

## **RESOLUTION 2000-450**

### **A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE YAVAPAI-APACHE NATION CONCERNING MINING, LAND USE, AND FEE-TO-TRUST STATUS**

*WHEREAS*, two or more public agencies, as defined by ARS 11-951, including a municipality or an Indian Tribe, may pursuant to ARS 11-952 (1997), through a written and recorded agreement, contract for services, jointly exercise any powers common to the contracting parties, or provide for joint or cooperative actions, and

*WHEREAS*, the Town of Camp Verde ("Town") may enter into and record a development agreement with a land owner pursuant to ARS 9-500.05, and the proposed IGA addresses land uses and development of property now owned in fee simple by the Yavapai-Apache Nation ("Nation"), and

*WHEREAS*, the Town is authorized under 25 CFR 151.11 (1996) as a local political subdivision to address the impact of placement of land by the Nation into trust status on taxes, and the Nation will be required to address the need for the land to be placed into trust, purposes for which the land will be used, and a plan showing economic benefits if a portion of the land is intended for business purposes, all of which are considerations of the negotiated IGA, and

*WHEREAS*, the Town is mandated under ARS 9-461.06 and provisions of the 1998 Growing Smarter Act to re-adopt its general plan to include additional elements and procedures by December 31, 2002, and the Town intends to amend or replace the existing mining ordinance under this amendment, consistent with the mining provisions of the IGA, and

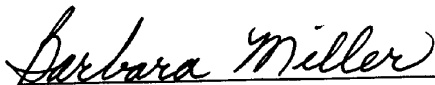
*WHEREAS*, the Town and Nation find it necessary to resolve certain issues concerning land use, land status, taxation, and governmental jurisdiction, and

*WHEREAS*, the Town Council has determined that the protection of the health, safety and welfare of the citizens of Camp Verde is furthered by approval of an intergovernmental agreement with the Nation

**NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, PURSUANT TO ARS 11-952.H, TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT WITH THE YAVAPAI-APACHE NATION DATED AUGUST 23<sup>rd</sup>, 2000, FOR THE PURPOSES OF LAND USE, MINING OPERATIONS, AND TRANSFER TO TRUST STATUS OF THE LANDS OF THE NATION UNDER THE PROVISIONS DESCRIBED THEREIN, AS FOLLOWS:**

1. Final Approval. The intergovernmental agreement (IGA) dated August 23<sup>rd</sup>, 2000, incorporated herein as Exhibit A, is hereby approved and the Mayor authorized to sign on behalf of the Town. This approval shall be considered a final legislative act on behalf of the Town concerning the IGA.
2. Execution by the Nation. Should the IGA not be executed by the Nation within thirty (30) days from the date of this resolution, the resolution shall expire and Exhibit A will become null and void without further action by the Town.
3. Filing of IGA. Upon appropriate action by ordinance, resolution, or otherwise by the Nation to approve and sign the IGA within 30 days, it shall be filed with the Yavapai County Recorder pursuant to ARS 11-952.G, effective on the date of execution by the Nation, or filing, whichever is earlier.

PASSED AND APPROVED by a majority vote of the Common Council at the regular meeting of August 23<sup>rd</sup>, 2000:



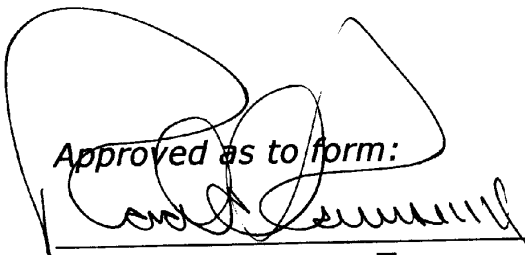
Barbara Miller, Mayor

Attest:



Debbie Barber, Town Clerk

Approved as to form:

  
Ronald C. Ramsey, Town Attorney

RECEIVED  
9-25-2000

**TOWN OF CAMP VERDE  
PRESS RELEASE:**

**From the Office of the Town Clerk:**

On Friday, September 22, 2000, the following two committees submitted referendum petitions:

**'No on IGA Committee'**, Burke Scagnelli, Committee Chair, submitted 396 unverified signatures. The petition language is as follows: "This is a petition requesting referral to the people of the Town of Camp Verde, Arizona, of the adoption of Resolution 2000-450, passed by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on August 23, 2000, which approved in intergovernmental agreement with the Yavapai Apache Nation dated August 23, 2000 concerning land use, taxation, mining operations, and transfer to trust status of certain lands of the Nation as described therein."

Note: Resolution 2000-450's title reads as follows: "A Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving an Intergovernmental Agreement with the Yavapai-Apache Nation concerning mining, land use, and fee-to-trust status.

Resolution 2000-450, dated August 23, 2000, contained a 'sunset clause' that reads as follows: "2. **Execution by the Nation.** Should the IGA not be executed by the Nation within thirty (30) days from the date of this resolution, the resolution shall expire and Exhibit A will become null and void without further action by the Town."

The Yavapai Apache Nation did not return the agreement within the allotted time period. Resolution 2000-450 became null and void on September 23, 2000.

**'Citizens Against C V Ordinance 2000-A161'**, Andy Ayres, Committee Chair, submitted 527 unverified signatures. The petition language is as follows: "With respect to the historical significance of the mining industry in the Camp Verde area and with acknowledging the demand and need for mining procedures now and in the future, this petition opposes Ordinance 2000-A161 in its entirety."

Note: Ordinance 2000-A161's title reads as follows: "An ordinance of the Town Council of the Town of Camp Verde, Yavapai County, Arizona, modifying Section 119 of the Zoning Code (Ordinance 87-A23) by adding mining overlay districts and regulations, and proscribing penalties for violations thereof"

Each Committee was required to get a minimum of 132 signatures. It appears that each contain sufficient signatures to place the items on the May 2001 ballot. However, a random sample will be sent to Yavapai County for verification no later than October 13, 2000. The County has ten (10) working days to verify the signatures. Once the verification is received, the item(s) will be scheduled for the ballot.

The Town of Camp Verde will conduct a Vote-by-Mail campaign for the March and May 2001 elections. All registered voters will receive their ballots in the mail no later than 10 days before election dates. This would be a good time to make sure that your mailing address is current with Yavapai County Voter Registration.