



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, June 10, 2014
6:00 P.M.

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

AGENDA

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

- a) The Board of Supervisors is moving forward with asking the voters to increase the Jail District sales tax to a ½ cent at the November 4, 2014 election.

- 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) An accounting of the Town's current 20 million dollar debt and when it occurred.

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

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and

questions answered. No action will be taken.

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

6) **CONSENT AGENDA**

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

- a) Consideration and possible action to appoint applicants to fill vacancies on various public bodies. (Liz Hart, Town Clerk Assistant)

Recommended Action: Appoint applicants to the Chino Valley Municipal Property Corporation, Parks and Recreation Advisory Board, and Senior Center Advisory Board as recommended by the Appointments Subcommittee.

- b) Consideration and possible action to approve the annual Intergovernmental Agreement (IGA) for the Establishment of Unified Emergency Management between the Town of Chino Valley and Yavapai County, and authorize payment of the annual dues in the amount of \$4,651.00 (Liz Hart, Town Clerk Assistant)

Recommended Action: Approve the IGA between the Town of Chino Valley and Yavapai County for emergency management services, and authorize payment of the annual dues.

7) **EXECUTIVE SESSION**

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

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a Settlement and Release Agreement with Fann Contracting, Inc. related to the construction of the wastewater treatment plant and for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding an Asset Purchase Agreement and Escrow Instructions Agreement with the City of Prescott related to the acquisition of certain water delivery facilities. (Robert Smith, Town Manager)
- b) An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (7) for discussion or consultation for legal advice with the Town Attorney regarding right of way easement along the proposed extension of Road 1 East and for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located along the proposed extension of Road 1 East between Road 4 South and Kalinich and to consider a proposal from property owner Steven Chontos related to Yavapai County Assessor's Parcel

Number 102-01-223E, one of the properties located within the project boundaries..
(Councilmember Wojcik; Councilmember Hatch)

8) ACTION ITEMS

- a) Discussion and consideration of proposed General Obligation Bond election language.
(Robert Smith, Town Manager)

Recommended Action: Direction to staff.

- b) Consideration and possible action to discuss proposition for general tax bond for ballot.
(Councilmember Wojcik / Councilmember McKee)

Recommended Action: Direction to staff

- c) Consideration and possible action to authorize the Mayor to sign the Protocol Agreement and Project Tracking Policy between the Town of Chino Valley and the Greater Prescott Regional Economic Partnership Business Action Team. (Ruth Mayday, Planner)

Recommended Action: Authorize the Mayor to sign the Protocol Agreement and Project Tracking Policy between the Town of Chino Valley and the Greater Prescott Regional Economic Partnership Business Action Team.

- d) Consideration and possible action to amend Section 4.21.7 TEMPORARY SIGNS and Section 4.21.11 PROHIBITED SIGNS previously authorized by the adoption of Ordinance 10-726 with modifications. (Ruth Mayday, Planner)

Recommended Action: amending the language of Section 4.21.7 Temporary Signs and 4.21.11 Prohibited Signs as recommended.

- e) Consideration and possible action to adopt a motion to accept previously dedicated and recorded Roadway Easements related to the Road 1 East Roadway Project over Yavapai County Assessor parcels 102-01-001M fna 102-01-01M, 102-01-214C, 102-01-219G fna 102-01-01W, 102-01-219H fna 102-01-01R, 102-01-223E fna 102-01-01K, 102-01-216A, 102-01-216. (Robert Smith, Town Manager)

Recommended Action: Adopt a motion to accept previously dedicated and recorded Roadway Easements related to the Road 1 East Roadway Project over Yavapai County Assessor parcels 102-01-001M fna 102-01-01M, 102-01-214C, 102-01-219G fna 102-01-01W, 102-01-219H fna 102-01-01R, 102-01-223E fna 102-01-01K, 102-01-216A, 102-01-216.

9) ADJOURNMENT

Dated this 5th day of JUNE, 2014.

By: ***Liz Hart, Town Clerk Assistant***

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

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

CERTIFICATION OF POSTING		
The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.		
Date: _____	Time: _____	By: _____ Liz Hart, Town Clerk Assistant



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **2. a.**

Meeting Date: 06/10/2014
Contact Person: Liz Hart, Town Clerk Assistant/Records Technician
 Phone: 928-636-2646 x-1210
Department: Town Clerk
Item Type: Presentation Only
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

The Board of Supervisors is moving forward with asking the voters to increase the Jail District sales tax to a ½ cent at the November 4, 2014 election.

SITUATION & ANALYSIS:

The Board of Supervisors is moving forward with asking the voters to increase the Jail District sales tax to a ½ cent at the November 4, 2014 election. They are making a presentation at the Prescott City Council on Tuesday, June 10, 2014, and wanted to offer the Town of Chino Valley Town Council an opportunity for the County to provide a presentation on the Jail District. (Liz Hart, Town Clerk Assistant)

Attachments

Jail District Presentation



Yavapai County
Jail District
Town of Chino Valley
Council Meeting
June 10, 2014



Jail District Overview

◆ Jail District History

- Formation of Jail District
- ¼ Cent Sales Tax
- Camp Verde Jail Expansion
- District Finances
- Prescott Jail Closure



Jail District Overview

◆ Jail District Benefits

- Addressed overcrowding and improved inmate & jail staff safety
- Cities and Towns not charged for housing prisoners
- Sales tax relieves property owners of a portion of the cost



Jail District Overview

- ◆ Jail District Ongoing Efforts to Reduce Inmate Population & Costs
 - Early Disposition Court (EDC)
 - Inmate “co-pay” programs to partially offset costs for food and medical services
 - Jail bed rental when excess space is available
 - Restoration to Competency (RTC) program
 - Jail medical services contract



Jail District Overview

◆ Sheriff Scott Mascher

- Jail system is nearing capacity
- Recommends that the Board of Directors move forward with the construction of a New Prescott Jail
- Long term solution for the needs of Yavapai County Jail system



Jail District Overview

- ◆ **Why Not Reopen Existing Prescott Jail?**
 - **Would not meet the long term needs of the Yavapai County jail system**
 - **Limited number of beds available**
 - **Inability to expand existing facility in the future**
 - **Higher cost to operate and maintain due to outdated design**

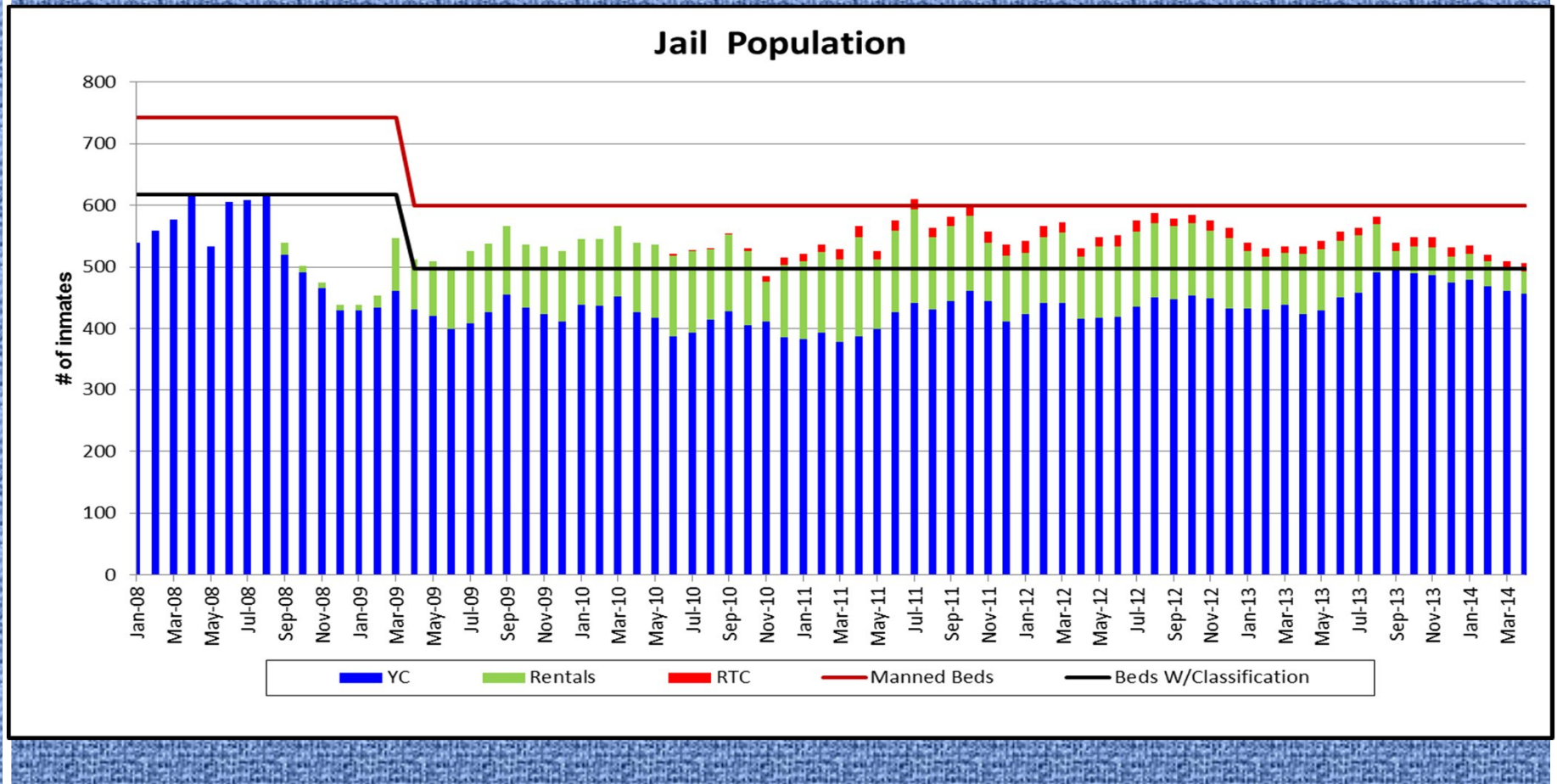


Adult Detention Population

- “Classification” reflects the need to separate inmate population by characteristics such as gender, risk level, mental health, physical health, and disciplinary segregation
- Verde Jail has 600 beds but with classification (generally 17% per Sheriff’s Office) there is assumed a maximum of 498 beds available



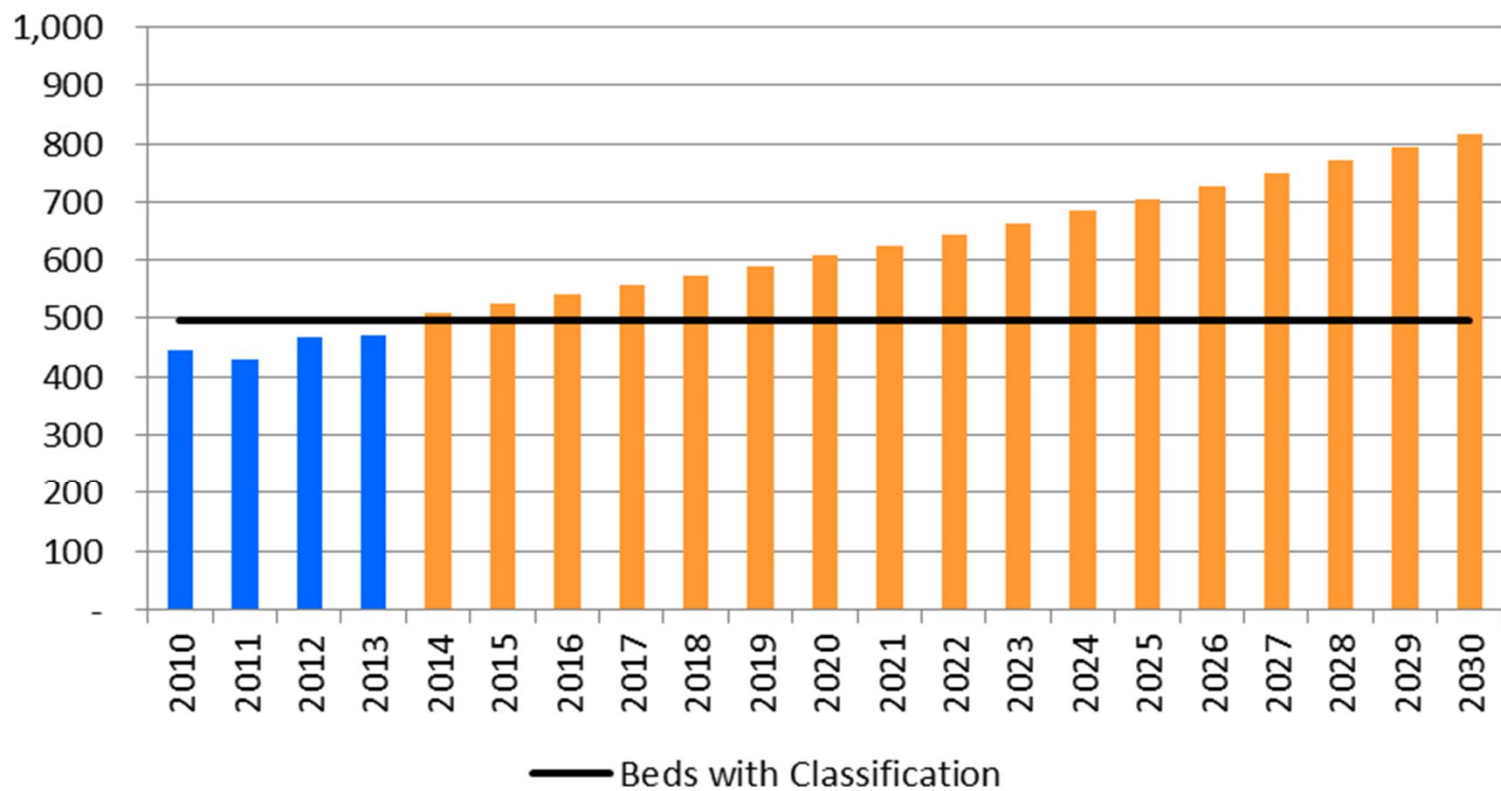
Adult Detention Population





Adult Detention Population Projections

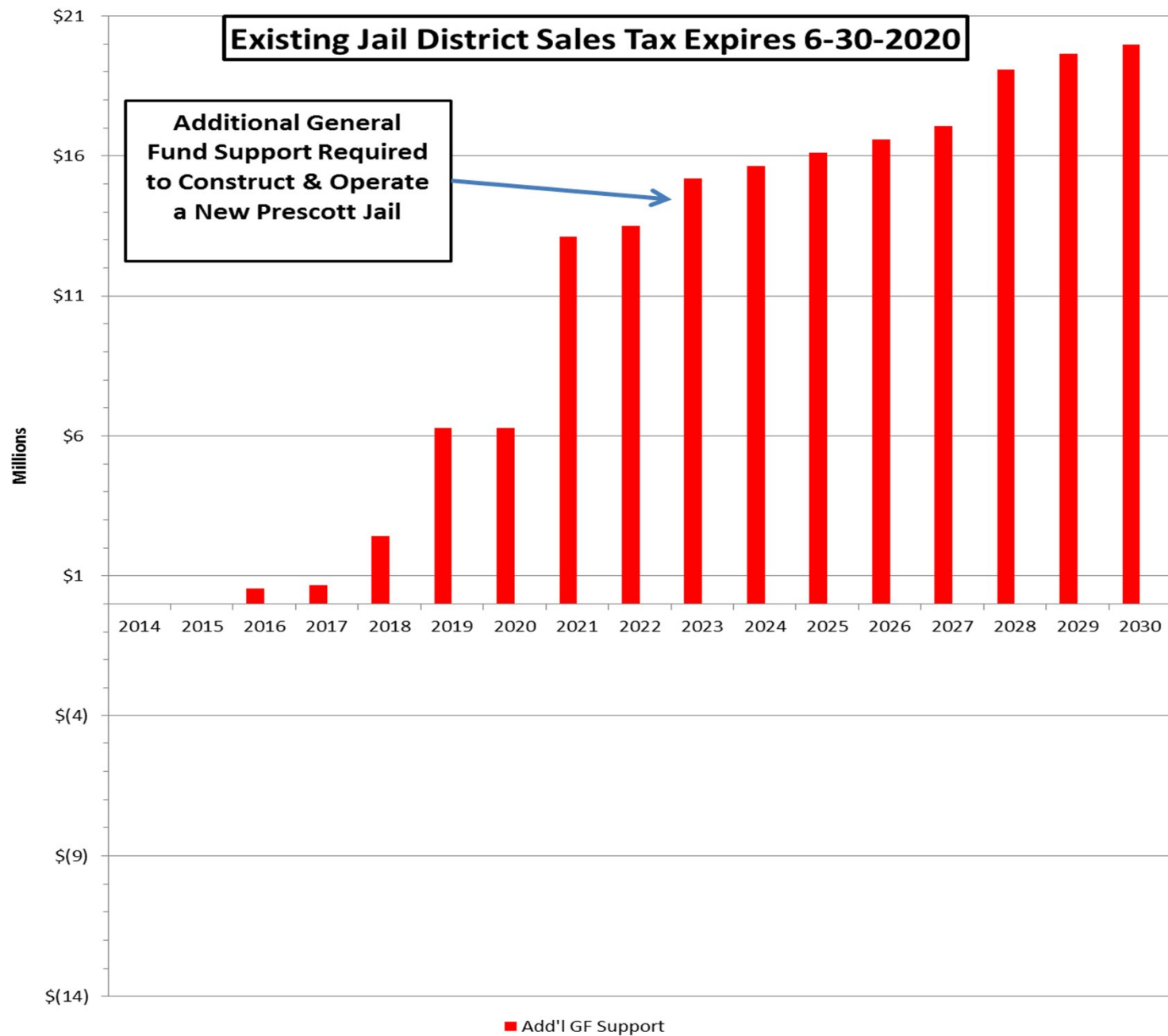
Yavapai County Jail District Average Daily Population (3% Growth)

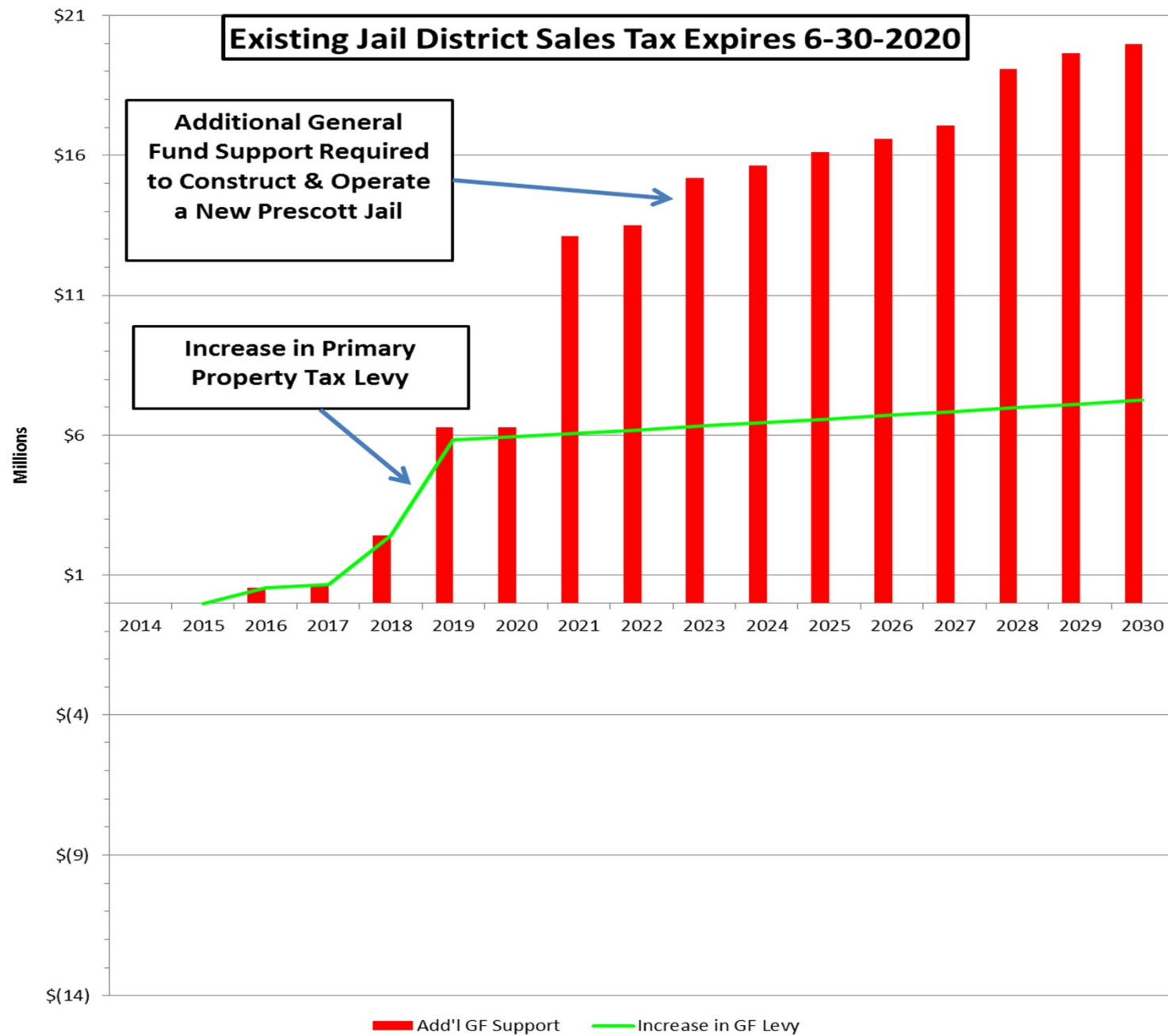


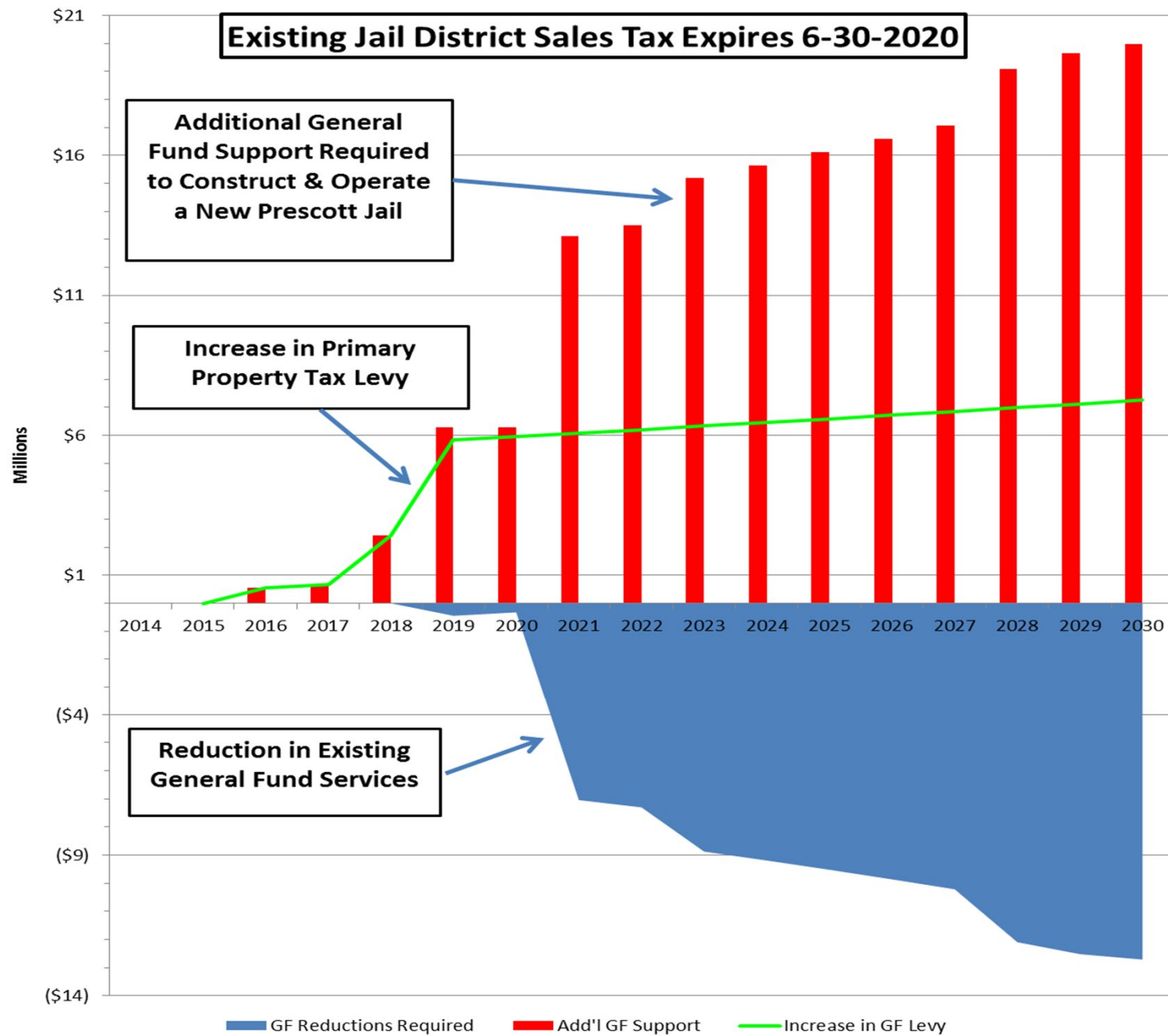


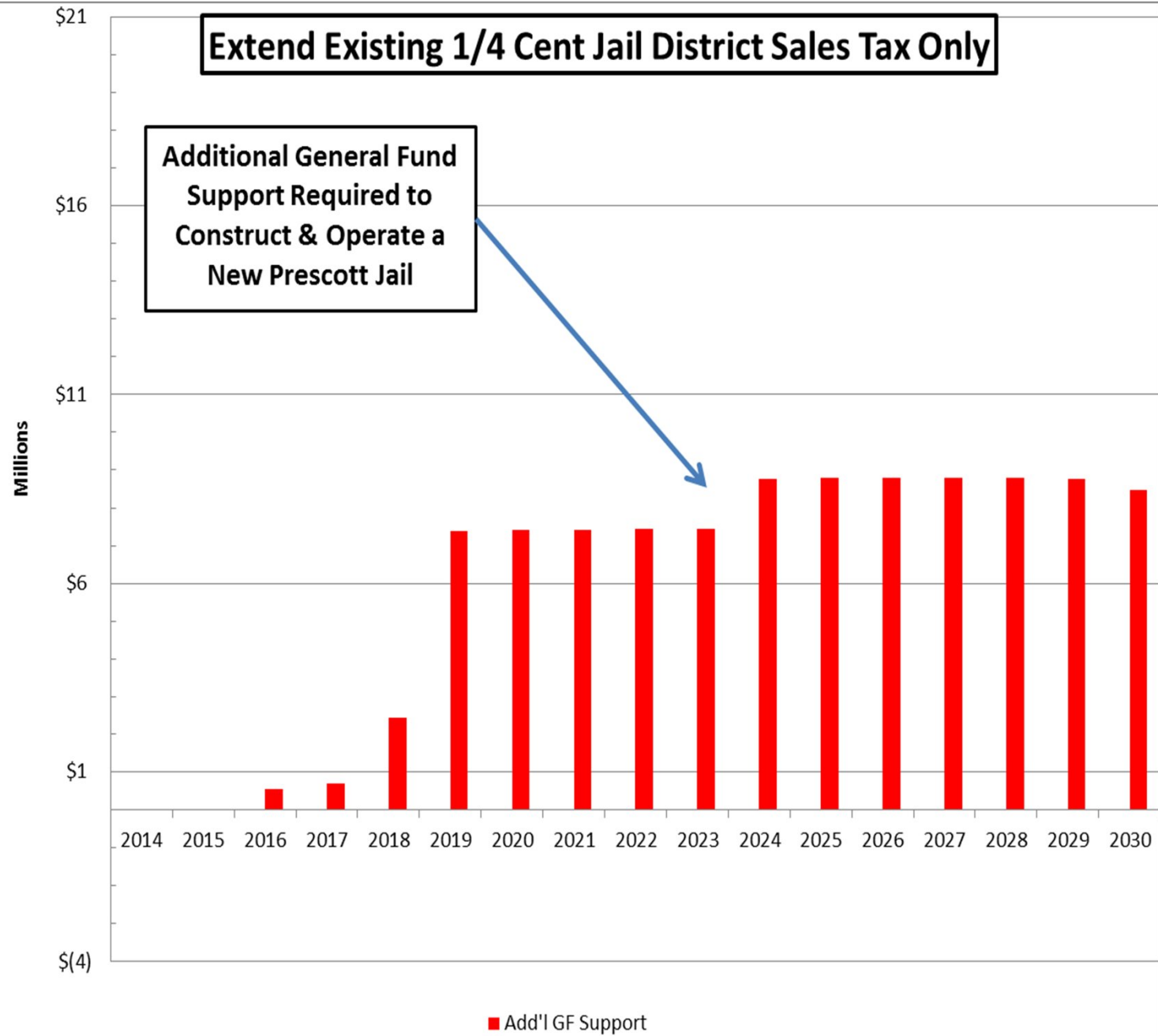
Prescott Jail Financial Analysis

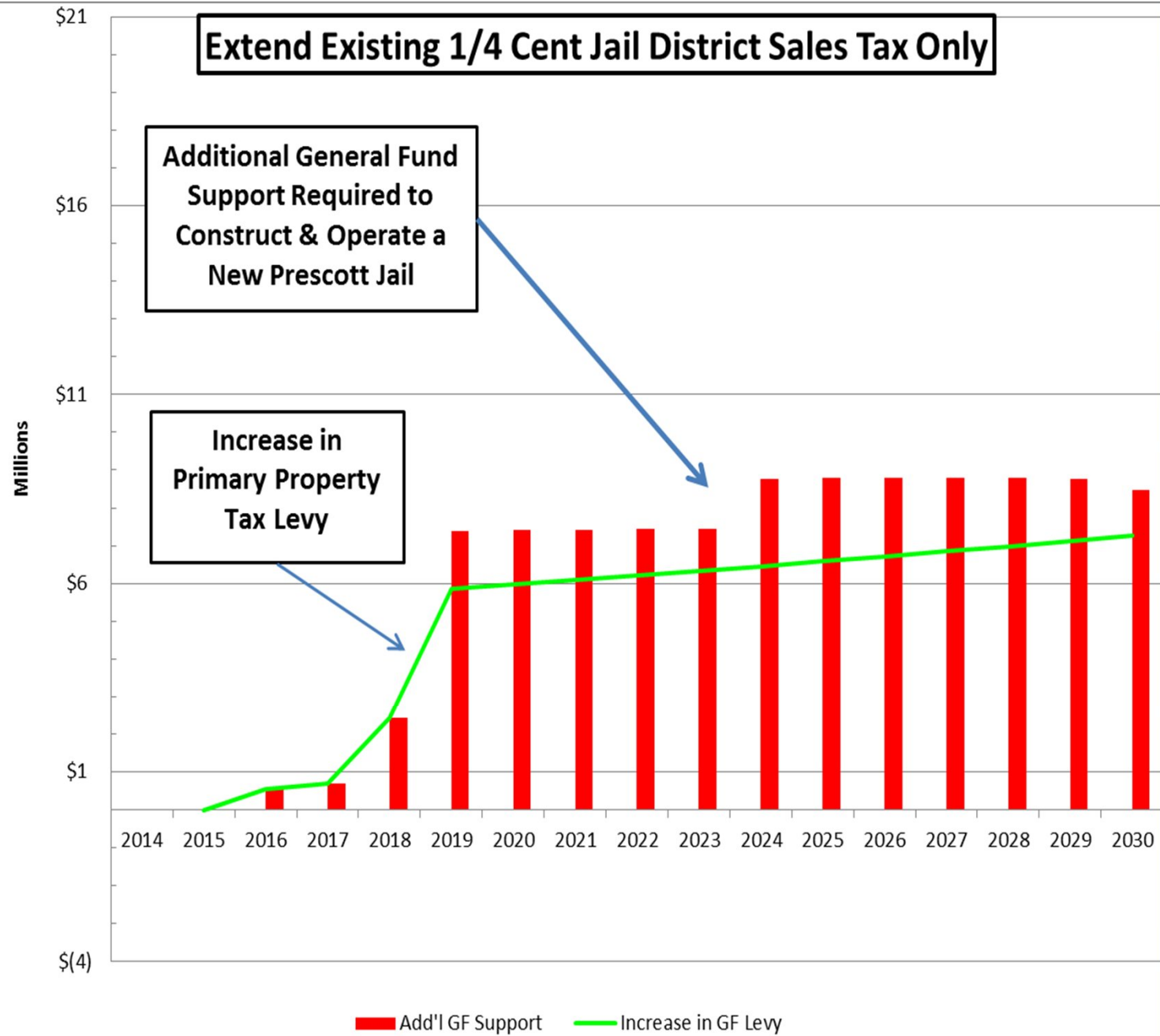
- **Financial impact to the Jail District with the construction & operation of a new Prescott Jail was evaluated with:**
 - The existing $\frac{1}{4}$ cent sales tax expiring in 2020
 - The existing $\frac{1}{4}$ cent sales tax being renewed
 - Voters approval of Board of Directors ability to increase Jail District sales tax up to maximum of $\frac{1}{2}$ cent based on financial need

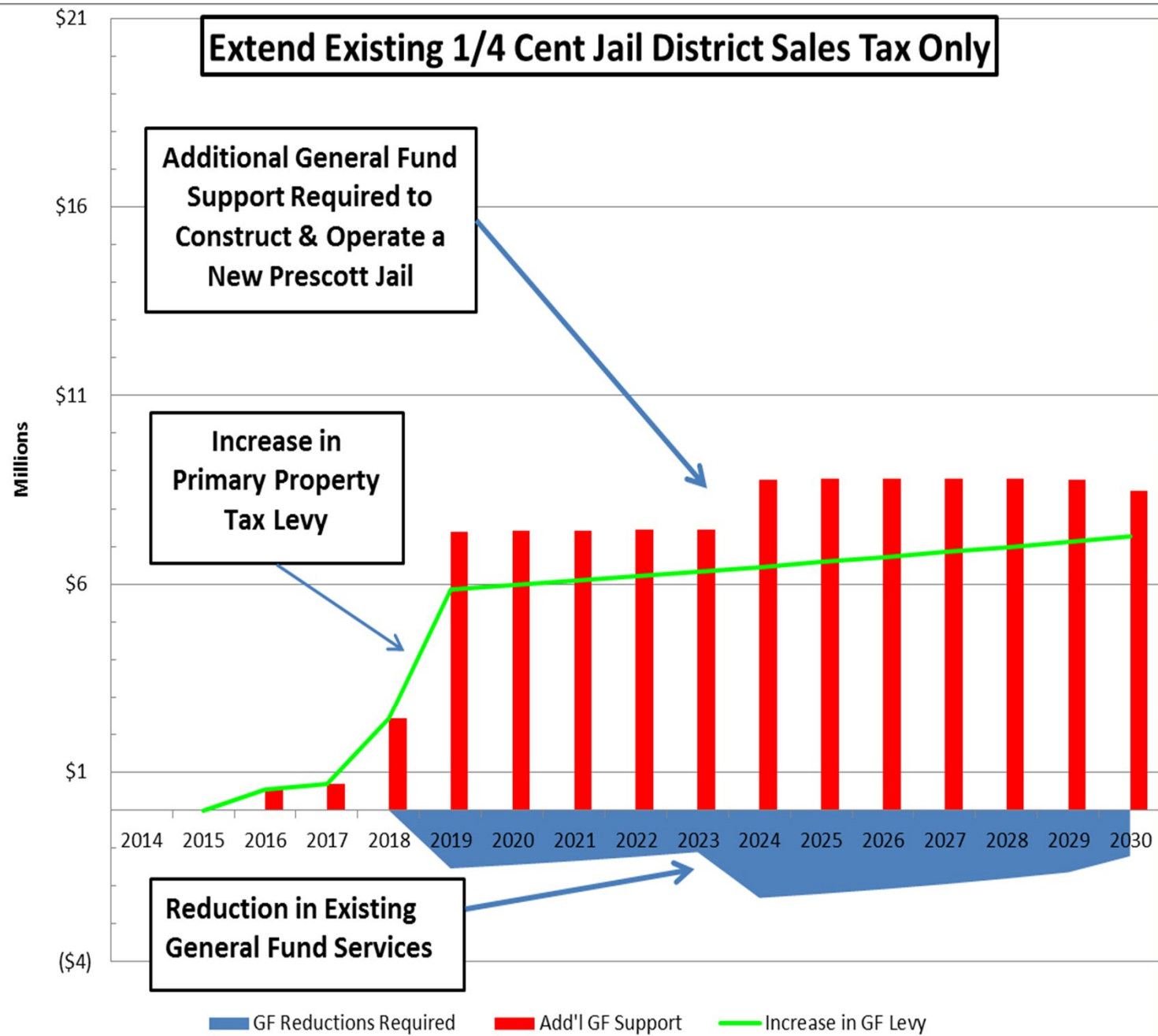


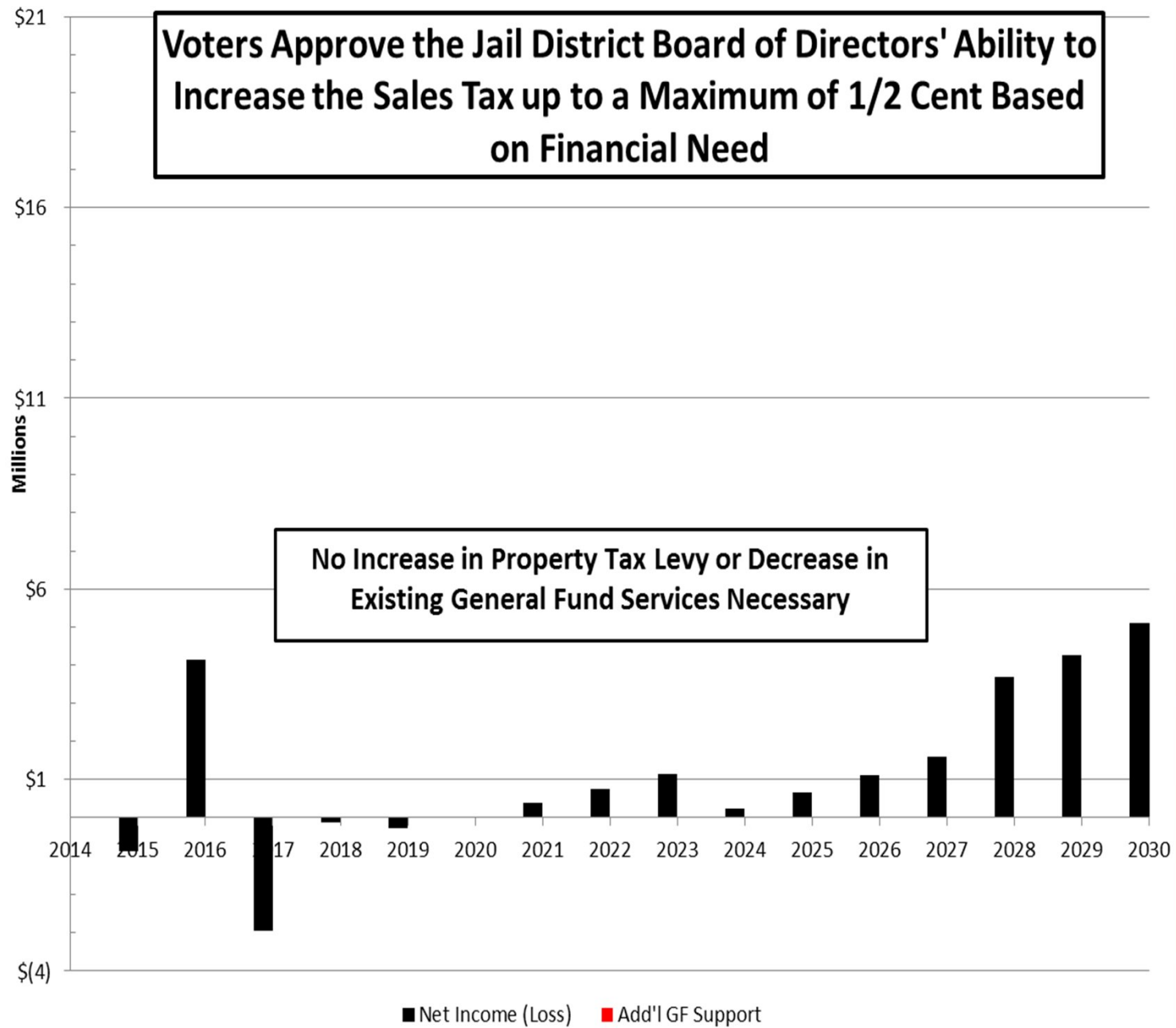














Jail District Summary

- ◆ History of Jail District
- ◆ Benefits of Jail District
- ◆ Ongoing efforts to reduce inmate population and costs of Jail District
- ◆ Sheriff Mascher's recommendation to construct a new Prescott Jail
- ◆ Reopening existing Prescott Jail would not meet the long-term needs of the jail system



Jail District Summary

- ◆ Adult detention population & projections
- ◆ Financial analysis shows construction of new Prescott Jail will require increase in Jail District Sales Tax up to ½ cent
- ◆ Alternative is increase in primary property taxes and reduction in general fund services to provide future needs of Jail system



Jail District Proposal

- ◆ Board of Directors asking voters to approve increasing Jail District Sales Tax up to a maximum of $\frac{1}{2}$ cent of a dollar (\$0.005) for 20 years
- ◆ November 4, 2014 General Election
 - Early voting begins October 9th



Jail District Public Information Program

- ◆ **Public Outreach & Presentations**
 - Local Jurisdictions (Cities/Towns)
 - Community Groups & Organizations
 - Website, Brochure, and Public Service Announcements



Yavapai County Jail District

Thank you for your time!

**Questions on Yavapai
County Jail District?**

YavapaiJail.org

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. a.**

Meeting Date: 06/10/2014
Contact Person: Liz Hart, Town Clerk Assistant/Records Technician
 Phone: 928-636-2646 x-1210
Department: Town Clerk
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to appoint applicants to fill vacancies on the Chino Valley Municipal Property Corporation Board of Directors, Parks and Recreation Advisory Board, and Senior Center Advisory Board as recommended by the Appointments Subcommittee.

RECOMMENDED ACTION:

Appoint applicants to the Chino Valley Municipal Property Corporation Board of Directors, Parks and Recreation Advisory Board, and Senior Center Advisory Board as recommended by the Appointments Subcommittee.

SITUATION AND ANALYSIS:

The Council Appointments Subcommittee met on May 19, 2014 to review applications for several public bodies. The status of each of these bodies and the subcommittee's recommendations are listed below.

Municipal Property Corporation. The Municipal Property Corporation Board of Directors has three vacancies expiring June 30, 2014. Only one board member, Ed Steinback, applied for reappointment. Re-appointing this applicant will leave two vacancies.

Parks and Recreation Advisory Board. The Parks & Recreation Advisory Board has three vacancies expiring on June 30, 2014. There were four applicants, of which Todd League, Carrie Barnes, and George Cooper are current members. Re-appointing these three applicants will fill the vacancies.

Senior Center Advisory Board. The Senior Center Advisory Board has four vacancies expiring June 30, 2014. There were five applicants, of which Kathy Farber, Kyle Herman, Anita DeMello, and Nancy Best are current members. Re-appointing these four applicants will fill the vacancies.

Roads and Streets Committee. The Roads and Streets Committee has three vacancies expiring June 30, 2014. The Appointments Subcommittee scheduled interviews with the two applicants for possible

appointment to the Roads and Streets Committee.

The subcommittee's recommendations are as follows:

- Re-appoint Ed Steinback to the Municipal Property Corporation.
- Re-appoint Carrie Barnes, Todd League, and George Cooper to the Parks and Recreation Advisory Board.
- Re-appoint Kathy Farber, Kyle Herman, Nancy Best, and Anita DeMello to the Senior Center Advisory Board.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. b.**

Meeting Date: 06/10/2014
Contact Person: Liz Hart, Town Clerk Assistant/Records Technician
 Phone: 928-636-2646 x-1210
Department: Town Clerk
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: Town wide

AGENDA ITEM TITLE:

Consideration and possible action to approve the annual Intergovernmental Agreement (IGA) for the Establishment of Unified Emergency Management between the Town of Chino Valley and Yavapai County, and authorize payment of the annual dues in the amount of \$4,651.00.

RECOMMENDED ACTION:

Approve IGA between the Town of Chino Valley and Yavapai County for emergency management services, and authorize payment of the annual dues.

SITUATION AND ANALYSIS:

The Town of Chino Valley has entered into an annual intergovernmental agreement with Yavapai County Office of Emergency Management for many years. The County and Town work together in developing plans to handle emergencies and disasters. The County assists the Town with its emergency planning and operations and includes the Town in its own emergency plan.

Some benefits provided to the Town during the past year include:

- Notification of hazardous conditions;
- Update of Disaster Response Plan
- Completion of the Multi-Jurisdictional Hazard Mitigation Plan
- Completion of the Communities Wildland Protection Plan
- On call status 24/7
- On call 24/7 alternative communications capability (amateur radio)
- Monitor and assist with compliance on Homeland Security training and reporting mandates
- Homeland Security and emergency management training classes at no cost
- Exercise Development

The subject agreement is a renewal for fiscal year 2014/2015 and includes the annual contribution by the Town in the amount of \$4,651.00.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 01-95-5554

Available: 5000.00

Funding Source:

Amount is budgeted in the Non Departmental Budget.

Attachments

Unified Emergency Management IGA

**INTERGOVERNMENTAL AGREEMENT FOR THE ESTABLISHMENT OF
UNIFIED EMERGENCY MANAGEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____ 2014 by and between YAVAPAI COUNTY, a political subdivision of the State of Arizona, hereinafter called "County" and the TOWN OF CHINO VALLEY, a municipal corporation of the State of Arizona, hereinafter called "Town" as follows:

WHEREAS the County has established an Office of Emergency Management and;

WHEREAS the County has the capability to manage a unified emergency management organization and;

WHEREAS the parties are empowered to enter into this agreement pursuant to ARS " 11-952, 26-307, and 26-308.

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt and the sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. The County and the Town shall establish a unified emergency management organization for the purpose of preparing plans for the preservation and safety of life and property and making provisions for the execution of these plans in the event of enemy attack upon the United States of America and/or in the event of any peacetime natural, technological, or manmade emergency or disaster within the County or Town. See Attachment A for list of definitions. See Attachment B for a comprehensive list of services provided.
2. The unified emergency management organization is hereby designated as the Yavapai County Joint Office of Emergency Management.
3. The County will perform the following services with the Town:
 - a. Include emergency operations of the Town in the County Disaster Response Plan (DRP) covering emergencies and disasters;
 - b. Aid and advise the Town with regards to training of employees that may be responsible for emergency management/homeland security duties;
 - c. Review the Town Disaster Response Plan for completeness, compatibility and compliance with the National Incident Management System (NIMS), County Disaster Response Plan and State Emergency Operations Plans and provide improvements and updates as necessary.

- d. Provide assistance to the Town to develop/update emergency management plans, procedures, and programs in each of the following areas, such list not to be exclusive: Continuity of Government, Direction and Control, Law and Order, Fire Services, Emergency Evacuation, Shelter, Public Services, Recovery, Mitigation, Persons with Special Needs, Radiological Safety, Warning and Public Information, Transportation, Communications, Mass Care and Mass Casualty. The above plans and programs will be coordinated with and approved by the various Town departments effected by said plans and programs;
 - e. Assist the Town with developing and/or updating a current inventory of all equipment and supplies available in the Town for use in the event of any disaster;
 - f. Provide a current inventory of all equipment and supplies available in the County to assist the Town in the event of any disaster;
 - g. Provide technical assistance in obtaining Federal or State funds which may become available to the Town for emergency services purposes, and in the acquisition of surplus or other property for emergency services purposes by the Town;
 - h. Complete and submit all report requirements emanating from State or Federal Government Agencies;
 - i. In the event of disaster confined to the Town, provide emergency assistance as requested, within the limits of the ability of the County to so provide, and coordinate assistance furnished by other agencies in accordance with mutual aid agreements, State and/or Federal laws.
4. That the Town shall:
- a. By this agreement become a member of the Yavapai County Joint Office of Emergency Management;
 - b. Appoint an Emergency Management Coordinator who shall be responsible for the organization, administration, and operations of local emergency management, subject to the direction and control of the chief executive officer or governing body. Upon request by Town officials, the county will provide assistance with emergency management under normal and/or emergency or disaster conditions.
 - c. Accept joint responsibility to maintain and keep current the Yavapai County Disaster Response Plan and Guides as it relates to the Town;
 - d. Accept responsibility to maintain and keep current the Town Disaster Response Plan and Guides;
 - e. In relation to emergency management issues, delegate to the County such lawful authority and responsibility as shall be deemed necessary by the Town;

- f. Budget and contribute to the County for the fiscal year commencing July 1, 2014 and ending June 30, 2015, the sum of \$4,651.00.

5. It is hereby mutually agreed:

- a. The Yavapai County Office of Emergency Management will include representation of all signatory parties;
- b. The Yavapai County Office of Emergency Management shall be comprised of a County Director appointed by the Yavapai County Board of Supervisors, and other personnel as deemed necessary by the County Board of Supervisors;
- c. The County Emergency Management Director who is and shall be appointed by the Yavapai County Board of Supervisors shall act as the Director of the Yavapai County Joint Office of Emergency Management;
- d. The term of this agreement is for one year commencing July 1, 2014, and may be extended from year to year by mutual agreement of the parties prior to June 30 of the term, stating the compensation to be paid for service during such extended term and other charges;
- e. Pursuant to ARS ' 38-511, the parties may cancel this agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating the agreement on behalf of that party is, at any time while the agreement or any extension of the agreement is in effect, an employee or agent of any other party to the agreement in any capacity or a consultant to any other party of the agreement with respect to the subject matter of the agreement. In the foregoing event, that party may further elect to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting, or creating this agreement on behalf of that party from any other party to the agreement arising as a result of this agreement.

YAVAPAI COUNTY

A political subdivision of the State of Arizona

By: _____ Date: _____

ROWLE P. SIMMONS

Chairman, Board of Supervisors

ATTEST:

_____ Date: _____

ANNA WAYMAN-TRUJILLO

County Clerk

Pursuant to ARS ' 11-952(D), the undersigned Deputy County Attorney has determined that this agreement is in proper form and within the powers and authority granted under the laws of the State of Arizona to Yavapai County.

_____ Date: _____

JACK FIELDS

Deputy County Attorney

TOWN OF CHINO VALLEY

A municipal corporation of the State of Arizona

By: _____ Date: _____

CHRIS MARLEY

Mayor

ATTEST:

_____ Date: _____

JAMI LEWIS

Town Clerk

Pursuant to ARS ' 11-952 (D), the undersigned Town Attorney has determined that this agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Town of Chino Valley.

_____ Date: _____

CUTRIS, GOODWIN, SULLIVAN, UDALL, SCHWAB

Town Attorney

Attachment A

LIST OF DEFINITIONS

"EMERGENCY," as defined in ARS ' 26-301, means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of the county, city, or town, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of such political subdivision as determined by its governing body and which require the combined efforts of other political subdivisions.

"DISASTER," as defined in Section 102, Public Law 93-288, means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to state and local governments under the Disaster Relief Act of 1974.

Attachment B**Yavapai County****EMERGENCY MANAGEMENT / HOMELAND SECURITY**

Services provided by County Emergency Management/Homeland Security under the IGA for the establishment of unified Emergency Management:

SERVICES:

- ☐ 24/7 Real Time Hazard Alert/notifications/bulletins
- ☐ 24/7 Emergency alternative communications capability
- ☐ Emergency/Disaster Response & Recovery Notification, Operations, Coordination and Staff augmentation
- ☐ Disaster Response Plan, Continuity Plan development and maintenance
- ☐ Homeland Security Grant Participation
- ☐ Risk/Hazard Analysis
- ☐ Staff Training (EOC, Disaster Plan, Continuity Plans)
- ☐ Liaison to State and Federal Resources
- ☐ Public Education Program development and implementation assistance
- ☐ Hazard mitigation analyses and plan development
- ☐ Exercise Development/Training/Implementation/Evaluation
- ☐ Emergency Management, NIMS, Homeland Security Training
- ☐ EPA/LEPC Representation
- ☐ Special Studies/Projects
- ☐ Damage Assessments
- ☐ Provide brochures, booklets, pamphlets, checklists or other information in support of local Emergency Management issues or initiatives
- ☐ Other Emergency Management support as needed

RATE: \$.43 per person, per year based on the latest census.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 06/10/2014
Contact Person: Robert Smith, Town Manager
 Phone: 928-636-2646 x-1201
Department: Town Manager
Item Type: Executive
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a Settlement and Release Agreement with Fann Contracting, Inc. related to the construction of the wastewater treatment plant and for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding an Asset Purchase Agreement and Escrow Instructions Agreement with the City of Prescott related to the acquisition of certain water delivery facilities.

RECOMMENDED ACTION:

Instructions to Town Attorney

SITUATION AND ANALYSIS:

See Attached

Fiscal Impact

Fiscal Impact?: None
If Yes, Budget Code:
Available:
Funding Source:

Attachments

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. b.**

Meeting Date: 06/10/2014
Contact Person: Liz Hart, Town Clerk Assistant/Records Technician
 Phone: 928-636-2646 x-1210
Department: Town Clerk
Item Type: Executive
Estimated length of staff presentation: None
Physical location of item: 2625 S. State Route 89

AGENDA ITEM TITLE:

An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (7) for discussion or consultation for legal advice with the Town Attorney regarding right of way easement along the proposed extension of Road 1 East and for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located along the proposed extension of Road 1 East between Road 4 South and Kalinich and to consider a proposal from property owner Steven Chontos related to Yavapai County Assessor's Parcel Number 102-01-223E, one of the properties located within the project boundaries.

RECOMMENDED ACTION:

None.

SITUATION AND ANALYSIS:

Legal advise on Chonto's proposal for deeding property along proposed extension on Road 1 East between Road 4 South and Kalinich and consider other records of Yavapai County Recorder with respect to other parcels on proposed route.

Fiscal Impact

Fiscal Impact?: N/A
If Yes, Budget Code:
Available:
Funding Source:

Attachments

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 8. a.

Meeting Date: 06/10/2014
Contact Person: Robert Smith, Town Manager
 Phone: 928-636-2646 x-1201
Department: Town Manager
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Discussion and consideration of proposed General Obligation Bond election language.

RECOMMENDED ACTION:

Confer and provide feedback and input to staff regarding development of language and materials for the proposed ballot measure.

SITUATION AND ANALYSIS:

Michael Cafiso of the law firm of Greenburg Traurig serves as the Town's bond counsel. Mr. Cafiso prepared the attached ballot language that will be used at the November 4, 2014 bond election. The ballot language would authorize the issuance of bonds that would be repaid by the property owners in the Town through secondary property taxes for the design and construction of facilities for water production and distribution and wastewater collecting and treatment. The authorization would be for bonds that would mature not more than 25 years from their date and would bear interest at a rate of not to exceed 7% per annum. The issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on the bonds.

Fiscal Impact

Fiscal Impact?: None
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Staff report

Issuance of Bonds Payable

Call for special election

Agenda Item Staff Report SITUATION & ANALYSIS

Issue Statement

Brief narrative description of the issue at hand, including information about the problem or reason why Council involvement is required, why the item is now suitable for Council consideration and requires Council action for the item to move forward.

Council has indicated through prior action that the findings generated by the Citizens' Bond Committee warrant a bond question on the upcoming election ballot in November 2014.

Pursuant to those ends, staff is working to create ballot language and other necessary materials for Council's consideration of the bond election, and has brought in legal and financial consultants to assist Council in the creation of these materials.

Draft materials have been forwarded to Council for consideration, and through additional discussion and feedback with Council, these materials will be improved to meet Council's objectives in the proposed bond measure.

Applicable "Policy"

Bulleted list, by section number and title, of the statute, code, plan, policy, goal, initiative, etc. relevant to the issue that must be satisfied in order to resolve the issue. A brief summary of the "policy" section(s) may be included if there are multiple issues or details that need to be covered.

N/A

Satisfaction of "Policy"

Bulleted list, by section number and title, of the above relevant "policies," with a narrative explaining how each of them were/will be met or satisfied.

N/A

Summary of Issues and Staff Rationale

Narrative explaining the issue at hand and how/why the staff proposed solution(s) are best for the Town. This may include more than one resolution or solution/alternative for Council to consider.

N/A

Findings of Fact

Bulleted list of staff findings that support the determination that the proposed resolution is the best solution for the Town.

N/A

ISSUANCE OF BONDS PAYABLE FROM SECONDARY (AD VALOREM) PROPERTY TAX

Shall the Town of Chino Valley, Arizona (the "Town"), be authorized to incur indebtedness by the issuance of bonds of the Town in the principal amount of \$13,500,000 for the purpose of providing funds to pay the costs to design, develop, construct, acquire, equip and furnish facilities within and without the Town for water production and distribution and wastewater collecting and treatment, including necessary related interests in real estate, appurtenances, vehicles and equipment and to pay all costs incidental to any of the foregoing and to the sale and issuance of such bonds; such bonds, or any series thereof, to be issued as general obligation bonds of the Town, payable from secondary (ad valorem) property taxes levied upon all of the taxable property in the Town, to mature not more than 25 years from their date and to bear interest at a rate of not to exceed 7% per annum?

The issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on the bonds.

FOR THE BONDS ☐

AGAINST THE BONDS ☐

DRAFT
05/22/14

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, IN AND FOR THE TOWN OF CHINO VALLEY, ARIZONA, TO SUBMIT TO THE QUALIFIED ELECTORS THEREOF A QUESTION OF SELLING AND ISSUING BONDS PAYABLE FROM SECONDARY (AD VALOREM) PROPERTY TAXES

WHEREAS, the Mayor and Common Council of the Town of Chino Valley, Arizona (hereinafter referred to as the "Town"), determine that certain, future capital needs of the Town can be financed best through the sale and issuance of bonds of the Town, the debt service with respect to which shall be paid through the levy of secondary (ad valorem) property taxes; and

WHEREAS, pursuant to Section 35-452, Arizona Revised Statutes, the Mayor and Common Council of the Town must order an election to determine whether such indebtedness shall be authorized (hereinafter referred to as the "Election");

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA:

Section 1. That the Election, in and for the Town, be and the same is hereby ordered and called to be held on November 4, 2014, at which time there shall be submitted to the qualified electors of the Town the question of authorizing the sale and issuance of bonds of the Town in the aggregate principal amount and for the purposes set forth in the official ballot for the Election.

Section 2. That the official ballot for the Election (hereinafter referred to as the "Official Ballot") shall be in substantially the form attached hereto as Exhibit "A."

Section 3. (A) That notice of the Election shall be given by mailing an informational pamphlet (hereinafter referred to as the "Informational Pamphlet") and a sample of the Official Ballot in substantially the form attached hereto as Exhibit "B," as revised as hereinafter described, to each household within the Town that contains a registered voter not less than thirty-five days before the Election.

(B) That the Informational Pamphlet shall be prepared by the Clerk of the Town, and the Clerk of the Town is hereby authorized and directed to cause the Informational Pamphlet to be

provided as and under the circumstances described herein in the form he deems acceptable. The Clerk of the Town is hereby authorized and directed to submit, within thirty (30) days after the date of the Election, a copy of the Informational Pamphlet to the Arizona Department of Revenue.

(C) That the Clerk of the Town is hereby authorized to request arguments for and against the subject matter of the Election by providing the notice in the form and by the means provided in the form attached hereto and marked Exhibit "C" (hereinafter referred to as the "Request for Arguments").

Section 4. That absentee/early voting with respect to the Election shall be permitted in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.

Section 5. That the Clerk of the Town is hereby authorized and directed to have printed and delivered to the election officials at the polling places, to be by them furnished to the qualified electors of the Town offering to vote at the Election, the Official Ballot.

Section 6. That in order to comply with the Voting Rights Act of 1965, as amended, the following materials pertaining to the Election shall be translated into Spanish and mailed or distributed in each instance where mailing or distributing of such materials is required, to-wit: Request for Arguments, Informational Pamphlet, Official Ballot, "Absentee/Early Voting Materials" and "Instructions At The Polling Places."

Section 7. That the Mayor and Common Council of the Town hereby establish the following election precinct(s) (which, except as otherwise provided herein, have the same boundaries and the county election precinct(s) as provided in Section 16-411, Arizona Revised Statutes, as amended) and designates the following polling place in each precinct:

<u>Precincts</u>	<u>Polling Place</u>
------------------	----------------------

The consolidation of any precincts indicated above is approved, and such consolidation is hereby deemed necessary for purposes of the Election. With respect to any polling place for a precinct designated within an adjacent precinct as indicated, it is hereby found that no suitable polling place is available within such precinct.

Section 8. (A) That the Election shall be held, conducted and canvassed in conformity with the provisions of the regular election laws of the State of Arizona, except as otherwise provided by law, and only such persons shall be permitted to vote at the Election who are qualified electors of the Town.

(B) That the Election may be conducted using either electromechanical or electronic vote recording and ballot counting equipment or paper ballots, as shall be determined to be in the best interests of the Town by the Election Department of the County and the Clerk of the Town. The Clerk of the Town is authorized and directed to enter into a contract with the County Recorder of Yavapai County, Arizona (the "County") to obtain precinct registers for the election and to enter into an agreement with the Elections Department of the County to conduct the Election for the Town.

(C) That all expenditures as may be necessary to order, notice, hold and administer the Election are hereby authorized, which expenditure shall be paid from current operating funds of the Town.

(D) That the Clerk of the Town is hereby authorized to take all necessary action to facilitate the Election.

Section 9. (A) That the official returns from the Election shall be made to the Mayor and Common Council of the Town within twenty (20) days from the date of the Election and the Election shall be canvassed and the results thereof certified by the Mayor and Common Council of the Town at a meeting to be held within twenty (20) days after the date of the Election, as provided by law.

(B) That the Mayor and Common Council of the Town shall file and record in the office of the County Recorder of the County a certificate disclosing with respect to the Election the purpose of the Election, the total number of votes cast and the total number of votes for and against creating the indebtedness and stating whether or not the indebtedness is ordered in each case.

PASSED, ADOPTED AND APPROVED by the Mayor and Common
Council of the Town of Chino Valley, Arizona, on _____, 2014.

.....
Mayor, Town of Chino Valley, Arizona

ATTEST:

.....
Clerk, Town of Chino Valley,
Arizona

APPROVED AS TO FORM:

.....
Town Attorney, Town of Chino
Valley, Arizona

CERTIFICATION

I hereby certify that the foregoing Resolution No. _____
was duly passed and adopted by the Mayor and Common Council of the
Town of Chino Valley, Arizona, at a regular meeting held on
_____, 2014, that the vote thereon was ... ayes, ... nays, and
that the Mayor and ... Council members were present thereat.

.....
Clerk, Town of Chino Valley, Arizona

EXHIBIT "A"

OFFICIAL BALLOT

(FULL FORM)

ISSUANCE OF BONDS PAYABLE FROM SECONDARY (AD VALOREM) PROPERTY TAX

Shall the Town of Chino Valley, Arizona (the "Town"), be authorized to incur indebtedness by the issuance of bonds of the Town in the principal amount of \$13,500,000 for the purpose of providing funds to pay the costs to design, develop, construct, acquire, equip and furnish facilities of the Town for water production and distribution and wastewater collection and treatment, including necessary related interests in real estate, appurtenances and equipment and to pay all costs incidental to any of the foregoing and to the sale and issuance of such bonds; such bonds, or any series thereof, to be issued as general obligation bonds of the Town, payable from secondary (ad valorem) property taxes levied upon all of the taxable property in the Town, to mature not more than 20 years from their date and to bear interest at a rate of not to exceed 5% per annum?

The issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on the bonds.

FOR THE BONDS ☐

AGAINST THE BONDS ☐

(TAG FORM)

A "yes" (For the Bonds) vote shall authorize the Town of Chino Valley, Arizona to sell and issue \$13,500,000 principal amount of general obligation bonds.

A "no" (Against the Bonds) vote shall not authorize the Town of Chino Valley, Arizona to sell and issue such bonds.

FOR THE BONDS ☐

AGAINST THE BONDS ☐

EXHIBIT "B"

CITY OF CHINO VALLEY, ARIZONA

INFORMATIONAL PAMPHLET
AND SAMPLE BALLOT

NOVEMBER 4, 2014
SPECIAL ELECTION

TO THE VOTERS OF THE CITY OF CHINO VALLEY:

The Mayor and Common Council of the Town of Chino Valley, Arizona, pursuant to Resolution No. _____, adopted on _____, 2014, have ordered that a special election be held in and for the Town of Chino Valley, Arizona (the "Town"), on November 4, 2014 (the "Election").

A person is entitled to vote in the Election who has resided in a precinct in the boundaries of the Town for 29 days preceding the Election, who is qualified to register to vote as provided in Section 16-101, Arizona Revised Statutes, as amended, and whose registration has been received by the Elections Department of Yavapai County, Arizona prior to midnight of the 29th day preceding the date of the Election. The last day to register for the Election was _____, 2014.

The purpose of this Informational Pamphlet is to provide you with information on the question which will appear on the ballot for the Election. The qualified electors will be asked to vote regarding the issuance of bonds payable from secondary (ad valorem) property taxes for _____.

A sample ballot and a list of the polling places for the election are included in this Informational Pamphlet.

Preparation of this Informational Pamphlet is required by State law and in compliance with the Federal Voting Rights Act, has been printed in English and Spanish. In order to be prepared to fully exercise your right to vote at the Election, you are urged to thoroughly read all the material. This Informational Pamphlet may be taken into the voting booth on the day of the Election.

Polling places for the Election will be open from 6 a.m. to 7 p.m. on November 4, 2014. Each voter must vote at the polling place in which the voter is registered. Please check the address label on this Informational Pamphlet for your polling place location.

JAMI LEWIS
Town Clerk, Town of Chino Valley,
Arizona

INTRODUCTORY STATEMENT

The Mayor and Common Council of the Town is requesting authorization to issue general obligation bonds in the principal amount of not to exceed \$13,500,000 payable from secondary (ad valorem) property taxes (the "Bonds"). (General obligation bonds are secured by an unlimited tax levy of the issuer; that is, the issuer pledges to levy the necessary taxes on all assessable property within its jurisdiction to provide timely repayment of the debt.)

The Town does not currently levy taxes for general obligation bonds. The present Mayor and Common Council of the Town intend to have a financial policy that seeks to limit the combined property tax rate (primary and secondary) to **approximately \$_____ per \$100** of assessed value. In addition to constitutional limits, this combined tax rate limit will govern how many general obligation bonds the Town will be able to issue.

MATTERS RELATING TO THE BONDS

If approved at the Election, the bonds which are the subject of the Election (the "Bonds") would provide funds to pay the costs to _____

_____ and to pay all costs incidental to any of the foregoing and to the sale and issuance of such bonds.

AMOUNT OF BONDS TO BE AUTHORIZED AND MAXIMUM INTEREST RATE OF THE BONDS:

The amount of the authorization for the Bonds requested by the Election is \$13,500,000. The maximum interest rate on the Bonds would not exceed 5% per annum.

ESTIMATED TAXPAYER COST:

The Bonds would be repaid from a levy of secondary (ad valorem) property taxes on all taxable property within the Town which would initially impact the taxpayers in the 2015-16 fiscal year in the form of **a \$_____ tax rate increase**. The cost of this increase for any given property will depend on the Yavapai County Assessor's full cash and secondary assessed values of that property. Such values are not necessarily equal to the market value of that property. Each property owner should refer to his/her annual property tax statement issued by the Yavapai County Assessor or his/her property tax bill to determine the Yavapai County Assessor's full cash and secondary assessed values. That information, utilized in connection with the following table, will enable a property owner to determine the estimated annual and monthly tax cost that would result from the authorization and issuance of the Bonds:

Owner Occupied Residential Property
(Assessed at 10%)

<u>Assessor's Full Cash Value</u> (a)	<u>Secondary Assessed Value</u>	<u>Estimated \$ Tax Rate Impact(b)</u>	
		<u>Estimated Average Annual Cost</u>	<u>Estimated Average Monthly Cost</u>
\$ (c)	\$	\$	\$

The tax impact over the term of the Bonds on an owner-occupied residence valued by the county assessor at \$250,000 is estimated to be \$..... per year for years, or \$..... total cost.(d)

Agricultural Property
(Assessed at 16%) (e)

<u>Assessor's Full Cash Value</u> (a)	<u>Secondary Assessed Value</u>	<u>Estimated \$ Tax Rate Impact(b)</u>	
		<u>Annual Cost</u>	<u>Monthly Cost</u>
\$ (c)	\$	\$	\$

The tax impact over the term of the Bonds on agricultural or other vacant property valued by the county assessor at \$100,000 is estimated to be \$..... per year for years, or \$..... total cost.(d)

Commercial and Industrial Property
(Assessed at 19%) (f)

<u>Assessor's Full Cash Value</u> (a)	<u>Secondary Assessed Value</u>	<u>Estimated \$ Tax Rate Impact(b)</u>	
		<u>Annual Cost</u>	<u>Monthly Cost</u>
\$ (c)	\$	\$	\$

The tax impact over the term of the Bonds on an commercial property valued by the county assessor at \$1,000,000 is estimated to be \$..... per year for years, or \$..... total cost.(d)

- (a) Assessor's full cash value is the value of your property as it appears on your tax bill and does not necessarily represent the market value.
- (b) Cost based on the projected average annual tax rate over the life of the bond issues and a number of other financing assumptions which are subject to change.
- (c) Represents the average value according to the Arizona Department of Revenue for 2014-15 secondary tax purposes.
- (d) Assumes the assessed value increases annually at 50% of the projected total increase in secondary assessed value as determined as described in footnote (c) to the Table that follows.
- (e) Adopted legislation requires that the assessment ratio be phased down by increments of 0.5% per year until the assessment ratio reaches 18% in fiscal year 2015-16.
- (f) Adopted legislation requires that the assessment ratio be reduced to 15% in fiscal year 2015-2016.

ESTIMATED ISSUANCE COSTS:

Should the Bonds be authorized and issued, the Town estimates that the cost of issuance of the Bonds will be approximately \$_____,000 per sale.

CURRENT OUTSTANDING GENERAL OBLIGATION DEBT AND CONSTITUTIONAL DEBT LIMITATION:

The Town does not currently have ad valorem tax debt outstanding. The constitutional debt limit of the Town is \$_____, being twenty-six percent (26%) of the current secondary assessed valuation of the Town. **[Amount of proposed bond authorization exceeds the Town's constitutional debt limit.???)**

PROJECTS AND EXPENDITURES FOR WHICH THE BONDS ARE TO BE ISSUED:

PLAN OF FINANCE:

If the Election is successful, it is anticipated that the Town would issue the total amount of the Bonds by the means of one or more bond sales. The interest rate to be borne by the Bonds would be determined by the market conditions that prevail at the time of sale, but in no event would the Bonds be sold at an interest rate greater than 5% per annum. Repayment of both principal of and interest on the Bonds would occur over a period of not to exceed 20 years.

The Bonds would be repaid from a levy of secondary property taxes on all taxable property within the Town. This levy would be in addition to that described above for the Tax which is a primary property tax.

For purposes of estimating the debt service on the Bonds, the Town anticipates amortizing the Bonds over a period of twenty (20) years and has assumed an increase of ____% of secondary assessed valuation for fiscal years 20__-__ and ____% growth thereafter. The 2014-15 estimated secondary assessed valuation has been provided by the Yavapai County Assessor's Office. The actual secondary assessed valuation will determine the Town's general obligation bond capacity described above and the tax rate needed to pay debt service on general obligation bonds issued and payable from the levy of the secondary property tax. The following is an estimated debt service schedule for current amount of bonds outstanding and the Bonds:

<u>Fiscal Year</u>	<u>Secondary Assessed Valuation(a)</u>	<u>Principal</u>	<u>Estimated Interest(b)</u>	<u>Projected Total General Obligation Debt Service (c)</u>	<u>Estimated Tax Rate for (1), (2) and (3)</u>
2014/12		\$	\$	\$	\$
2012/13					
2013/14					
2014/15					
2015/16					
2016/17					
2017/18					
2018/19					
2019/20					
2020/21					
2021/22					
2022/23					
2023/24					
2024/25					
2025/26					
2026/27					
2027/28					
2028/29					
2029/30					
2030/31					
2031/32					
		\$_____,000			

(a) Describe increase.

(b) A X.X% average interest rate has been estimated in calculating interest costs for the X/1/XX issue and X.X% for the X/1/XX issue.

(c) Estimated total debt service estimate does not include adjustments for interest earnings on the investment of Bond proceeds, tax collection delinquencies or applicable federal arbitrage rebate.

ESTIMATED TOTAL COSTS OF THE PROPOSED BOND AUTHORIZATION INCLUDING PRINCIPAL AND INTEREST IS \$_____.

POLLING LOCATIONS

<u>Precincts</u>	<u>Polling Place</u>
------------------	----------------------

HOURS DURING THE DAY WHEN THE POLLS WILL BE OPEN

The polling place shall be open at 6:00 a.m. and close at 7:00 p.m. on the date of the Election.

OTHER IMPORTANT VOTER INFORMATION

A person is entitled to vote in the Election who has resided in a precinct in the boundaries of the Town for 29 days preceding the Election, who is qualified to register to vote as provided in Section 16-101, Arizona Revised Statutes, as amended. The last day to register for the Election is, 2014.

1. Please check the address label on this voter information pamphlet for your polling place information.
2. Polling places will be open from 6:00 a.m. to 7:00 p.m.
3. Any qualified elector who is either physically or visually impaired or who is unable to read or understand the contents of the ballot, may be accompanied into the voting booth by a person of such elector's choice for the purpose of assisting such elector in casting a ballot.
4. Sample ballots may be brought to the voting place and may be taken into the voting booth on the day of the election.
5. Any qualified elector, who at 7:00 p.m., is in the line of waiting voters, will be allowed to prepare and cast a ballot.

EARLY/ABSENTEE VOTING INFORMATION

Any qualified elector may vote an early/absentee ballot for the Election. Absentee/early voting with respect to the Election shall be permitted in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes. Absentee/early voting information with respect to the Election may be obtained by contacting the Town of Chino Valley Town Clerk's Office, 1020 West Palomino Road, Chino Valley, Arizona 86323, telephone number: (928) 636-2246.

TO VOTE AN EARLY/ABSENTEE BALLOT IN PERSON

Appear in person at the Town of Chino Valley Town Clerk's Office, 1020 West Palomino Road, Chino Valley, Arizona 86323, no later than the close of business on, 2014. Voting will be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

TO OBTAIN AN EARLY/ABSENTEE BALLOT BY MAIL

1. Submit a written, signed request to Town of Chino Valley Town Clerk's Office, 1020 West Palomino Road, Chino Valley, Arizona 86323 or call (928) 636-2246.
 - a. If confined because of physical disability or illness, indicate address of confinement and if assistance is needed.
 - b. If you will be out of Town, indicate where to mail the early/absentee ballot.

Written or verbal requests for an early/absentee ballot must be received by the Town of Chino Valley Town Clerk's Office before 5:00 p.m. on, 2014, in order for the ballot to be mailed.

The returned early/absentee ballot must be received in the Yavapai County Recorder's Office not later than 7:00 p.m. on election day, November 4, 2014, in order for the ballot to be counted.

TO OBTAIN FURTHER INFORMATION, CONTACT

For Election Process, Voting Information and Voter Registration:

Yavapai County Elections Department
1015 Fair Street
Prescott, Arizona 86305
Telephone: (928) 771-3250

Early/Absentee Ballot Information:

Town of Chino Valley Town Clerk
1020 West Palomino Road
Chino Valley, Arizona 86323
Telephone: (928) 636-2246

If you do not know if you are qualified to vote, you should contact the Yavapai County Recorder's Office at the telephone number shown above.

OFFICIAL BALLOT

[Insert ballot form here]

ARGUMENTS FOR/AGAINST

[Insert arguments for/against here]

Bulk Rate
U.S. Postage Paid
Permit No. _____
_____, Arizona

OFFICIAL VOTING MATERIAL

YOUR POLLING PLACE
IS INDICATED ON LABEL

Only one voter Informational Pamphlet has been
mailed to each household containing a
registered voter. Please make it available to
all registered voters in the household.

EXHIBIT "C"

REQUEST FOR ARGUMENTS FOR AND AGAINST THE
AUTHORIZATION OF A PRIMARY (AD VALOREM) PROPERTY
TAX IN AND FOR THE TOWN OF CHINO VALLEY, ARIZONA,
AND THE ISSUANCE OF BONDS PAYABLE FROM A
SECONDARY (AD VALOREM) PROPERTY TAX BY THE TOWN
TO BE CONSIDERED BY THE VOTERS OF THE TOWN OF
CHINO VALLEY, ARIZONA, AT AN ELECTION TO BE HELD
ON NOVEMBER 4, 2014

Pursuant to Resolution No. _____ adopted by the Mayor
and Common Council of the Town of Chino Valley, Arizona, (the "Town"),
on _____, 2014 (the "Resolution"), a special election in and
for the Town was ordered and called to be held on November 4, 2014
(the "Election"). Notice of the Election will be given by mailing an
informational pamphlet. Such information is to include arguments for
and against the authorization of the issuance of bonds payable from a
secondary (ad valorem) property tax by the Town to be considered at
the Election. (The text of the questions to be considered at the
Election is included in the Resolution which is available at the
Office of the Clerk of the Town at 1020 West Palomino Road, Chino
Valley, Arizona 86323.) Any person interested in providing any such
argument is hereby requested to provide the same to the Clerk of the
Town at the address indicated above before 5:00 p.m., Arizona time on
_____, 2014. If you have any questions about the foregoing,
please contact the Clerk of the Town at (928) 636-2246.

/s/ Jami Lewis
.....
Town Clerk, Town of Chino Valley,
Arizona

This Request (along with Spanish translation thereof) should be posted
at all places at which notices of meetings of the Mayor and Common
Council of the Town are posted and published once in the

_____.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. b.**

Meeting Date: 06/10/2014
Contact Person: Liz Hart, Town Clerk Assistant/Records Technician
Phone: 928-636-2646 x-1210
Department: Council
Item Type: Action
Estimated length of staff presentation: 10 minutes
Physical location of item: N/a

AGENDA ITEM TITLE:

Consideration and possible action to discuss proposition for general tax bond for ballot.

RECOMMENDED ACTION:

Discussion and direction to staff.

Fiscal Impact

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. c.**

Meeting Date: 06/10/2014
Contact Person: Ruth Mayday, Planner
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to authorize the Mayor to sign the Protocol Agreement and Project Tracking Policy between the Town of Chino Valley and the Greater Prescott Regional Economic Partnership Business Action Team.

RECOMMENDED ACTION:

Motion to authorize the Mayor to sign the Protocol Agreement and Project Tracking Policy between the Town of Chino Valley and the Greater Prescott Regional Economic Partnership Business Action Team.

SITUATION AND ANALYSIS:

The Town of Chino Valley has previously entered into an agreement with the Greater Prescott Regional Partnership (G-PREP) to work cooperatively to promote and coordinate economic development activities for the Quad-Cities region. Under the Protocol Agreement and Project Tracking Policy, G-PREP will coordinate requests for information regarding member communities, maintain confidence regarding the information provided to prospects, and support communities that receive direct requests for information from prospects. The Agreement sets forth the manner in which prospect inquiries will be shared between GPREP, member communities, and the Arizona Commerce Authority (ACA). It also represents a new, cooperative effort among the member communities (Prescott, Prescott Valley, Dewey-Humboldt, and Chino Valley) to maximize exposure for the region globally by working together to benefit the region as a whole.

The accompanying Project Tracking Policy sets forth the parameters for notifying member communities of prospect information request as well as the distribution of the information requested. It also enumerates the instances in which G-PREP will not be involved in the prospect response process: 1) If the prospect is already represented by a real estate agent; 2) If the member Community is the lead on the contact, and the prospect was brought to GPREP by a local partner; and 3) The prospect has asked GPREP not to initiate a real estate search.

In authorizing the Mayor to sign the Protocol Agreement and Project Tracking Policy, Town Council

will be indicating its support of regional economic development, and engaging a highly qualified entity to assist the Town of Chino Valley in its economic development efforts.

Staff fully supports GPREP's efforts in regional cooperation and recommends Town Council authorize the Mayor to sign the Protocol Agreement and the Project Tracking Policy.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Protocol Agreement

P track Policy



Protocol Agreement

Greater Prescott Regional Economic Partnership And Municipal Members of the Business Action Team

The foundation of this document is built on trust and the spirit of regional cooperation among the entities involved. GPREP and the Business Action Team of its member communities should work together as partners on projects involving the communities which GPREP represents, regardless of the source of the lead.

1. GPREP Team Partners will demonstrate a commitment to the positive promotion of the Greater Prescott region and its communities as a globally competitive region.
2. GPREP Team Partners will maintain the highest standards of economic development prospect handling, including confidentiality, without jeopardizing a prospect's trust to secure the probability of a regional locate. Partners agree to respect the prospect's request for confidentiality but also agree to notify each other as to the existence of a project with a confidentiality requirement when able and shall make a good-faith effort to involve the appropriate state, regional or local partners at the earliest possible time.
3. Unless otherwise restricted, agree to coordinate through GPREP for any prospect considering a project in any of the communities that GPREP represents, understanding that GPREP is in a unique position to represent and speak on regional economic development issues and on characteristics of the region's economy. Likewise, GPREP recognizes that the Arizona Commerce Authority is the exclusive organization leading the state's economic development efforts and that Arizona Commerce Authority is in a unique position to represent and speak on state incentives, programs and major policy matters. GPREP and Arizona Commerce Authority also acknowledge that communities are in the best position to speak about local incentives and efforts surrounding the local economy.
4. For projects that originate with a GPREP member community, GPREP will be available as confidential research access, topical expertise or as a service provider, to add value to the community in securing the project. Additionally, GPREP will not e-track the project unless the community lead makes such a request to do so.
5. GPREP will form a Business Action Team to include representation from each of the municipalities, Yavapai Prescott Indian Tribe, NACOG, Yavapai College, a Chamber of Commerce Representation, and Utilities.
5. GPREP Team Partners will provide accurate and timely information in response to specific requests by all prospects. When a client has narrowed sites to specific GPREP member communities, GPREP and will make a good-faith effort to inform those affected Business Action Team members first. Business Action Team members agree to provide information solely on their own community when the information requested is site-specific (ie, cost of land, taxes, development fees, utility availability and cost, zoning process timing, permit timing and local incentives). When site-specific information related to other GPREP communities is requested, BAT members agree to (i) direct GPREP prospects back to GPREP or (ii) direct non-GPREP generated prospects to contact the affected communities directly, and as a courtesy.
6. Prospect source and the determination of any lead prospect will follow the policies of the GPREP p-Track agreement as developed and agreed upon by the member communities.

7. Agree that regardless of the lead source, public locate announcements shall be coordinated among the company, GPREP member community, and GPREP to reflect inclusiveness and cooperation of all partners.
8. Encourage collaborative efforts to expand or relocate businesses within the region and prohibit preparatory use of local financial incentives for existing jobs to companies with current operation in another GPREP community.
9. Inform GPREP member community prior to or as soon as possible when a company visits or physical site visit within their community will occur. Business Action Team members will be the primary point of contact for the company when community information is needed.
10. Formalize a process to convene GPREP, Arizona Commerce Authority Board Representatives and Business Action Team member communities semi-annually, and cooperate in the exchange of information and ideas reflecting practices, procedures and policies relating to prospect handling and regional economic development.
11. Work collectively to maintain a high level of trust and integrity by and between GPREP, Arizona Commerce Authority and the Business Action Team of GPREP member communities
12. If there is evidence that protocol has not been followed or a professional conflict arises, the matter will be referred to the Business Action Team. If the matter cannot be resolved by the Business Action Team, the GPREP President will review the matter and may, at his or her discretion, consult or involve the GPREP Board. Disciplinary action may be taken as determined by the Board of Directors.
13. Partners agree to abide by this protocol agreement and uphold the highest standards of regional economic development cooperation. Partners agree to uphold the highest standards of regional and statewide economic development cooperation.

Name _____ Date _____
(Please Print)

Signature _____

Project Tracking (p-Track) Policy

The p-Track is GPREP's standard process of distributing, collecting, and sharing a prospect's request for available real estate with GPREP member communities.

The process, as outlined below, is designed to provide value to our B.A.T (Business Action Team) partners by maintaining an equal opportunity for response by all our member communities in order to give the best information to our prospects within a timely manner. For every prospect/client that requests such assistance, GPREP will, within 24 hours, email a p-Track request to all communities for available real estate and other data needed that matches our client's specifications.

It is also agreed that the following scenarios below GPREP will not send or share a p-Track:

- Prospect is already represented by a real estate professional who will be handling the real estate search
 - Community is the lead, and prospect was brought to GPREP by a local B.A.T. partner
 - Prospect has asked GPREP not to pursue a real estate search
1. The p-Track will be sent to all B.A.T. members unless Prospect has a narrow geographic area under consideration. Possible criteria for delivery to less than the full B.A.T. membership include but are not limited to:
 - i. Proximity to a client
 - ii. Vendor
 - iii. Airport
 - iv. Transportation corridor for export or import
 - v. University/Community College
 - vi. Cluster of like businesses, and
 - vii. Labor Force
 2. Once the p-Track is sent, B.A.T. partners will respond within the timeframe set by the client.
 3. p-Track emails will be retained for three years after initial send date or 12 months after officially closed . Additionally, GPREP will have electronic or written verification from the prospect if the geographic area for the p-Track is less than full B.A.T. membership.
 4. GPREP will include all properties, submitted by B.A.T. partners, which meet the minimum specifications as outlined by the Prospect. If properties are submitted that do not meet specifications, GPREP will notify the community that the sites were eliminated.

5. Upon receipt of community submittals from B.A.T. partners, GPREP will compile the available real estate package and send it to the Prospect within one business day.
6. GPREP will send a new p-Track out for any clients whose real estate requirements have changed in a way that will allow additional community submittals for consideration.
7. Community disputes on any adherence to this policy will be addressed with mediation as outlined in the GPREP protocol Agreement.

Community: _____

Community Representative: _____

Date: _____



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. d.**

Meeting Date: 06/10/2014
Contact Person: Ruth Mayday, Planner
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to amend Section 4.21.7 TEMPORARY SIGNS and Section 4.21.11 PROHIBITED SIGNS previously authorized by the adoption of Ordinance 10-726 with modifications

RECOMMENDED ACTION:

While the construction on State Route 89 is complete, the unstable economic conditions persist. During the April 1, 2014 meeting, the Planning and Zoning Commission took comment from business owners in the Town who have seen declines in their business since the expiration of Ordinance 10-726. Terminating the relief set forth in said ordinance will likely have a chilling effect on already struggling businesses within the town. Therefore, Staff recommends amending the language of Section 4.21.7 Temporary Signs and 4.21.11 Prohibited Signs as follows:

- 1) Businesses are allowed one (1) type of temporary signage at a time.
- 2) Temporary sign permits must be obtained from the Development Services Department and renewed on an annual basis, beginning on July 1, 2014; permits will expire on June 30, 2015. Fees shall be \$5.00 per month, paid annually upon application for said permit.
- 3) Strike subsections (d) and (e) from Section 2.
- 4) Portable signs must not obstruct Public Rights-of-Way
- 5) Temporarily suspend the regulations in 4.21.11 (E) and (I)
- 6) Strike Section 4.21.11 (K) in its entirety as this prohibition is in direct conflict with the regulation of Real Estate signage as set forth in 4.21.7 (D) (4).
- 7) This ordinance shall expire on January 1, 2016 or upon the revision of Section 4.21 Signs of the UDO, whichever first occurs.

MOTION: Motion to amend Section 4.21.7 TEMPORARY SIGNS and Section 4.21.11 PROHIBITED SIGNS as set forth in the Ordinance.

SITUATION AND ANALYSIS:

In 2009, State Route 89 underwent improvements initiated by the Arizona Department of Transportation (ADOT). Residents and visitors complained of difficulty in locating businesses during construction, and merchants suffered as a result of the construction related confusion. Town Council first adopted Ordinance 09-718, temporarily suspending prohibitions on certain signage until December 31, 2009. The economy began to fail prior to the expiration of 09-718; because the additional signage had proven effective during the construction period and businesses were struggling to survive, Town Council extended the suspension of prohibitions on certain signage as set forth in Ordinance 09-718 by adopting Ordinance 10-726. This ordinance extended the suspension of prohibitions on certain signage from January 1, 2010 to January 13, 2011. Because economic conditions had not improved by the expiration of Ordinance 10-726, Town Council extended the modifications to the Unified Development Ordinance until January 8, 2014. That extension has now expired.

Code Enforcement staff have been enforcing the requirements of UDO Section 4.1 since the expiration of Ordinance 10-726 on January 8, 2014. Since that time, staff has received 15 phone calls, emails, and personal visits from businesses that use signs prohibited by the UDO but allowed with the ordinances adopted by Council; all of whom fully support reinstatement of the language set forth in Ordinance 10-726.

During the Regular Meeting of the Commission on April 1, 2014, Staff presented recommended amendments to the language of Ordinance 10-726. The proposed amendments were discussed by the Commission; the Commission then took public comment from members of the audience who spoke of the impact the expiration of the amendments to the sign ordinance had on their businesses. The business owners all expressed support of extending the amendments to Sections 4.21.7 and 4.21.11 as they had all experienced declines in business since the expiration of Ordinance 10-726. The Commissioners expressed their support of the local business community and their desire not to impede the growth of the business community. After further discussion, the Commission voted unanimously to initiate a Public Hearing at the next regular meeting of the Planning and Zoning Commission to take comment on the extension of the amendments to Sections 4.21.7 and 4.21.11 of the Unified Development Ordinance.

A Public Hearing was held on May 6, 2014 after notice in compliance with ARS §9-462.04, at which the Commission discussed the proposed amendments. The proposed amendments were based on experience staff has had in administering similar ordinances in the Town of Prescott Valley. The Commission specifically considered the language that would prevent portable signs from obstructing the public rights-of-way, and the permit fees required from business owners in order to employ temporary signs and banners as part of their signage.

No public comment was offered. The Chair then closed the Public Hearing and the Commission voted unanimously to forward the item to Town Council with a recommendation of approval.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance strikethrough

Clean Version

ORDINANCE NO. ____ - ____

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CHINO VALLEY, ARIZONA, TEMPORARILY
SUSPENDING A PORTION OF THE TOWN CODE OF THE
TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4.21 SIGN
REGULATIONS, BY AMENDING SECTIONS 4.21.7
“TEMPORARY SIGNS” AND 4.21.11 “PROHIBITED SIGNS”,
RELATED TO THE TEMPORARY SUSPENSION OF CERTAIN
PORTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
PENALTIES**

WHEREAS, on November 9, 2006, the Town of Chino Valley Town Council adopted Resolution No. 06-812 declaring the Unified Development Ordinance (“**UDO**”) a public record, and adopted Ordinance No. 06-678 adopting the Unified Development Ordinance; and

WHEREAS, the stated purposes of the UDO include: (1) providing for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of resources and (2) promoting the health, safety, convenience, and general welfare of the citizens of the Town of Chino Valley, Arizona (“**Town**”); and

WHEREAS, during the Arizona Department of Transportation road improvements on State Route 89 in the Town Limits, area residents experienced difficulty locating business store-fronts, and local merchants experienced difficulty displaying signage adequate to alert consumers of the presence of their businesses, on March 12, 2009, Council adopted Ordinance No. 09-718, which temporarily suspended certain portions of the UDO Sign Regulations, with an automatic termination date of December 31, 2009; and

WHEREAS, due to the ongoing economic downturn and the proven effectiveness of Ordinance No. 09-718's provisions, Council adopted Ordinance No. 10-726 on January 28, 2010 to extend the effective date of Ordinance No. 09-718 retroactively from January 1, 2010 through January 13, 2011; and

WHEREAS, upon adoption of Ordinance 10-726 by Town Council on December 9, 2010 the Town Council extended the modifications with an expiration date of January 8, 2014; and

WHEREAS, Terminating the temporary suspension of prohibitions on certain types of signage as set forth in Ordinance 10-726 will likely have a chilling effect on businesses struggling to recover from the economic downturn; and

WHEREAS, it is in the interest of providing for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of resources and promoting the health, safety, convenience, and general welfare of the citizens of the Town to extend the temporary suspension of certain portions of the UDO Sign Regulations; and

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, Chapter 4.21 SIGN REGULATIONS, Section 4.21.7 "TEMPORARY SIGNS" AND 4.21.11 "PROHIBITED SIGNS" is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

4.21.7 C: TEMPORARY BANNERS AND PORTABLE SIGNS

1) TEMPORARY BANNERS

- a. AN ON-SITE Banner or Pennant sign ("**Banner sign**") made of cloth, nylon, or similar durable material may be displayed for a maximum of THREE HUNDRED AND SIXTY-FIVE DAYS ~~thirty (30)~~ consecutive days, ~~subject to renewal on the first calendar day of each month.~~ SUBJECT TO THE ISSUANCE OF AN ANNUAL SIGNAGE PERMIT. Display of a Banner sign is not limited to Grand Openings or Special Events.
- b. Approval of the ~~time and~~ location of a Banner sign display shall be obtained from the Development Services Director, or his/her designee ~~on forms provided by the Town's Development Services Department,~~ subject to Subsection 4.21.9 of the UDO and assessment of AN ANNUAL Temporary Sign Fee upon initial Application and ~~each renewal thereafter, based upon the Development Services Fee Schedule.~~
- c. Banner sign displays are allowed on-site in commercial or industrial districts or public or institutional property. In residential districts, such sign displays may only be permitted for multiple residence uses and non-residential uses.
- d. The maximum size of a Banner sign shall be forty-eight square feet (48 sq. ft.), and shall be limited to one (1) per business, subject to Paragraph (f) below and Subsection 4.21.7(B), off-site Directional signs pertaining to special events.
- e. A Banner sign display is limited to the building or within the parking area, perimeter landscape, or some other area of the development, as reviewed and approved by the Development Services Director or his/her designee.
- f. ~~For special events, the maximum Banner sign size shall be forty-eight square feet (48 sq. ft.), unless otherwise reviewed and approved, and shall be limited to one (1) per street frontage per business. Application for and approval of the time and location of display shall be obtained from the Zoning Administrator, or his/her designee, on forms provided by the Town's Development Services Department.~~

2) TEMPORARY A-FRAME SIGNS

- a. In commercial or industrial districts or on public or institutional property, one (1) A-frame type portable sign made of wood, vinyl, metal or other similar non-pliable material ("**Portable sign**") may be displayed for a maximum of THREE HUNDRED AND SIXTY-FIVE DAYS ~~thirty (30)~~ consecutive days, ~~subject to renewal on the first calendar day of each month.~~ SUBJECT TO THE ISSUANCE OF AN ANNUAL SIGNAGE PERMIT.

- b. Approval of the time and location of a Portable sign shall be obtained from the Development Services Director, or his/her designee, ~~on forms provided by the Town's Development Services Department,~~ subject to Subsection 4.21.9 of the UDO and assessment of AN ANNUAL Temporary Sign Fee upon initial Application and each renewal thereafter, based upon the Development Services Fee Schedule.
- c. A Portable sign shall be limited to one of two sizes: (i) 24" width x 36" height; or (ii) 31" width x 40" height.
- d. ~~A Portable sign is limited to (i) identification of a business; and (ii) providing directions to said business.~~
- e. ~~The background color of a Portable sign shall be white in color, and shall be limited to one contrasting color of graphics and/or text.~~
- f. ~~Subject to paragraph (f) (H) below,~~ a Portable sign is not permitted on another person's property without written permission.
- g. ~~E.~~ A Portable sign is not permitted TO OBSTRUCT THE PUBLIC RIGHT OF WAY, OR in the following locations: within any Town-owned property, except for signs posted by the Town for Town events.
 - i. ~~Within five (5) feet of a public street;~~
 - ii. ~~At the corner of an intersection;~~
 - iii. ~~Within a public utility easement;~~
 - iv. ~~Within any Town-owned property, except for signs posted by the Town for Town events; and~~
 - iv. ~~As set forth in Subsection 4.2.11(E).~~
- h. f. No Portable sign display is permitted during hours of non-operation (close of business).

SECTION 4.21.11 (E) AND SECTION 4.21.11 (I) "PROHIBITED SIGNS" ARE REVOKED

Amend Section ~~4.21.7 (D) (4)~~ 4.21.11 K by adding the following language after "Weekend directional signs: THE MANNER AND PLACEMENT OF WEEKEND DIRECTIONAL SIGNS FOR THE PURPOSE OF ADVERTISING REAL ESTATE SHALL BE GOVERNED BY THE REGULATIONS SET FORTH IN SECTION 4.21.7 (D) (4).

Amend Section ~~4.21.7 (I).~~ TEMPORARY SIGNS AND BANNERS MUST BE LOCATED AT LEAST SIX FEET (6') BEHIND THE BACK OF THE CURB. WHERE NO CURB IS PRESENT, THE SIGN MUST BE AT LEAST 31' FROM THE CENTER OF THE ROAD OR STREET.

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.

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(A), (B) and (D) of the Town Code of the Town of Chino Valley, Arizona.

Section 5. Termination

This ordinance shall expire on January 1, 2016 or upon the revision of Section 4.21 Sign Regulations of the Unified Development Ordinance, whichever first occurs.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

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

APPROVED this ____ day of _____, 20__.

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

I, JAMI 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 _____, 20__, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. e.**

Meeting Date: 06/10/2014
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt a motion to accept and declare as Town rights-of-way previously dedicated and recorded Easements for roadway and utility purposes related to the Road 1 East Roadway Project over Yavapai County Assessor parcels 102-01-001M (formerly 102-01-01M), 102-01-214C, 102-01-219G (formerly 102-01-01W), 102-01-219H (formerly 102-01-01R), 102-01-223E (formerly 102-01-01K), 102-01-216A, 102-01-216.

RECOMMENDED ACTION:

Adopt a motion to accept and declare as Town rights-of-way previously dedicated and recorded Easements for roadway and utility purposes related to the Road 1 East Roadway Project over Yavapai County Assessor parcels 102-01-001M (formerly 102-01-01M), 102-01-214C, 102-01-219G (formerly 102-01-01W), 102-01-219H (formerly 102-01-01R), 102-01-223E (formerly 102-01-01K), 102-01-216A, 102-01-216..

SITUATION AND ANALYSIS:

See Attached

Fiscal Impact

Fiscal Impact?: 0

If Yes, Budget Code:

Available:

Funding Source:

Attachments

777 Road 1 East Easements

**Town of Chino Valley
Agenda Item Staff Report
SITUATION & ANALYSIS**

AGENDA ITEM TITLE

Consideration and possible action to adopt a motion to accept and declare as Town rights-of-way previously dedicated and recorded Easements for roadway and utility purposes related to the Road 1 East Roadway Project over Yavapai County Assessor parcels 102-01-001M (formerly 102-01-01M), 102-01-214C, 102-01-219G (formerly 102-01-01W), 102-01-219H (formerly 102-01-01R), 102-01-223E (formerly 102-01-01K), 102-01-216A, 102-01-216.

RECOMMENDED ACTION

Approval by Town Council of the previously recorded Roadway Easements, as follows:

1. Easement recorded in the Yavapai County Recorder's Office on July 15, 1986 in Book 1837, page 726 and in Instrument No. 25852, Official Records. (Parcel No. 102-01-001M, formerly 102-01-01M)
2. Easement recorded in the Yavapai County Recorder's Office on July 15, 1986 in Book 1837, page 734, Official Records. (Parcel No. 102-01-214C)
3. Easement recorded in the Yavapai County Recorder's Office on July 15, 1986 in Book 1837, page 731, Official Records. (Parcel No. 102-01-219G, formerly 102-01-01W)
4. Easement recorded in the Yavapai County Recorder's Office on July 15, 1986 in Book 1837, page 727, Official Records. (Parcel No. 102-01-219H, formerly 102-01-01R)
5. Easement recorded in the Yavapai County Recorder's Office on July 15, 1986 in Book 1837, page 737, Official Records. (Parcel No. 102-01-223E, formerly 102-01-01K)
6. Easement recorded in the Yavapai County Recorder's Office on July 15, 1986 in Book 1837, page 736, Official Records. (Parcel No. 102-01-216A)
7. Easement recorded in the Yavapai County Recorder's Office on July 15, 1986 in Book 1837, page 735, Official Records. (Parcel No. 102-01-216)

Applicable "Policy"

- ***Rights of Way are defined at Town Code Section 150.043 Definitions***
- ***Rights of Way are defined as -- Streets, roads, alleys, ways, highways, sidewalks, bridges, utility easements, structures, grounds and places which have been dedicated to and declared by the town to be public and permits are not limited to public rights of ways.***
- ***Council approval of construction project for Road 1 East.***
- ***Council approval of ADOT IGA for construction of roundabout at SR89 and Kalinich Road.***

Satisfaction of “Policy”

- Per definition at section 150.043, Rights of Way are “...dedicated to and declared by the town to be public...”
- Acceptance of dedication satisfies the policy requirement for the above easements in order for the town to declare that they are Rights of Way.

Summary of Issues and Staff Rationale

In 1986 the owners of property dedicated easements to the public for roadway and utility purposes. Those easements were recorded in the Yavapai County Recorder’s Office. In March, 2000, the area was annexed into the Town of Chino Valley. The easements have always been treated as Town easements, but the County Board of Supervisors’ minutes from 1986 have not been located and the Town’s records from 2000 appear to be incomplete. Formal acceptance of the easements and declaration of the right-of-way by the Council at the time of annexation into the Town cannot be located. The Town is now ready to proceed with the Road 1 East improvements over the roadway easements and the Town Attorney recommends that the recordkeeping error be corrected to expressly reflect formal acceptance and declaration of rights-of-way of the roadway easements so the meet the Town’s definition of “rights-of-way”.

Findings of Fact

- The proposed action will complete the Town’s records regarding the easements.