to public records requests.

Permanent Records

Permanent records are not scheduled for destruction, and are relatively rare, usually comprising three to five percent of a municipality's total records. Some examples of permanent records include:

- Minutes of a public body of the Town (Town Council, boards, commissions, committees, as well as their respective subcommittees).
- Resolutions and Ordinances of the Town Council.
- Documents declared by resolution to be a public record.
- One copy of the Town's annual reports.
- Original copy of organizational documentation (for example, major changes in organization structure).
- Records documenting a historic or "landmark" event.

Permanent records have special storage requirements and are to be maintained on high quality, high fiber content, alkaline buffered, acid free paper, often referred to as archival paper. A.R.S. § 39-101 prescribes the material and storage conditions required for permanent public records and the penalty for noncompliance.

Record Series

A record series is a group of like records filed together and treated as a single unit for record management purposes. For example, a personnel file exists for every employee in the organization. Even though there may be large quantities of these files, with each file containing a variety of documents, they are referred to as a records series – "personnel files" – for record retention purposes.

Records Inventory

A Records Inventory identifies the types and quantity of records maintained by the department, and contains an estimate of how long the information in each record series will be needed to accomplish Town business (often based on retrieval frequency).

Records Retention and Disposition Schedule

A Records Retention and Disposition Schedule (also referred to as Retention Schedule or schedule) is a State-approved timetable that establishes the length of time a record must be kept. The retention and disposition dates listed on State-approved schedules are based on use or need of the record, and on its administrative, legal, fiscal, or archival value to the Town of Camp Verde. A retention schedule also serves as the required legal authority to destroy a record once the retention period has been met. Retention schedules apply to both electronic and paper documents. [Insert link for Retention Schedule here](#)

SECTION 1: RECORDS RETENTION AND DISPOSITION SCHEDULE

All records created and/or maintained by officials, employees, and representatives of the Town of Camp Verde must be listed on a Records Retention and Disposition Schedule.

A Records Retention and Disposition Schedule (also referred to as a Retention Schedule or schedule) is a document that lists the types of records (record series) maintained by each department, specifies the period of time a record is retained, and authorizes the destruction of non-permanent records. The Town of Camp Verde adheres strictly to the state schedule.

Step 1: Inventory Each Record Series

The primary objective of a records inventory is to obtain the data necessary to produce a complete and accurate Retention Schedule. A records inventory identifies the type and quantity of records maintained by a department, and contains an estimate of how long the information contained in each record series will be needed to accomplish Town business.

Step 2: Evaluate Each Record Series

After a comprehensive records inventory has been taken, each record series is evaluated retention classified as either "permanent," "non-permanent," or "non-record." During the evaluation, an active retention period is determined.

Following the Retention Schedule

State and local agencies within Arizona are legally required to comply with their respective schedules. To ensure compliance, Retention Schedules must be followed carefully and consistently. However, following a Retention Schedule should not preempt good judgment. Records required beyond the prescribed retention period because of litigation or legal discovery, criminal or government investigation, or ongoing audit purposes must be maintained until cleared by the appropriate authority.

Contact the Town Attorney's Office whenever records are required because of litigation or legal discovery, criminal or government investigation, or ongoing audit purposes. Similarly, if records should be kept beyond their retention period because they have historic or archival value, contact the Town Records Manager to request an extension. The Town Records Manager will provide assistance in determining the archival value of the document in question.

A department must have written approval from the Town Records Manager before maintaining records longer than the time authorized by an approved retention schedule.

Periodic Review

The Town Records Manager will work with each department to ensure Retention and Disposition Schedules are reviewed every two years.

SECTION 2: RECORDS RETENTION AND STORAGE

Most records have active and inactive stages in their lifecycle. For purposes of retention, these records are grouped within the same series. However, for filing purposes, active and inactive files are usually maintained separately.

Active Records

Paper records are usually retained within the department until they are no longer considered active. In most cases, a record must be referred to more than six times per year to be considered active. When activity drops to a very low level, consideration should be given to whether it would be more cost effective to transfer the records to an offsite storage facility.

Inactive Records

When records are seldom referred to, their continued onsite retention becomes impractical. For this reason, most inactive records are stored until retention requirements have been met.

Departments should determine which records are eligible for transfer to storage by periodically (every 6 to 12 months) reviewing their respective Records Retention and Disposition Schedules.

SECTION 3: RECORDS DESTRUCTION

Records that must be retained beyond the specified retention period for litigation or legal discovery, criminal or government investigation, or ongoing audit purposes may not be destroyed until cleared by the appropriate authority (Town Clerk working in conjunction with the Town Attorney).

The State-approved Retention Schedule grants continuing authority to dispose of records that have met their scheduled retention period. With an approved schedule, the Town may dispose of listed records without further approval. The State requires the lawful and timely destruction of eligible records. A record should not be destroyed while it still has significant value, nor should it be retained after its value drops below the cost of continued retention. However, records that must be retained beyond the specified retention period for litigation or legal discovery, criminal or government investigation, or ongoing audit purposes may not be destroyed until cleared by the appropriate authority (Town Clerk working in conjunction with the Town Attorney and/or Town Auditor).

Destruction of official Town records must be reported to the State Library after the records have been destroyed (A.R.S. § ~~41-1351~~).

Authorization To Destroy Records

The State-approved Retention and Disposition Schedule serves as authorization to destroy records at a designated point in time. No further approval is required prior to destroying records after the scheduled retention period has been met.

If a record is not listed on a current, State-approved Schedule, or if a record is required beyond the prescribed retention period for litigation or legal discovery, criminal or government investigation, or ongoing audit purposes, ***do not destroy the record***. The Town Records Manager should be contacted if there is a question about whether a record may be destroyed.

Disposal of Records on Approved Schedules

Once a document has been destroyed in accordance with a State-approved Retention Schedule, the department's Records Management Coordinator must document the destruction on a Report/Certificate of Destruction Form and file it with the Town Records Manager. The Town Records Manager will retain a copy for the official files and forward the original report to the State.

A department's Records Management Coordinator is responsible for completing a Destruction Form for records that are destroyed.

Retaining Records After the Scheduled Retention Period Has Been Met

Authority from the Town Clerk is required to hold records longer than their approved retention. Reasons for retaining a record or records beyond the retention date include:

- The record is involved in litigation or legal discovery (when necessary, the Town Records Manager or Town Clerk will consult with the Town Attorney to determine the disposition of a record or records involved in litigation).
- The record is involved in a criminal or government investigation.
- The record is involved in an ongoing audit.
- It is determined that a record or record series may have historic value to the organization.

Methods of Destruction

Depositing records containing sensitive information in a landfill is not acceptable for Town of Camp Verde confidential records unless the documents have been cross-cut shredded.

Recycling is the recommended, cost effective method for destroying non-restricted or non-confidential public records. Placing records into recycle bins located throughout the Town's facilities is recommended for large quantities of records, which contain no personal, confidential, or restricted information.

For documents containing personal, confidential, or restricted information, cross-cut shredding is the recommended destruction method and complies with all statutory requirements concerning the protection of citizens' personal information.

SECTION 4: ELECTRONIC RECORDS, MICROFILM, & DOCUMENT IMAGING

All Town records, regardless of format, are to be maintained according to an approved Records Retention and Disposition Schedule. The retention and destruction of an electronic record, microfilm, or image is the same as for the paper copy of the same record. A Report/Certificate of Records Destruction Form is required for destruction of electronic records, images, and microfilm once the retention period for that record or record series has been met.

Electronic Records

Electronic records are those which, regardless of physical form, reside in or are accessed by a computer system or are maintained in a media that can only be read by a machine or electronic device.

A.R.S. § 44-7041 allows public agencies to create, receive, and maintain electronic records as long as the records comply with all other statutory records requirements. A department must have approval from the State before converting paper to electronic records (scanning).

SECTION 5: ELECTRONIC MESSAGES (E-MAIL AND VOICE MAIL)

Electronic messages, including e-mail and voice messages, are subject to the Public Records Act (A.R.S. § ~~44-1350~~ (ARS § 41-151.18) and may be subject to public disclosure.

The majority of the Town's electronic e-mail or voice mail messages are communications that function much like phone calls and, for records management purposes, are considered to be non-records. Electronic messages cannot be given blanket retention periods because they are not technically a type of record or record series.

For the sake of administrative convenience, electronic messages have been listed on the Town's Records Retention and Disposition Schedule with a 30-day retention period for non-record e-mail and voice mail messages.

Electronic messages that are considered to be official records must be maintained for the same length of time and destroyed in the same manner as a paper record.

Non-Records

Non-record electronic messages that do not meet the statutory definition of a record (A.R.S. § ~~44-1350~~ 41-151.18) are to be deleted from the user's inbox after the reference value has been served. The destruction of non-record electronic messages does not need to be reported on a Report/Certificate of Records Destruction form.

Records

If an electronic message is determined to be an official record (as defined in A.R.S. § ~~44-1350~~ 41-151.18) with a short retention period (one year for e-mail and three years for an electronic, or scanned, document), it can be maintained and

stored in its original electronic format. An official electronic record that requires long-term retention may need to be transferred to another medium prior to storage to ensure the long-term retention period is met.

Short-Term

Records with a retention period of one year or less can be maintained effectively in a personal computer on the Town's network. These types of records may include, but are not limited to: appointment calendars, logs/rosters, activity reports (weekly, monthly, quarterly), transitory materials, etc. These short-term records can be organized and stored in online "folders" to facilitate document retrieval.

Long-Term

Electronic messages requiring long-term retention (more than one year) can be maintained in one of several types of offline systems. It is possible to transfer an electronic message to an offline system by printing the record to paper. Electronic records printed to paper must contain the full text message, including any links within the e-mail. Attachments to an e-mail must also be printed and attached to the paper record of the e-mail for retention purposes. Offline storage may also include computer output microfilm (COM), magnetic tape, or optical disk (CDs, DVDs).

Town Policies on Internet and E-Mail Use

The electronic communications capabilities of the Town provide the framework for members of the organization to conduct business efficiently and to better serve the community. Employees are expected to adhere to the Town policies relating to these resources. Employees who violate these policies may be subject to disciplinary action.

SECTION 6: SOCIAL NETWORKING UTILITIES

Government entities and public officials taking advantage of social networking utilities (Twitter, Facebook, MySpace, LinkedIn, etc.) must comply with applicable statutes, rules, and ethical obligations, including Arizona's open meeting and public records laws.

Members of a public body subject to the open meeting law must conduct business at public meetings and may not use technological devices to circumvent the open meeting law requirements.

Records created and received in connection with the transaction of public records must be "promptly" made available for public inspection and copy.

SECTION 7: RECORDS REQUESTS

Public Records Request Policy

A. Purpose

The purpose of this policy is to assist Town departments with processing public record requests by defining the guidelines for non-commercial use requests, commercial use requests, and custom requests so as to protect the public's right to data, maximize cost recovery, and ensure the appropriate distribution of monies received in connection with providing public records.

B. Definition of Legal Responsibility

A number of legal provisions govern the Town's response to requests for public information. They are as follows:

1. The Public Records Act, ARS §39-121 through ARS §39-121.03;
2. The Open Meetings Act, ARS §38-431;
3. Various information-specific statutes and administrative regulations designating particular information as either subject to public access or as confidential;
4. The body of law interpreting these provisions as reported in court decisions and opinions of the Arizona Attorney General.

The Town of Camp Verde, as a public body, and its officers are responsible for maintaining records reasonably necessary or appropriate to preserve an accurate record of their activities. Permanent public records must be maintained in accordance with the requirements of ARS §39-101 and other state and federal laws. Other public records must be maintained in accordance with ARS §41-1347 and ARS §41-1351.

C. Policies and Procedures

The following policy is established to manage the provision of Town of Camp Verde public records:

- ▶ The Public Records Act is to be interpreted liberally to facilitate broader access to public records.
- ▶ Public Records and other matters in the Town are presumed to be open for public inspection and shall be open to inspection during office hours, with certain exceptions.
- ▶ All information is considered public record, with three (3) broad exceptions:
 1. **Confidentiality** – Disclosure is not required where prohibited by statute, court rule, or court order. (i.e. social security numbers, court orders, etc.)
 2. **Personal Privacy** – Some data need not be disclosed due to an individual's privacy rights. (e.g., home address, telephone numbers, racial background, age)
 3. **Best Interest** – Disclosure may not be required if release of the information is not in the best interest of the public body. (i.e. release would inhibit public safety efforts or place the Town at a competitive disadvantage)
- ▶ **Generally:**
 - ✓ The Town of Camp Verde has the burden of proving that release of specific public information should not be allowed.
 - ✓ Public record requests should be submitted to Town departments in writing. Department management has the discretion to accept verbal public record requests for data that is readily available.
 - ✓ The standard forms supplied with this policy should be completed by a petitioner *before* any public record is released, unless the petitioner has already provided all the information in writing.
 - ✓ Any person may request to examine or be furnished copies, printouts, or photographs of any public record during regular office hours. However, if the custodian does not have the facilities for making copies of the public records, the copies may be made while the public records remain in the control of

the custodian and subject to the custodian's supervision. The Town is not required to allow the petitioner to make his own copies.

- ✓ Petitioners only have a right to the data that is already maintained and in the format in which it is currently kept. A public entity is not required to convert data to a different format or convert the magnetic media to one that the public entity does not use. (i.e. tapes to cds, 3/5" floppy disc to an 8", etc.)
- ✓ Information that falls within an exemption may be 'redacted', which means 'obscured', and the remainder must be disclosed. Just because one piece of information in a document does not have to be released does not mean that the entire document can be withheld.
- ✓ The custodian responsible for the public record may not avoid the responsibility of performing redaction by refusing access to records.
- ✓ Redaction must be done in good faith.
- ✓ Access to a public record cannot be refused if the record still exists beyond its retention date, even if the document should have been destroyed according to the schedule.
- ✓ The Town is not required to create a new record to meet a public record request. This means that we are not obligated to obtain new data, perform research projects, create new report formulas, convert data to different medium or formats, nor perform custom programming or extraction.
- ✓ Custom public record requests may be declined. However, a director or manager may choose to fulfill a request for non-existing information or for existing information in a different format or medium when it is in the Town's best interest to do so.
- ✓ Factors to consider when reviewing a custom public record request:
 - Availability of resources, such as personnel, equipment, etc.
 - The data subject to disclosure
 - Production costs
 - Maintenance costs
 - Impact on your department
 - Impact on the Town
- ✓ Once a 'custom' document is created or different data is collected in response to a custom request, that newly created document or data becomes a public record. The Public Record Request Policy will now apply to that newly created document or data.
- ✓ Any modification to the aforementioned 'custom' document (different time frame, layout, fields) makes the new request another custom request.
- ✓ What fees can be charged? Different rules apply to non-commercial purpose, commercial purpose, and custom requests for the recovery of costs. The Clerk will recommend fees for Council approval.

► Policy for Special Types of Public Record Requests

Public Record Requests for Personnel Files and Evaluations

The Town's general policy is to keep personnel records confidential in order to preserve the employee's privacy rights. The Town will review a request for personnel files to determine whether the request is made pursuant to a matter of public interest, such as a claim letter, written complaint, criminal investigation, litigation, or an allegation involving misconduct of a public employee.

1. **Information that Will be Released:**
 - ▶ Name
 - ▶ Job Title
 - ▶ Department
 - ▶ Supervisor
 - ▶ Date of Hire
 - ▶ Salary
 - ▶ Date of Termination

2. **Information that May be Released:** If the request is made pursuant to a matter of public interest, the following information will be released:
 - ▶ Personnel Action Form

3. **Information that Will NOT be Released:**
 - ▶ Social security number
 - ▶ Date of birth
 - ▶ Home address and phone number
 - ▶ Personal identifying information
 - ▶ Medical Records

▶ **Requests for Inspection of Public Records**

The person making a public records request must be specific in the request so as not to interrupt daily activities. While the public has a right to inspect public records, this is not an unlimited right. Inspection is subject to reasonable rules and regulations. It is the responsibility of the custodian to safeguard the records, avoid unreasonable disruption of the functioning of the office, provide reasonable supervision and ensure there is no confidential information in the records to be reviewed prior to the inspection. As such, public inspection of records must be approved by the department head and scheduled if such request will interrupt normal day-to-day activities. Contact the Clerk or Town Attorney if you have any questions or concerns with this type of request.

▶ **Public Record Requests for Documents from Other Agencies**

Records from another agency are not the Town's records and therefore, should not be released by the Town. An agency may release documents to the Town that may include non-public information. The person making a public records request *must* be referred to the originating agency for the document to avoid potential legal issues for the Town. An example of this would be a request for a copy of a Superior Court Order. Please note, however, if the document has become a part of the Town's public records, it should be released.

▶ **Public Record Requests from the News Media**

Public record requests from the media are not automatically considered commercial purpose requests.

▶ **Request for Electronic Access to a Town Database**

Requests for electronic, 'remote' access to a Town database should be carefully considered from several perspectives prior to implementation. The Town Manager should be contacted to discuss the technological and customer service perspectives. The Town Attorney should be contacted to discuss legal concerns.

▶ **Request for Electronic Copy of a Town Database**

The greatest concern surrounding such requests is the accidental disclosure of proprietary software. The request should be forwarded to the Town Attorney for legal concerns and the Town Manager to determine technological concerns.

▶ **Request to Purchase Town Software Application**

Requests to purchase Town-developed software may involve questions of proprietary software. The Town Manager should be contacted to discuss technological concerns.

▶ **Authority and Responsibility:**

The Town Clerk shall:

- ✓ Assist Town departments with analyzing public records requests.
 - ✓ Assist Town departments with calculating cost recovery for providing public records.
 - ✓ Assist with custom information requests. All custom requests must be submitted to the Clerk's Office for review and approval. The Clerk shall prepare correspondence in response to custom information requests.
 - ✓ Prepare reports to Council concerning information requests.
 - ✓ Approve and file Certificates of Destruction with the appropriate State agencies.
 - ✓ Keep staff updated with current records information and retention schedules.
 - ✓ Provide training on records management/retention procedures.
- ▶ The **Town Attorney** shall assist departments in determining the level of confidentiality of their public records, pursuant to the following:
- ✓ When the request is made concerning a matter currently in litigation or one that is likely to lead to litigation.
 - ✓ When the item requested is a memorandum containing legal advice from the Town Attorney or from one of the Town's outside counsel.
 - ✓ When the request involves producing a draft of work in progress and not the final product.
 - ✓ When, after reviewing the handbook and consulting your supervisor, you are unsure how to respond.
- ▶ **Department Management** shall:
- ✓ Seek assistance from the Town Clerk.
 - ✓ Develop the cost recovery strategy for all departmental records provided.
 - ✓ Identify funding requests and priorities for the use of funds from the provision of department records.
 - ✓ Ensure that all policies regarding public records and requests for public record are followed.
 - ✓ Have discretionary power to accept or fulfill verbal record requests for records that are readily available.

Note: Council makes the final determination as to what department information is provided for commercial use.

- ▶ **Marshal's Office** – Generally, all information in a police report is subject to release without editing unless that information falls into one of two categories set forth below. Editing, rather than outright refusal is the preferred method of protecting various records. Information that is generally subject to release without editing includes:
- ✓ A general description of the crime;
 - ✓ The type of crime;
 - ✓ Date and time of occurrence, if known;
 - ✓ General description of property involved;
 - ✓ Name of the victim, if known, *if release will not interfere with the investigation of the offense, and the crime was not a sex offense.*
 - ✓ Name of the suspect, *if release will not interfere with apprehension of the suspect or hinder the investigation.*

RECORDS OTHER THAN CASE REPORTS – all of the previous guidelines apply to these records. The comments after each category will assist in proper redaction or referral:

- ✓ NCIC and ACJIS Criminal History – No release – restricted by federal and state law
- ✓ FBI Print Cards – No release – privacy interest.
- ✓ Silent Witness – No release – protected by state statute.
- ✓ Internal Affairs Files – Usually need redaction; refer to legal counsel.
- ✓ Hiring Files – Privacy interest; refer to Personnel.
- ✓ Photographs – Dead body photos released to immediate family or their attorney only. This applies whether the photos are taken at the accident scene, at autopsy or elsewhere. Use consideration when releasing to family – try to release to attorney or distant family member to avoid unnecessary mental distress. Usually needed for a lawsuit or insurance. Other photos depicting private parts of a person's body taken as evidence (such as an assault victim) released only to person, parent, guardian, or their attorney.
- ✓ Videotapes – May need editing or conversion to audio if equipment and personnel are available.
- ✓ 911 Tapes – Refer to attorney. We do not release 911 tapes of victim's screams, distraught pleas for help, etc. Privacy issue: not in the best interest of the state (public embarrassment; chilling effect regarding future calls for

help). We may offer to transcribe, given availability of personnel and time constraints, if the requesting party desires. The requesting party will be billed for transcription costs.

- ✓ Polygraph Records and Results – Refer to the attorney.
- ✓ Crime Statistics – Release
- ✓ Employee Personnel Records – Refer to the Personnel Department
- ✓ General and Operational Orders – Refer requests to Professional Standards.

The Arizona Revised Statutes provide citizens and the press the right to inspect and obtain copies of public records, and are important to fostering open government and maintaining public trust. The Town strives to meet its obligations to the public under the laws, while protecting Town and individual legal interests, as allowed by law.

SECTION 8: FREQUENTLY ASKED QUESTIONS

What is a record?

State Statute defines “records” as:

“. . . all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein.” (A.R.S. § ~~41-1350~~ 41-151.18)

To summarize, a record is any recorded information, regardless of medium or characteristics, including any paper, book, disk, map, or any copy or printout created, received, or used by an organization as evidence of its activities.

To whom do Town records belong, the department or the Town of Camp Verde?

Neither. Records, as defined above, are the property of the State of Arizona. Municipal records are not personal property, even if the records were created for personal convenience, nor are they the property of a specific agency or political subdivision (A.R.S. § ~~41-1347~~). The individual Departments within the Town of Camp Verde, as well as the Town Clerk’s Office, simply serve as custodians of municipal records.

What is the difference between an official record and a non-record?

The format of a document does not identify a document as being a record or a non-record. Record and non-record documents may be created or received in a variety of formats, including paper, electronic media, and e-mail communications.

A record is the final version of any document created or received by a staff member in the course of performing official duties, functions, and responsibilities. Once a document type has been identified as an official record, it must be included on a Records Retention and Disposition Schedule and retained and destroyed according to that schedule.

Non-records are primarily used for reference or research, or for the administrative convenience of the office. Examples of non-records include: work papers, drafts, notes, newsletters, publications, and reference/research material. Informational or courtesy copies of official records maintained by another department or office are also non-records.

Generally, for records management purposes, multiple copies of a single document are non-records. One copy of the document, usually the original, must be designated as the official record, listed on the responsible department’s Retention Schedule, and retained according to the schedule. The remaining copies of the document are considered non-record, reference copies generated for informational purposes.

Many non-records have no value once the material has been read, while others have long term value. Non-records should be retained only as long as the administrative, reference, or research value exists.

Non-record material should not be filed or retained in the same file with record material. Sometimes documents that are normally considered non-records, such as transmittals or routing slips, will acquire record status if they serve to clarify a matter being documented. Such distinctions require care and discretion when filing.

What is the difference between a non-permanent and a permanent record?

A non-permanent record is any record that has a time-defined retention period, even if the retention period spans a great number of years or even decades. Non-permanent records must be retained and destroyed in compliance with the State-approved Retention Schedule.

If a document (or documents) in a non-permanent record series is deemed to have historic value, the document is reclassified as a permanent record and cannot be destroyed. The remaining non-historic documents in the series are still considered non-permanent records and must be destroyed according to their respective Retention Schedule.

The list of non-permanent records is quite extensive; however, a few examples include:

- Administrative and Personnel Files
- Budget and Financial Records
- Legal Opinions
- Most Contracts

Permanent records are not scheduled for destruction and are relatively rare, usually comprising three to five percent of a municipality's total records.

Some examples of permanent records include:

- Council meeting minutes.
- Minutes of boards, commissions, and committees having decision-making authority.
- Resolutions and ordinances of the Town Council.
- Documents declared by resolution to be a public record.
- One copy of the Town's annual reports.
- Original copy of organizational documentation.

Permanent records have special storage requirements and are to be maintained on high quality, high fiber content paper, often referred to as archival paper. A.R.S. § 39-101 prescribes the material and storage conditions required for permanent public records and the penalty for noncompliance.

What is a Records Retention and Disposition Schedule?

A Records Retention and Disposition Schedule (also referred to as Retention Schedule or schedule) is the State-approved timetable which establishes the length of time a record must be kept. The retention and disposition dates listed on State-approved schedules are based on use or need of the record, and on its administrative, legal, fiscal, or archival value to the Town of Camp Verde. A retention schedule also serves as the required legal authority to destroy a record once the retention period has been met. Retention schedules apply to both electronic and paper documents.

What types of documents belong in the supervisor's copy of the employee's personnel file

According to the Town's approved records retention schedule, the supervisor's file should contain:

- Copies of all of the employee's Annual Performance Evaluations

- Copies of Awards, Commendations, Certificates, and Official Notices of Disciplinary Actions

The File should not contain:

- Accident Reports
- Medical Records
- Training Records
- Time and Leave Records (unless being used as part of an ongoing disciplinary action)
- FMLA Records
- Work Schedules
- Outside Work Requests

If you have other documents that do not fit into these categories, please check with the Human Resources Representative or the Town Records Manager before filing.

How do I report the destruction of records?

By law, all official Town records, including e-mail and electronic records, must be maintained and destroyed in accordance with the approved State Retention Schedule. Once retention periods are met, an approved retention schedule serves as the department's legal authority to destroy records listed on the schedule without any additional authorization from the State.

After a document has been destroyed in accordance with a State-approved Retention Schedule, the Department Records Management Coordinator must document the destruction on a Report/Certificate of Destruction Form and file it with the Town Records Manager. The Records Manager will retain a copy for the official files and forward the original report to the State.

Approval from the Town Records Manager is required to hold a record longer than its approved retention period. If a record is not listed on a current, State-approved schedule, or is required beyond the prescribed retention period for litigation or legal discovery, criminal or government investigation, or ongoing audit purposes, **do not destroy the record** and contact the Town's Records Manager for assistance. Questions regarding whether a record can be destroyed should be directed to the Town Records Manager.

Most Town records are public records and are not considered confidential. Destroy non-confidential records by placing them in a Town recycling bins. Records that are confidential by law, or contain citizens' personal/financial information, must be shredded.

Prior to any official documents, e-mail, or electronic record, being destroyed in accordance with an approved retention schedule; the department's Records Management Coordinator must document and report the destruction by completing a Report/Certificate of Records Destruction form and submitting it to the Town Records Manager.

Non-records are to be destroyed immediately after their reference value has been served. Informational or courtesy copies of official records that are maintained by another department or office are also non-records and must not be kept longer than the original record. Non-records are not included on a retention schedule; therefore, it is not necessary to document or report their destruction.

Which type of archival paper should be used to preserve permanent records?

- The fiber content must be cotton or linen, fully bleached wood pulp, or a mixture.
- The paper shall be free of lignin, unbleached wood pulp, or ground wood.
- The pH must be between 7.5 and 9.5.
- The paper must contain at least two percent (2%) calcium or magnesium carbonate as a buffer.

Only purchase paper that specifically meets these conditions.

Where can I go for help?

Answers to many records management questions are contained in this manual. Of particular interest are Section 1, Section 2, and Section 3, which contain general guidelines for managing public records.

Who can I contact with questions regarding records management?

If you have any questions regarding records management contact the Clerk's Office.

APPENDIX A: LINKS TO ONLINE RECORDS MANAGEMENT FORMS

- 1. Public Records Request**
- 2. Records Inventory Worksheet**
- 3. Records Retention and Disposition Schedule**
- 4. Request for Document Imaging Implementation**
- 5. Report/Certificate of Records Destruction**
- 6. Single Request for Records Destruction or Transfer**

APPENDIX B: TRANSFERRING RECORDS TO STORAGE

The following items are needed to transfer records to Storage:

- ✓ **The State approved Retention Schedule.** Records being sent to storage must be listed on either the approved Retention Schedule or the approved Town General Retention Schedule.
- ✓ **A standard records box.** A standard records storage box is 1.2 cubic feet; 10" X 12" X 15" in size; 250-pound test; has one cutout handle at each end of the box; and has a separate, tight-fitting lid. (boxes are available from the Clerk's Office)
- ✓ **Records Center Box Label (one per box).**

Preparing Records for Storage

Records are to be placed into a standard size box using the same filing system used by the department for filing records onsite. Do not over pack—leave at least one inch of space inside the box to provide easy access to the records inside.

Store only one record series in a box. Examples of a record series are: liquor license applications, contracts, and training program evaluation records. It is not permissible to mix date ranges of the records stored within a single box. For example, records of the same series and a date range of January 1, 2000 through June 30, 2000 may be stored in the same box. Records of the same series having a date range of April 16, 1980 through July 10, 1982 cannot be stored with records having a date range of August 3, 1985 through October 16, 1987. Storing documents of a single record series, with the same date range and destruction date, allows the entire box of records to be destroyed without extensive sorting prior to destruction.

Preparing a Records Center Box Label

Prepare one Records Center Box Label for each box being transferred to Storage.

Sample Form: Records Center Box Label**SAMPLE**

RECORDS RETENTION - STORAGE				
DATE TRANSFERRED TO ARCHIVE		DEPARTMENT		
RECORD TYPE (i.e. Agreements) (ONLY ONE SERIES PER BOX)				
DATE	FROM	DATE THRU	DESTRUCTION DATE	<input type="checkbox"/> SHRED <input type="checkbox"/> TRASH
CERTIFICATE OF RECORDS DESTRUCTION ENCLOSED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (boxes will not be accepted if not included)				
ACCESS RESTRICTED? <input type="checkbox"/> Yes <input type="checkbox"/> No		AUTHORIZED ACCESS BY:		
PREPARED BY: SIGNATURE:		RETENTION SCHEDULE AND DATE:		

THIS FORM IS TO BE TAPED TO THE OUTSIDE OF THE BOX BEFORE IT GOES TO THE CLERK'S OFFICE FOR STORAGE
It is important to provide complete and detailed information on the box label.

Department Name: Department name (i.e. Public Works)

Record Series Title: Record type, or record series, which should appear exactly as it appears on the Records Retention and Disposition Schedule. If the record does not appear on an approved Retention Schedule, contact the Town Records Manager before transferring the records to storage.

Secondary Description: More detailed description of the record (i.e., Adams thru Davis, or Planning Case 2651 thru 3782, etc.).

Date From: Record having the earliest date.

Date Thru: Record having the latest date.

Destruction Date: The total number of years the record is to be kept, according to the approved Retention Schedule, determines the destruction date. **Completion of this field is required.** If the record series has a permanent retention period, the date shall be entered as 12/31/9999.

After completing the Records Center Box Label, make a department copy for future reference.

APPENDIX C: DOCUMENT STANDARDS

Sec. 1 Purpose

To provide guidelines for the construction, control and classification of official documents originated by officials, employees, and representatives of the Town of Camp Verde.

Sec. 2 Policies

1. Official documents originated by officials, employees, or representatives of the Town of Camp Verde shall conform to the guidelines below. The provisions of this directive shall not apply when another form of a document is specified or required by law, rule or regulation.
2. Permanent documents must be maintained on high quality, cotton or linen fiber content, alkaline buffered, acid free paper, often referred to as archival paper, or be microfilmed according to State-approved standards.
3. With the exception of agreements and contracts, only one original of an official document may be submitted as the true and final document for signature and retention. The Town Clerk's Office retains official Town documents unless the Town Clerk designates another department or individual as the official record holder.
4. Designation of another individual or department as the record holder of an official document shall be in writing, signed by the Town Clerk, and kept on file in the Clerk's Office.
- 5.

Sec. 3 Procedures

MINIMUM STANDARDS

At a minimum, official Town documents should be easy to read and understand; be free from stains, marks, tears, or creases; and include the following information, where applicable:

- Document name, number, and date.
- Running-total page numbers.

In addition, official documents must be created on material that meets legal requirements. For example, all public records, with limited exceptions, must be on eight and one-half by eleven inch paper (A.R.S. § 39-103). All permanent records, including historic documents, must be maintained on paper that meets State-approved standards.

Format

An Arial, eleven-point font is recommended for official documents, particularly if the document will be scanned and shared electronically. One-inch margins work well for most documents; however, documents that will be recorded, as well as ordinances and resolutions, require a two-inch top margin on the first page. If the document to be recorded has a top margin that is less than two inches and cannot be changed, a cover sheet with a two-inch top margin may be used. The cover sheet must include the title and date of the document.

Permanent Documents

Permanent documents must be maintained on high quality, high fiber content paper, often referred to as archival paper, or on paper approved by the State Library. Permanent records may also be preserved by microfilming the documents according to State-approved standards.

RECORDING STANDARDS

Under some circumstances documents may need to be recorded with the Yavapai County Recorder's Office. Recorded documents must conform to Yavapai County Recording Standards, ARS §11-480, Requirements for Form of Instruments.

When submitting documents for Council approval that require recording, be sure to notify the Clerk's Office in writing of that requirement. Abandonment resolutions and development agreements are examples of documents that may require recordation.

SPECIFIC GUIDELINES

Agreements and Contracts

The first page of each agreement or contract shall include the document title; contract number; and, if available, expiration date. Subsequent pages of multi-page agreements and contracts shall include the document title, contract number, and running-total page numbers.

The Town Code states that all contracts shall be executed in the name of the Town of Camp Verde by the Mayor and countersigned by the Town Clerk. Contracts and agreements subject to approval by the Town Council must contain signature blocks for the Mayor and Town Clerk and, a signature block indicating "*Approved as to form*" for the Town Attorney.

Whenever possible, the termination date of a contract or agreement should be clearly indicated within the contract.

With very few exceptions, only one copy of a contract may be designated as the true and final document and routed for signature. If more than one original signed version of a contract or agreement is required (e.g., agreements with federal, state, county, and other local agencies), multiple copies of the agreement, up to a maximum of one original per party, may be submitted for signature.

The Town Clerk's Office is the official record holder of the Town's agreements and contracts, unless the Town Clerk designates, in writing, another department as the record holder.

Correspondence (Official Letters and Memos)

Under most circumstances, letters and memos are used to convey routine information and are classified as general correspondence.

Some correspondence (e.g., legal opinions, management directives, and conflict of interest statements) is appropriately classified as official correspondence and may require a longer retention period than general correspondence. The Minimum Standards referenced above should be used as a guide for preparing official correspondence.

Exhibits and Attachments

Exhibits and attachments should be clearly labeled with the document number, running-total page numbers, and date.

Minutes

Minutes of all Town of Camp Verde public bodies, including, Council, board and commission, and other official Town meetings must conform to the guidelines contained in this directive. The first page shall include, at a minimum, the

document title, meeting date, and specific meeting location. Subsequent pages of multi-page minutes shall include the document title, meeting date, and running-total page numbers.

Minutes of all Town of Camp Verde public bodies are permanent records and must be maintained on archival paper, or on paper approved by the State Library.

Ordinances and Resolutions

The first page of an ordinance or resolution shall include the document title and number (Ordinance No. ____), as well as the legislative title (summary of legislation to be enacted). Subsequent pages of a multi-page ordinance or resolution shall include a header containing the document title and number and running-total page numbers.

An ordinance or resolution requires the prior review and approval of the Town Attorney before it can be placed on a Council agenda for consideration.

An ordinance that modifies the Camp Verde Town Code must be marked in a manner that identifies text additions and deletions. Deletions must be identified by using a strikethrough method. The recommended method for indicating text additions is by shading the text using 10 percent shading. The alternative method for identifying added text is to use all CAPS.

After an ordinance, or a resolution having the effect of an ordinance, has been adopted, the Town Clerk's Office is responsible for publishing the document in full in the official newspaper of the Town. If an exhibit, map, table, or other type of document is referenced within the document, it also must be published in full in the newspaper, which can be very costly. In an effort to reduce costs, the following guidelines should be used when preparing an ordinance or a resolution having the effect of an ordinance:

1. If an exhibit, map, table, or other document is not a required component of the ordinance or resolution, do not reference it within the ordinance or resolution.
2. A lengthy document or one which is difficult to reproduce, may be adopted as a public record by resolution and is not required to be published in the newspaper. The Town Clerk is available to assist with this process.
3. An exhibit that is included as part of an ordinance or resolution must be of high quality and easy to reproduce. If the print is small or unreadable, the newspaper must publish a larger version of the document, thus increasing publication costs.
4. If you are planning to present a lengthy ordinance (more than ten pages) to the Council, notify the Town Clerk in advance to ensure that publication requirements are met and to minimize associated costs.

Reports

Permanent records, or records requiring a long retention period (more than 25 years), must be prepared on archival paper to ensure that retention requirements are met.

The first page of each report shall include the document title, date, and document number, if applicable. Subsequent pages of multi-page reports require the document title, date, running-total page numbers, and document number, if applicable.

Sec. 4 Program/Process Control

The Town Clerk and the Town Records Manager are responsible for reviewing and evaluating the Document Standards informally on an ongoing basis, and formally at least every two years.

Sec. 5 Definitions

Archival paper: Archival paper is a high quality, high fiber content, alkaline buffered, acid free paper used to preserve permanent documents and documents having a long-term retention period. Other paper that has been tested and approved

by the State Library as suitable for permanent records may also be considered archival quality. Permanent records may also be preserved by microfilming the documents according to State-approved standards.

Date/document date: Depending on the nature of the document, this date may be the origination or publication date, date signed, or, in some cases, the date of Council approval.

Official records: Ordinances, resolutions, agreements and contracts, minutes of a public body, Council reports, and formal correspondence.

Record series: A group of like records filed together and treated as a single unit for record management purposes.

Running-total page numbers: A page numbering style that identifies both the page number and its relationship to the total number of pages in a document (e.g., Page 1 of 3, Page 2 of 3, Page 3 of 3).

APPENDIX D: ESSENTIAL RECORDS PROTECTION AND RECOVERY PLAN

Purpose

The Town of Camp Verde's Essential Records Protection and Recovery Plan identifies essential records and establishes guidelines for the preservation and access of information necessary for the Town to continue its key functions during an emergency or disaster.

The objectives of the Town's Essential Records Protection and Recovery Plan, hereinafter referred to as the Essential Records Plan, or Plan, are to:

- Identify records necessary for maintaining business operations during emergency situations
- Identify records necessary for performing or reconstructing each department's most critical functions
- Identify records protecting the legal and financial rights of the Town, its employees, and citizens
- Develop and implement cost effective methods for protecting essential records from loss, misuse, modification, and unauthorized access
- Develop procedures and an action plan to assess damage and to begin recovery or reconstruction of Town of Camp Verde essential records affected by an emergency or disaster

Authority

The Office of the Town Clerk prepared this plan in accordance with State requirements listed below.

A.R.S. § ~~41-1346(A)(2)~~ 41-151.14 (A) 2 requires the head of each state and local agency to make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency.

A.R.S. § ~~41-1346(A)(5)~~ 41-151.14 (A) (5) requires the head of each state and local agency to submit to the [State Library] director lists of all essential public records in the custody of the agency.

A.R.S. § 41-1347(A) declares that all records made or received by public officials or employees of this state in the course of their public duties are the property of the state. Except as provided in this article, the [State Library] director *and every other custodian of public records shall carefully protect and preserve the records from deterioration, mutilation, loss or destruction and, when advisable, shall cause them to be properly repaired and renovated.*

Responsibilities

The Town Clerk, Town Records Manager, and Department Records Management Coordinators are critical to the success of the Essential Records Plan, providing assistance and support to Town personnel in the identification, inventory, protection, storage, accessibility and update of essential records.

The Town Clerk is the Chief Records Management Officer for the Town and approves the Town's Essential Records Plan.

The Town Records Manager oversees the daily implementation of the Essential Records Plan, including preparing, maintaining, and updating the Plan, as necessary.

Department Records Management Coordinators work with the Town Records Manager to identify, backup and store essential records within Departments. Department Records Management Coordinators are responsible for completing the Departments Essential Records List and filing them with the Town Records Manager. Department Records Management Coordinators are required to review these lists on an annual basis, update as necessary, and file any changes with the Town Records Manager within five business days. In the event no changes are required, the Department Records Management

Coordinator shall forward a memo to the Town Records Manager indicating the date of the review and stating that no changes are necessary.

During emergency situations, Department Records Management Coordinators are responsible for assessing damage to essential records, establishing safe storage locations, coordinating salvage efforts, and providing the Clerk and Records Manager with situation reports.

Identifying Essential Records

Essential records consist of two main types:

- Emergency Operating Records – Records essential for the continued operation or function of a department during and after an emergency.
- Rights and Interests Records – Records essential to the protection of the legal and financial needs of the department, as well as records documenting individual rights affected by the department's activities and decisions. Rights and Interests Records include records that document the restriction of public access to areas of Town property (e.g., closing of Town parks, creating or enforcing curfews, fire restrictions). Examples of Rights and Interests Records that affect individual rights include policies and procedures, ordinances, regulations, and department rules.

The Town's essential records must be available to Town officials and employees to ensure continuity of service to citizens, businesses, and employees; to conduct official business, especially in times of disaster or emergency; and, to pay, account for, and collect financial obligations.

Each Town department is responsible for identifying and protecting its own essential records in compliance with the Town's Essential Records Plan. Essential records are to be maintained securely, be protected by a backup method (e.g., CDs, , scanned images or paper copies), and be accessible by authorized personnel. All essential electronic records should be backed up daily. Finally, emergency operating records (records essential to department operations during emergency situations) should not be maintained on any computer that is dependent upon an outside power source.

Procedures

Every department must have a Department Essential Records List and a Department Records Recovery Team List on file with the Town Clerk's Office. The Department Records Management Coordinator is responsible for updating these lists as changes occur, or, at a minimum, on an annual basis.

Activation of Essential Records Plan

During an emergency situation, implementation of the Essential Records Plan shall consist of the actions on the checklist below:

Records Recovery Procedure Checklist

1. ____ **Department Records Management** notifies Records Recovery Team of the disaster.
2. ____ if necessary and only after authorized by police or fire personnel, team members enter the affected offices to examine any damaged records and determine the extent of the damage to the records.
3. ____ Department Records Manager, or other designated member of the Records Recovery Team, identifies and lists the essential records to be reconstructed.
4. ____ Department Records Management Coordinator, or other designated member of the Records Recovery Team, retrieves the essential records backups and begins the reconstruction process.

5. _____ Team members index all non-essential records that cannot be salvaged and report them as destroyed.
6. _____ Department Records Management Coordinator, or other designated member of the Records Recovery Team, submits daily situation reports to the Town Clerk

Department Essential Records List

Department: _____ Office: _____

Records Management Coordinator _____ Phone # _____

Record Series _____
Media _____ Backup Media _____
Location of Office _____
Location of Record _____
Location of Backup _____
Offsite Storage Location _____
Offsite Contact Person _____ Phone # _____

Record Series _____
Media _____ Backup Media _____
Location of Office _____
Location of Record _____
Location of Backup _____
Offsite Storage Location _____
Offsite Contact Person _____ Phone # _____

Record Series _____
Media _____ Backup Media _____
Location of Office _____
Location of Record _____
Location of Backup _____
Offsite Storage Location _____
Offsite Contact Person _____ Phone # _____

Department Records Recovery Team List

Department Manager (or Chief): _____

Work Phone No.: _____

Cell Phone No.: _____

Home Phone No.: _____

Home Address: _____

Note: If numbers are unlisted or confidential do not use without prior approval, or use a contact person instead (e.g., a Police Department Information Officer with access to necessary information).

Assistant Manager (or Deputy Chief): _____

Work Phone No.: _____

Cell Phone No.: _____

Home Phone No.: _____

Home Address: _____

Note: If numbers are unlisted or confidential do not use without prior approval, or use a contact person instead (e.g., a Police Department Information Officer with access to necessary information).

Department Records Management Coordinator: _____

Work Phone No.: _____

Cell Phone No.: _____

Home Phone No.: _____

Home Address: _____

Note: If numbers are unlisted or confidential do not use without prior approval, or use a contact person instead (e.g., a Police Department Information Officer with access to necessary information).

Recovery Team Staff Personnel: _____

Work Phone No.: _____

Cell Phone No.: _____

Home Phone No.: _____

Home Address: _____

Note: If numbers are unlisted or confidential do not use without prior approval, or use a contact person instead (e.g., a Police Department Information Officer with access to necessary information).

Recovery Team Staff Personnel: _____

Work Phone No.: _____

Cell Phone No.: _____

Home Phone No.: _____

Home Address: _____

Note: If numbers are unlisted or confidential do not use without prior approval, or use a contact person instead (e.g., a Police Department Information Officer with access to necessary information).

Recovery Team Staff Personnel: _____

Work Phone No.: _____

Cell Phone No.: _____

Home Phone No.: _____

Home Address: _____

Note: If numbers are unlisted or confidential do not use without prior approval, or use a contact person instead (e.g., a Police Department Information Officer with access to necessary information).

APPENDIX E: HISTORIC RECORDS PRESERVATION

Identifying Historic Records

Historic records document the important issues, places, people and events of the Town, and include letters; reports; photographs; papers; and tapes; whether printed, written, or in electronic format.

Age alone is not an indicator a document has, or ever will have, historic significance. The historic value of a record is distinguished by the unique character, of an otherwise routine Town record, that captures the details of the Town's progress over the years.

Identifying historic records among the thousands of routine documents produced by the Town can be a daunting task. Records that are considered routine today, can later take on historic relevance as the result of a special event or circumstance (e.g., a former Councilmember is elected to the Senate, or a municipal judge is appointed to the Supreme Court). As a result, an event may not be recognized as having historic significance until after the event has long passed, along with the opportunity to preserve records documenting the event.

Good judgment, corporate knowledge and an understanding of the goals and direction of the Town leaders can be the best tools for identifying historically significant documents. Listed below are some of the types of documents to look for when classifying historic records. A word of caution: Not all documents with these characteristics are historic records.

- Documents that influenced Town leaders to make significant, unique, or controversial decisions (e.g., a letter from the Governor, or other high-ranking government official; a Councilmember's resignation letter; or a significant report, such as "*Which Way Camp Verde*").
- Documents that demonstrate how public policy was initiated, or why a special program was considered or implemented (e.g., documentation regarding the Preserve, Council District studies, letters and petitions from citizens concerning a divisive issue).
- Written policies or legislation expanding (e.g., lifting bans or restrictions) or limiting (e.g., stricter licensing requirements, seizing property, new types of zoning, etc.) citizens' rights.
- Town documents leading to, or responding to, newsworthy events (e.g., a local, catastrophic event; ballot measure referendums or initiatives; Los Arcos studies).

Once a record has been identified as historic, it must be maintained as a permanent record requiring special protection and preservation on an archival medium.

Preserving Historic Documents

A.R.S. § 39-101 requires the Town to follow specific procedures and standards outlined by the Arizona State Library, Archives and Public Records in maintaining and preserving historic documents and permanent public records of the Town.

Permanent preservation methods must maintain records in perpetuity. The two acceptable materials which meet preservation standards are silver halide microfilm and permanent (archival) paper.

Microfilm is a high-resolution film that duplicates paper images into a reduced format and provides an efficient, space-saving solution to preserving documents not already on archival paper.

Archival paper is acid-free, lignin-free, alkaline buffered, and contains 25% cotton or linen fiber for strength and durability. Recycled paper (even "acid free" recycled paper) does not meet the minimum requirements and should be avoided when preserving permanent documents.

Folders and boxes containing permanently preserved documents must also conform to archival permanent standards.

All historic records maintained electronically (digital photographs, tapes, etc.) must be converted to a format that meets permanent standards. Any deviation from this procedure must be authorized by the Town Records Manager and reflected on a Retention Schedule.

If a department requires assistance with determining the historic value of records, converting historical records to a permanent medium, or preserving historic records, contact the Town Records Manager.