



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, February 25, 2014
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1) **CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
- 3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

- 4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- 5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

6) CONSENT AGENDA

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

- a) Consideration and possible action to approve the February 11, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve Resolution No. 14-1026 supporting the restoration of Arizona Highway User Revenue Fund (HURF) distribution to cities, towns, counties and state highways. (Mayor Marley)
- c) Consideration and possible action to authorize the Chino Valley Police Department to apply for, accept, and expend funds for a 2014 Highway Safety Plan Grant from the Governor's Office of Highway Safety in an amount not to exceed \$25,000. Funds to come from Miscellaneous Police Grants expenditure line in the Grants Fund for fiscal year 2014/2015, with no matching funds required by the Town. (Chuck Wynn, Police Chief)

7) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a) 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 in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Cortez v. Town of Chino Valley. (Mayor Marley)

8) ACTION ITEMS

- a) Consideration and possible action to approve the proposed agreement with Cortez Enterprises, Inc. in settlement of claims and contemplated litigation. (Mayor Marley)
- b) Consideration and possible action with regard to establishing guidelines for Council-Town Attorney interaction. (Mayor Marley)

Recommended Action: Approve guidelines for Council-Town Attorney interaction.

- c) Consideration and possible action to approve the Intergovernmental Agreement between the Arizona Department of Transportation and the Town of Chino Valley for the maintenance of portions of the right-of-way of SR 89. (Ron Grittman, Public Works Director/Town Engineer)

Recommended Action: Approve the Intergovernmental agreement between the Arizona Department of Transportation and the Town of Chino Valley for the maintenance of portions of the right-of-way of SR 89.

- d) Consideration and possible action to approve change order number 1 to contract with Economists.com in the amount of \$5,000.00 to prepare additional analysis on the impacts of the Prescott Water Acquisition on future utility rate increases. Funds to come from the Professional Services Line in the Water Enterprise Fund. (Ron Grittman, Public Works Director/Town Engineer)

Recommended Action: Approve change order number 1 to contract with Economists.com in the amount of \$5,000.00 to prepare additional analysis on the impacts of the Prescott Water Acquisition on future utility rate increases.

- e) Consideration and possible action with regard to the Magistrate performance appraisal process. (Mayor Marley)

Recommended Action: Approve Magistrate evaluation calendar, process, and forms as presented or as modified.

9) **ADJOURNMENT**

Dated this 20th day of February, 2014.

By: **Jami C. Lewis, Town Clerk**

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 1-(800) 347-1695 (Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/clerk/townagenda.shtml>, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. a.

Meeting Date: 02/25/2014

Contact Person: Jami Lewis, Town Clerk

Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the February 11, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the February 11, 2014 regular meeting minutes.

Attachments

February 11, 2014 minutes

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, FEBRUARY 11, 2014
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, February 11, 2014.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Lon Turner; Councilmember Don Wojcik

Absent: Councilmember Pat McKee

Staff Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Phyllis

Present: Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Sergeant Randy Chapman; Planner Ruth Mayday; Town Clerk Assistant Liz Hart (recorder)

1) **CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**

Mayor Marley called the meeting to order at 6:00 p.m.

Mayor Marley gave the invocation and led the Pledge of Allegiance.

(Councilmember Turner arrived at 6:02 p.m.)

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

No one from the public spoke.

4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

Mayor Marley had nothing to report.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

Councilmember Hatch reported on a recent NACOG Economic Development Committee (EDC) meeting and possible Town involvement on the EDC Tourism Committee.

Mayor Marley gave a status report on the progress of the strategic plan, which will be back before Council on March 5. He then read the Monthly Mayor's Report, which pertained to the status of the sewer fund and current sewer rate structure.

- a) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith reported on the status of:

- Road 4 South extension project;
- Prescott water system acquisition and presentation on February 20;
- Funding for the Housing Rehab project;
- Strategic Plan and presentation on March 5.

6) **CONSENT AGENDA**

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

Council set down Consent Agenda items 6b, c and e.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to accept Consent Agenda items 6a, d and f.

Vote: 6 - 0 PASSED

Mayor Marley recessed the meeting at 6:15 p.m. and called it back to order at 6:30 p.m. Items 6b, c and e were heard after the recess.

- a) Consideration and possible action to approve the January 23, 2014 special meeting minutes. (Jami Lewis, Town Clerk)

- b) Consideration and possible action to approve the January 28, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)

Councilmember Hatch requested that the minutes be amended to reflect that she did not vote on item 7d.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to approve item 6b as amended.

Vote: 5 - 1 PASSED

NAY: Councilmember Don Wojcik

- c) Consideration and possible action to amend the Town of Chino Valley's Personnel Policy, Policy No. 1000 Performance Appraisals. (Cecilia Watts, General Services Director)

Ms. Watts reported that:

- A former Council adopted the Town's Personnel Policy in September 2002, which provided for performance appraisals to be performed on an annual basis on an employee's anniversary date.
- When the layoffs and furloughs occurred in 2008 and 2009, employees were not able to receive any merit or cost of living wage adjustments. Supervisors throughout the Town were reluctant to perform appraisals when no wage increases were anticipated. This condition persisted until the present.
- Although it was unclear if the Town will have any funds available for wage or merit increases for FY 2014/2015, management tasked all supervisors to perform appraisals this year on all employees. A new evaluation program provided for supervisor training in January and evaluations to be completed by the end of February.
- This timeframe will allow the Finance Department ample time to perform analyses and modeling for incorporation into the FY 2014/2015 budget cycle, should there be funds available for increases. Any such increases will become effective July 1, 2014.
- As management desired to retain this system of simultaneous appraisals across the organization, staff recommended changing the language in Personnel Policy 1000 to indicate only that appraisals will be done annually. Probationary employees will still be required to have an appraisal after six months.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda item 6c.

Vote: 6 - 0 PASSED

- d) Consideration and possible action to approve Ordinance No. 14-780, terminating a Conditional Use Permit for the former Teapot Inn, a bed and breakfast, in the "SR-1" (Single Family Residential - 1 Acre Minimum) zoning district, addressed as 989 West Center Street, and identified as Assessor's Parcel Number 306-29-025B. (Ruth Mayday, Planner)
- e) Consideration and possible action to approve Agreements for Towing Services between the Town of Chino Valley and the following Tow Service Providers: ACT Towing, Custom Towing, TNT Towing and Tri-City Towing. (Chuck Wynn, Police Chief)

Lieutenant Schaan reported that:

- The Police Department's Tow Services Agreements expired June 6, 2013. Having agreements with tow providers was standard practice for law enforcement agencies in the area. The Police Department had updated the agreement form with input from the Town Attorney and the rotational tow providers.
- The revised agreement included more detailed instructions and requirements with regard to vehicles impounded pursuant to A.R.S. 28-3511, as well as staffing of tow impound yards.
- All local tow providers were given the opportunity to pass an inspection and meet the requirements of the agreement. The tow providers listed met the requirements, signed agreements, and would be used on a rotational basis.

Councilmember Hatch asked about when these tow companies will be used and the public's options. Lt. Schaan clarified that this pertained to any tow in conjunction with a police function, and the public had the option to select their own tow company.

Councilmember Turner pointed out a scrivener's error in section 1.4.3.

Jerry Clements, owner, Tri City Towing, speaking for himself and Tom Cutlip with Custom Towing, expressed concern over one of the tow companies not having a physical presence in the Town. Mayor Marley advised that as all four companies passed the police department's requirements, any such issues were between the company and the police department.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda item 6e.

Vote: 6 - 0 PASSED

- f) Council will recess to observe Mayor Marley's birthday.

7) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a) 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 in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Cortez v. Town of Chino Valley. (Mayor Marley)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to hold the executive session at 6:43 p.m.

Vote: 6 - 0 PASSED

Mayor Marley reconvened the regular session at 7:22 p.m

8) ACTION ITEMS

- a) Consideration and possible action to approve the proposed agreement with Cortez Enterprises, Inc. in settlement of claims and contemplated litigation. (Mayor Marley)

Council took no action.

- b) Consideration and possible action to accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2013, as prepared by Hinton Burdick, CPAs & Advisors. (Joe Duffy, Finance Director)

Recommended Action: Accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2013, as prepared by Hinton Burdick, CPAs & Advisors.

Robin Sibley with Hinton Burdick presented the results of FY 2013 annual audit:

- Findings – There was one common finding related to internal controls pertaining to audit adjustments at year end, no compliance findings, and a clean state compliance report.
- Assets – There was a total net asset decrease from the last fiscal year. Governmental capital assets increased, while business type capital assets decreased.
- Debt – Government long term debt was \$11.5 million and business long term debt was \$15.2 million.
- General Fund – The fund balance increased, with revenues greater than expenses. Revenues exceeded budget and expenses were under budget.
- Utility Funds – Both sewer and water had operating losses and their cash balances decreased further. Sewer had an overall decrease in assets, while water had an overall increase.
- The Town issued its first CAFR (Comprehensive Annual Financial Report) and submitted it to the Government Finance Officers of Arizona for a certificate of excellence.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ending June 30, 2013, as prepared by Hinton Burdick.

Vote: 6 - 0 PASSED

- c) Consideration and possible action to approve Resolution No. 14-1024, authorizing staff to submit an application related to an Arizona Commerce Authority's Rural Economic Development Grant, which may include an application to the Federal Economic Development Authority for an Economic Development Assistance Grant related to certain sewer and water infrastructure improvements at Old Home Manor; authorizing execution of documents needed for the application, and agreeing to accept and maintain the improvements that are constructed and installed with grant funds. (Ruth Mayday, Planner)

Recommended Action: Approve Resolution No. 14-1024, authorizing staff to submit the grant application, and approving the plan to install sewer and water infrastructure, accepting the completed improvements, and maintaining them in perpetuity.

Ms. Mayday reported that:

- Staff was in the process of applying for both the Arizona Commerce Authority (ACA) Rural Economic Development Grant and the Economic Development Administration (EDA) Economic Development Assistance Program grant.
- The proposed Resolution met the ACA's application requirement for documentation of commitment for going forward with the project, cash match funds, and acceptance of improvements and perpetual maintenance thereof. While the EDA grant did not necessarily require a resolution, submitting such a statement of support further strengthened the application as evidence of broad community support.
- The Resolution authorized the mayor to sign application cover letters when ready and staff to submit the applications when ready and approved by Council.

Councilmember Hatch expressed concern about language in the Resolution permitting the mayor to sign documents without Council seeing them and asked for staff to provide the application for Council's review and discussion. Ms. Mayday stated that the ACA required that language in the Resolution, the mayor would only be asked to sign application cover letters, and the application was due February 28.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve Resolution No. 14-1024, authorizing staff to submit the grant application, and approving the plan to install sewer and water infrastructure, accepting the completed improvements, and maintaining them in perpetuity.

Vote: 5 - 1 PASSED

NAY: Councilmember Linda Hatch

- d) Consideration and possible action to approve Financial Report for the month ended December 31, 2013. (Joe Duffy, Finance Director)

Recommended Action: Approve Financial Report for the six months ended December 31, 2013.

Mr. Duffy reported that, in the first half of the fiscal year:

- General Fund – Revenues were up 6% over last year and overall on track with the current budget; expenses were higher than last year and at 47% of budget.
- Highway User Fund – Revenues were up slightly and expenses were up quite a bit due to the chip seal program. At fiscal year end, the fund balance will be used for the chip seal program. These funds were slowly working their way back up to previous funding levels before the sweeps, and hopefully, the state will restore some.
- Water Enterprise Fund – These were being subsidized by Capital Improvement funds. Revenues barely increased and expenses were down a bit.
- Sewer Enterprise Fund – These had a small increase due to rate increases; expenses were down significantly.
- Contingency Fund – From a starting amount of \$321,500, the current balance was \$205,000. Expenses were for the gas line repair, Council retreat, and GPREP commitment.
- Although the budget overall was right on track and the Town had a good plan for deficit recovery, the Town had a lot of work to do before it achieved financial health.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Financial Report for the six months ending December 31, 2013.

Vote: 6 - 0 PASSED

- e) Consideration and possible action to approve Ordinance No. 14-781, amending Town Code Sections 30.065 and 30.066 relating to scheduling Council meetings. (Jami Lewis, Town Clerk)

Recommended Action: Approve Ordinance No. 14-781, amending Town Code Sections 30.065 and 30.066 relating to scheduling Council meetings.

Mayor Marley reported that:

- Town Code Section 30.066 provided that the Mayor, four Councilmembers, or the whole Council may call a special meeting. The Town Attorney expressed some concern about a quorum potentially deciding outside of a meeting to hold a special meeting and she suggested revising the code. In addition, there was no rule in either the Town Code or Rules of Procedure with regard to who may call a study session.
- Staff sent a questionnaire to the Mayor and Council concerning these items, and based on the results, drafted an Ordinance amending the Town Code to provide that only the mayor may call special meetings and study sessions. However, staff suggested that Council consider a process wherein councilmembers may request a special meeting or study session when the mayor had no such interest.
- Town Code Sections 30.021 and 30.022 provided for continuation of authority in the mayor's or mayor's and vice-mayor's absence or disability.

Council discussed:

- Three Councilmembers being able to call study sessions and special meetings.
- The mayor not being able to move regular agenda items placed by two Councilmembers to study sessions.
- An Ordinance correction to indicate that Council's regular meetings were on Tuesdays, not Thursdays.
- Study sessions and special meetings being called by a Council majority during regular meetings.

Town Attorney Smiley advised that there be three ways to call such meetings: (i) the Mayor; (ii) any three Councilmembers; and (iii) a majority vote of the Council.

Council asked staff to list those three options in the Ordinance for both study sessions and special meetings.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Ordinance No. 14-781, amending Town Code Sections 30.065 and 30.066 relating to scheduling Council meetings, as amended.

Vote: 6 - 0 PASSED

- f) Consideration and possible action regarding the Council Study Session schedule. (Mayor Marley)

Recommended Action: Direction to Staff

Mayor Marley reported that:

- During the Council's strategic planning sessions, Councilmembers discussed designating one day per month as a standing study session to address detailed and/or long discussion items and to address further strategic planning issues.
- Staff sent a questionnaire to councilmembers asking them to rank their preferred days. Council then considered this matter on January 28, 2014, and voted to postpone the item until all the responses to the questionnaire had come back.
- The questionnaire responses indicated that the preferred days were the first Thursday and third Tuesday of each month.

Council discussed soft and hard scheduling options and preferred days and times.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to soft schedule.

Vote: 6 - 0 PASSED

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to have one soft-scheduled day per month.

Vote: 6 - 0 PASSED

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to soft schedule the first Thursdays and call others as needed.

Vote: 6 - 0 PASSED

9) **ADJOURNMENT**

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to adjourn the meeting at 8:13 p.m.

Vote: 6 - 0 PASSED

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 11th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of February, 2014.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. b.**

Meeting Date: 02/25/2014
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution No. 14-1026 supporting the restoration of Arizona Highway User Revenue Fund (HURF) distribution to cities, towns, counties and state highways.

RECOMMENDED ACTION:

Approve Resolution No. 14-1026 supporting the restoration of Arizona Highway User Revenue Fund (HURF) distribution to cities, towns, counties and state highways.

SITUATION AND ANALYSIS:

The League of Arizona Cities & Towns is requesting the Town's immediate review and consideration of a resolution template and spreadsheet of HURF sweeps (FY 2003-2014). The League is requesting that all cities and towns in Arizona pass a resolution that supports the restoration of HURF allocations to all cities and towns and the State Highway Fund. The League has encouraged all cities and towns approve a resolution similar to the attached example and to forward a copy of your approved resolution to the League for them to use in their lobbying efforts of this funding source so that cities, towns and the Arizona Department of Transportation can fund critically needed transportation infrastructure maintenance and projects.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code:

Available:

Funding Source:

Restoration of the HURF Funds will have a positive impact in excess of \$50,000 per year.

Attachments

Resolution 14-1026

RESOLUTION NO. 14-1026**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI,
ARIZONA, SUPPORTING THE RESTORATION OF ARIZONA
HIGHWAY USER REVENUE FUND (HURF) DISTRIBUTION TO
CITIES, TOWNS, COUNTIES AND STATE HIGHWAYS**

WHEREAS, the State of Arizona taxes motor fuels and collects a variety of fees and charges relating to the registration and operation of motor vehicles on the public highways of the state including gasoline and use-fuel taxes, motor-carrier taxes, vehicle-license taxes, motor vehicle registration fees and other miscellaneous fees; and

WHEREAS, these revenues are deposited in the Arizona Highway User Revenue Fund (HURF) for distribution to the cities, towns and counties and to the State Highway Fund; and

WHEREAS, these taxes represent a primary source of revenues available to the state and local governments for street and highway construction, improvements and other related expenses; and

WHEREAS, in the last ten years, more than \$200 million in city and town HURF funds have been transferred to the Department of Public Safety, including more than \$34 million in each of the last three years of money intended for municipal use and approximately \$572,460 from the Town of Chino Valley since 2003; and

WHEREAS, the impact of this revenue loss is leading to the increased deterioration of our essential transportation infrastructure as well as a loss of construction-related jobs;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona, that in 2014 the Governor and State Legislature restore full funding of the HURF account to cities, towns, counties and the State Highway Fund according to the statutory distribution methodology for the intended purposes of road, street and highway construction, maintenance and preservation, and that all future HURF revenues be protected from diversions to other purposes.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 25th day of February, 2014.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis Smiley

I hereby certify the above foregoing Resolution No. 14-1026 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on February 25, 2014, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. _____
2. _____
3. _____



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. c.**

Meeting Date: 02/25/2014
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to authorize the Chino Valley Police Department to apply for, accept, and expend funds for a 2014 Highway Safety Plan Grant from the Governor's Office of Highway Safety in an amount not to exceed \$25,000. Funds to come from Miscellaneous Police Grants expenditure line in the Grants Fund for fiscal year 2014/2015, with no matching funds required by the Town.

RECOMMENDED ACTION:

Authorize the Chino Valley Police Department to apply for, accept, and expend funds for a 2014 Highway Safety Plan Grant from the Governor's Office of Highway Safety in an amount not to exceed \$25,000. Funds to come from Miscellaneous Police Grants expenditure line in the Grants Fund for fiscal year 2014/2015, with no matching funds required by the Town.

SITUATION AND ANALYSIS:

Grant would allow Chino Valley Police Department to receive and expend \$15,000 in overtime and employee related expenses on DUI related details. It would also allow Chino Valley Police Department to receive and expend \$5,570 to purchase accident and crime scene reconstruction software and training an officer in use of the software.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 07-60-6001

Available:

Funding Source:

Funds to be accounted for in the Grants Fund, no Town match required.

Attachments

DUI Abatement Grant Application

Highway Safety Grant Application



Login

Arizona Governor's Office of Highway Safety

Welcome to GOHS eGrants

Dear GOHS subgrantees,

Welcome to the State of Arizona Governor's Office of Highway Safety Grants Management System. This system was designed to help both the State and the State's sub-grantees to more effectively organize and manage grant-related information.

If you need assistance with developing your Highway Safety Grant application or DUI Abatement Grant, [contact GOHS](#).

If you are new to eGrants, please register with the system. Once you have registered, you can access the online help, which features both print and video help. [Click here](#) to register with eGrants.

We look forward to working with you to improve safety on our highways.

The Staff of the GOHS

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Arizona Governor's Office of Highway Safety

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My Opportunities

To apply for an item listed below, select the **Apply Now** button below each description.

Provider:



Document Instance:

Due Date (From - To):

 -

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DUI Abatement Council for Chino Valley Police Department

Offered By:

AZ Governor's Office of Highway Safety

Proposal Availability Dates:

06/05/2012-open ended

Proposal Period:

06/06/2012-open ended

Proposal Due Date:

not set

Description:

DUI Abatement Proposal

The DUI Abatement Grant is funded by the Oversight Council on Driving or Operating under the Influence Abatement (A.R.S. 28-1303, 28-1304)

[APPLY NOW](#)

Highway Safety FY2015 for Chino Valley Police Department

Offered By:

AZ Governor's Office of Highway Safety

Proposal Availability Dates:

01/14/2014-open ended

Proposal Period:

02/28/2014-open ended

Proposal Due Date:

not set

Description:

Highway Safety Proposal 2015

[APPLY NOW](#)

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Agreement

Please make a selection below to continue.

Are you sure you wish to apply for a DUI Abatement grant?

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	Proposal	Chino Valley Police Department	Project Administrator	Proposal In Process	06/06/2012 - N/A N/A

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COVER PAGE

Instructions:

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Before you submit your Proposal, make sure you generate a full PDF for your records.

Project Title

Grant Period Start Date

Grant Period End Date

Total Grant Funding Requested

Total ERE Percentage

 %*

Agency Name:

Contact Information:

Chino Valley Police Department
1020 Palomino Road
Chino Valley, AZ 86323
Phone: 9286364223
Fax: 9286361972

Governmental Unit:

Address:

Select the Type of Agency: *

☒ Law Enforcement ☐ Non-Profit/Other

Project Director:

Contact Information:

Project Administrator:

Contact Information:

Fiscal/Financial Contact:

Contact Information:

Please upload a cover letter addressed to the Chairman of the DUI Abatement on agency letterhead. This cover letter must be signed by a representative of your agency authorized to commit your agency to conduct the grant should it be approved for funding.

Any proposal received without a cover letter will not be considered for funding by the DUI Abatement Council.

[Choose File](#) No file chosen

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PROPOSAL SUMMARY

Instructions:

- Please complete this page, then click the **Save** button
- All required fields are marked with an *.

Proposal Summary:

Please include a summary of funding requested by program area (Enforcement or Innovative).

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Background/Problem:

Provide general characteristics of the agency, including information on population, demographics, and a description of streets and highways in the agency's jurisdiction including road mileage.

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Problem Statement:

What problem is your agency looking to solve with this grant? Provide appropriate data to support funding.

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If you have additional information, please upload:

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ATTEMPTS TO SOLVE PROBLEM

Instructions:

- Please complete this page, then click the **Save** button
- All required fields are marked with an *.

Attempts to Solve Problem:

Identify past attempts to solve the problem identified in your proposal.

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PROJECT OBJECTIVES, METHODS OF PROCEDURE, PERFORMANCE MEASURES

Instructions:

- Please complete this page, then click the **Save** button
- All required fields are marked with an *.
- Once the page has been saved with no errors, you can click **ADD** to add additional pages.

Title:

Objectives of the projects in your proposal should follow the SMART method. They should be:

S = Specific
M = Measurable
A = Action-Oriented
R = Realistic
T = Time-Framed

Project Objectives:

The project objectives should be stated in measurable terms directly related to the identified problem, concise and deal with a specific item, realistic, with a reasonable probability of achievement and related to a specific time frame.

0 of 10000

Method of Procedure:

Detail how your agency will solve the problem and meet the objectives you have set.

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Performance Measures:

Establish measurable goals for your proposal. Example: "To decrease alcohol related fatalities 10% from the 2011 base year average of 250 to 225 by September 30, 2013." "To increase DUI arrests 10% above the 2008 base year average of 5,000 to 5,500 by September 30, 2013."

Your agency should enumerate the objectives of the project in this section. Example: "To participate in 4 DUI Task Forces by September 30, 2013." "To participate in 8 speed enforcement details by September 30, 2013."

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PERSONNEL SERVICES

Instructions:

- All required fields are marked with an *.
- Use the **Save** button to save text and calculate data on each page.
- Hit **Save** before you proceed to another page.

Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Personnel Services:

Employee Related Expenses:

Description	Requested Amount	ERE %	ERE Amount	Overtime Amount
		%		
		%		
		%		
		%		
		%		
		%		
		%		
		%		
		%		
		%		

Total:

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PROFESSIONAL AND OUTSIDE SERVICES

Instructions:

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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

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Description

Amount

Total

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TRAVEL

Instructions:

- All required fields are marked with an *.
- Use the **Save** button to save text and calculate data on each page.
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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Travel In-State:

Description	Transportation	Lodging	Per Diem	Misc	Amount

Total:

Travel Out-of-State:

Description	Transportation	Lodging	Per Diem	Misc	Amount

Total:

 No file chosen

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MATERIALS AND SUPPLIES

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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Description	Quantity	Price Per Unit	Tax "\$"	Shipping	Amount

Total

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CAPITAL OUTLAY

Instructions:

- All required fields are marked with an *.
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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Description	Quantity	Price Per Unit	Tax "\$"	Shipping	Amount

Total

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TOTAL ESTIMATED COST

Instructions:

- All required fields are marked with an *.
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Budget Item	Amount
Personnel Services	\$0
Employee Related Expenses	\$0 %
Professional and Outside Services	\$0
Travel In-State	\$0
Travel Out-of-State	\$0
Materials and Supplies	\$0
Capital Outlay	\$0
Total Estimated Cost	

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ATTACHMENTS

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A resolution from your agency's board of supervisors or city/town council will be included in this section.

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Upload any additional supplemental material below.

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Dear GOHS subgrantees,

Welcome to the State of Arizona Governor's Office of Highway Safety Grants Management System. This system was designed to help both the State and the State's sub-grantees to more effectively organize and manage grant-related information.

If you need assistance with developing your Highway Safety Grant application or DUI Abatement Grant, [contact GOHS](#).

If you are new to eGrants, please register with the system. Once you have registered, you can access the online help, which features both print and video help. [Click here](#) to register with eGrants.

We look forward to working with you to improve safety on our highways.

The Staff of the GOHS

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Document Instance:

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DUI Abatement Council for Chino Valley Police Department

Offered By:

AZ Governor's Office of Highway Safety

Proposal Availability Dates:

06/05/2012-open ended

Proposal Period:

06/06/2012-open ended

Proposal Due Date:

not set

Description:

DUI Abatement Proposal

The DUI Abatement Grant is funded by the Oversight Council on Driving or Operating under the Influence Abatement (A.R.S. 28-1303, 28-1304)

[APPLY NOW](#)

Highway Safety FY2015 for Chino Valley Police Department

Offered By:

AZ Governor's Office of Highway Safety

Proposal Availability Dates:

01/14/2014-open ended

Proposal Period:

02/28/2014-open ended

Proposal Due Date:

not set

Description:

Highway Safety Proposal 2015

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Agreement

Please make a selection below to continue.

Are you sure you wish to apply for a DUI Abatement grant?

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	Proposal	Chino Valley Police Department	Project Administrator	Proposal In Process	02/28/2014 - N/A N/A

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COVER PAGE

Instructions:

- Please complete this page, then click the **Save** button
- All required fields are marked with an *.

Before you submit your Proposal, make sure you generate a full PDF for your records.

Project Title

Total Grant Funding Requested

Total ERE Percentage

 %*

Agency Name:

Contact Information:

Chino Valley Police Department
1020 Palomino Road
Chino Valley, AZ 86323
Phone: 9286364223
Fax: 9286361972

Governmental Unit:

Address:

Project Director:

Contact Information:

Project Administrator:

Contact Information:

Fiscal/Financial Contact:

Contact Information:

Please upload a cover letter addressed to the Director of the Governor's Office of Highway Safety on agency letterhead. This cover letter **must** be signed by a representative of your agency authorized to commit your agency to conduct the grant should it be approved for funding.

Any proposal received without a cover letter will not be considered for funding by GOHS.

[Choose File](#) No file chosen

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Select the Type of Jurisdiction:

 *

Select the Type of Agency: *

☐ Law Enforcement ☐ Fire Department / District ☐ Non-Profit / Other

Select the County Served: *

☐ Apache County	☐ Mohave County
☐ Cochise County	☐ Navajo County
☐ Coconino County	☐ Pima County
☐ Gila County	☐ Pinal County
☐ Graham County	☐ Santa Cruz County
☐ Greenlee County	☐ Yavapai County
☐ La Paz County	☐ Yuma County
☐ Maricopa County	☐ State Wide

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PROPOSAL SUMMARY

Instructions:

- Please complete this page, then click the **Save** button
- All required fields are marked with an ^.

Proposal Summary:

Please include a summary of funding requested by program area (Alcohol, Aggressive Driving, Occupant Protection etc...).

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Background/Problem:

Provide general characteristics of the agency, including information on population, demographics, and a description of streets and highways in the agency's jurisdiction including road mileage.

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Problem Statement:

What problem is your agency looking to solve with this grant? Provide appropriate data to support funding.

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If you have additional information, please upload:

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ATTEMPTS TO SOLVE PROBLEM

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- All required fields are marked with an *.

Attempts to Solve Problem:

Identify past attempts to solve the problem identified in your proposal.

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PROJECT OBJECTIVES, METHODS OF PROCEDURE, PERFORMANCE MEASURES

Instructions:

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Title:

Objectives of the projects in your proposal should follow the SMART method. They should be:

S = Specific
M = Measurable
A = Action-Oriented
R = Realistic
T = Time-Framed

Project Objectives:

The project objectives should be stated in measurable terms directly related to the identified problem, concise and deal with a specific item, realistic, with a reasonable probability of achievement and related to a specific time frame.

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Method of Procedure:

Detail how your agency will solve the problem and meet the objectives you have set.

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Performance Measures:

Establish measurable goals for your proposal. Example: "To decrease alcohol related fatalities 10% from the 2012 base year average of 250 to 225 by September 30, 2015." "To increase DUI arrests 10% above the 2008 base year average of 5,000 to 5,500 by September 30, 2015."

Your agency should enumerate the objectives of the project in this section. Example: "To participate in 4 DUI Task Forces by September 30, 2015." "To participate in 8 speed enforcement details by September 30, 2015."

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-  [Attempts to Solve Problem](#)
-  [Project Objectives, Methods of Procedure, Performance Measures](#)

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PERSONNEL SERVICES

Instructions:

- All required fields are marked with an *.
- Use the Save button to save text and calculate data on each page.
- Hit Save before you proceed to another page.

Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Personnel Services:

Employee Related Expenses:

Description	Requested Amount	ERE %	ERE Amount	Overtime Amount
		%		
		%		
		%		
		%		
		%		
		%		
		%		
		%		
		%		
		%		

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PROFESSIONAL AND OUTSIDE SERVICES

Instructions:

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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

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Description

Amount

Total

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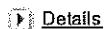
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TRAVEL

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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Travel In-State:

Description	Transportation	Lodging	Per Diem	Misc	Amount
Total:					

Travel Out-of-State:

Description	Transportation	Lodging	Per Diem	Misc	Amount

Total:

No file chosen

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MATERIALS AND SUPPLIES

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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Description	Quantity	Price Per Unit	Tax "\$"	Shipping	Amount

Total

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CAPITAL OUTLAY

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Follow the sample detailed budget with a narrative explanation and justification of the individual expenditures outlined in the budget estimate. Please also provide a detailed expenditure plan for each budgetary item.

Description

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Description	Quantity	Price Per Unit	Tax "\$"	Shipping	Amount



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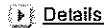
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TOTAL ESTIMATED COST

Instructions:

- All required fields are marked with an *.
- Use the **Save** button to save text and calculate data on each page.
- Hit **Save** before you proceed to another page.

Budget Item	Amount
Personnel Services	\$0
Employee Related Expenses	\$0 0%
Professional and Outside Services	\$0
Travel In-State	\$0
Travel Out-of-State	\$0
Materials and Supplies	\$0
Capital Outlay	\$0
Total Estimated Cost	\$0

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	Total Estimated Cost		Schaan, Mr. Vincent 2/19/2014 10:07:44 AM	

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ATTACHMENTS

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Attachments

A resolution from your agency's board of supervisors or city/town council will be included in this section.

[Choose File](#) No file chosen

Upload any additional supplemental material below.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. a.**

Meeting Date: 02/25/2014

Department: Town Clerk

**Estimated length
of staff presentation:** None

AGENDA ITEM TITLE:

Consideration and possible action to approve the proposed agreement with Cortez Enterprises, Inc. in settlement of claims and contemplated litigation. (Mayor Marley)

RECOMMENDED ACTION:

Approve the proposed agreement with Cortez Enterprises, Inc. or Direction to staff.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. b.**

Meeting Date: 02/25/2014
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action with regard to establishing guidelines for Council-Town Attorney interaction.

RECOMMENDED ACTION:

Approve guidelines for Council-Town Attorney interaction.

SITUATION AND ANALYSIS:

After talking with Ken Strobeck at the League of Cities and Towns regarding guidelines for interaction between Town Councils and Town Attorneys, the Mayor received the attached article from the League. Section #2 in the article encourages municipalities to develop a clear set of guidelines regarding who can contact a municipal attorney and under what circumstances it is appropriate to do so. By establishing such guidelines, the Town can make the most effective use of the Town Attorney's time and expertise.

Following are some discussion points:

#1 From whom should the attorney receive instruction?

- A. At executive sessions and regular meetings _____
- B. During the regular work week _____

#2 How should the attorney address individual questions?

- A. From individual council members _____
- B. To individual council members _____

Staff recommends that if Council chooses to adopt such guidelines, they be incorporated into the Council Handbook.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Article: "Using Your Municipal Attorney Effectively"

The League's monthly
online newsletter

Issue 123 • July 2013



League of Arizona
Cities AND Towns

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Municipal Job Opportunities

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Legal Corner: Using your Municipal Attorney Effectively

By: William Bock, General Counsel,
League of Arizona Cities and Towns

July 2013

Every city and town in Arizona has either a city or town attorney. Sometimes, the attorney is a contracted attorney in private practice. In other cities or towns, there is an in-house attorney who is likely working under a contract with the city or town council.



In some of the larger cities, there is a city attorney, and a staff of assistant city attorneys. There are no statutory duties set forth for municipal attorneys. It is possible that your city charter, or your city or town ordinances may have the duties and responsibilities of your attorney spelled out.

But in general, your municipal attorney has been hired to meet the legal needs of the city or town. Those needs typically include giving legal advice to the governing body and other boards and commissions; drafting ordinances and resolutions, deeds, contracts and other legal documents; representing the municipality in legal proceedings and litigation; attend governing body meetings.

There are ways that you can use your municipal attorney to get the maximum benefit from their legal advice and expertise. In all of my years of representing municipal governments, I would say the number one most helpful practice would be to involve your attorney early in any project or issue. That will allow your attorney to guide you on a proper legal path, and avoid getting into legal trouble.

Even though it was in a large law office, and may not be possible in smaller cities and towns with only one attorney, I encouraged all of the attorneys working for me at the city of Phoenix to invite themselves to the management staff meetings in the department or departments that each attorney represented. That way the attorney could sit and listen, like a fly on the wall, to what the department was working on. Even if the attorney came just to listen, usually, since the attorney was already at the meeting, people would ask questions. That interaction allowed the attorney to provide guidance very early in the game, and perhaps eliminate trouble later on.

Following is an article, written by Claire M. Silverman, the legal counsel for the Wisconsin League of Municipalities. She has graciously allowed me to reprint this article here. It sets forth many tips for using your municipal attorney effectively.

October 2012 Article

Tips For Using Your Attorney More Effectively

The following list is not intended to be exhaustive but, rather, is a starting point for using your municipal attorney effectively.

1. Remember that you and the municipal attorney are on the same team.

The municipal attorney should not be viewed as an obstructionist. It is the municipal attorney's job to protect the municipality by identifying potential legal problems and to assist the municipality so that it exercises its powers in a lawful manner. If you have specific goals, clearly communicate those goals to the attorney. It may be that the goal itself is unlawful. In that case, it is better to know that in advance in order to protect the municipality from liability. However, most often the end goal is legitimate and there are a variety of ways to achieve the desired result. The means of achieving the goal are less important than reaching the desired result, but using the wrong means can have significant legal consequences. Consult with the municipal attorney and allow the attorney to identify the various legal ways to achieve the desired result and the benefits and pitfalls of taking a particular route. Be open to the attorney's suggestions.

2. Remember who the client is.

Municipal officials should bear in mind that the municipal attorney's client is the municipality, acting through its governing body, and not the individual officers or employees. Because the municipality is the client and it is often unclear who can speak or act on behalf of the municipality, it can be

helpful for both the attorney and municipal officials if the governing body develops clear guidelines regarding who can contact the municipal attorney and under what circumstances it is appropriate to do so. Individual officers and employees must understand that they themselves are not the attorney's client and that the municipal attorney may not be able to keep everything told to the attorney confidential. Moreover, officials and employees should not attempt or expect to persuade the municipal attorney to act in a manner that is inconsistent with the attorney's obligation to the client, the municipality.

3. Involve your municipal attorney early.

When a municipality does not have in-house counsel, local officials are sometimes reluctant to call the municipal attorney because it costs money. Although the cost of legal services is a valid concern and it's unnecessary to call the municipal attorney for every little thing, the best advice is don't be penny-wise and pound-foolish. There are many times when an early request for legal assistance can save money and unnecessary headaches down the road.

Consult the municipal attorney whenever the municipality or its officers and employees are the subject of or receive legal documents such as complaints or subpoenas. Legal advice is also warranted whenever municipalities must follow specific statutory procedures in order to exercise certain powers - e.g., annexation of property, creating tax increment finance districts, imposing special assessments and impact fees, razing of buildings, zoning and platting matters, revocation of licenses. It's also wise to consult the attorney when failure to take adequate steps to protect the municipality can result in significant expense for the municipality. For example, in matters relating to development, failure to secure the necessary protections can leave a municipality responsible for making substantial and expensive improvements, completing unfinished work or redoing shoddy work.

Finally, it's also a good idea to seek legal advice whenever the municipality will be bound by contracts or other negotiations. With regard to significant contracts or negotiations, it's important to involve the attorney early, before all the details have been worked out. Once a deal is ready to be concluded, it gains a momentum of its own and it is very difficult for an attorney who is brought in towards the end of the deal to have meaningful input. Furthermore, when an attorney is brought in late and then spots a number of legal issues and potential problems, it is much more expensive to address the problems and remedy them. Moreover, if the potential problems are not addressed and later become actual problems or lead to litigation, legal assistance becomes truly expensive.

4. Prepare before speaking or meeting with your municipal attorney.

Just as a good lawyer should prepare to meet with a client, a client can and should spend time preparing to meet with an attorney. Doing your homework before meeting with the attorney will give the municipality the best value for the money it spends on legal services. The attorney often comes into a situation knowing very little about it. Take time, before meeting with the attorney, to identify and document the pertinent facts, and to identify what you think the important issues and concerns are. Understand what the municipality's objectives are and be prepared to explain them to the attorney.

5. Be very clear regarding expectations.

Have a clear idea regarding the importance of the matter and convey those expectations to the attorney. Think about the role you expect the municipal attorney to play. Should the attorney write a formal opinion letter laying out the relevant facts and explaining the various options? Should the attorney draft certain legal documents? Is the matter a minor one where the attorney is being used primarily as a sounding board? Make sure the attorney understands the priority of the matter - low, intermediate or high - and that you explain what the municipality's time frame is regarding the matter and when the answer or work product is needed.

6. Plan ahead for legal services.

Give the attorney adequate time to research issues and answer questions. Don't demand an immediate response from the municipal attorney at a meeting. Municipal law is not a compact, well-defined body of law. Rather, municipal law includes a vast number of areas such as annexation, contracts, employment law, powers of governmental bodies, platting, zoning, open meeting and public record laws, public utilities (just to mention a few). Provisions relating to municipal law are complex and are sprinkled throughout the statutes, both federal and state, and in administrative regulations. On top of that, there is often case law where the courts have interpreted these provisions. The municipal attorney should not be expected to have all the various provisions memorized or to shoot from the hip.

7. Provide the attorney with the necessary resources to do the job requested or clearly limit the scope of the job.

Don't ask your attorney to do a quick review of complex documents or just "look things over." If a review is to be

meaningful, it is necessary to allow the attorney to take the time and measures necessary to do the job. The municipal attorney can commit malpractice by doing an inadequate job. Therefore, it is only fair to give the attorney some express indication if the attorney's review is intended to be limited in its scope.

8. Be candid with your municipal attorney

Disclose all the pertinent facts and don't be selective. Although being selective in what you tell the municipal attorney may get you the answer you want, it may have significant consequences for the municipality later. With careful thought and planning, a good attorney can deal with bad facts. However, it is very difficult for an attorney to deal with damaging facts when the attorney is blindsided later in the process. In all likelihood, damaging or unfavorable facts will eventually be revealed, so be candid with your municipal attorney and make sure the attorney is aware of all relevant facts so he or she can figure out how they weigh in the equation and deal with them accordingly.

9. Understand that your municipal attorney cannot always give a concrete answer.

Contrary to popular opinion, attorneys do not like to waffle. Attorneys like to be able to advise their clients with certainty but quite often the law does not provide a clear-cut answer to a legal question. Although your municipal attorney should be able to analyze the law in a given area and make an educated prediction regarding the likely outcome, there are times when the attorney will not feel comfortable making a prediction because it is too close for the attorney to call. In those situations, it is reasonable for the attorney to explain the relevant law and why the question is too close to call. The attorney should also explain the consequences given several different outcomes.

10. Remember that lawyers are legal advisors, not policy makers.

The municipal attorney is a legal advisor and it is the attorney's job to help the municipality see what the options are and what the benefits and disadvantages might be of proceeding in a given way. The municipal attorney should not be pulled into politics and should be allowed to maintain independence and objectivity so that the attorney can give the correct legal answer rather than the desired legal answer. Once the legislative body has decided which way to proceed, the municipal attorney can then implement the plan and make sure the municipality carries out its powers lawfully.

Conclusion

The municipal attorney is a valuable part of any municipal team and, when used effectively, can do a lot to help the municipality carry out its responsibilities and lawfully achieve its goals while at the same time protecting the municipality and its officers and employees from significant liability.



League of Arizona Cities and Towns
1820 W. Washington St.
Phoenix, AZ 85007
Phone: 602-258-5786
Fax: 602-253-3874

<http://www.leagueaz.org/connection/2013/0713/>

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please contact Amy Price at aprice@azleague.org with your concerns.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. c.**

Meeting Date: 02/25/2014
Contact Person: Ron Grittmann, Town Engineer
 Phone: 928-636-2646 x-1223
Department: Public Works
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: Highway 89

AGENDA ITEM TITLE:

Consideration and possible action to approve the Intergovernmental Agreement between the Arizona Department of Transportation and the Town of Chino Valley for the maintenance of portions of the right-of-way of SR 89.

RECOMMENDED ACTION:

Approve the Intergovernmental agreement between the Arizona Department of Transportation and the Town of Chino Valley for the maintenance of portions of the right-of-way of SR 89.

SITUATION AND ANALYSIS:

The Town of Chino Valley and the Arizona Department of Transportation (ADOT) have many different intergovernmental agreements (IGA) that deal with responsibility for operation and maintenance of various appurtenances such as traffic signals, medians, sidewalks, and areas behind the sidewalk/back of curb/edge of pavement to the ROW line. This IGA will combine all the previous IGAs and has been expanded to include the future roundabouts at Road 4 North and Kalinich Ave. The future roundabout at Perkinsville Road will require its own IGA because of various funding sources.

The Town has already paying for the electrical costs that APS charges for street lights and traffic signals. Future street lights around the Road 4 North roundabout will be paid for by the Town of Chino Valley. The IGA authorizes that Town to maintain the medians and the sidewalks between Center Street and Road 4 South. Sidewalk between Center Street and Road 3 North will still be maintained by ADOT.

The Town currently maintains the areas between sidewalk/back of curb/edge of pavement to the ROW line for all of Highway 89 except between Center Street and Road 4 South. Under this IGA, the Town will now maintain all areas between sidewalk/back of curb/edge of pavement to the ROW line for all of Highway 89 within the Town limits.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code:

Available:

Funding Source:

Funds to come from Public Works operational line items

Attachments

Intergovernmental Agreement

ADOT File No.: IGA/JPA 13-0001356I
 AG Contract No.: P001 2013 002760
 Project: Maintenance Agreement
 Section: SR-89 in Chino Valley
ADOT PROJECT No.:
Budget Source Item No.: N/A

INTERGOVERNMENTAL AGREEMENT

BETWEEN
 THE STATE OF ARIZONA
 AND
 THE TOWN OF CHINO VALLEY

THIS AGREEMENT is entered into this date _____, 2014, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the Town of Chino Valley, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The State and the Town are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes § 11-951 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement on behalf of the Town.

3. The purpose of this Agreement is to identify the State and the Town's maintenance responsibilities on State Route (SR) 89 in the town limits between mile post MP 324 and 330.5, hereinafter referred to as the "Project". Any further annexation would be subjected to the terms of this agreement. This agreement will also supersede the following past agreements:

- a. **JPA 10-114 – Sidewalk, irrigation and landscaping maintenance**
- b. **JPA 00-005 – Center Street Traffic Signal**
- c. **JPA 98-212 – Road 3 North Traffic Signal**
- d. **JPA 98-211 – Road 2 North Traffic Signal**

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Grant or confirm per established procedures of the State's Prescott District Permit Office, that the Town has a valid annual citywide Blanket Permit on file for routine/normal maintenance and emergency maintenance work provided by the Town within the State's rights-of-way.

b. Require the Town to obtain a separate permit through the State's Prescott District Permit Supervisor, as per the Prescott District's established procedures for any new construction or installation, the granting of which permit shall not be unreasonably delayed or withheld.

c. Be responsible for the condition of the roadway between the west back of curb to the east back of curb, maintenance of the traffic signals and roundabout electrical lighting equipment within the Project limits.

2. The Town will:

a. Obtain, per established procedures of the State's Prescott District Permit Office, a valid annual citywide Blanket Permit for the routine/normal maintenance and emergency maintenance work provided by the Town within the State's rights-of-way.

b. Obtain a separate permit for any new construction or installation in compliance with the Prescott District's established procedures, which may be obtained through the Prescott District Office referenced herein.

c. Be responsible for the landscaping and weed control, including median from MP 324 to 330.5 on SR 89 in the Town of Chino Valley.

d. Pay the electric bill for the signals and roundabouts within the Town between MP 324 to 330.5 on State right-of-way.

e. Maintain any visual enhancements including the Town's monument signing and be responsible for relocation of such enhancements in conflict with future widening of SR 89.

f. Be responsible for maintaining all sidewalk components (MP 325.1 to 326.9), street name signs on top of stop signs/blade signs, street lighting, and emergency vehicle traffic signal pre-emption devices throughout the Project.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect for the ongoing operations and maintenance provided by the State and the City as they relate to this Agreement. In the event of a conflict between this Agreement and any previous agreement between the parties relating to the same subject matter as this agreement, the terms of this Agreement shall control.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project, other than in performance of its Scope of Work as set forth in section II.1, above. It is understood and agreed that any damages arising from the Town's carrying out, in any respect, the terms of this Agreement or any modification thereof shall be solely the liability of the Town and that to the extent permitted by law, the Town hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all costs and/or

damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non-performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, or its independent contractors, the Town, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. The cost of the project under this Agreement includes applicable indirect costs approved by the Federal Highway Administration (FHWA).

4. The Town and State warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the Town will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

5. The Town acknowledges compliance with federal laws and regulations and may be subject to the Office of Management and Budget (OMB), Single Audit, Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations). Entities that expend \$500,000 or more of Federal assistance (Federal funds, Federal grants, or Federal awards) are required to comply by having an independent audit. A copy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services.

ADOT – FMS
Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov

6. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

7. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

8. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

9. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

10. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

11. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

12. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

Town of Chino Valley
Attn: Ron Gritman
1020 W. Palomino Road
Chino Valley, Arizona 8632
(928) 636-7140

13. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

14. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

15. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

TOWN OF CHINO VALLEY

By _____
CHRIS MARLEY
Mayor

STATE OF ARIZONA

Department of Transportation

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

ATTEST:

By _____
JAMI LEWIS
City Clerk

JPA 13-0001356I**ATTORNEY APPROVAL FORM FOR THE TOWN OF CHINO VALLEY**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the TOWN OF CHINO VALLEY, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2014.

Town Attorney

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. d.**

Meeting Date: 02/25/2014
Contact Person: Ron Grittmann, Town Engineer
 Phone: 928-636-2646 x-1223
Department: Public Works
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: Townwide

AGENDA ITEM TITLE:

Consideration and possible action to approve change order number 1 to contract with Economists.com in the amount of \$5,000.00 to prepare additional analysis on the impacts of the Prescott Water Acquisition on future utility rate increases.

RECOMMENDED ACTION:

Approve change order number 1 to contract with Economists.com in the amount of \$5,000.00 to prepare additional analysis on the impacts of the Prescott Water Acquisition on future utility rate increases.

SITUATION AND ANALYSIS:

On October 8, 2013, the Town executed a professional services contract with Economist.com to perform an update on the valuation of the City of Prescott water system. Once a draft of the valuation of the report was available, staff met with the Economist.com team members and it became obvious that some addition engineering and financial work was necessary in order to bring a complete evaluation of the project to a conclusion.

In short, this change order authorized Economist.com to perform a detailed engineering cost estimate of the necessary capital required to tie the COP water system to the Town of Chino Valley water system. Once this capital cost estimate is determined, Economist.com will perform an analysis of the existing utilities rate schedule in order determine if all/any of the future rate increases can be avoided.

In previous work, Pat Walker (working with Economist.com) estimated that a \$9.5M general obligation bond issue would require a residential assessment of \$8.73 (for single family home with an assessed value of \$100,000.00,) and a commercial assessment of \$15.72 per \$100,000 assessed value. Because the average home within Chino Meadows has an assessed value well under the \$100,000 level, their assessment would be as low as \$4.37 based on an assessed value of \$50,000.00. Ms. Walker went on to further demonstrate that a Chino citizen who is on the COP water system is estimated to save \$3.23 for the assessed valued home of \$100,000 and \$7.59 for the assessed value home of \$50,000.

Ms. Walker went on to further demonstrate that if 160 new commercial water and sewer customers and all 650 COP water customers came under the Town's existing utility rate structure (the current plan calls for a rate increase over the next 5 years,) the cost savings could be as high as \$17.17 per month.

With these cost savings in mind, this change order authorized Economist.com to prepare the necessary analysis of the cost savings, based on the most recent valuation of the COP water system plus the cost of capital, which Chino citizens would receive by this project moving forward. A second analysis was prepared that looked at the ability to not implement the three remaining rate increases and its impact on acquiring the COP water system and if a very modest water and project along Highway 89 could be achieved.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 04-82-5212

Available: 5000.00

Funding Source:

Funds to come from the Professional Services Line in the Water Enterprise Fund.

Attachments

CVL Change Order



4550 North 12th Street | Phoenix, AZ 85014
602.264.6831

January 20, 2014

Dan Jackson, Principal
economists.com, LLC
5500 Democracy Drive, Suite 130
Plano, TX 75024

Re: Prescott Water System Infrastructure Valuation 2013 Update
CVL Project No. 1.01.0164802

Dear Mr. Jackson:

At our January 14, 2014, progress meeting with Town of Chino Valley representatives, Mr. Ron Gritman requested that CVL perform the following tasks:

- Determine the location of interconnections between the Chino Valley and Prescott Valley system to achieve a looped distribution network.
- The pipeline interconnects are to be provided with pressure reducing valves (PRVs) where necessary. Two locations were identified at the January 14, 2014, meeting.
 - Chino Meadows II
 - Route 89 and Route 2 South
- It was also requested that CVL locate a new reservoir and booster pump station in the vicinity of Route 89 and Route 2 South to provide additional water in the southern portions of the Chino Valley Water System when expanded to include the Prescott Water Systems.
 - The booster pumps will be obtained from the Town's Highland Ranch well site.
 - A 160,000-gallon above-ground tank will also be provided.
- Prepare a figure showing the recommended interconnections.
- Calculate the cost of the proposed infrastructure necessary to achieve a looped system.
- Present our findings to the Town of Chino Valley, Client, and to the City of Prescott.

The above-described tasks are outside the scope of services presented in CVL's August 12, 2013, proposal letter. We have determined that the value of this additional work is approximately \$5,000.

A change order is attached for your signature upon review and approval.

economists.com, LLC

RE: Prescott Water System Infrastructure Valuation 2013 Update

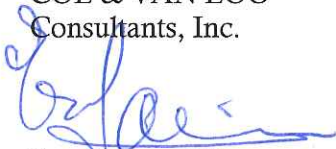
January 20, 2014

Page 2

Please do not hesitate to call should there be any questions.

Respectfully submitted,

COE & VAN LOO
Consultants, Inc.



Eric Laurin, PE
Associate, Director

EL/ss

Enclosure

Coe & Van Loo Consultants, Inc.
 4550 North 12th Street
 Phoenix, Arizona 85014-4291
 Phone: (602) 264-6831 Fax: (602) 264-0928

CHANGE ORDER

Client Information: Dan Jackson, Principal
 economists.com, LLC
 5500 Democracy Drive, Suite 130
 Plano, TX 75024

Re: Prescott Water System Infrastructure Valuation 2013 Update
 Project Number: 1.01.0164802

Dear: Mr. Jackson

Coe & Van Loo Consultants, Inc. is pleased to submit this Change Order for professional services regarding the subject project. For the fees listed, we will perform the following services:

See our letter of January 20, 2014, for a description of services to be provided.

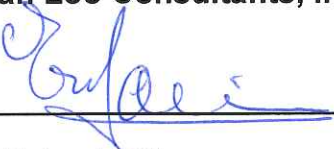
Description	Bill		Consultant	Reimbursables	Total
	Type	Labor			
Additional Services	NTE	\$ 5,000		\$	5,000
Total This Change Order (*)				\$	5,000

(*) Total Fee does not include items that are on a Time and Materials Fee Basis.

We would expect to start our services promptly after receipt of your acceptance and complete our services in a timely manner. All terms contained in the original contract for this project shall remain in effect for this Change Order.

If this proposal is agreeable to you, we would appreciate your signing the enclosed copy in the space provided below and returning it to the undersigned. The proposal will be open for acceptance for sixty (60) days unless

Coe & Van Loo Consultants, Inc.

By: 

Name: Eric Laurin, PE
 (Please Print)

Title: Associate, Director

Date: January 20, 2014

By: _____

Name: _____
 (Please Print)

Title: _____

Date: _____

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. e.**

Meeting Date: 02/25/2014
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve or modify and approve proposed Magistrate performance appraisal process and forms.

RECOMMENDED ACTION:

Approve Magistrate evaluation calendar, process, and forms as presented or as modified.

SITUATION AND ANALYSIS:

The Magistrate Evaluation Subcommittee has met to review a calendar for the Magistrate's annual appraisal process. They will be meeting again on February 24 to review and possibly revise the evaluation forms used therein. Chair/Councilmember Linda Hatch, is requesting that Council review and discuss the following topics:

- Proposed calendar, which includes evaluation dates and RFQ and contracting dates;
- Actual current evaluation and what to include along with the future evaluation date, and the rationale behind each;
- Proposals by the League of Arizona Cities and Towns with regard to Council evaluations; and
- The magistrate's suggestion for adding self evaluation and goals to the next evaluation.

As the Subcommittee will be meeting after this agenda is published, the Subcommittee may have recommendations for modifications to the attached evaluation forms and/or process.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Evaluation Process Calendar

Performance Appraisal Form

ABA Guidelines for Judicial Performance Review

Judicial Performance Standards Form

Sheet1

Additional Pro Tempore

07/01/15 New Contract, Issues Order re incapacity; Issues Order re existing Proteems
 06/30/15 Contract Expires;Appoints Pro tempore for term of Magistrate
 05/26/15 Council Approves Contract
 05/16/15 Receive Decision from applicant
 05/13/15 Staff Makes Offer (who will act on behalf of council)
 05/12/15 Council Executive session to decide on Applications; proposed Contract; with compensation range and Beni;assign negotiator
 05/07/15 Interviews End Full Council
 04/30/15 Interviews Start Full Council
 04/14/15 Full Council Executive to discuss applications;
 04/06/15 MEC meets this week to discuss applications
 04/01/15 Due Application
 03/15/15 Post/Advertise Magistrate Position
 03/01/15 Newspaper Advertisement and to County Bar Assn
 02/24/15 Proposed Final RFQ on Council Agenda Approval
 02/10/15 Draft RFQ For Council Comment on Agenda
 1/2015 Receive Evaluation forms Including Self Evaluations
 12/2014 Mail out Evaluation forms
 11/2014 Council approves Evaluation Forms
 5/2013 Review Evaluations with council
 4/2014 Receive Evaluation Forms Back
 3/2014 Send Evaluations out
 2/2014 Prepare Evaluation Forms; Approval by MEC; Town Council;Including Magestrate Self Evaluation and Goals

TOWN OF CHINO VALLEY ARIZONA
Management Performance Appraisal Form

NAME: _____ JOB CLASSIFICATION: _____

DEPARTMENT: _____ DIVISION: _____

APPRAISAL PERIOD: From: _____ To: _____

Performance Ratings: (Unsatisfactory - 0) (Satisfactory - 1) (Above Satisfactory -2) (Not Rated -NR)

<u>Performance Factors</u>	<u>Performance Rating</u>	<u>Comments</u>
1. Job Knowledge - Current knowledge in the field of management of municipal government.		
2. Work Product - Work product is of high quality and quantity.		
3. Planning - Develops, organizes, and carries out plans to sustain and improve the organization.		
4. Communications - Communications are transmitted in a timely manner, in the correct format, and to the desired audience that easily understands the message. Listens attentively and acknowledges receipt of the message.		
5. Team Building - Is the team leader and is continually developing the skills and abilities of team members.		
6. Leadership - Models professionalism in dress and actions and motivates his/her subordinates and others to greater performance.		
7. Customer Service - Frequently interacts with citizens and interested business and non-profit organizations resulting in successful interventions and establishing positive relationships.		
8. Manager/Town Council Interactions - Communicates effectively with Town Council members, individually and at scheduled meeting, to inform and receive feedback.		
9. Financial Management - Develops budgets and establishes controls to monitor expenditures. Makes timely financial reports to the Council. Forecasts future financial needs and recommends methods for increasing revenues to meet these needs.		

TOWN OF CHINO VALLEY ARIZONA
Management Performance Appraisal Form

<u>Performance Factors</u>	<u>Performance Rating</u>	<u>Comments</u>
10. Economic Development - Establishes an economic development program to recruit business and industry. Trains staff and provides facilities in support of the economic development activities. Coordinates with Chamber of Commerce and other community leaders to facilitate the ED effort.		
11. Staffing -Ensures that the Town is properly staffed and that employee compensation and benefits are sufficient to retain employees within current financial constraints. Provides professional develop activities to increase staff productivity.		
12. Personal and Time Management - Devotes sufficient time to conduct the business and affairs of the Town. Efficiently manages the work load during office hours and attends meetings and other activities outside of regular work hours that benefit the Town. .		

Organizational Goals (Identify five (5) major goals for the appraisal period)

<u>Goal</u>	<u>Level of Accomplishment</u>
Goal #1:	
Goal #2:	
Goal #3:	
Goal #4:	
Goal #5:	

Appraiser: _____ Date: _____

Employee: _____ Date: _____

Appraiser and Employee may attach additional pages of constructive comments.

ABA Guidelines for the Evaluation of Judicial Performance

Comparisons of :

Cottonwood

Mesa

Glendale

Legal ability

1.1	Legal reasoning ability		X	X
1.2	Knowledge of substantive law	X	X	X
1.3	Knowledge of rules of procedure and evidence	X	X	X
1.4	Keeping current on developments in law, procedure, and evidence		X	X

Integrity and impartiality

2.1	Avoidance of impropriety and the appearance of impropriety		X	
2.2	Treating all people with dignity and respect			
2.3	Absence of favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	X	X	X
2.4	Acting fairly by giving people individual consideration.			
2.5	Consideration of both sides of an argument before rendering a decision.			
2.6	Basing decisions on the law and the facts without regard to the identity of the parties or counsel, and with an open mind in considering all issues.			
2.7	Ability to make difficult or unpopular decisions			

Communication skills

3.1	Clear and logical oral communication while in court.			
3.2	Clear and logical written decisions.		X	X

Cottonwood

Mesa

Glendale

Professionalism and temperament

- | | | | | |
|-----|--|---|---|---|
| 4.1 | Acting in a dignified manner. | | X | |
| 4.2 | Treating people with courtesy | X | X | X |
| 4.3 | Acting with patience and self-control. | X | | X |
| 4.4 | Dealing with pro se litigants and litigation fairly and effectively. | | | |
| 4.5 | Participating and providing leadership to an appropriate degree in professional development activities and in jurisdiction-wide and statewide court improvement and judicial education activities. | | | |
| 4.6 | Promoting public understanding of and confidence in the courts. | | | |

Administrative Capacity

- | | | | | |
|------|--|---|---|--|
| 5.1 | Punctuality and preparation for court. | | X | |
| 5.2 | Maintaining control over the courtroom | X | X | |
| 5.3 | Appropriate enforcement of court rules, orders, and deadlines. | | | |
| 5.4 | Making decisions and rulings in a prompt, timely manner. | X | X | |
| 5.5 | Managing his or her calendar efficiently. | | X | |
| 5.6 | Using settlement conferences and alternative dispute resolution mechanisms as appropriate. | | | |
| 5.7 | Demonstrating appropriate innovation in using technology to improve the administration of justice. | | | |
| 5.8 | Fostering a productive work environment with other judges and court staff. | | | |
| 5.9 | Utilizing recruitment, hiring, and promotion policies to ensure that the pool of qualified applicants for court employment is broad and diverse. | | | |
| 5.10 | Acting to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system. | | | |

Other criteria that was used:

	Cottonwood	Mesa	Glendale
<u>Legal ability</u>			
Decides issues based on evidence and the law.	X		
Knowledge of laws pertaining to sentencing.		X	X
Considers all factors when sentencing the defendant	X		
<u>Integrity and impartiality</u>			
Avoids prejudicing the outcome of a case.	X	X	
Displays a sense of fairness and justice.	X		
Demeanor gives confidence in ability.	X		
Basic (exhibits) fairness and impartiality .		X	X
Exhibits personal integrity		X	X
Exhibits professional conduct.			X
Acts to preserve the independence of the judiciary.			X
<u>Communication skills</u>			
Instructions and directions are easily understood.	X		
Clear and logical oral communications / directions.		X	X
Listens effectively		X	X
Keeps everyone appropriately informed		X	X
Responds in a timely manner		X	
<u>Professionalism and temperament</u>			
(Exhibits) Conduct that promoted public confidence in the court and judge's ability.		X	X
Understanding and compassion.		X	
Responds appropriately to the circumstance		X	X

Is accessible.	X	X
----------------	---	---

Administrative Capacity

Begins court proceedings within ten minutes of scheduled time or gives explanation for delay	X	
Hard worker	X	
Respectful treatment of staff	X	
Cooperation with peers	X	X
Cooperation with staff	X	X
Works well with other city departments.		X
Is well informed on all phases of work.	X	X
Is willing to make difficult decisions.	X	X
Makes difficult decisions in a timely manner.	X	X
Responds in a timely manner.		X
Is punctual.	X	X
Is resourceful in resolving problems.	X	X
Exhibits impartiality in administrative decisions.	X	X
Provides for training for staff.	X	X
Asks for input before reaching decisions.	X	X
Works diligently.	X	X
Considers and implements change.	X	X
Organizational skills.	X	X
Has the ability to identify and analyze relevant issues.	X	X
Establishes a clear focus for projects for which he/she is responsible	X	X
Accurately assesses and attempts to secure the resources necessary for the effective functioning of the court.	X	X
Coaches and develops others.	X	X

Effectively delegates responsibility.	X	X
Takes responsibility for the supervision of the court staff.		X
Creates a cooperative environment	X	X
Timely informs judicial officers of issues affecting the administration of justice.		X
Establishes and implements proper case management techniques and standards.		X
Establishes and implements procedures to provide public access to the court.		X
Establishes methods to monitor performance of the court and its employees.		X
Establishes and maintains standard work hours.		X
Exhibits leadership through long range planning.		X
Exhibits leadership by developing support both within and outside the court.		X
Works effectively with elected officials.		X
Is willing to explore innovative means for meeting the court's goals.		X

Town of Chino Valley
Magistrate Evaluation Form

Name of Judge: John G. Walker

JUDICIAL PERFORMANCE STANDARDS

The judge shall administer justice fairly, ethically, uniformly, promptly, and efficiently. The judge shall be free from personal bias in decision making, shall decide cases based on proper application of law and procedure to the facts, and shall issue prompt, clear rulings and decisions that demonstrate competent legal analysis. The judge shall act with dignity, courtesy, and patience. The judge shall effectively manage the courtroom and discharge the administrative responsibilities of the office.

You have been asked to rate this judge according to the performance standards below. You are not expected to be able to rate the judge in every category. If you are not able to rate this judge in a particular area, please mark "Cannot Rate".

If you are not an attorney, judge, law enforcement or a member of the court staff please mark "Public". Remember that you are rating the judge's performance, and not your general experience(s) in the court. Please indicate whether you are:

☐ Public ☐ Attorney ☐ Judge ☐ Court Staff ☐ Law Enforcement

Legal Ability	Poor	Satisfactory	Very Good	Cannot Rate
Legal reasoning ability	☐	☐	☐	☐
Knowledge of substantive law	☐	☐	☐	☐
Knowledge of Rules of Procedure	☐	☐	☐	☐
Knowledge of Rules of Evidence	☐	☐	☐	☐
Knowledge of the laws pertaining to sentencing	☐	☐	☐	☐
Considers all factors when sentencing the Defendant	☐	☐	☐	☐
Keeps up to date with current law and Rules	☐	☐	☐	☐
Decides issues based on evidence and the law	☐	☐	☐	☐
Integrity				
Exhibits professional conduct	☐	☐	☐	☐
Exhibits personal integrity	☐	☐	☐	☐
Exhibits equal treatment regardless of race	☐	☐	☐	☐
Exhibits equal treatment regardless of gender	☐	☐	☐	☐
Exhibits equal treatment regardless of economic status	☐	☐	☐	☐
Exhibits basic fairness and impartiality	☐	☐	☐	☐
Exhibits conduct that promotes public confidence in the court and the judge's ability	☐	☐	☐	☐
Avoids prejudicing the outcome of a case	☐	☐	☐	☐
Acts to preserve the independence of the judiciary	☐	☐	☐	☐

Communication Skills	Poor	Satisfactory	Very Good	Cannot Rate
Gives clear and logical oral communications and directions	☐	☐	☐	☐
Produces clear and logical written communication	☐	☐	☐	☐
Listens effectively	☐	☐	☐	☐
Keeps everyone appropriately informed	☐	☐	☐	☐
Responds in a timely manner	☐	☐	☐	☐
Timely informs judicial officers of issues affecting the administration of justice	☐	☐	☐	☐
Temperament				
Is patient	☐	☐	☐	☐
Is courteous	☐	☐	☐	☐
Is accessible	☐	☐	☐	☐
Is dignified	☐	☐	☐	☐
Is understanding and compassionate	☐	☐	☐	☐
Responds appropriately to the circumstance	☐	☐	☐	☐
Administrative Performance				
Is well informed of all phases of work	☐	☐	☐	☐
Is willing to make difficult decisions	☐	☐	☐	☐
Is punctual both personally and in conducting proceedings	☐	☐	☐	☐
Begins court proceedings within ten minutes of scheduled time or gives an explanation for delay	☐	☐	☐	☐
Is prompt in making rulings and rendering decisions	☐	☐	☐	☐
Is resourceful in resolving problems	☐	☐	☐	☐
Exhibits impartiality in administrative decisions	☐	☐	☐	☐
Exhibits impartiality in allocation of resources	☐	☐	☐	☐
Provides for appropriate training for staff	☐	☐	☐	☐
Asks for input before reaching decisions	☐	☐	☐	☐
Works diligently	☐	☐	☐	☐
Considers and implements change	☐	☐	☐	☐
Organizational skills	☐	☐	☐	☐
Takes responsibility for the supervision of staff	☐	☐	☐	☐
Maintains proper control over the courtroom	☐	☐	☐	☐
Establishes and implements proper case management techniques and standards	☐	☐	☐	☐
Establishes and implements procedures to provide public access to the court	☐	☐	☐	☐
Establishes methods to monitor performance of the court and its employees	☐	☐	☐	☐
Establishes and maintains standard work hours and times to effectively discharge judicial responsibilities	☐	☐	☐	☐
Establishes and maintains standard work hours and times to effectively discharge staff assignments	☐	☐	☐	☐
Hard worker	☐	☐	☐	☐
Efficient management of calendar	☐	☐	☐	☐
Respectful treatment of staff	☐	☐	☐	☐
Cooperation with staff	☐	☐	☐	☐
Cooperation with peers	☐	☐	☐	☐

[illegible]

Judicial Evaluation Committee
Town Hall, South Campus
202 N. Hwy 89/P.O. Box 406
Chino Valley, AZ 86323

If you have any questions you may contact Councilwoman Linda Hatch, Chairperson of the Judicial Evaluation Committee, by calling (928) 308-1993, or emailing lhatch@chinoaz.net.