



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
Tuesday, June 9, 2015
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**

- a)** Proclamation declaring June 20, 2015 as "Marine Corps League Day," in support of the 44th Annual Marine Corps League State Convention, sponsored by the Marine Corps League, Copper State Detachment. (Mayor Marley)

- 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.

- a)** Comments regarding objections to Ethics complaint procedure.

- 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 reports by Mayor and Council regarding current events.
- b) 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 accept the May 7, 2015 study session minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to adopt Ordinance No. 15-800, amending Town Code Title III Administration, Chapter 35 Code of Ethics, Section 35.05 Code of Ethics Complaints; Filing and Procedure to include maximum time allotments for presentations and responses during Council's consideration of Code of Ethics complaints of 10 minutes and 5 minutes, respectively. (Phyllis Smiley, Town Attorney)

7) **ACTION ITEMS**

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to adopt Ordinance No. 15-799 to rezone approximately 7.39 acres generally located at 743 S. Road 1 West, Assessor's Parcel Number 306-29-050A, from Agricultural Residential 5-acre minimum (AR-5) to Single Family Residential 2-acre minimum (SR-2). Applicant: Todd and Lisa Corbell. (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 15-799 to rezone approximately 7.39 acres generally located at 743 S. Road 1 West from Agricultural Residential 5-acre minimum (AR-5) to Single Family Residential 2-acre minimum (SR-2).

- b) Consideration and possible action to amend the Letter of Commitment to the Economic Development Administration (EDA) from \$85,000 to \$122,750 to provide cash match for waived permit fees. Funds to possibly come from projected carry over in the Capital Improvement Fund. (Ruth Mayday, Development Services Director)

Recommended Action: Approve amended Economic Development Administration Letter of Commitment.

- c) Discussion regarding the effect of modifying Sections 50.56, 51.137, and 51.155 of the Town Code, pertaining to the Town sewer ordinance and mandatory hookup requirements. (Mayor Marley)

Recommended Action: Discuss possible modification of Town sewer ordinance.

- d) Consideration and possible action to approve Resolution No. 15-1060 for authorization of the acquisition of right-of-way for the Chino Meadows Units 2 and 5 Drainage Project and authorize the Mayor to sign the requisite IRS form 8283 for charitable contribution. (Ron Grittmann, Public Works Director/Town Engineer)

Recommended Action: Approve Resolution No. 15-1060 for authorization of the acquisition of right-of-way for the Chino Meadows Units 2 and 5 Drainage Project and authorize the Mayor to sign the requisite IRS form 8283 for charitable contribution.

- e) *Continued from April 28, 2015:* Discussion, consideration and possible action to determine policy regarding Council/Attorney interaction. (Chris Marley, Mayor)

Recommended Action: Direct staff to draft policy as discussed.

8) **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.

9) **ACTION ITEMS RESUMED**

After the Executive Session, Council will reconvene the Regular Meeting.

10) **ADJOURNMENT**

Dated this 4th day of June, 2015.

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 711 (Telecommunications 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/Agendacenter>, 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. **2. a.**

Meeting Date: 06/09/2015
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation declaring June 20, 2015 as "Marine Corps League Day," in support of the 44th Annual Marine Corps League State Convention, sponsored by the Marine Corps League, Copper State Detachment. (Mayor Marley)

SITUATION & ANALYSIS:

Marines from all over the state will gather in Prescott for meetings of the Marine Corps League ("MCL") from June 19 to 21. The MCL anticipates more than 200 delegates plus their spouses and families to attend. They have asked the local jurisdictions to support the convention through like proclamations. The Mayor has been asked to read the Town's proclamation and give some welcoming remarks at the start of the convention.

The League is also producing a convention book that will include the proclamations; details of the convention; information on Prescott history, recreational opportunities, museums, and the VA Medical Center; information regarding various programs the MCL provides to assist veterans and their families; advertisements/coupons from local merchants; and advertisements from the 20 to 30 MCL detachments in attendance. They intend to distribute 8,000 copies of this book throughout the community.

Attachments

Proclamation-Marine Corps League Day



202 N. State Route 89
Chino Valley, AZ 86323
(928) 636-2646

PROCLAMATION

Marine Corps League Day - June 20, 2015

*In Support of the 44th Annual
Marine Corps League State Convention*



Whereas, citizens and staff of the Town of Chino Valley support the commitment and dedication of the men and women who served and continue to serve in the United States Marine Corps; and

Whereas, the Marine Corps League provides services and assistance to veterans of all branches of the Armed Forces of the United States by volunteering at local Veteran's hospitals and facilities, participating in memorials, parades and other patriotic activities and programs; and

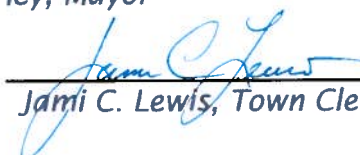
Whereas, the Marine Corps League along with the Military Order of Devil Dogs has developed the Veterans' Sports Court Facility to promote recreation and rehabilitation for severely injured veterans; and

Now, Therefore, I, Chris Marley, Mayor of the Town of Chino Valley, do hereby proclaim *June 20, 2015* as *Marine Corps League Day* in Chino Valley, Arizona, and urge all of our citizens to recognize this observance.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this *9th* day of *June 2015*.




Chris Marley, Mayor

ATTEST: 
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. a.**

Meeting Date: 06/09/2015

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 accept the May 7, 2015 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the May 7, 2015 study session minutes.

Attachments

May 7, 2015 minutes

DRAFT

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**THURSDAY, MAY 7, 2015
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Thursday, May 7, 2015.

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

Absent: Councilmember Linda Hatch

Staff Town Manager Robert Smith; Assistant Town Manager Cecilia Grittmann; Finance Director Joe

Present: Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Town Engineer/Public Works Director Ron Grittmann; Assistant Public Works Director/Town Engineer Mike Lopez; Development Services Director Ruth Mayday; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Marley called the meeting to order at 6:06 p.m.

2) Presentation and discussion regarding the fiscal year 2015/2016 preliminary budget. (Joe Duffy, Finance Director)

Mr. Duffy presented the preliminary budget for fiscal year (FY) 2015/16.

New This Fiscal Year

- Set up Customer Service Department in the General Fund (GF), with expenses to be charged out to applicable departments.
- Prepared updated interdepartmental charge analysis.
- Analyzed and projected capital requirements for the next 10 years, including amounts the Town could not fund each year.

Significant Expenditure Changes

- Health insurance increased 5% and the Town increased the dependent care contribution from 25% to 30%.
- Public Safety Public Retirement System costs increased 1.6%.
- Arizona State Retirement System decreased 0.0013%.
- Added Human Resource Director and Wastewater Treatment Plant Operator.
- 1% cost of living increase.
- Prescott Water Acquisition.
- USDA refinance for Molly Rae sewer.

- Impact fees funds reduced to zero.

Total Town Revenues and Expenditures

- Excluding debt, grants, carry over and transfers, total revenue was projected to be up 6% next fiscal year.
- GF revenues were projected to increase 4% and GF expenses were projected to increase 2%.

Summary By Fund

- *General Fund:* Staff proposed a \$57,000 carryover to balance the budget and transferring \$50,000 to roads, leaving \$150,000 in the fund balance.
- *Transfers into General Fund:* Increased amount by \$150,000 for aquatics.
- *HURF:* This was the final year that this fund could be used aggressively. Revenues were up 5%, but were still far less than needed. The Town will need alternative ways to fund roads projects.
- *Capital Improvement Fund:* The budget included \$2 million in revenues and expenses to cover any grants received; using all the remaining roads impact fees; and a \$405,000 FY 14/15 fund balance.
- *Water Enterprise Fund:* The net operating loss was going down as a result of new accounts and price increases. The fund was out of cash and will have to be subsidized for a year or two until the fund balance was healthier. The budget included the Prescott water acquisition.
- *Sewer Enterprise Fund:* The net operating loss would decrease significantly in FY 15/16. The budget included a \$500,000 bond to refinance WIFA loans and run sewer to Molly Rae subdivision, as well as one full-time plant operator.

Departmental Budget Decreases

- No election expenses.
- Changed Magistrate position from employee to contract position.
- Filled full-time Animal Control position with two part-time positions.
- Utility savings in Parks Maintenance.
- Roads/HURF personnel and materials.
- Reorganization to Customer Service Department and no one time expenses in water operations.
- Savings due to wastewater treatment plant acquisition.

Departmental Budget Increases

- Legal fees; liability insurance; new Arizona Department of Revenue fee; and transfer to HURF.
- New Human Resources Director.
- Possible County assistance with MIS/GIS.

Capital Improvements

- Capital expenditures included Roads Impact Fee projects, the Yavapai Drainage District project, carry over projects, wireless communications project, rural economic grant match,

and transfers to GF, Water Fund, and Debt Service.

- Future capital requirements within the next 10 years included police vehicles; machinery and equipment; roads; facilities, buildings, and parks; and water and sewer system.
- Staff reviewed all capitalized equipment, and estimated replacement timeframes and costs. FY 14/15 had a capital funding deficit of \$914,000, mainly due to HURF shortages. Staff needed input from Council on funding sources and priorities.

Other Budget Items

The budget book included bonded debt summary, personnel schedules, five-year revenue and expense projections, other community comparisons, and official state budget forms.

Town Manager Smith presented an overview of his Budget Message.

- Town officials had worked hard over the last three years to develop a financial plan that was sustainable, transparent, and accountable.
- *Management and Operation:* Budget management was done through these foundational documents: budget, revenue manual, and comprehensive annual financial report. Council role was developing a Strategic Plan to set policy, goals, and priorities. Officials then obtained community feedback and adjusted the Plan for the next budget year.
- *Budget and Planning:* Currently, operations and operational reserves were funded and compliant with Council policy and code; however, capital had been unplanned and unfunded for about a decade.
- *Conflict Resolution:* Roads Impact Fees allowed the Town to resolve a land litigation and enhance transportation, and the Town purchased the wastewater treatment plant, resolving contractual conflicts. The Prescott water acquisition will provide an opportunity to freeze, and possibly reduce, utility rates, which will allow the GF to subsidize Roads instead of utility funds.
- *Leveraging Grants:* WIFA grants and loans will promote economic development and enhance fire protection. The Town invested \$125,000 to leverage \$2 million for the Old Home Manor Industrial Park project.

Staff provided additional details to Council's questions about the following topics:

- *New Customer Service Reorganization:* To create a better management structure, Mike Bovée was assigned as a part-time Customer Services Manager to supervise and cross-train customer services administrative personnel in Town Hall, Public Works, and Development Services, at a net zero cost. There was no change in operations or in costs. This was the first step to other future customer service improvements.
- *Molly Rae Project:* The Town's current USDA loans were at 4.25% interest. Refinancing the loans will cut interest in half and save the Town \$40,000 per year, which could be applied toward solvency in the utility funds. To refinance, WIFA required funding of a new project of around \$500,000. The project will fund sewer line to 145 units.
- *Transfer to HURF:* The transfer was for road materials only and would bring the budget to \$150,000. This fund needed \$1.2 million annually to properly maintain the roads and the Town had neither the staffing to perform the maintenance inhouse nor the funds to outsource the work. Staff needed Council input on these matters.
- *Transfers from GF:* Two of three transfers were from the 1% sales tax in the Capital Improvement Fund into the GF. The other related to the Police vehicle impound program. Per statute, storage, towing and hearing fees were split into two funds: the Police special revenue fund and the GF. All related fees paid to the Police Department went into the special fund, then the GF portion was transferred in.

3) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Darryl Croft to adjourn the meeting at 7:11 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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 7th day of May, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of June, 2015.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. b.**

Meeting Date: 06/09/2015
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 15-800, amending Town Code Title III Administration, Chapter 35 Code of Ethics, Section 35.05 Code of Ethics Complaints; Filing and Procedure to include maximum time allotments for presentations and responses during Council's consideration of Code of Ethics complaints of 10 minutes and 5 minutes, respectively.

RECOMMENDED ACTION:

Move to adopt Ordinance No. 15-800, amending Town Code Title III Administration, Chapter 35 Code of Ethics, Section 35.05 Code of Ethics Complaints; Filing and Procedure.

SITUATION AND ANALYSIS:

Issue Statement

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Council adopted procedures for its consideration of ethics complaints by adopting Ordinance No. 15-796 on April 28, 2015, amending the Town Code to add new Section 35.05 Code of Ethics Complaints; Filing and Procedures. The procedures set forth in the ordinance and now in effect in the Town Code do not address how long each party may speak in addressing the matter at the Council meeting. On May 12, 2015, the Council addressed two ethics complaints using the newly adopted procedures even though the ordinance had not become effective. Council limited the presentations of the complainant and the respondent to 10 minutes each and responses by each party to 5 minutes each. Council found this amount of time for the presentations and responses is more than sufficient for each party to present and defend its position and for Council to receive the information needed for its deliberation and consideration of the issues presented. Council therefore desires to incorporate the timeframes into the procedures through the adoption of this Ordinance.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ord 15-800 Ethics Procedure Time Allotments

ORDINANCE NO. 15-800

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE III: ADMINISTRATION, CHAPTER 35: CODE OF ETHICS, BY AMENDING SECTION 35.05: CODE OF ETHICS COMPLAINTS; FILING AND PROCEDURES, RELATED TO ADDING MAXIMUM TIME ALLOTMENTS FOR PRESENTATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town Code of Chino Valley, Arizona, Title III: Administration, Chapter 35 Code of Ethics, Section 35.05 Code of Ethics Complaints; Filing and Procedures is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

§ 35.05 CODE OF ETHICS COMPLAINTS; FILING AND PROCEDURES

* * *

(I) Council's procedure for addressing the complaint during its meeting shall be as follows:

- (1) Introduction of item
- (2) Presentation by complainant (10 MINUTES MAXIMUM)
- (3) Presentation by respondent (10 MINUTES MAXIMUM)
- (4) Additional information by complainant (if any) (5 MINUTES MAXIMUM)
- (5) Additional information by respondent (if any) (5 MINUTES MAXIMUM)
- (6) Council discussion
- (7) Council decision

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 9th day of June, 2015 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this 9th day of June, 2015.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

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



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 06/09/2015
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item
Estimated length of staff presentation: 15 minutes
Physical location of item: 743 S. Road 1 West

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 15-799 to rezone approximately 7.39 acres generally located at 743 S. Road 1 West APN 306-29-050A from Agricultural Residential-5 acre minimum (AR-5) to Single Family Residential-2 acre minimum (SR-2).

RECOMMENDED ACTION:

As the request to rezone is consistent with the zoning classifications in the immediate area is congruent with the General Plan, staff recommends approval Ordinance No. 15-799 to rezone approximately 7.39 acres from AR-5 to SR-2.

Motion: I move to approve Ordinance No. 15-799 to rezone approximately 7.39 acres generally located at 743 South Road 1 West from agricultural/residential 5-acre minimum (AR-5) to single-family residential 2-acre minimum (SR-2).

SITUATION AND ANALYSIS:

Summary of Issues and Staff Rationale

The purpose of this request is to rezone approximately 7.39 acres of subject parcel 306-29-050A. The subject parcel is located in Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. The property is located at approximately 743 S. Road 1 West. Surrounding uses include AR-5 and SR-2.

The property is currently zoned Agricultural/Residential (5 acre minimum) (AR-5); the applicant is requesting a change of zoning to Single Family Residential (2 acre minimum) (SR-2). The applicant is interested in rezoning the property to SR-2 so they can split the property into two separate parcels. Currently, there is a single family residence on the property. The applicant would like to split and sell that parcel and build a new single family residence on the new parcel.

On May 05, 2015, a public hearing was held by the Planning and Zoning Commission after proper notice in compliance with ARS9-462.04. There were no comments from the public. The Commission,

by a unanimous vote of 4 to 0, recommended forwarding the application to Town Council with a recommendation for approval.

Findings of Fact

1. The request is consistent with the zoning classifications in the surrounding area.
2. The requested zoning classification is consistent with the General Plan.
3. All required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 15-799 Corbell Rezoning

Corbell PowerPoint

ORDINANCE NO. 15-799

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 7.39 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 743 SOUTH ROAD 1 WEST, FROM AR-5 (AGRICULTURAL/RESIDENTIAL 5 ACRE MINIMUM) ZONING DISTRICT TO SR-2 (SINGLE FAMILY RESIDENTIAL 2 ACRE MINIMUM) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a unanimous vote of all four (4) members present, recommends approval of the rezoning;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 7.39 acres, described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both of which are attached hereto and incorporated herein by this reference, from AR-5 (Agricultural/Residential 5 acre minimum) zoning district to SR-2 (Single Family Residential 2 acre minimum) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this ____ day of _____, 2015 by the following vote:

AYES: _____	ABSENT: _____
NAYS: _____	ABSTAINED: _____

APPROVED this ____ day of _____, 2015.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall &
Schwab, PLC, Town Attorney

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 2015, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2015.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Zoning Exhibit (map)

EXHIBIT A

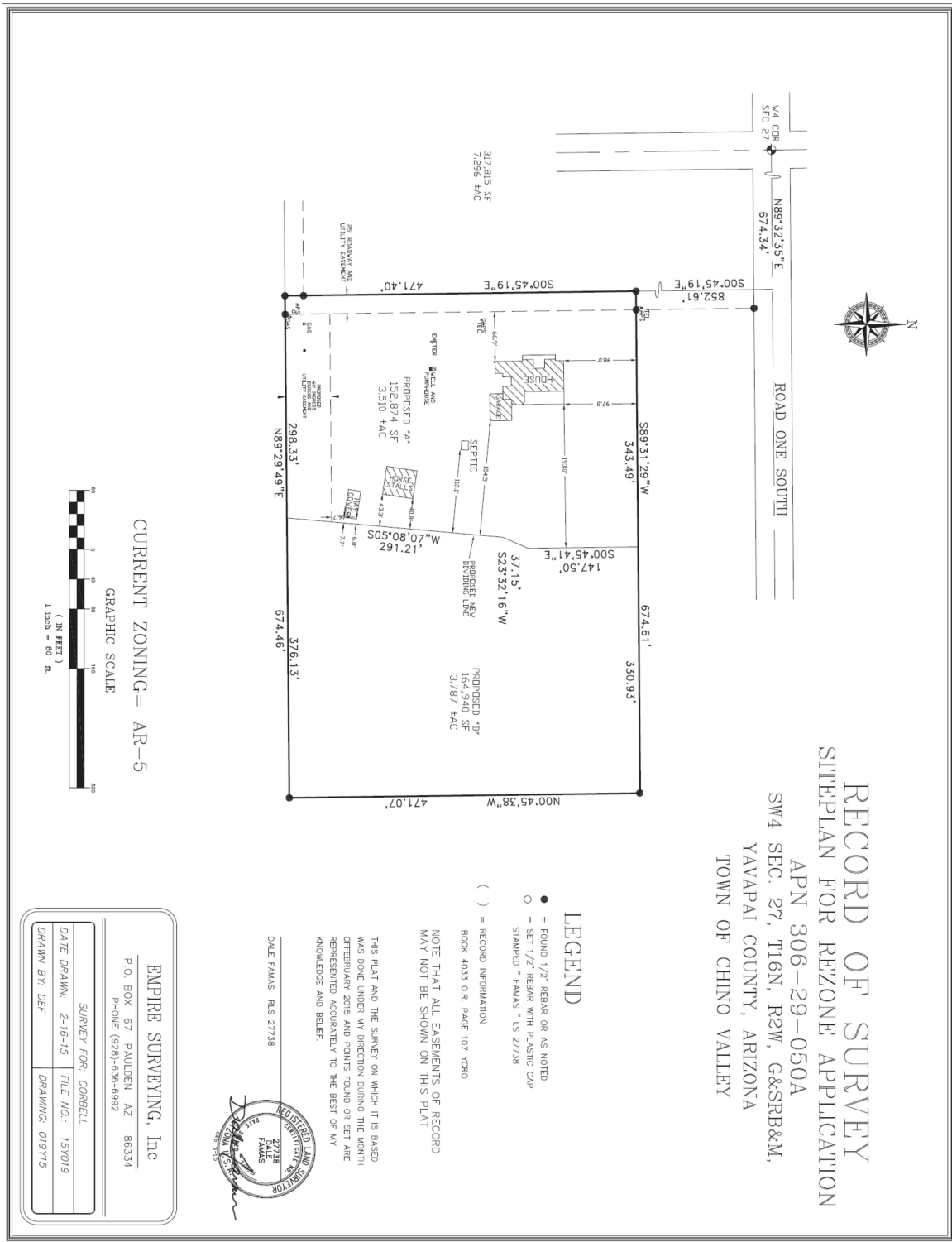
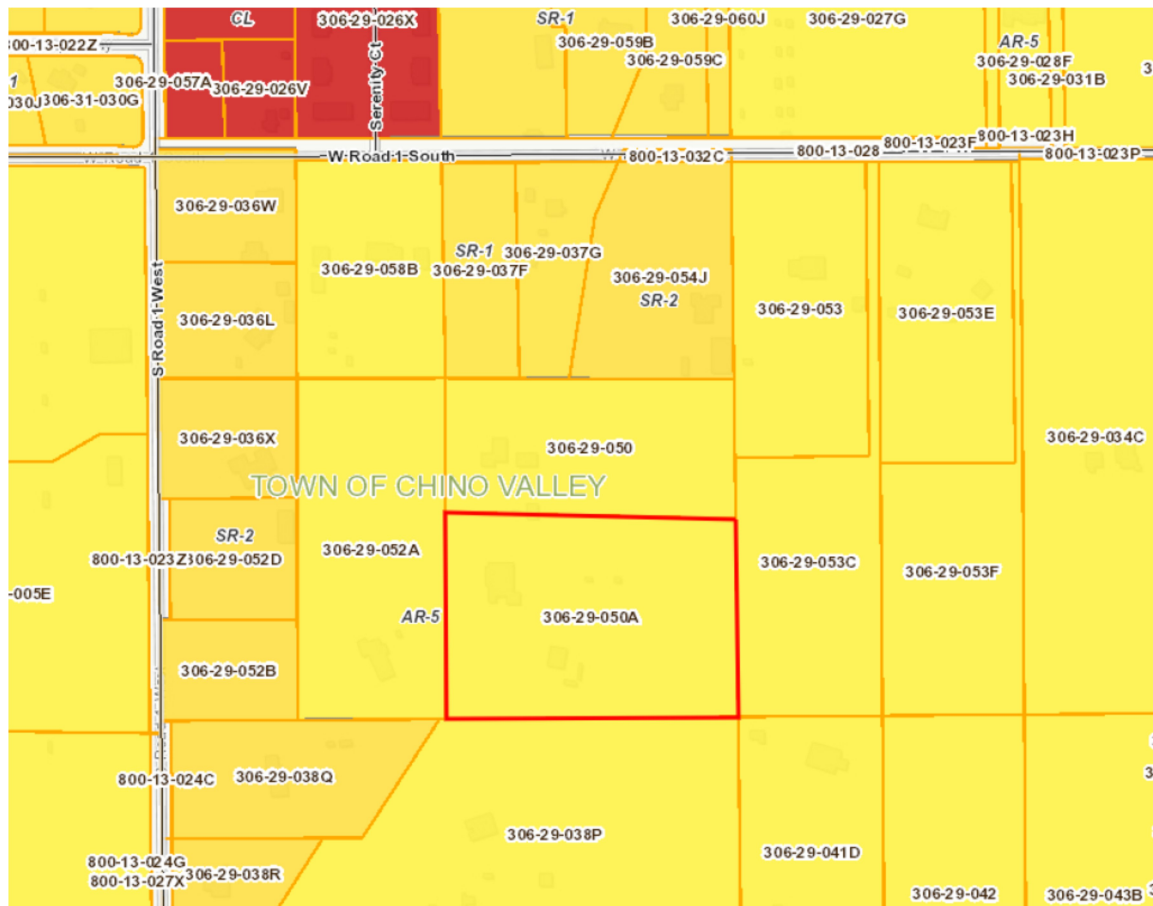


EXHIBIT B



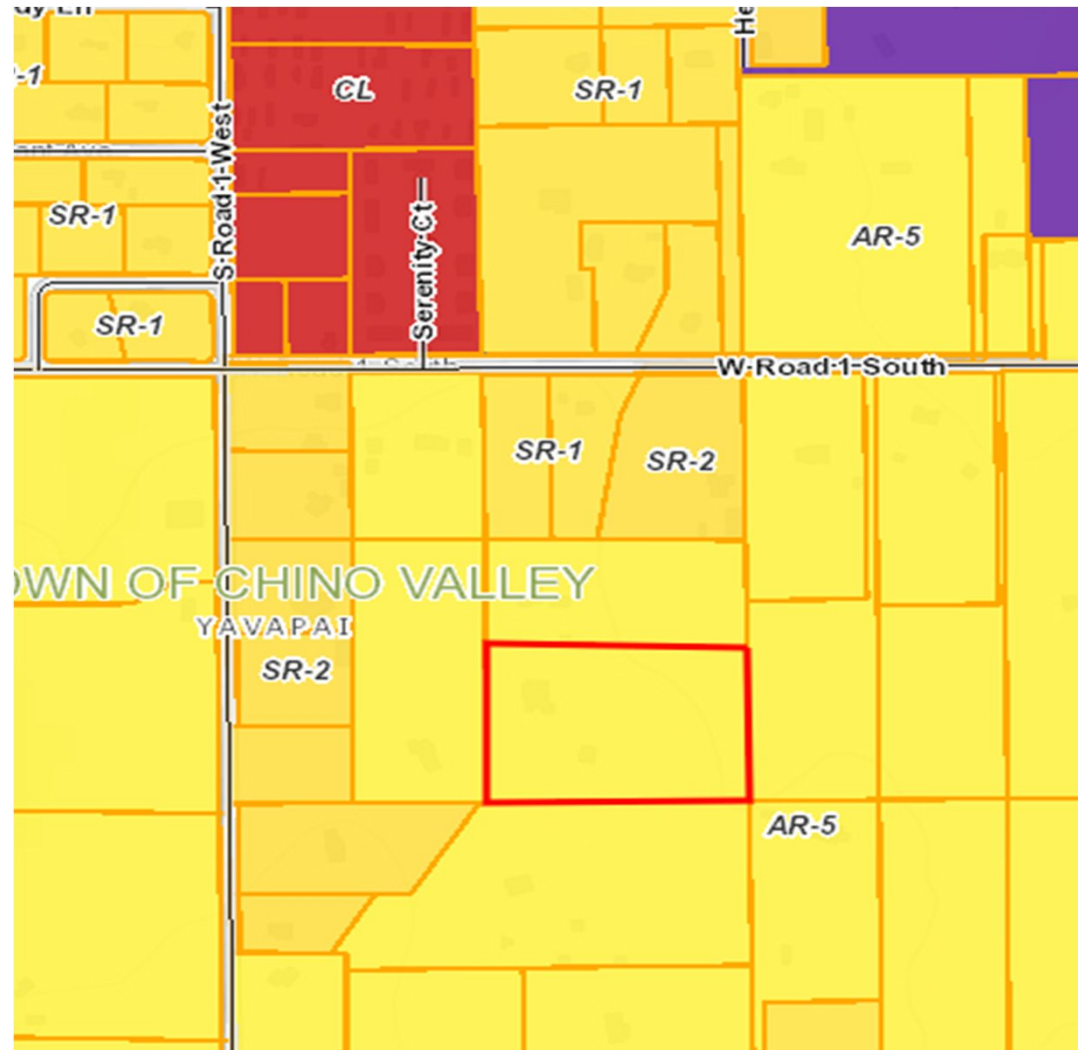


CORBELL REZONING ZC15-003

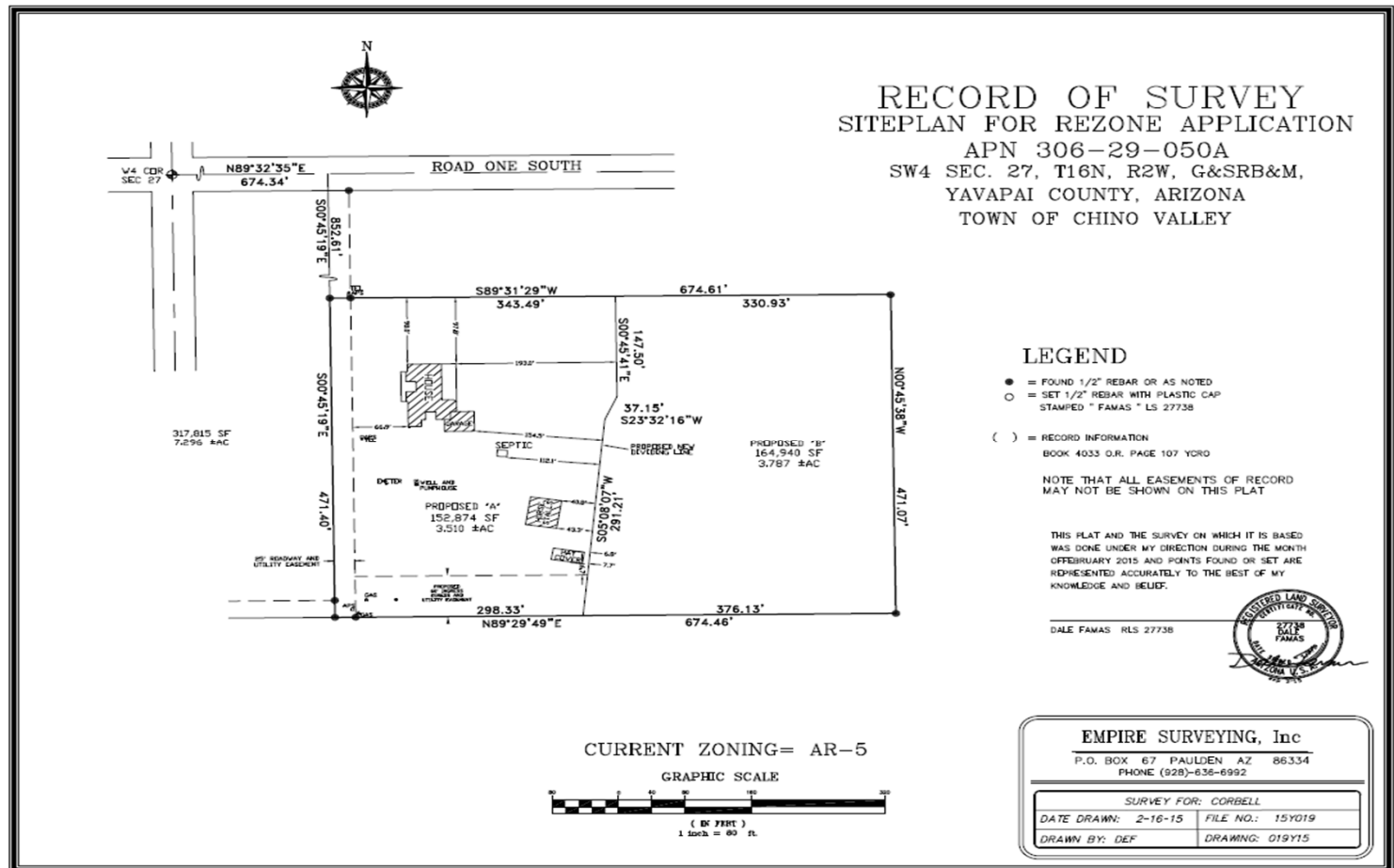
Development Services Department

TOWN COUNCIL
REGULAR MEETING
6/09/2015

Corbell Zoning Map



Corbell Site Plan





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. b.**

Meeting Date: 06/09/2015
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item - Presentation
Estimated length of staff presentation: None
Physical location of item: Old Home Manor Industrial Park

AGENDA ITEM TITLE:

Consideration and possible action to amend the Letter of Commitment to the EDA from \$85,000 to \$122,750 to provide cash match for waived permit fees.

RECOMMENDED ACTION:

Failure to amend the Letter of Commitment to EDA from \$85,000 to \$122,750 will result in a withdrawal of the funding offer by EDA. No other sources are within the timeline for EDA's final approval of the project without jeopardizing other funding sources. Therefore, staff recommends approval of the amended EDA Letter of Commitment.

SITUATION AND ANALYSIS:

Issue Statement

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Staff received notification on April 30, 2015 that the EDA had made a non-binding commitment to fund the improvements at Old Home Manor Industrial Park. As submitted, the Town had indicated that it would provide \$85,000 in matching funds and \$37,750 in waived permit fees. EDA now states that they cannot count the waived permit fees as part of the cash contribution; the Town must now amend its letter of commitment to reflect a total cash contribution of \$122,750.

Attached to this item is the original Non-binding Letter of Commitment which does not mention that the waived permit fees have not been approved as part of the match, and the email received by Development Services Director Ruth Mayday on May 29, 2015 stating that the waived permit fees were in fact not being counted as part of the cash match.

Staff has reached out to the private sector for assistance and while there is willingness to contribute, the timing for such contribution(s) would jeopardize the \$250,000 ACA grant as the deadline for project initiation is mid-July.

Findings of Fact

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 05-90-5526

Available: \$122,750

Funding Source:

The Town Budgeted \$85,000 in the Capital Improvement Fund. The additional \$37,750 can come from the projected carry over in the Capital Improvement Fund.

Attachments

EDA Non-Binding Letter of Commitment

EDA EMail

Amended Letter of Commitment



May 22, 2015

Kelly Patton
Sr. Economic Development Consultant
400 N. 5th Street, MS 9110
Phoenix, AZ 85004

P.O. Box 53999
Phoenix, AZ 85072

Ruth Mayday
Development Services Director
Town of Chino Valley, Arizona
1982 Voss Drive
Chino Valley, AZ 86323

Dear Ruth:

On behalf of APS, it is my pleasure to confirm our intent to grant the Town of Chino Valley seventy five thousand dollars (\$75,000) (the "grant") to be used to fund the construction of public infrastructure necessary for the development of a 90 acre industrial park critical for economic development in Town of Chino Valley.

We believe the development of this industrial park will better position Chino Valley for commercial investment opportunities that will ultimately expand the community's job base.

The release of the funds is subject to the terms of a grant agreement to be entered into in writing between APS and the Town of Chino Valley within 90 days of this letter. In the event that such an agreement is not reached on terms mutually acceptable to both APS and the Town, APS reserves the right to deny the grant.

We look forward to working with you to see this project come to fruition.

Best Regards,

A handwritten signature in black ink that reads "Kelly A. Patton". The signature is fluid and cursive, with the first name "Kelly" being the most prominent.

Kelly Patton
Senior Economic Development Consultant

cc: Michael Martin

From: Parker, Brian <BParker2@eda.gov>
Sent: Friday, May 29, 2015 5:57 PM
To: Ruth Mayday
Subject: EDA Funding Request, Project No. 07 01 07213: Confirmation of Receipt of Application Documentation/More Work Needed

Importance: High

Ruth:

I am sending this message to confirm receipt of the shipment from UPS containing the required additional information. There are some issues that need to be resolve. They are as follows:

* The non-binding commitment to award included a requirement that \$447,750 in matching share of cost be contributed by non-federal sources. The matching share of cost commitment documentation only included \$410,000 of contributions. An additional \$37,750 in matching share of cost will need to be documented. If the letter from the Town of Chino Valley is amended to show a contribution of \$122,750, then the issue will be quickly resolved.

* The Central Contractor Registration for the Town of Chino Valley expired after March 18, 2015. This registration should be renewed, as soon as possible.

If you have questions or need assistance, please, contact me.

Thank you for your efforts.

Brian

Brian Parker
Economic Development Specialist

Seattle Regional Office
Economic Development Administration
915 Second Avenue, Room 1890
Seattle, Washington 98174-1012
(206) 220-7675 (Voice)
(206) 220-7669 (Fax)
E-mail: BParker2@eda.gov
World Wide Web: www.eda.gov



Department
Address
Chino Valley, AZ 86323

Phone number
Fax number
www.chinoaz.net

A. Leonard Smith
Regional Director, Seattle Regional Office
US Department of Commerce
Economic Development Administration
915 Second Avenue, Room 1890
Seattle, WA 98174

May 26, 2015

RE: Town of Chino Valley EDAP Grant Match

Dear Mr. Smith:

As the Mayor of the Town of Chino Valley, let me be the first to thank the EDA for its consideration and subsequent award of grant funds in the amount of \$1,600,074. As indicated in the application, the funds will be used to install sewer and water infrastructure that will link a portion of Old Home Manor Industrial Park (OHMIP) to the town's utility system. In addition, a secondary access will be constructed to provide alternative access and egress to OHMIP.

It is with great pleasure that I hereby commit \$122,750 in cash to match the funds the EDA offered to the Town in its Non-binding Letter of Commitment issued on April 27, 2015. These funds have not been conditioned or encumbered in any manner.

We appreciate the EDA's investment in this project; I am confident that the successful completion of the proposed improvements will benefit not just Chino Valley but the region as well. Should you require any further information, please feel free to contact me or Ruth Mayday, Development Services Director for the Town of Chino Valley. Ruth can be reached at rmayday@chinoaz.net, 928-636-4427 (office), or 928-710-0877 (mobile).

Yours truly,

Chris Marley
Mayor, Town of Chino Valley

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. c.

Meeting Date: 06/09/2015
Contact Person: Liz Hart, Deputy Town Clerk/Records Technician
 Phone: 928-636-2646 x-1210
Department: Council
Item Type: Action Item
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Discussion regarding the effect of modifying Sections 50.56, 51.137, and 51.155 of the Town Code, which pertain to the Town sewer ordinance and mandatory hookup requirements.

RECOMMENDED ACTION:

Discuss possible modification of Town sewer ordinance.

SITUATION AND ANALYSIS:

Issue Statement

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Town Sewer Ordinance Citations

Mayor's Talking Points

General Provisions

23

§ 50.54 SERVICES AND MATERIALS TO BE PROPERTY OF UTILITY DEPARTMENT; CONSUMERS TO PAY FOR DAMAGES.

All water and/or sewer service and water meters and all materials supplied by the Department in the installation or repair of any meter and all materials supplied in the installation of any service connection with town water and/or sewer mains shall remain at all times the property of the Department and shall be maintained, repaired and renewed by the Department when rendered unserviceable through normal use. Where replacements, repairs to pipes, meters or other materials are rendered necessary by the acts, negligence or carelessness of the consumer or any member of his or her family, guest or person in his or her employ, any expenses caused to the Department for the repair shall be charged against and collected from the consumer. The Department may refuse to furnish water through the service until the account is paid in full.

(2001 Code, § 15-1-19) (Ord. 04-578, passed 7-22-2004)

§ 50.55 PERMIT REQUIRED FOR CONSUMER TO SUPPLY WATER OR SEWER SERVICE TO OTHERS.

No owner or lessee of property supplied with water and/or sewer service from town mains shall furnish water or sewer service to other persons or property without first obtaining written permission to do so from the Director. The permit may be issued only for emergencies or other unusual circumstances on a temporary basis. No permit will be issued until the person desiring to use the water or sewer has obtained and filed with the Director the written consent of the owner or lessee of the property from which the service is to be taken, stating the location of the property by street and address number and the location by street and address number of the property to be supplied and stating the purpose for which it will be used. Upon receipt of a proper permit from the owner or lessee of the property from which the water or sewer service is to be taken, the Director may issue a temporary permit for a specific time frame allowing the service to be supplied to other persons or property.

(2001 Code, § 15-1-20) (Ord. 04-578, passed 7-22-2004)

§ 50.56 EFFLUENT COLLECTION, TREATMENT AND RECHARGE POLICY.

(A) All new developments, subdivided and unsubdivided, containing 1 or more lots of less than 1 acre shall be required to construct an effluent collection system as approved by the town and connect to the town's Effluent CTR system.

(B) The town will design, build and operate an effluent CTR system on its own schedule. If a development requires additional effluent collection, treatment and recharge capacity prior to the time such services or capacity is available from the town, the development shall provide financial resources sufficient to construct the additional capacity as requested, at their own expense, at the town's facilities only. The developments shall receive reimbursement of financial resources provided according to the schedule as per the development agreement.

Chino Valley - Public Works

(C) New development, subdivided and unsubdivided, shall be required to install septic tanks as the first stage of wastewater treatment and install lines and other required components to connect with the town's effluent CTR system as system collection lines are extended to within 400 feet of the septic tank. They shall be required to maintain their septic tanks in proper working order as directed by the town as part of the town wastewater treatment process.

(D) Current septic tank owners, at the effective date of this section, shall be required to connect to the effluent CTR system as system collection lines are extended to within 400 feet of the septic tank. They shall be required to maintain their septic tanks in proper working order as directed by the town as part of the town wastewater treatment process.

(E) At the time of building permit application for a new residence or a new commercial building, the permittee shall pay an effluent CTR system hookup fee as adopted in the fee schedule(s), which may be amended from time to time.

(F) All new developments, subdivided and unsubdivided, shall be required to demonstrate adequate financial capability and assurance, as approved by the Town of Chino Valley, to design and construct the effluent CTR system components sufficient to serve the new development and other areas as approved by the town.

(G) Package wastewater treatment plants shall not be allowed.

(H) The town reaffirms its ownership and control of all effluent produced within the town's Regional 208 Planning Area.
(Ord. 485, passed 12-13-2001)

§ 51.136 WASTEWATER COLLECTION; TREATMENT AND RECHARGE; SCHEDULE OF CONSTRUCTION.

(A) The town will develop a centralized Wastewater Treatment Plant at Old Home Manor to serve the greater Chino Valley area.

(B) The town will design, build and operate the CTR system on its own schedule. If a development requires additional effluent collection, treatment and recharge capacity prior to the time such services or capacity is available from the town, the development shall provide financial resources sufficient to construct the additional capacity as requested, at their own expense, at the town's facilities only. The developments shall receive reimbursement of financial resources provided according to the schedule as per a development agreement approved by Council, and in accordance with provisions of this chapter. Any proposed exceptions or deviations from this policy shall be reviewed by the Public Works Director and specifically approved by the Town Council. The approval, if granted, shall not negate mandatory connection to the town system and payment of appropriate fees at a future date, as required in other portions of this chapter.

(C) The town will develop a Wastewater Collection System Master Plan to identify the general location and sizing of all central sewer system mains and infrastructure required throughout certain designated areas of the community and also a treatment and recharge system phasing plan.
(Ord. 04-578, passed 7-22-2004)

§ 51.137 WASTEWATER COLLECTION.

(A) New development, subdivided and un-subdivided, shall be required to install collection lines and other required components to connect with the town's CTR system as system collection lines are extended to within 400 feet of the property. They shall be required to abandon any existing septic tanks in accordance with procedures established by ADEQ, and as directed by the town, as part of the town wastewater treatment process.

(B) All developments within the town will be required to construct at their own expense a sewer collection system to deliver wastewater to the town's main Wastewater Treatment Plant, as directed by the town. Sizing, and alignment of mains shall be in general conformance with the approved town sewer system Master Plan, or amendments thereto.

(C) Current septic tank owners, at the effective date of this ordinance, shall be required to connect to the CTR system as system collection lines are extended to within 400 feet of the property.
(Ord. 04-578, passed 7-22-2004)

§ 51.138 CTR SYSTEM BUY-IN FEE.

At the time of building permit application for a new residence or a new commercial building, the permittee shall pay a CTR system buy-in fee as adopted by Council Resolution in the fee schedule(s),

CONNECTIONS TO PUBLIC SEWERS, PUMPING**§ 51.155 SEWER CONNECTIONS WITHIN THE TOWN.**

(A) When the town's sanitary sewer mains are extended to within 400 feet of the property, property owners with existing businesses or residences requiring sewer service are required to connect to the town's sewer system within 120 days of written notice by the town that the service is available.

(B) In the event the town and/or county's Health Department shall determine that there exists, on any property having access to a sanitary main belonging to the town, a condition which is a menace to health arising from improper sewage disposal, the property owner shall connect his or her property to the sanitary sewer main within 60 days after receiving written notification from the town/county Health Department to do so.

(C) If the town shall determine that any property owner refuses after notice to connect, or does not have the financial ability necessary to make connection to a sanitary sewer main belonging to the town as herein required, the town shall have the right to install the sewer mains and facilities as are necessary to provide adequate sewer services to the affected property and to make labor and material charges therefor in an amount equal to the actual price for the labor and materials with the town at the time of the work, and the town shall have the further right to file a lien against the affected property for the amount of the foregoing charges in the manner and form provided by the statutes of the state.
(Ord. 04-578, passed 7-22-2004)

§ 51.156 PERMIT REQUIRED.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Utility Department.
(Ord. 04-578, passed 7-22-2004)

§ 51.157 APPLICATION FOR SEWER TAP, SEWER DYE TEST.

(A) Applications for sewer taps shall be made in accordance with the provisions hereof.

(B) A customer who has been connected to the public sewer system and questions whether a sewer tap is in service may apply to the Utility Department for a sewer dye test to be performed. The sewer dye test shall be performed by the Utility Department when the customer has paid a fee to cover the costs of the test. If the test shows that the sewer tap is not in service, the fee shall be refunded to the customer. The fee shall be set by Council resolution and may be amended from time to time.
(Ord. 04-578, passed 7-22-2004)

TALKING POINTS FOR TOWN'S SEWER ORDINANCE (MANDATORY HOOKUP REQUIREMENTS)

INTRO: FOR PRESENT COUNCIL, DISCUSSION STARTED
IN OCTOBER OF 2011

- DISCUSSION HALTED AFTER LEGAL OPINION INDICATED THAT ANY CHANGE WOULD BE BREACH OF CONTRACT
- TOWN HAS PURCHASED ~~SE~~ WASTEWATER TREATMENT PLANT, SO DISCUSSION CAN BEGIN AGAIN.

COSTS?

- ONE MILE OF SEWER
- ONE MILE OF SEWER + WATER
- PHYSICAL COST OF HOOKUP FOR EACH
- COST OF SEPTIC TANK ABANDONMENT

PROCESS FOR EXISTING HOMES / BUSINESSES

- VOLUNTARY HOOKUP AS LINE PASSES \$ _____
- VOLUNTARY HOOKUP LATER \$ _____
- EVENTUALLY DISCUSS ~~SE~~ LINED PROCESS
- MANDATORY HOOKUP FOR NEW DEVELOPMENTS?

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. d.**

Meeting Date: 06/09/2015
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: Chino Meadows Units 2 and 5

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution Number 15-1060 for the authorization of the acquisition of right-of-way for the Chino Meadows Units 2 and 5 Drainage Project and authorize the Mayor to sign the requisite IRS form 8283 for charitable contribution.

RECOMMENDED ACTION:

Move to approve Resolution Number 15-1060 for the authorization of the acquisition of right-of-way for the Chino Meadows Units 2 and 5 Drainage Project and authorize the Mayor to sign the requisite IRS form 8283 for charitable contribution.

SITUATION AND ANALYSIS:

Issue Statement

The Chino Meadows Units 2 and 5 Drainage Project requires the dedication of property along the drainage named Little Doggie Draw between the Peavine Trail Porcupine Pass for construction. This ROW dedication is along property that is not developable because of its configuration or proximity to the wash. Attached are the legal descriptions of the necessary ROW.

The property owners are willing to dedicate this property free of charge and asks that the Town execute IRS form 8283 for a charitable contribution. The preparation of this form requires that an appraisal be prepared in accordance with IRS regulations. This appraisal was prepared. Because of its length, the proposal is not included in the Council packet and is available upon request.

Applicable "Policy"

The acquisition of this property is necessary for the construction of the Chino Meadows Units 2 and 5 Drainage Project. The IRS form 8283 for each property was prepared for each dedication in accordance with IRS regulations.

Satisfaction of "Policy"

N/A

Summary of Issues and Staff Rationale

Staff has prepared the necessary resolutions, legal descriptions, and IRS forms necessary to complete the requirements of the Town of Chino Valley.

Findings of Fact

N/A

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

IRS Form 1

IRS Form 2

IRS Form 3

Legal 1

Legal 2

Legal 3

Legal 4

Resolution 15-1060

Name(s) shown on your income tax return

Identifying number

Section B. Donated Property Over \$5,000 (Except Publicly Traded Securities)—Complete this section for one item (or one group of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of publicly traded securities reported in Section A). Provide a separate form for each property donated unless it is part of a group of similar items. An appraisal is generally required for property listed in Section B. See instructions.

Part I Information on Donated Property—To be completed by the taxpayer and/or the appraiser.

4 Check the box that describes the type of property donated:

- ☐ a Art* (contribution of \$20,000 or more) ☐ d Art* (contribution of less than \$20,000) ☐ g Collectibles** ☐ j Other
☐ b Qualified Conservation Contribution ☒ e Other Real Estate ☐ h Intellectual Property
☐ c Equipment ☐ f Securities ☐ i Vehicles

*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.

**Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

5	(a) Description of donated property (if you need more space, attach a separate statement)	(b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift	(c) Appraised fair market value
A	1.99 acre fee simple donation for right of way	vacant land	500 00
B			
C			
D			

	(d) Date acquired by donor (mo., yr.)	(e) How acquired by donor	(f) Donor's cost or adjusted basis	(g) For bargain sales, enter amount received	See instructions	
					(h) Amount claimed as a deduction	(i) Date of contribution
A						
B						
C						
D						

Part II Taxpayer (Donor) Statement—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ► **A. fee simple land donation**

Signature of taxpayer (donor) ►

Date ►

Part III Declaration of Appraiser

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that I may be subject to a penalty under section 6695A if I know, or reasonably should know, that my appraisal is to be used in connection with a return or claim for refund and a substantial or gross valuation misstatement results from my appraisal. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign

Here

Signature

Title ► **A.S.A. / Az Cert. Gen. Appraiser**

Date ►

Business address (including room or suite no.)

Identifying number

18206 N. 19th Avenue, Suite 2C

Cert # 30294

City or town, state, and ZIP code

Phoenix, Az 85023

Part IV Donee Acknowledgment—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ►

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file **Form 8282**, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? ► ☐ Yes ☐ No

Name of charitable organization (donee)

Employer identification number

Address (number, street, and room or suite no.)

City or town, state, and ZIP code

Authorized signature

Title

Date

Name(s) shown on your income tax return

Identifying number

Section B. Donated Property Over \$5,000 (Except Publicly Traded Securities)—Complete this section for one item (or one group of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of publicly traded securities reported in Section A). Provide a separate form for each property donated unless it is part of a group of similar items. An appraisal is generally required for property listed in Section B. See instructions.

Part I Information on Donated Property—To be completed by the taxpayer and/or the appraiser.

4 Check the box that describes the type of property donated:

- ☐ a Art* (contribution of \$20,000 or more) ☐ d Art* (contribution of less than \$20,000) ☐ g Collectibles** ☐ j Other
☐ b Qualified Conservation Contribution ☒ e Other Real Estate ☐ h Intellectual Property
☐ c Equipment ☐ f Securities ☐ i Vehicles

*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.

**Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

5	(a) Description of donated property (if you need more space, attach a separate statement)	(b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift	(c) Appraised fair market value
A	1.80 acre fee simple donation for right of way	vacant land	32,000 00
B			
C			
D			

	(d) Date acquired by donor (mo., yr.)	(e) How acquired by donor	(f) Donor's cost or adjusted basis	(g) For bargain sales, enter amount received	See instructions	
					(h) Amount claimed as a deduction	(i) Date of contribution
A						
B						
C						
D						

Part II Taxpayer (Donor) Statement—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ► **A. fee simple land donation**

Signature of taxpayer (donor) ►

Date ►

Part III Declaration of Appraiser

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that I may be subject to a penalty under section 6695A if I know, or reasonably should know, that my appraisal is to be used in connection with a return or claim for refund and a substantial or gross valuation misstatement results from my appraisal. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign

Here

Signature

Title

A.S.A. /Az Cert. Gen. Appraiser

Date

Business address (including room or suite no.)

18206 N. 19th Avenue, Suite 2C

City or town, state, and ZIP code

Phoenix, Az 85023

Identifying number

Cert # 30294

Part IV Donee Acknowledgment—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ►

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file **Form 8282**, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? ► ☐ Yes ☐ No

Name of charitable organization (donee)

Employer identification number

Address (number, street, and room or suite no.)

City or town, state, and ZIP code

Authorized signature

Title

Date

Noncash Charitable Contributions

► Attach to your tax return if you claimed a total deduction of over \$500 for all contributed property.

► Information about Form 8283 and its separate instructions is at www.irs.gov/form8283.

OMB No. 1545-0908

Attachment
Sequence No. **155**

Name(s) shown on your income tax return

Identifying number

Note. Figure the amount of your contribution deduction before completing this form. See your tax return instructions.

Section A. Donated Property of \$5,000 or Less and Publicly Traded Securities—List in this section **only** items (or groups of similar items) for which you claimed a deduction of \$5,000 or less. Also list publicly traded securities even if the deduction is more than \$5,000 (see instructions).

Part I Information on Donated Property—If you need more space, attach a statement.

1	(a) Name and address of the donee organization	(b) If donated property is a vehicle (see instructions), check the box. Also enter the vehicle identification number (unless Form 1098-C is attached).	(c) Description of donated property (For a vehicle, enter the year, make, model, and mileage. For securities, enter the company name and the number of shares.)
A	Town of Chino Valley	☐	Portion of Yavapai County Assessor Parcel 306-24-777F
B		☐	
C		☐	
D		☐	
E		☐	

Note. If the amount you claimed as a deduction for an item is \$500 or less, you do not have to complete columns (e), (f), and (g).

	(d) Date of the contribution	(e) Date acquired by donor (mo., yr.)	(f) How acquired by donor	(g) Donor's cost or adjusted basis	(h) Fair market value (see instructions)	(i) Method used to determine the fair market value
A					\$500 00	Appraisal
B						
C						
D						
E						

Part II Partial Interests and Restricted Use Property—Complete lines 2a through 2e if you gave less than an entire interest in a property listed in Part I. Complete lines 3a through 3c if conditions were placed on a contribution listed in Part I; also attach the required statement (see instructions).

- 2a** Enter the letter from Part I that identifies the property for which you gave less than an entire interest ► _____
If Part II applies to more than one property, attach a separate statement.
- b** Total amount claimed as a deduction for the property listed in Part I: **(1)** For this tax year ► _____
(2) For any prior tax years ► _____
- c** Name and address of each organization to which any such contribution was made in a prior year (complete only if different from the donee organization above):
Name of charitable organization (donee) _____
Address (number, street, and room or suite no.) _____
City or town, state, and ZIP code _____
- d** For tangible property, enter the place where the property is located or kept ► **870 Judy Ave., Chino Valley, Az**
- e** Name of any person, other than the donee organization, having actual possession of the property ► _____

- 3a** Is there a restriction, either temporary or permanent, on the donee's right to use or dispose of the donated property?
- b** Did you give to anyone (other than the donee organization or another organization participating with the donee organization in cooperative fundraising) the right to the income from the donated property or to the possession of the property, including the right to vote donated securities, to acquire the property by purchase or otherwise, or to designate the person having such income, possession, or right to acquire?
- c** Is there a restriction limiting the donated property for a particular use?

Yes	No
	✓
	✓
	✓

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 62299J

Form **8283** (Rev. 12-2014)

Name(s) shown on your income tax return

Identifying number

Section B. Donated Property Over \$5,000 (Except Publicly Traded Securities)—Complete this section for one item (or one group of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of publicly traded securities reported in Section A). Provide a separate form for each property donated unless it is part of a group of similar items. An appraisal is generally required for property listed in Section B. See instructions.

Part I Information on Donated Property—To be completed by the taxpayer and/or the appraiser.

4 Check the box that describes the type of property donated:

- ☐ **a** Art* (contribution of \$20,000 or more) ☐ **d** Art* (contribution of less than \$20,000) ☐ **g** Collectibles** ☐ **j** Other
☐ **b** Qualified Conservation Contribution ☒ **e** Other Real Estate ☐ **h** Intellectual Property
☐ **c** Equipment ☐ **f** Securities ☐ **i** Vehicles

*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.

**Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

5	(a) Description of donated property (if you need more space, attach a separate statement)	(b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift	(c) Appraised fair market value
A	0.007 acre fee simple donation for right of way	vacant land	500 00
B			
C			
D			

	(d) Date acquired by donor (mo., yr.)	(e) How acquired by donor	(f) Donor's cost or adjusted basis	(g) For bargain sales, enter amount received	See instructions	
					(h) Amount claimed as a deduction	(i) Date of contribution
A						
B						
C						
D						

Part II Taxpayer (Donor) Statement—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ► **A. fee simple land donation**

Signature of taxpayer (donor) ►

Date ►

Part III Declaration of Appraiser

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that I may be subject to a penalty under section 6695A if I know, or reasonably should know, that my appraisal is to be used in connection with a return or claim for refund and a substantial or gross valuation misstatement results from my appraisal. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign

Here

Signature ► *John D. Lopez*

Title ► **A.S.A. / Az Cert. Gen. Appraiser**

Date ►

Business address (including room or suite no.)

18206 N. 19th Avenue, Suite 2C

City or town, state, and ZIP code

Identifying number

Cert # 30294

Phoenix, Az 85023

Part IV Donee Acknowledgment—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ►

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file **Form 8282**, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? ► ☐ Yes ☐ No

Name of charitable organization (donee)

Employer identification number

Address (number, street, and room or suite no.)

City or town, state, and ZIP code

Authorized signature

Title

Date

LEGAL DESCRIPTION

All that portion of land, lying in the Northeast Quarter of Section 23, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, Being a portion of that land as shown in the final plat of Chino Meadows Unit 2 as "Lake and Recreation Area" as recorded in Book 15 of Maps and Plats, Page 74-76, Yavapai County Recorder's Office, more particularly described as follows:

COMMENCING at a found GLO Brass Cap Monument at the Northeast corner of said Section 23, from which point the East Quarter corner of Section 23 bears South $00^{\circ}10'00''$ West, a distance of 2633.40 feet;

Thence South $89^{\circ}56'23''$ West, along the north line of the Northeast Quarter of said Section 23, a distance of 425.30 feet;

Thence South $00^{\circ}03'37''$ East, a distance of 50.00 feet to the southerly right of way line of Road 2 North as shown on said final plat of Chino Meadows Unit 2;

Thence along a non-tangent curve, concave to the southwest, having a radius of 25.00 feet, a central angle of $90^{\circ}13'37''$, an arc length of 39.37 feet, a chord bearing of South $44^{\circ}56'49''$ East and a chord length of 35.43 feet to a point on the westerly right of way line of Porcupine Pass as shown on said final plat of Chino Meadows Unit 2;

Thence South $00^{\circ}01'00''$ West, along said westerly right of way line, a distance of 224.89 feet and the TRUE POINT OF BEGINNING;

Thence continuing South $00^{\circ}01'00''$ West, along said westerly right of way line, a distance of 25.00 feet;

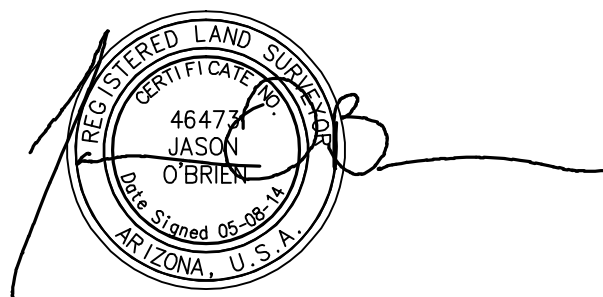
Thence North $44^{\circ}50'00''$ West, a distance of 35.36 feet;

Thence South $89^{\circ}50'00''$ East, a distance of 25.00 feet to the TRUE POINT OF BEGINNING.

Containing 315.50 square feet more or less.

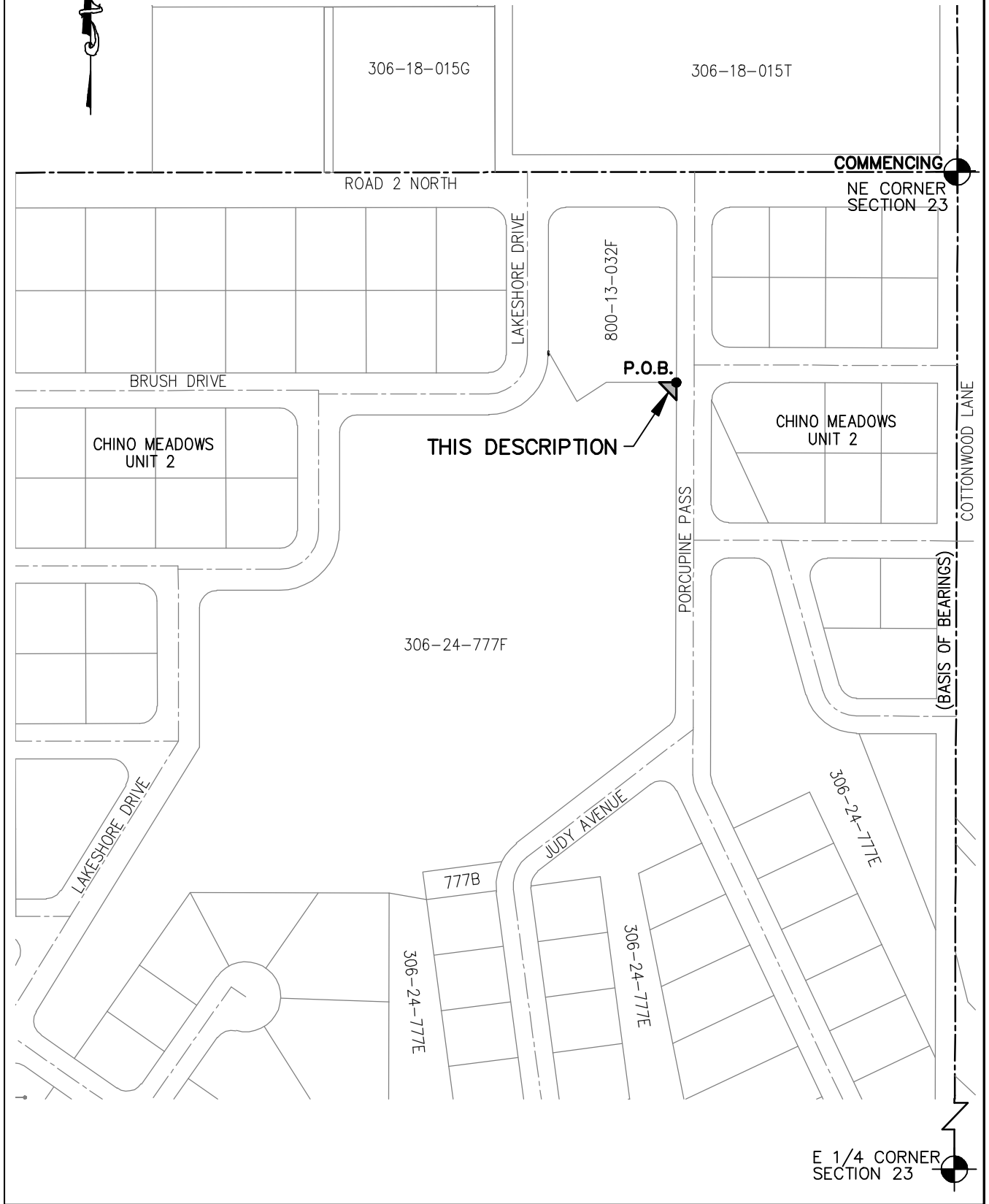
05/08/14
LE #487-23
Parcel 1.doc

JASON O'BRIEN, R.L.S.



EXPIRES 6/30/16

MAP TO ACCOMPANY
LEGAL DESCRIPTION



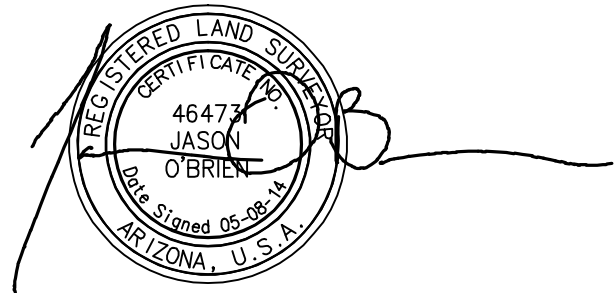
LEGAL DESCRIPTION

Tract A as shown in the final plat of Chino Meadows Unit 2 as recorded in Book 15 of Maps and Plats, Page 74-76, Yavapai County Recorder's Office. Lying in the Northeast Quarter of Section 23, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona

Containing 7,040.38 square feet more or less.

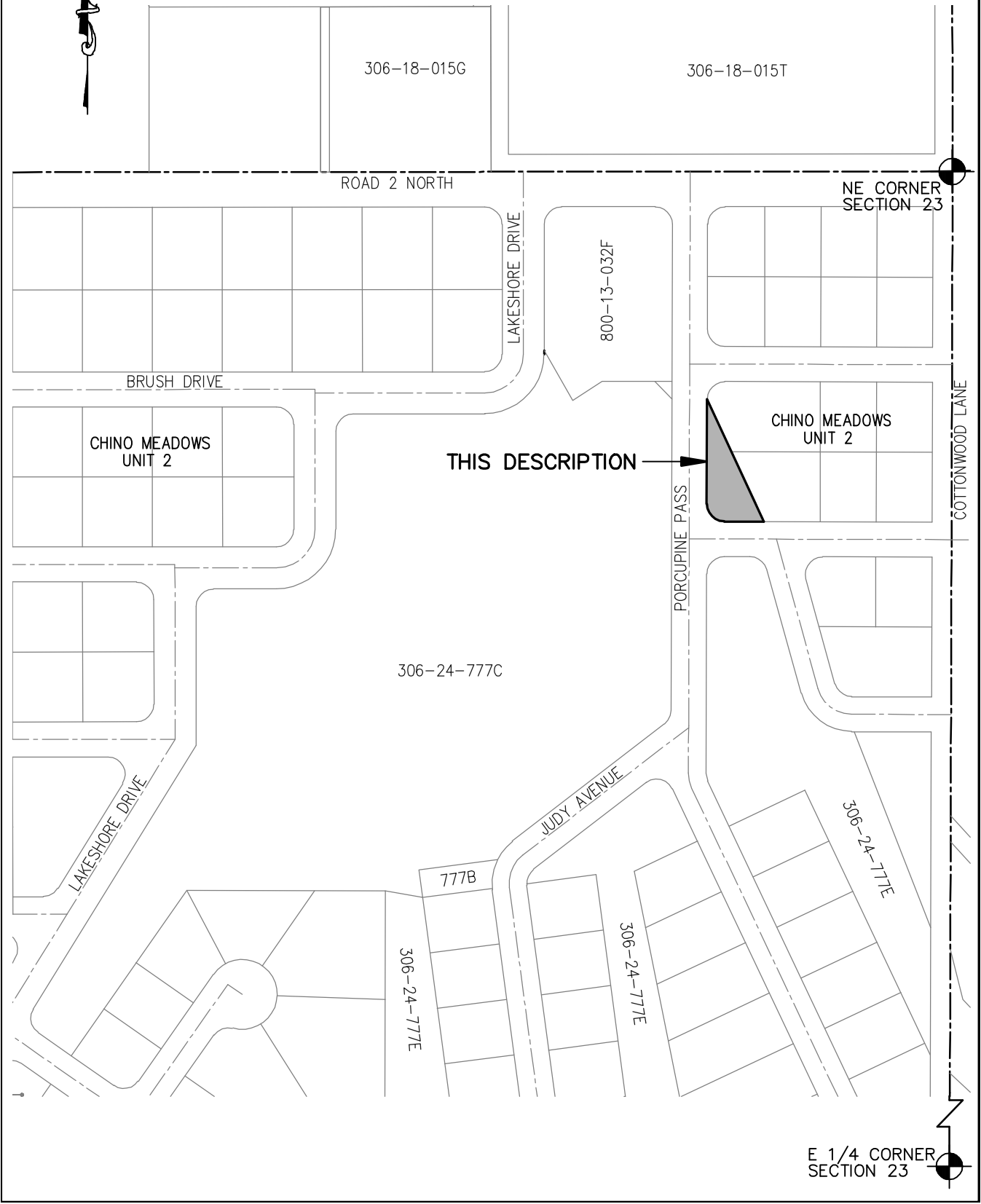
05/08/14
LE #487-23
Parcel 2.doc

JASON O'BRIEN, R.L.S.



EXPIRES 6/30/16

MAP TO ACCOMPANY
LEGAL DESCRIPTION



E 1/4 CORNER
SECTION 23

LEGAL DESCRIPTION

All that portion of land, lying in the Northeast Quarter of Section 23, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, Being a portion of that land as shown in the final plat of Chino Meadows Unit 2 as recorded in Book 15 of Maps and Plats, Page 74-76, Yavapai County Recorder's Office, lying South of Little Doggie Draw and Rustler Route, East of Porcupine Pass, North of lots 595 through 599 and West of lot 724, more particularly described as follows:

COMMENCING at a found GLO Brass Cap Monument at the Northeast corner of said Section 23, from which point the East Quarter corner of Section 23 bears South $00^{\circ}10'00''$ West, a distance of 2633.40 feet;

Thence South $00^{\circ}10'00''$ West, along the East line of the Northeast Quarter of said Section 23, a distance of 1081.49 feet;

Thence South $89^{\circ}50'00''$ East, a distance of 28.00 feet to the southernmost corner of Lot 724 as shown on said final plat of Chino Meadows Unit 2, also being the TRUE POINT OF BEGINNING;

Thence South $00^{\circ}10'00''$ West, a distance of 181.82 feet;

Thence North $25^{\circ}20'00''$ West, a distance of 418.70 feet;

Thence South $64^{\circ}40'00''$ West, a distance of 120.00 feet to a point on the easterly right of way line of Porcupine Pass as shown on said final plat of Chino Meadows Unit 2;

Thence North $25^{\circ}20'00''$ West, along said easterly right of way line, a distance of 72.00 feet;

Thence along a tangent curve, along said easterly right of way line, concave to the northeast, having a radius of 25.00 feet, a central angle of $25^{\circ}30'00''$, an arc length of 11.13 feet, a chord bearing of North $12^{\circ}35'00''$ West and a chord length of 11.03 feet to a point on the westerly right of way line of Porcupine Pass as shown on said final plat of Chino Meadows Unit 2;

Thence North $00^{\circ}01'00''$ East, along said easterly right of way line, a distance of 284.82 feet;

Thence along a tangent curve, concave to the southeast, having a radius of 25.00 feet, a central angle of $90^{\circ}00'00''$, an arc length of 39.27 feet, a chord bearing of North $45^{\circ}10'00''$ East and a chord length of 35.36 feet to a point on the southerly right of way line of Little Doggie Draw as shown on said final plat of Chino Meadows Unit 2;

Thence South $89^{\circ}50'00''$ East, along said southerly right of way line, a distance of 37.08 feet;

Thence along a tangent curve, concave to the southwest, having a radius of 25.00 feet, a central angle of $74^{\circ}21'28''$, an arc length of 32.44 feet, a chord bearing of South $52^{\circ}39'16''$ East and a chord length of 30.22 feet to a point on the westerly right of way line of Rustler Route as shown on said final plat of Chino Meadows Unit 2;

Thence South $15^{\circ}28'32''$ East, along said westerly right of way line, a distance of 183.78 feet;

Thence along a tangent curve, concave to the northeast, having a radius of 75.00 feet, a central angle of $74^{\circ}21'28''$, an arc length of 97.33 feet, a chord bearing of South $52^{\circ}39'16''$ East and a chord length of 90.65 feet to a point on the southerly right of way line of Rustler Route as shown on said final plat of Chino Meadows Unit 2;

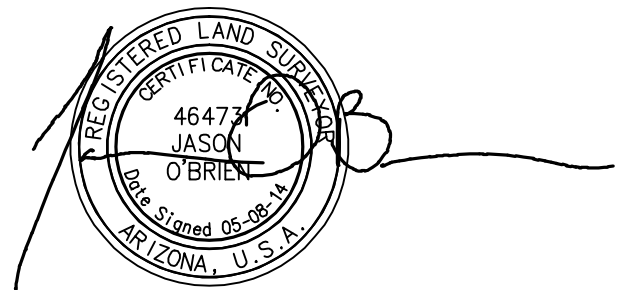
Thence South $89^{\circ}50'00''$ East, along said southerly right of way line, a distance of 4.08 feet;

Thence South $21^{\circ}16'52''$ East, a distance of 300.83 feet to the TRUE POINT OF BEGINNING.

Containing 78,455.58 square feet or 1.80 acres more or less.

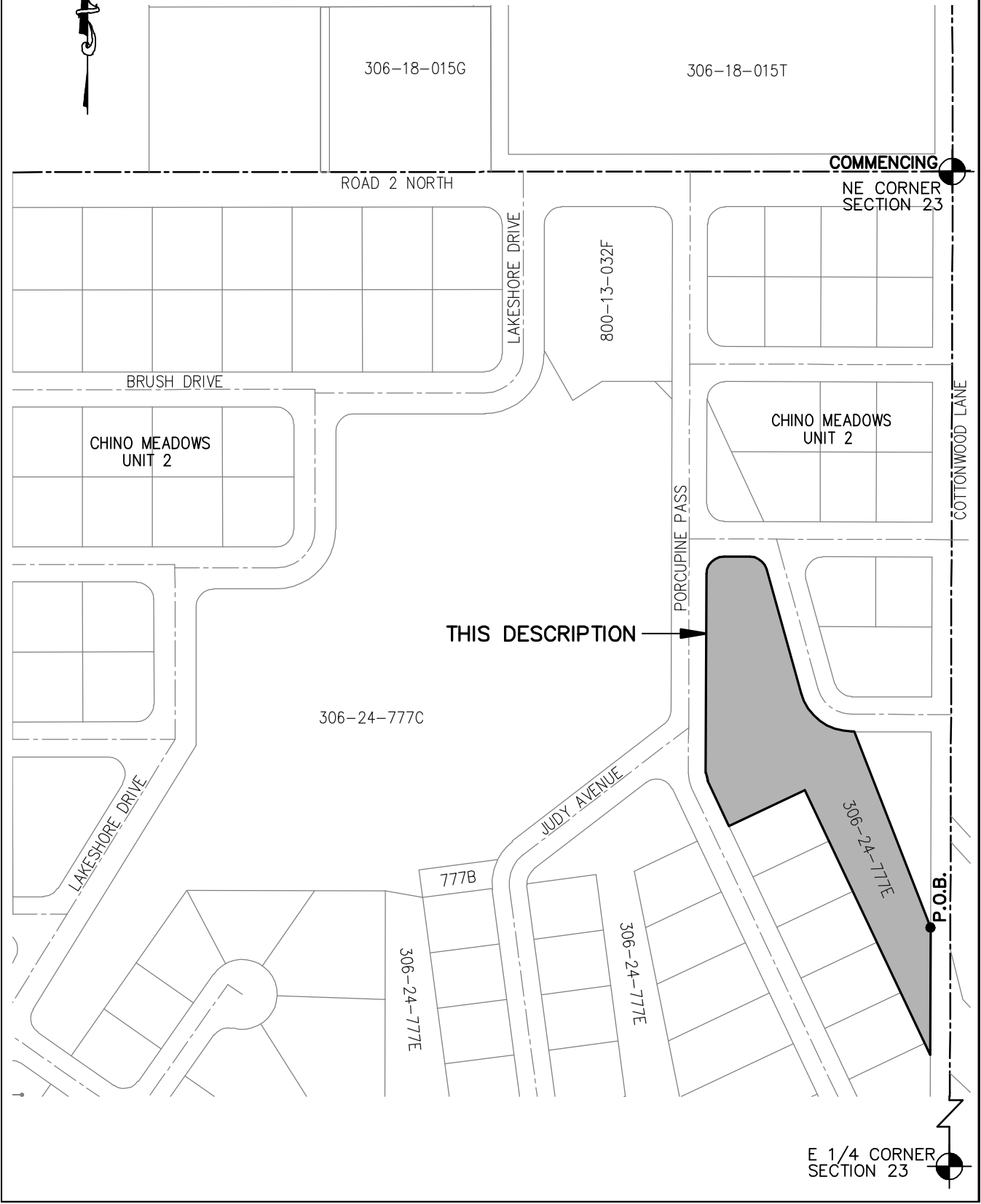
05/08/14
LE #487-23
Parcel 3.doc

JASON O'BRIEN, R.L.S.



EXPIRES 6/30/16

MAP TO ACCOMPANY
LEGAL DESCRIPTION



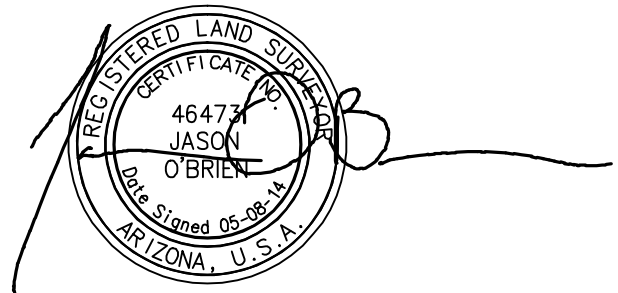
LEGAL DESCRIPTION

Tract B as shown in the final plat of Chino Meadows Unit 5 as recorded in Book 16 of Maps and Plats, Page 20-21, Yavapai County Recorder's Office. Lying in the Northwest Quarter of Section 24, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona

Containing 79,884.92 square feet or 1.83 acres more or less.

05/08/14
LE #487-23
Parcel 4.doc

JASON O'BRIEN, R.L.S.

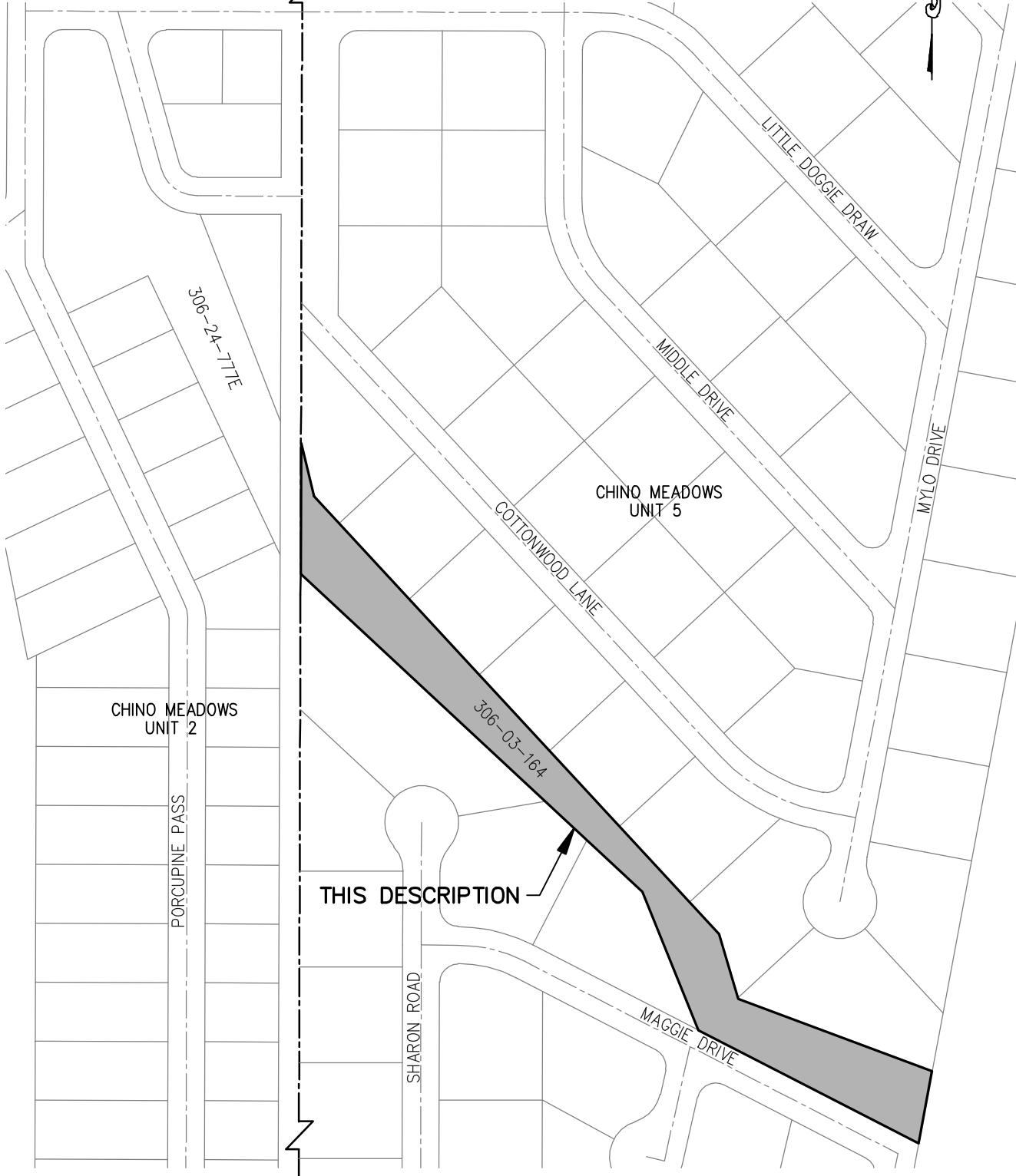


EXPIRES 6/30/16

MAP TO ACCOMPANY
LEGAL DESCRIPTION



NW CORNER
SECTION 24



W 1/4 CORNER
SECTION 24

RESOLUTION NO. 15-1060

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY, DRAINAGE, AND EASEMENT PURPOSES FOR THE CHINO MEADOWS UNITS 2 AND 5 DRAINAGE PROJECT, AUTHORIZING AND DIRECTING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO ACQUIRE TITLE TO SUCH REAL PROPERTY ON BEHALF OF THE TOWN BY DONATION, EMINENT DOMAIN OR PURCHASE FOR AN AMOUNT NOT TO EXCEED FAIR MARKET VALUE OF THE PROPERTY, PLUS ACQUISITION AND CLOSING COSTS.

WHEREAS, the continued growth and development of the Town of Chino Valley requires acquisition of certain real property described in Exhibit A, attached hereto and made a part hereof, for the Chino Meadows Units 2 and 5 Drainage Project (the "Project"); and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley previously authorized the Project by motion on May 12, 2015; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley find that acquisition of the property described is necessary for public right-of-way, drainage, and easement purposes for the Project, and it is in the public interest to acquire such property; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley have considered alternatives available to it, have balanced the public good and the private injury resulting from the acquisition of the property and have determined that locating the public improvements on the property results in the greatest public good and the least private injury;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona, that

1. That the Mayor, Town Manager and Town Attorney are hereby authorized and directed to acquire title to and possession of the real property generally described in Exhibit A, plus any additional real property required for completion of the Project as determined by the final engineering plans, by donation, eminent domain or purchase for an amount not to exceed fair market value, plus acquisition and closing costs; and

2. That the Mayor, Town Manager and Town Attorney are authorized to perform all acts necessary to acquire said property for the purposes described in this resolution on behalf of the Town.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this _____ day of _____, 2015 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

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. 15-1060 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on June 9, 2015, 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. Exhibit A – Legal Description of Property/Easement to be Acquired

EXHIBIT A

Description of Property to be Acquired



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. e.

Meeting Date: 06/09/2015
Contact Person: Liz Hart, Deputy Town Clerk/Records Technician
 Phone: 928-636-2646 x-1210
Department: Council
Item Type:
Estimated length of staff presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Continued discussion, consideration and possible action to determine policy regarding Council/Attorney interaction.

RECOMMENDED ACTION:

Direct staff to draft policy as discussed.

SITUATION AND ANALYSIS:

Issue Statement

Mayor Marley desires to continue the dialog on this topic.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Agenda Item Request & League Newsletter Article

Legal Costs Pertaining to Ethics Complaints & Records Requests



TOWN OF CHINO VALLEY **REQUEST FOR COUNCIL AGENDA ITEM**

☒ Regular Meeting ☐ Special Meeting ☐ Study Session ☐ Executive Session

Meeting Date: APRIL 28, 2015

Requestor: MAYOR CHRIS MARLEY

Phone: _____

Organization

(if applicable): TOCV

Email: CMARLEY@CHINOVZ.NET

☐ Introductions,
Presentations, &
Proclamations

☐ Current Event
Summaries &
Reports

☐ Consent Agenda

☒ Action Items

☐ Executive Session

Estimated
Length: 30 minutes

PLEASE DESCRIBE YOUR AGENDA ITEM REQUEST:

CONSIDERATION AND POSSIBLE ACTION TO ~~APPROVE~~ DETERMINE POLICY
REGARDING COUNCIL/ATTORNEY INTERACTION

RECOMMENDED ACTION: Move to DIRECT STAFF TO DRAFT POLICY AS
DIRECTED.

ATTACHMENTS: SEE ATTACHED

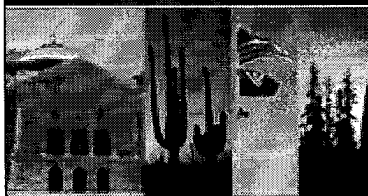
FISCAL IMPACT? N/A Description:


 Councilmember CHRIS MARLEY, Mayor
 Signatures Of Council Sponsors

 Councilmember

The League's monthly
online newsletter

Issue 123 • July 2013



League of Arizona
Cities AND Towns

Connection

◀ Back to the
Connection frontpage

www.azleague.org

Calendar of Events

Municipal Job Opportunities

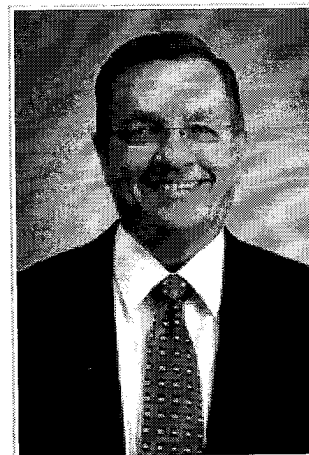
◀ Back to the
Connection frontpage

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.

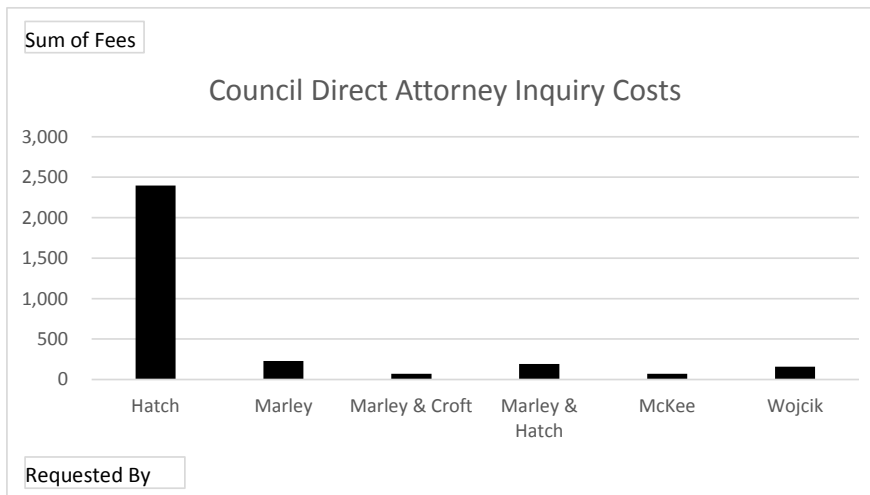
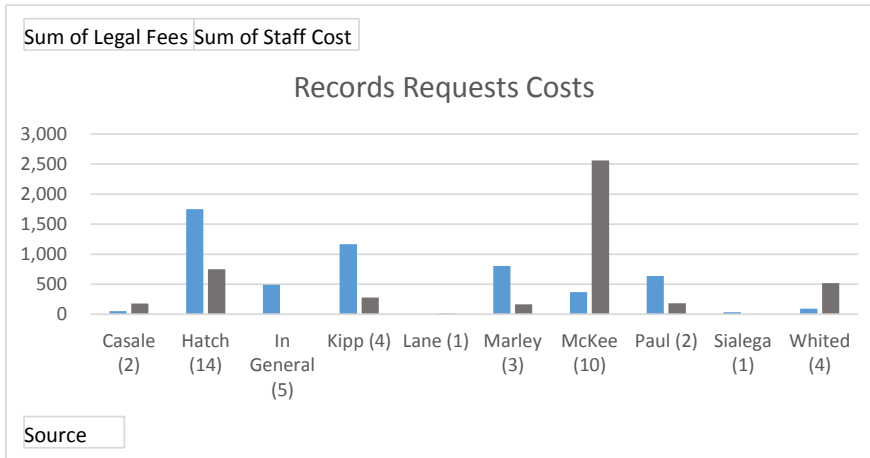
Conclusion

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.azleague.org>

If you have ideas for this newsletter or encounter difficulty reading this email, please contact Amy Price at aprice@azleague.org with your concerns.

Reporting does not include 12 additional PRRs recieved from Linda Hatch on 5/28/15



Reporting does not include 12 additional PRRs recieved from Linda Hatch on 5/28/15

Records Requests Costs			TOTALS	PRRs Processed	PRRs Outstanding
Row Labels	Sum of Legal Fees	Sum of Staff Cost			
Casale (2)	53	177	229	2	
Hatch (14)	1,750	751	2,501	14	12
In General (5)	490	0	490	5	
Kipp (4)	1,164	276	1,440	4	
Lane (1)		9	9	1	
Marley (3)	805	166	971	3	
McKee (10)	368	2,562	2,929	10	
Paul (2)	634	184	818	2	
Sialega (1)	35	2	37	1	
Whited (4)	92	520	612	4	
Grand Total	5,390	4,645		46	12
Ethics Complaint Costs					
Row Labels	Sum of Fees				
Hatch	724		724		
Marley	3,541		3,541		
Grand Total	4,265				
Council Direct Legal Request Costs					
Row Labels	Sum of Fees				
Hatch	2,398		2,398		
Marley	228		228		
Marley & Croft	70		70		
Marley & Hatch	193		193		
McKee	70		70		
Wojcik	158		158		
Grand Total	3,115				
TOTALS			17,415		

	Records Requests	Ethics Complaints	Legal Questions	Reprd. of Meetings	TOTALS
Casale (2)	229				229
Hatch (14)	2,501	724	2,398	1,065	6,687
In General (5)	490				490
Kipp (4)	1,440				1,440
Lane (1)	9				9
Marley (3)	971	3,541	228		4,739
Marley/Croft/Hatch			263		263
McKee (10)	2,929		70		2,999
Paul (2)	818				818
Sialega (1)	37				37
Whited (4)	612				612
Wojcik			158		158
	10,035	4,265	3,115	1,065	18,480

Reporting does not include 12 additional PRRs recieved from Linda Hatch on 5/28/15

