

COUNCIL MEETING AGENDA

TUESDAY, MAY 24, 2016

Members may attend in person or by telephone

AMENDED

(to include an executive session item and its follow-up in open session)

Ed Foster, Mayor
Norm Simpson, Vice Mayor

Carol Kelley
Loretta Warner
Hal Davidson

Mark Orgeron
Gunny St. Germain

**Quartzsite Town Hall
Council Chambers
465 North Plymouth Avenue
Quartzsite, Arizona**

**Regular Meeting
7:00 p.m.**

SPEAKING TO THE COUNCIL

If you are interested in speaking to the Council during Public Hearings, Communications from Citizens, or other designated agenda items, you must fill out a speaker card (located on the table inside the front entrance to the Council Chambers) and deliver it to the Town Clerk prior to the convening of the meeting. Each individual will be limited to three (3) minutes for their remarks.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council Rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly, will be asked to leave.

CELL PHONES AND RECORDING DEVICES

As a courtesy to others please turn off or silence all cell phones or pagers. Reporters or others with recording devices are requested to be staged at the back of the public seating area in order not to interfere with the meeting.

***Items may be discussed earlier or in a different sequence.
Headphones are available upon request for the hearing impaired.***

AGENDA ITEM	COUNCIL ACTION
CALL TO ORDER OF REGULAR MEETING	
INVOCATION AND PLEDGE OF ALLEGIANCE <i>The invocation may be offered by a person of any religion, faith, belief or non-belief. Interested persons should contact the Clerk for further information.</i>	
ROLL CALL	
CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS - <i>At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. For the official record, individuals must state their name. There is a 3 minute limit for each speaker. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.</i>	

	ANNOUNCEMENTS	
	<p>CONSENT AGENDA</p> <p><i>All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of Council for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.</i></p>	
1.	LEDGER OF ACCOUNTS PAID – Consider approval of check series 40226 - 40253 and 40264 - 40271, totaling \$60,851.08.	Discussion; possible action by MOTION; may be acted upon with single motion.
	<p>ADMINISTRATIVE ITEMS</p> <p><i>Administrative items are for Council discussion and action. It is at the discretion of the majority of the Council regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a Request to Speak Form and indicate the Item they wish to address. Council may or may not accept public comment.</i></p>	
2.	MINUTES – Consider approval of the minutes of the Regular Council Meeting of May 10, 2016.	Discussion; possible action by MOTION.
3.	MAGISTRATE COURT PRO TEM – Discussion and possible consent for the Town Magistrate to appoint one Pro Tem Magistrate.	Discussion; possible action by MOTION.
4.	FEDERAL BUREAU OF LAND MANAGEMENT (BLM) GRANT OF ACCESS – Discussion and possible action to review BLM Right-of-Way Grant Serial No. AZA 36905, and discussion regarding naming the new street.	Discussion; possible action by MOTION.
5.	TOWN MANAGER RECRUITMENT PROCESS – Discussion of a recruitment strategy for a new Town Manager.	Discussion.

6.	POLICE CHIEF INTERVIEW PANEL – Appointment of two Council Members to serve on the Police Chief Interview Panel.	Discussion; possible action by MOTION.
7.	EXECUTIVE SESSION <ul style="list-style-type: none"> • An executive session pursuant to ARS Section 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town’s position regarding General Release agreement in order to avoid litigation related to former Police Chief Jeff Gilbert. • An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding settlement discussions in order to avoid litigation with Desert Gardens, LLC regarding utility infrastructure improvements and requested reimbursement. • Executive session pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of obtaining legal advice from the Town Attorney regarding the retention of special counsel James Burr Shields of Aiken Schenk Hawkins & Ricciardi P.C. to advise the Town’s Personnel Advisory Board. 	
	RETURN TO OPEN SESSION	
8.	GILBERT OUTCOME – Consider formal approval to enter settlement General Release agreement with former Police Chief Jeff Gilbert.	Discussion; possible action by MOTION.
9.	SPECIAL COUNSEL TO PERSONNEL ADVISORY BOARD Discussion and/or approval of the agreement for legal services between Aiken Schenk Hawkins & Ricciardi P.C. and the Town of Quartzsite related to the retention of James Burr Shields to advise the Town’s Personnel Advisory Board	Discussion; possible action by MOTION.
	COMMUNICATIONS	
10.	Reports from the MAYOR on current events.	
11.	Reports from the COUNCIL on current events.	

12.	Reports from the TOWN MANAGER to the Council.	
	ADJOURN	MOTION to adjourn.

PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE TOWN CLERK'S OFFICE AT 928-927-4333. REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE PLEASE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION.

COUNCIL MAY NOT ACT ON ITEMS NOT ON THE AGENDA

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Quartzsite Town Hall, 465 N. Plymouth Ave, Quartzsite, AZ, U.S. Post Office, 80 W. Main Street, Quartzsite, AZ and The Senior Center, 40 Moon Mountain Ave, Quartzsite, AZ, on the ____ day of _____, 2016, at ____ a.m./p.m. in accordance with the statement filed by the Town of Quartzsite with the Town Clerk, Town of Quartzsite.

By: _____, Town Clerk's Office



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, May 24, 2016

- Agenda Item:** **LEDGER OF ACCOUNTS PAID** – Consider approval of check series 40226-40253 and 40264-40271 totaling \$60,851.08.
- Summary:** The Quartzsite Town Council Procedure Policy states that at least once each month the Council shall review a list of all the bills paid, and may ask for clarification at any time.
- The Procedure Policy also states the Council should designate the check numbers being approved.
- Responsible Person:** Skylor Miller, Town Manager
- Attachment:** Ledger of Accounts Paid: check series 40226-40253 and 40264-40271.
- Action Requested:** **Motion to approve the Ledger of Accounts Paid; check series 40226-40253 and 40264-40271.**

**Quartzsite Town Council Meeting of
MAY 24, 2016
Check Register/ Revenue/ Consent Agenda**

Horizon Community Bank - Begin Check #40226-40253 and 40264-40271.

Balances on all cash accounts as of May 20, 2016

Checking Account	\$	4,575,151.25
LGIP Account	\$	700,292.00
WIFA Debt Reserve Account	\$	86,232.07

Total Expensed Dollar Amount for Consent Agenda	\$	124,127.08
Total Payroll for Pay Period Ending 5/7/16	\$	63,276.00
YTD Total Revenue Dollar Amount for Consent Agenda	\$	1,906,655.38
YTD Total Sewer Cap Revenue as of 5/20/16	\$	0
YTD Total Sewer Sales Revenue as of 5/20/16	\$	940,120.68
YTD Total Water Cap Revenue as of 5/20/16	\$	2,700.00
YTD Total Water Sales Revenue as of 5/20/16	\$	963,834.70

Employee Earnings	<u>\$ 63,276.00</u>
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Employee Deduction

Soc Security	\$ 2,699.08
Medicare	\$ 890.92
Federal WH	\$ 4,414.87
State WH	\$ 1,493.41
Retirement	\$ 1,188.05
Retirement Loan	\$ 800.59
Police Retirement	\$ 2,067.30
Medical	\$ 1,690.03
Dental	\$ 292.29
Life/VOL Ins	\$ 137.00
Vision	\$ 194.08
AFLAC	\$ 1,150.43
Misc Deductions	\$ 875.71
Total:	<u>\$ 17,893.76</u>

Payroll Related Checks Series:

40215 - 40219

40220 - 40225

Non-Direct Deposit Employees: 5

Payees Description:

Police Retirement
457 Plan
Profit Sharing Plan
Employee Deduction
Employee Deduction
Employee Deduction

Employee Net Pay	\$ 45,382.24
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Employee Count: 51

Regular Hours:	2467.50
Overtime Hours:	75.75
GOHS Grant OT:	1.00
Total Number of Hours:	<u>2544.25</u>

Payroll Register Detail & Benefits Register Detail on file in Payroll Folder

Report Criteria:

Report type: GL detail
 Check.Check Number = 40215-40271

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
40226						
05/17/16	40226	C&D Disposal	107.02	4Yd Commercial Bin Fee - Parks	01-180-5035	107.02
Total 40226:			107.02			
40227						
05/17/16	40227	Chevron Usa	721.59	Fuel - Police	01-140-5024	721.59
05/17/16	40227	Chevron Usa	115.76	Fuel - Transit	01-230-5024	115.76
05/17/16	40227	Chevron Usa	23.93	Fuel - PW	03-220-5024	23.93
05/17/16	40227	Chevron Usa	66.18	Fuel - Magistrate	01-150-5024	66.18
Total 40227:			927.46			
40228						
05/17/16	40228	Etherspeak Inc.	11.07	Phone Services	01-110-5048	11.07
05/17/16	40228	Etherspeak Inc.	55.30	Phone Services	01-130-5048	55.30
05/17/16	40228	Etherspeak Inc.	25.90	Phone Services	01-150-5048	25.90
05/17/16	40228	Etherspeak Inc.	21.00	Phone Services	01-160-5048	21.00
05/17/16	40228	Etherspeak Inc.	21.00	Phone Services	01-170-5048	21.00
05/17/16	40228	Etherspeak Inc.	16.00	Phone Services	01-185-5048	16.00
05/17/16	40228	Etherspeak Inc.	21.00	Phone Services	03-220-5048	21.00
05/17/16	40228	Etherspeak Inc.	16.00	Phone Services	15-500-5048	16.00
05/17/16	40228	Etherspeak Inc.	16.00	Phone Services	16-550-5048	16.00
Total 40228:			203.27			
40229						
05/17/16	40229	Jerimiah Cameron	90.00	Per Diem: Traffic Supervisor Training	03-220-5043	90.00
Total 40229:			90.00			
40230						
05/17/16	40230	Leticia Puentes	97.50	Overpayment Refund - Case TR20080102	01-000-4410	97.50
Total 40230:			97.50			
40231						
05/17/16	40231	River City Newspapers	118.26	Publish Ordinance 16-04 for 2 weeks	01-130-5035	118.26
Total 40231:			118.26			
40232						
05/17/16	40232	Smart & Final	206.51	Snacks for After School Program	01-185-5095	206.51
Total 40232:			206.51			
40233						
05/17/16	40233	Terry Pearson	90.00	Per Diem: Traffic Supervisor Trng	03-220-5043	90.00
Total 40233:			90.00			

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
40234						
05/17/16	40234	Tonya Hoogerwerf	54.00	Per Diem: FEMA Training in Tucson	01-160-5043	54.00
Total 40234:			54.00			
40235						
05/17/16	40235	Walter Shipley	36.00	Per Diem: Flagger Recertification	03-220-5043	36.00
Total 40235:			36.00			
40236						
05/17/16	40236	Western States Petroleum,	1,612.70	Unleaded Fuel - Police	01-140-5024	1,612.70
05/17/16	40236	Western States Petroleum,	572.37	Unleaded Fuel - Transit	01-230-5024	572.37
05/17/16	40236	Western States Petroleum,	66.56	Unleaded Fuel - Admin	01-130-5024	66.56
05/17/16	40236	Western States Petroleum,	63.48	Unleaded Fuel - P&Z	01-160-5024	63.48
05/17/16	40236	Western States Petroleum,	461.03	Unleaded Fuel - WWV	15-500-5024	461.03
05/17/16	40236	Western States Petroleum,	280.56	Unleaded Fuel - Water	16-550-5024	280.56
05/17/16	40236	Western States Petroleum,	755.92	Unleaded Fuel - PW	03-220-5024	755.92
05/17/16	40236	Western States Petroleum,	287.47	Unleaded Fuel - Park	01-180-5024	287.47
Total 40236:			4,100.09			
40237						
05/19/16	40237	AMEC Foster Wheeler Env	376.93	Hawk Beacon: Engineering	03-220-5105	376.93
Total 40237:			376.93			
40238						
05/19/16	40238	Mikes Contracting, Inc.	270.18	Rip Rap Oversize - Parks	01-180-5068	270.18
Total 40238:			270.18			
40239						
05/19/16	40239	Mineral Aggregate Recy. S	4,763.75	AB Pavement Preservation - Rogers Rd	03-220-5029	4,763.75
Total 40239:			4,763.75			
40240						
05/19/16	40240	TerraForm Solar XVIII, LLC	2,348.74	Solar Energy Charges - WWTP	15-500-5048	2,348.74
Total 40240:			2,348.74			
40241						
05/19/16	40241	Tracey Hess	53.83	Reimbursement for deodorizer unit - Court	01-150-5022	53.83
Total 40241:			53.83			
40242						
05/19/16	40242	V & V Manufacturing, Inc	126.95	Police K9 Badge	01-140-5019	126.95
Total 40242:			126.95			
40243						
05/19/16	40243	Open Range Pest Control	25.00	Pest Control - WWTP	15-500-5035	25.00
05/19/16	40243	Open Range Pest Control	37.00	Pest Control - Admin	01-130-5035	37.00
05/19/16	40243	Open Range Pest Control	33.00	Pest Control - HURF	03-220-5035	33.00

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
05/19/16	40243	Open Range Pest Control	30.00	Pest Control - Police	01-140-5035	30.00
05/19/16	40243	Open Range Pest Control	60.00	Pest Control - Community Center	01-185-5035	60.00
Total 40243:			185.00			
40244						
05/19/16	40244	Quartzsite Fire Department	60.00	CPR/First Aid Trng - D. Anderson	01-180-5043	60.00
05/19/16	40244	Quartzsite Fire Department	60.00	CPR/First Aid Trng - T. Thomas	01-180-5043	60.00
05/19/16	40244	Quartzsite Fire Department	60.00	CPR/First Aid Trng - M. McFate	01-230-5043	60.00
05/19/16	40244	Quartzsite Fire Department	60.00	CPR/First Aid Trng - T. Hess	03-220-5043	60.00
05/19/16	40244	Quartzsite Fire Department	60.00	CPR/First Aid Trng - T. Pearson	15-500-5043	60.00
05/19/16	40244	Quartzsite Fire Department	60.00	CPR/First Aid Trng - J. Shipley	03-220-5043	60.00
05/19/16	40244	Quartzsite Fire Department	30.00	CPR Training - E. Babcock	01-140-5043	30.00
Total 40244:			390.00			
40245						
05/19/16	40245	Atkins	21,061.64	WWTP Renovation Project - Engineering	15-500-5037	21,061.64
Total 40245:			21,061.64			
40246						
05/19/16	40246	Employers Direct Health	7.14	Aggregate Employer Insurance	01-110-5016	7.14
05/19/16	40246	Employers Direct Health	20.90	Aggregate Employer Insurance	01-130-5016	20.90
05/19/16	40246	Employers Direct Health	87.97	Aggregate Employer Insurance	01-140-5016	87.97
05/19/16	40246	Employers Direct Health	21.40	Aggregate Employer Insurance	01-150-5016	21.40
05/19/16	40246	Employers Direct Health	11.89	Aggregate Employer Insurance	01-160-5016	11.89
05/19/16	40246	Employers Direct Health	2.38	Aggregate Employer Insurance	01-170-5016	2.38
05/19/16	40246	Employers Direct Health	7.61	Aggregate Employer Insurance	01-180-5016	7.61
05/19/16	40246	Employers Direct Health	7.60	Aggregate Employer Insurance	01-185-5016	7.60
05/19/16	40246	Employers Direct Health	69.90	Aggregate Employer Insurance	03-220-5016	69.90
05/19/16	40246	Employers Direct Health	7.13	Aggregate Employer Insurance	01-230-5016	7.13
05/19/16	40246	Employers Direct Health	3.80	Aggregate Employer Insurance	01-181-5016	3.80
05/19/16	40246	Employers Direct Health	19.02	Aggregate Employer Insurance	15-500-5016	19.02
05/19/16	40246	Employers Direct Health	24.25	Aggregate Employer Insurance	16-550-5016	24.25
Total 40246:			275.79			
40247						
05/19/16	40247	Etherspeak Inc.	18.52	Phone Service	01-110-5048	18.52
05/19/16	40247	Etherspeak Inc.	93.49	Phone Service - Admin	01-130-5048	93.49
05/19/16	40247	Etherspeak Inc.	43.54	Phone Service - Court	01-150-5048	43.54
05/19/16	40247	Etherspeak Inc.	35.20	Phone Service - P&Z	01-160-5048	35.20
05/19/16	40247	Etherspeak Inc.	35.20	Phone Service - Library	01-170-5048	35.20
05/19/16	40247	Etherspeak Inc.	26.86	Phone Service - Rec	01-185-5048	26.86
05/19/16	40247	Etherspeak Inc.	35.20	Phone Service - HURF	03-220-5048	35.20
05/19/16	40247	Etherspeak Inc.	26.86	Phone Service - WWTP	15-500-5048	26.86
05/19/16	40247	Etherspeak Inc.	26.86	Phone Service - Water	16-550-5048	26.86
Total 40247:			341.73			
40248						
05/19/16	40248	Gust Rosenfeld PLC	5,896.27	General Council Svcs April 2016	01-120-5071	5,896.27
05/19/16	40248	Gust Rosenfeld PLC	95.00	Special Council Svcs April 2016	01-120-5072	95.00
05/19/16	40248	Gust Rosenfeld PLC	4,550.84	General Council Svcs March 2016	01-120-5071	4,550.84
05/19/16	40248	Gust Rosenfeld PLC	480.40	Special Council Svcs March 2016	01-120-5072	480.40

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
Total 40248:			11,002.51			
40249						
05/19/16	40249	John Andoh	416.66	Transit Assistance - April 2016	01-230-5036	416.66
Total 40249:			416.66			
40250						
05/19/16	40250	Kansas State Bank	167.59	Principal Capital Lease	01-130-5058	167.59
05/19/16	40250	Kansas State Bank	36.59	Interest Capital Lease	01-130-5057	36.59
Total 40250:			204.18			
40251						
05/19/16	40251	Legend Technical Services	49.50	Lab Services - WWTP	15-500-5039	49.50
Total 40251:			49.50			
40252						
05/19/16	40252	Purcell Tire Co	538.12	4 New Tires - WW	15-500-5025	538.12
05/19/16	40252	Purcell Tire Co	131.04	1 New Tire - Transit	01-230-5025	131.04
05/19/16	40252	Purcell Tire Co	118.19	1 New Tire - Parks	01-180-5025	118.19
05/19/16	40252	Purcell Tire Co	363.27	3 New Tire - PD	01-140-5025	363.27
05/19/16	40252	Purcell Tire Co	259.82	2 New Tire - PD	01-140-5025	259.82
05/19/16	40252	Purcell Tire Co	550.37	4 New Tire - PD	01-140-5025	550.37
Total 40252:			1,960.81			
40253						
05/19/16	40253	TDS Telecom	407.98	Telephone Service - Admin	01-130-5048	407.98
05/19/16	40253	TDS Telecom	662.91	Telephone Service - Police	01-140-5048	662.91
05/19/16	40253	TDS Telecom	360.21	Telephone Service - Magistrate	01-150-5048	360.21
05/19/16	40253	TDS Telecom	137.88	Telephone Service - P&Z	01-180-5048	137.88
05/19/16	40253	TDS Telecom	289.20	Telephone Service - Library	01-170-5048	289.20
05/19/16	40253	TDS Telecom	176.23	Telephone Service - PW	03-220-5048	176.23
05/19/16	40253	TDS Telecom	239.97	Telephone Service - WWTP	15-500-5048	239.97
05/19/16	40253	TDS Telecom	182.20	Telephone Service - Water	16-550-5048	182.20
Total 40253:			2,456.58			
40264						
05/19/16	40264	BoardSync, Inc.	3,395.00	Boardsync Agenda implement & Svcs	01-110-5035	3,395.00
Total 40264:			3,395.00			
40265						
05/19/16	40265	American Water Works As	165.00	AWWA Membership Dues	15-500-5051	165.00
05/19/16	40265	American Water Works As	165.00	AWWA Membership Dues	16-550-5051	165.00
Total 40265:			330.00			
40266						
05/19/16	40266	Arizona Investigations &	550.00	Background & Polygraph - J. Beard	01-140-5082	550.00

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
Total 40266:			550.00			
40267						
05/19/16	40267	CDI Computers (US) Corp	351.95	Dell Multifunctional Printer - Admin	01-130-5060	351.95
Total 40267:			351.95			
40268						
05/19/16	40268	Diamond Brooks Bottled W	28.65	Bulk Water - Admin	01-130-5035	28.65
05/19/16	40268	Diamond Brooks Bottled W	28.65	Bulk Water - Police	01-140-5035	28.65
05/19/16	40268	Diamond Brooks Bottled W	28.65	Bulk Water - Magistrate	01-150-5035	28.65
05/19/16	40268	Diamond Brooks Bottled W	28.65	Bulk Water - Library	01-170-5035	28.65
05/19/16	40268	Diamond Brooks Bottled W	24.80	Bulk Water - PW	03-220-5035	24.80
Total 40268:			139.40			
40269						
05/19/16	40269	Faith, Ledyard & Faith, PL	52.50	Special Prosecutor Svcs - Apr 2016	01-120-5072	52.50
Total 40269:			52.50			
40270						
05/19/16	40270	Road Runner Sanitary Sup	11.05	Janitorial Supplies - Admin	01-130-5034	11.05
05/19/16	40270	Road Runner Sanitary Sup	11.05	Janitorial Supplies - Court	01-150-5034	11.05
05/19/16	40270	Road Runner Sanitary Sup	11.05	Janitorial Supplies - Library	01-170-5034	11.05
05/19/16	40270	Road Runner Sanitary Sup	11.05	Janitorial Supplies - WWTP	15-500-5034	11.05
05/19/16	40270	Road Runner Sanitary Sup	11.04	Janitorial Supplies - Water	16-550-5034	11.04
05/19/16	40270	Road Runner Sanitary Sup	83.26	Janitorial Supplies - Admin	01-130-5034	83.26
05/19/16	40270	Road Runner Sanitary Sup	45.80	Janitorial Supplies - Police	01-140-5034	45.80
05/19/16	40270	Road Runner Sanitary Sup	83.26	Janitorial Supplies - Magistrate	01-150-5034	83.26
05/19/16	40270	Road Runner Sanitary Sup	83.26	Janitorial Supplies - Library	01-170-5034	83.26
05/19/16	40270	Road Runner Sanitary Sup	83.26	Janitorial Supplies - WWTP	15-500-5034	83.26
05/19/16	40270	Road Runner Sanitary Sup	83.26	Janitorial Supplies - Water	16-550-5034	83.26
Total 40270:			517.34			
40271						
05/19/16	40271	Ward Law Offices, PLLC	3,200.00	Prosectorial Services	01-150-5073	3,200.00
Total 40271:			3,200.00			
Grand Totals:			60,851.08			

Report Criteria:

Report type: GL detail

Check.Check Number = 40215-40271

Check Payroll # 40215-40225

Check # 40254-40263 printed in error



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, May 24, 2016

Agenda Item: **MINUTES** – Consider approval of the minutes of the Regular Town Council Meeting of May 10, 2016.

Summary: The Town Clerk shall keep the minutes of all meetings of the Common Council. Upon approval by the Council, the Clerk shall enter the approved minutes in a book constituting the official record of the Council.

Responsible Person: Tina Abriani, Town Clerk

Attachment: Minutes of the Regular Town Council Meeting of May 10, 2016.

Action Requested: **Motion to approve the minutes of the Regular Town Council Meeting May 10, 2016.**

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, MAY 10, 2016, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: Given by Pastor Bruce Swart.

PLEDGE OF ALLEGIANCE: Led by Council Member Davidson.

ROLL CALL:

Present: Mayor Foster, Vice Mayor Simpson, Council Member Kelley, Council Member Warner, Council Member Orgeron, Council Member Davidson, and Council Member St. Germain attended by phone.

STAFF PRESENT: Skylor Miller, Town Manager; Susan Goodwin, Town Attorney; and Tina Abriani, Town Clerk

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

The Mayor called for the candidates in the audience to introduce themselves.

Town Attorney Goodwin reminded everyone that the candidates should not campaign.

Mr. Mikel Weisser introduced himself as the Democrat running for Congress in the western part of the state.

Mr. Bill Risen introduced himself as running for La Paz County Sheriff. He said he handed out some items listing his qualifications, email address, and phone number should there be any questions. He said he would be happy to meet with anyone that had questions about what to expect of him.

Mr. George Nault introduced himself as running for District 2. He said to believe him when he says he does represent the people.

The Mayor announced it was time for the general call to the public.

Pastor Bruce Swart, a resident of the Town of Quartzsite, spoke as the Chairman of the Cemetery Board. He said he drove past and through the Cemetery a few days ago and saw some of the Public Works Department employees doing some work. He said he wanted to recognize them for all the hard work that they have done. Pastor Bruce Swart said the employees had built the sign that was in front of the Cemetery and that they go to the Cemetery whenever they can to help clean up. He said the solar lights that the Department had installed had been damaged and stolen. Pastor Bruce Swart said

hopefully that could be repaired. He said that several months ago, ADOT had finally, put up new signs designating where the Hi Jolly Cemetery and the Memorial are located. He said the entrance to the Cemetery is not on Cemetery Road anymore, rather, it is off Kofa.

Shanana Rain BearCat said she spoke for the Quartzsite Area Chamber of Commerce and Tourism when she announced a mixer to be held on Wednesday, May 11, 2016, at 6:00 p.m., at Desert Gardens RV Park in the recreation room. The cost will be ten dollars per person and includes a choice of sandwiches, choice of soda, a raffle, a great deal of opportunity for networking, and BYOB if you want.

Monica Timberlake, Quartzsite resident and School Board Member, invited the Council and members of the public to the Quartzsite Elementary School's Eighth Grade Graduation, Tuesday, May 24, 2016, at 7:00 p.m.

PROCLAMATIONS:

1. PROCLAMATION – Older Americans Month May 2016.

The Mayor read the Older Americans Month proclamation aloud for all to hear.

2. PROCLAMATION – Mental Health Month May 2016.

The Mayor read the Mental Health Month proclamation aloud for all to hear.

CONSENT AGENDA:

3. LEDGER OF ACCOUNTS PAID – Consider approval of check series 40181 - 40214 totaling \$53,092.82.

Town Manager Miller said the Town was still working to deal with the phone bills. He said the Town is dealing with the remnants of Etherspeak, ACC, and Tamco. He explained that even though the Town had paid for the equipment with Tamco, they require that every single piece of phone equipment the Town has had over the last eight years be returned, or replacement costs would be charged.

Town Manager Miller said he is working with the various companies, and that there would be a savings this year and in the future.

There was a discussion regarding how much better the phones work with the new system.

Council Member Orgeron moved to approve check series 40181 - 40214 for \$53,092.82, and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

ADMINISTRATIVE ITEMS:

- 4. MINUTES – Consider approval of the minutes of the Regular Town Council Meeting of April 26, 2016.**

Council Member Orgeron moved to approve the minutes of the regular Town Council Meeting of April 26, 2016, and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

- 5. IGA WITH LA PAZ COUNTY FOR 2016 ELECTIONS – Consider approval of an Intergovernmental Agreement (IGA) between La Paz County and the Town of Quartzsite for the Primary Election to be held August 30, 2016 and the General Election to be held on November 8, 2016.**

Council Member Orgeron moved to approve the Intergovernmental Agreement between La Paz County and the Town of Quartzsite for the Primary Election to be held August 30, 2016, and the General Election to be held on November 8, 2016. Council Member Kelley seconded the motion. The vote was unanimous. Motion Passed.

- 6. SCHEDULING A BUDGET WORK SESSION – Discussion to set date and time for a Council Work Session for review of the upcoming budget.**

There was a discussion regarding a date and time that would work for the Council and the Town Manager, to meet for a budget work session.

Town Manager Miller said there had been departmental budget talks already, and that he would like to get the department heads in front of the Council next week.

The Mayor directed staff to schedule a budget work session lunch for Friday, May 20, 2016, from 11:00 a.m. to 1:00 p.m.

- 7. INDEPENDENCE DAY FIRE WORKS DISPLAY – Discussion of coordination of the event with the Fire Department and vendor.**

Town Manager Miller said the Quartzsite Fire Department indicated they should be able to operate the fireworks display for the Town, one last time, on Independence Day. Town Manager Miller said he would send someone to school to learn to operate fireworks correctly and safely, and look for alternate fireworks vendors.

The Mayor directed Town Manager Miller to pursue training and to work with the Fire Department.

- 8. EXECUTIVE SESSION**

- Executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion and consideration of assignments and evaluation of Town Manager Skylor Miller.**

- **Executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract that is the subject of negotiations with Desert Gardens, LLC regarding utility infrastructure improvements and requested reimbursement.**

The Mayor announced that Mr. Miller turned in his resignation.

Council Member Orgeron moved to adjourn to Executive Session, and Council Member Kelley seconded the motion. The vote was unanimous. Motion Passed.

ADJOURN TO EXECUTIVE SESSION: 7:20 p.m.

RETURN TO OPEN SESSION: 7:44 p.m.

The Mayor called the meeting back to order for regular business.

All the Council Members were in attendance and Council Member St. Germain attended by phone.

9. **TOWN MANAGER REVIEW – Discussion and possible action concerning the evaluation of the Town Manager, and to direct the Town Manager regarding the Council's current goals.**

Council Member Warner moved to table Agenda Item 9, the Town Manager review, and Council Member Davidson seconded the motion. The vote was unanimous. Motion Passed.

COMMUNICATIONS:

10. **Reports from the MAYOR on current events.**

The Mayor reported that the past Monday, May 2, 2016, he attended the County Board meeting, and at the coffee group session in the morning, the subject of the Zika virus arose. The Mayor said that he spoke at the meeting during the Call to the Public to ask if the County was, in any way, preparing for anything that might come from the Zika virus problem. The answer was that the County was capturing mosquitoes to check for the one species that carries the Zika virus.

The Mayor directed staff to talk to County Health officials about Ted's Truck Stop's basement that is a breeding ground for mosquitoes when it floods during the rainy season.

11. Reports from the COUNCIL on current events.

Council Member Hal Davidson spoke of the small stroke he had and especially thanked Marilyn McFate for rushing over to his house to stay with and help his mother as he was transported to the hospital. He also thanked everyone for the prayers and well wishes.

12. Reports from the TOWN MANAGER to the Council.

Town Manager Miller announced that the day before, Monday, May 9, 2016, the Planning and Zoning Commission held an open house at the Community Center. He said he thought it was very well attended. A SWOT (strengths, weaknesses, opportunities, threats) analysis was performed which elicited a number of comments from the public.

Town Manager Miller said the information from the public would be reviewed at upcoming planning meetings, and would ultimately impact amendments to the General Plan of the future. He thanked the public that attended the meeting.

Town Manager Miller said he would be with the Town for the better part of sixty days, because July 8, 2016, would be his last day. He said it had been a pleasure to work with the Town Council, members of the public and Town staff. He added that he was proud to have been a part of the Town of Quartzsite over the last two years.

Vice Mayor Simpson moved to adjourn, and Council Member Davidson seconded the motion. The vote was unanimous. Motion Passed.

ADJOURNMENT: 7:49 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of May 10, 2016, of the Town Council of Quartzsite, Arizona, held on May 10, 2016.

I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 24th day of May 2016

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor



www.ci.quartzsite.az.us

Town of Quartzsite Municipal Court

465 N. Plymouth Ave.

P.O. Box 583

Quartzsite, AZ 85346

Phone: (928)927-7477/Fax: (928)927-4332

Memo

To: Town Council
From: Judge Shirley
cc: Town Manager
Date: 5/19/2016
Re: Request for Pro Tem

Dear Town Council Members,

The Quartzsite Municipal Court would like to request to appoint the court's chief clerk a Pro Tem for the Municipal court.

A Pro Tem position is a title only and no increase in salary would be expected or asked of. The Pro Tem would be under the direction of the Magistrate and would not handle any cases without permission and supervision from the Magistrate. Superior Court has guidelines for courts to follow when a court clerk becomes a Pro Tem and the Magistrate would respect those guidelines set up by the Superior court.

Per town code 5-2-2(B), the court may appoint a Pro Tem with the advice and consent of the Town Council. The court is seeking the advice and consent from the Town Council now to appoint Lori Brinkerhoff to that position.

Lori Brinkerhoff has worked for the Municipal court for three years now and is a highly valued employee and would treat the job with the respect and skill it deserves. She has completed the required 6 hours of Video training to be appointed a Pro Tem for the court if the Town Council allows.

Thank you and
Sincerely

Judge Shirley

CHAPTER 5 — MAGISTRATE

(Ord 11-14) (Ord 13-03)

ARTICLE 5-1 ESTABLISHMENT AND JURISDICTION OF MUNICIPAL COURT

Section 5-1-1 Establishment and Jurisdiction of Municipal Court

There is hereby established in the town a municipal court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with the La Paz County Justice of the Peace Precinct in which the town is located and the Superior Court of the State of Arizona over violations of civil, civil traffic, petty and misdemeanor offenses as defined by Arizona Revised Statutes of which any element thereof is alleged to have been committed within the limits of the town.

ARTICLE 5-2 MAGISTRATE

Section 5-2-1 Town Magistrate

- A. The presiding officer of the municipal court shall be the Town Magistrate.
- B. The Town Magistrate shall be appointed by the Common Council.
- C. The Town Magistrate shall serve a term of two years, with the beginning and end of the term to be specified at the time of appointment.
- D. The term shall automatically terminate upon expiration of said two-year period, unless prior thereto the Common Council shall by a majority vote otherwise direct.
- E. Nothing in this article shall change the Town's right, after a due process hearing, to remove the Magistrate for cause.

Section 5-2-2 Pro Tem Town Magistrate

- A. Every Magistrate, Pro Tem Magistrate, Justice of the Peace, Pro Tem Justice of the Peace, Judge of the Superior Court, Pro Tem Judge of the Superior Court and Superior Court Commissioner so employed by any county, city or town of the State of Arizona or by the State of Arizona, is qualified to serve as a Pro Tem Town Magistrate and, if assigned to serve in such capacity by the Town Magistrate, shall be permitted to serve as a Pro Tem Town Magistrate without the formality of the ratification of such appointment by the Common Council.
- B. The Town Magistrate may, but is not required to, appoint one or more Pro Tem Magistrates not otherwise qualified to serve as a Pro Tem Town Magistrate pursuant to Town Code § 5-2-2(A) with the advice and consent of the Common Council.

- C. A Pro Tem Magistrate shall, while so serving, have all the duties, responsibilities and authority of the Town Magistrate.
- D. Any Pro Tem Magistrate may serve as Town Magistrate in the absence of the Town Magistrate.
- E. A Pro Tem Magistrate shall, regardless of the presence or absence of the Town Magistrate, preside over such matters as are assigned by the Town Magistrate.
- F. The term for a Pro Tem Magistrate appointed pursuant to Town Code § 5-2-2(B) is two years, with the beginning and end of the term to be specified at the time of appointment.
- G. The term for a Pro Tem Magistrate appointed pursuant to Town Code § 5-2-2(B) shall automatically terminate upon expiration of said two-year period, unless prior thereto the Council shall by a majority vote otherwise direct.
- H. Nothing in this article shall change the Town's right, after a due process hearing, to remove a Pro Tem Town Magistrate appointed pursuant to Town Code § 5-2-2(B) for cause.

Section 5-2-3 Powers and Duties of Town Magistrate

- A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code and the ordinances and resolution of the town.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- D. Payment of all fees, fines, penalties and other monies collected by the court to the treasurer.
- E. Submitting a monthly report to the Council summarizing court activities for that month.
- F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Colorado River District
Yuma Field Office
7341 E. 30th Street Suite A
Yuma, Arizona 85365-6525
www.blm.gov/az/



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MAY 16 2016

TOWN OF QUARTZSITE 52

In Reply Refer To:

AZA 36905 (C020)
2810

May 12, 2016

CERTIFIED MAIL – RETURN RECEIPT REQUESTED, 7015 0640 0007 2170 6642

DECISION

Mr. Skylor Miller, Town Manager	:	Right-of-Way Grant
Town of Quartzsite	:	Serial No. AZA 36905
P.O. Box 2812	:	Type: Road
Quartzsite, Arizona 85346	:	

Right-of-Way Grant AZA 36905 Issued:

Exempt from Monitoring Fees and Rental

Enclosed is right-of-way (ROW) grant AZA 36905 which was approved by the Bureau of Land Management (BLM) in accordance with the authority of Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). The ROW grant is for an existing unimproved road that will provide public and legal access to private landowners. The ROW grant authorizes a road 33 feet wide by approximately 380 feet long, 0.288-acre ROW area. This ROW grant is hereby issued in perpetuity and is subject to the terms and conditions in 43 CFR 2800 and the terms and conditions specified in the grant.

The monitoring fee for this ROW is determined to be a Category 2, which involves a fee of \$428. However, regulations found at 43 CFR 2804.16(a), state that State and local government or agencies are exempt from monitoring fees. Therefore, the Town of Quartzsite (Town) is not required to pay monitoring fees.

In accordance with regulations found at 43 CFR 2806.14(b), Federal, State, and local governments or agencies are exempt from rental fees. Therefore, the Town is not required to pay rental fees for this right-of-way.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Land Law Examiner Candice Holzer at 928-317-3253 or email cholzer@blm.gov.



John MacDonald
Field Manager

Enclosures

cc: Frank Oulman; P.O. Box 4082; Quartzsite, Arizona 85359-4082 (w/enclosure)

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Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TOWN OF QUARTZSITE

Issuing Office
Yuma Field Office

Serial Number
AZA 36905

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RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

1. A (right-of-way) or (permit) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

a. By this instrument, the holder Town of Quartzsite receives a right to construct, operate, maintain, and terminate a public road, which is currently an unauthorized dirt road, that will provide legal access to private landowners on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, La Paz County, Arizona
T. 4 N., R. 19 W.,
sec. 23, the West 33 feet of the South 50 feet of the
W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
the West 33 feet of the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

b. The right-of-way or permit area granted herein is 33.0 feet wide, 380.0± feet long and contains 0.288 acres, more or less. If a site type facility, the facility contains NA acres.

c. This instrument shall terminate on perpetual years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

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TOWN OF QUARTZSITE

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3. Rental: NA

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within NA days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A (map/aerial), dated this date, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. The holder shall not initiate any construction or other surface-disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
- h. The authorized officer may suspend or terminate in whole or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
- i. The holder shall conduct all activities associated with the construction, operation and termination of the right-of-way within the authorized limits of the right-of-way.
- j. The holder shall meet Federal, State, and local emission standards for air quality.
- k. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.

l. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

m. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.

n. The holder shall clean off-road equipment (power or high-pressure cleaning) of all mud, dirt, and plant parts prior to moving equipment onto public land authorized under this grant.

o. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operation, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

p. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

q. The holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.

r. The holder shall inform the authorized officer within 48 hours of any accidents on Federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.

s. The holder of this right-of-way shall comply with the Civil Rights Act of 1964 (Public Law 88-352) and the regulations of the Secretary of the Interior issued pursuant thereto.

t. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.

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Page 3 of 4

u. Ten (10) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.



(Signature of Holder)



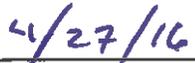
(Signature of Authorized Officer)



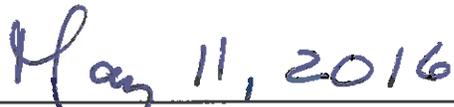
(Title)



(Title)



(Date)



(Effective Date of Grant)

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TOWN OF QUARTZSITE

Google Earth Aerial Map of Town of Quartzsite, Pita Road (red line)



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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECEIVED
MAY 16 2016
TOWN OF QUARTZSITE 2

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE
NOTICE OF APPEAL..... Yuma Field Office
7341 E. 30th Street, Suite A
Yuma, AZ 85365-6525

WITH COPY TO SOLICITOR... Field Solicitor, Office of the Solicitor
U.S. Department of the Interior
401 W. Washington Street, SPC 44
Phoenix, AZ 85003-2151

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR..... Field Solicitor, Office of the Solicitor
U.S. Department of the Interior
401 W. Washington Street, SPC 44
Phoenix, AZ 85003-2151

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)