



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
Tuesday, July 8, 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)** Proclamation Supporting National Night Out 2014

- 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)** The possibility of current sewer users being exempt from the proposed property tax due to the bills incurred when sewer system was originally established.

Who represents the out of state owners, which are unable to vote on the proposed tax?

5) **CURRENT EVENT SUMMARIES AND REPORTS**

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

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

6) **CONSENT AGENDA**

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

- a) Consideration and possible action to approve the revised vote-by-mail Election Services Agreement between Yavapai County Board of Supervisors, Yavapai County Recorder and the Town of Chino Valley for utilizing County election services to remain in effect until terminated.

Recommended Action: Approve Elections Services Agreement with Yavapai County Recorder for utilizing County election services, with Agreement to remain in effect until terminated

- b) Consideration and possible action to approve recommended budget adjustments for the Fiscal Year Ending June 30, 2014. (Joe Duffy, Finance Director)

Recommended Action: Approve recommended budget adjustments for Fiscal Year Ending June 30, 2014.

- c) Consideration and possible action to adopt Resolution No. 14-1040, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2014/2015, pursuant to Section 48-616, Arizona Revised Statutes, as amended; setting a date for public hearing on the proposed statements and estimates as approved; and providing for notice of the hearing and publication of the proposed statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the districts. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution No. 14-1040, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2014/2015.

7) **ACTION ITEMS**

- a) Discussion, consideration, and possible action to adopt a resolution ordering and authorizing all matters necessary for a bond election to be held on November 4, 2014. If this resolution is so adopted, the deadline for submitting arguments with respect to it is August 4, 2014. (Robert Smith, Town Manager)

Recommended Action: Approve Resolution No. 14-1041, ordering and authorizing all matters necessary for a bond election to be held on November 4, 2014.

- b) Consideration and possible action to to amend the Unified Development Ordinance (UDO) to regulate the manner and placement of Assisted Living Facilities, Assisted Living Homes, Recovery Homes, and related special purpose residences. (Ruth Mayday, Planner)

Recommended Action: Approval of the proposed text amendments to Section 2.1 Definitions and Chapter 3 Zoning Districts?, Sections 3.5 through 3.13 (AR-36, AR-5, AR-4, SR-2.5, S4-2, SR 1.6, SR-1, SR-0.16, MR), and Section 3.15 (CL) and Section 4.10 Special Purpose and Temporary Housing for the purposes of regulating the manner and placement of Sober Homes, Assisted Living Centers, and Assisted Living Homes.

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.

- a) Council may hold an executive session pursuant to A.R.S. 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Town Magistrate.(Councilmember Hatch/Councilmember McKee)
- 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.. (Mayor Marley)

9) ADJOURNMENT

Dated this 2nd day of July, 2014.

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

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

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

CERTIFICATION OF POSTING

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

Date: _____ Time: _____ By: _____
Liz Hart, Deputy Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **2. a.**

Meeting Date: 07/08/2014
Contact Person: Chuck Wynn, Police Chief
Phone: 928-636-2646 x-1258
Department: Police
Item Type: Presentation Only
Estimated length of Staff Presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation Supporting National Night Out 2014

SITUATION & ANALYSIS:

Chino Valley Police Department is hosting it's first ever National Night Out event on August 5, 2014. The event will be held at Memory Park from 7:00PM-10:00PM. This is a proclamation for the Town to support the event. Please see attachment for details.

Attachments

NNO Proclamation



PROCLAMATION

Supporting National Night Out 2014



Whereas, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 5, 2014, entitled National Night Out; and

Whereas, the "31st Annual National Night Out" provides a unique opportunity for the Town of Chino Valley to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

Whereas, Chino Valley Police Department plays a vital role in crime, drug and violence prevention efforts in the Town of Chino Valley and is supporting the "National Night Out 2014" locally; and

Whereas, it is essential that all citizens of the Town of Chino Valley be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in the Town of Chino Valley; and

Whereas, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

Now, Therefore, I, Chris Marley, Mayor of the Town of Chino Valley, do hereby proclaim Tuesday, August 5, 2014, as National Night Out in Chino Valley, Arizona, and urge all of our citizens to join the Chino Valley Police Department and the National Association of Town Watch in supporting the "31st Annual National Night Out".

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 8th day of July, 2014.

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: 07/08/2014
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 approve the revised vote-by-mail Election Services Agreement between Yavapai County Board of Supervisors, Yavapai County Recorder and the Town of Chino Valley for utilizing County election services to remain in effect until terminated.

RECOMMENDED ACTION:

Approve Elections Services Agreement with Yavapai County Recorder for utilizing County election services, with Agreement to remain in effect until terminated.

SITUATION AND ANALYSIS:

See attached

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 01-42-5285

Available: \$43,000

Funding Source:

The Town budgeted \$43,000 in the Towns Clerk budget for Fiscal Year 2014/2015.

Attachments

Staff report

Election Services IGA

2014-2015 Special District Fee Schedule

Agenda Item Staff Report SITUATION & ANALYSIS

Issue Statement

The Town has historically contracted with the Yavapai County for election service. In 2006, the Board of Supervisors voted to limit the County elections Department contractually jurisdictional election services to vote by mail elections and a one-time service agreement.

The County is now proposing revisions to the agreement by adjusting the election service fees and amending the Terms of Agreement.

Applicable “Policy”

Satisfaction of “Policy”

Summary of Issues and Staff Rationale

Findings of Fact

THIS AGREEMENT, by and between the YAVAPAI COUNTY BOARD OF SUPERVISORS and the YAVAPAI COUNTY RECORDER (collectively the “COUNTY”) and _____, (the “JURISDICTION”).

WHEREAS, pursuant to A.R.S. §§11-952, 15-302(A)(7) and (8), 16-205(C), 16-225, or 16-408(D), the governing body of any election district authorized to conduct an election may enter into an agreement with a County Board of Supervisors and County Recorder for election services with the contracted cost of such election to be a charge against the election district; and

WHEREAS, the COUNTY is willing to provide election services to election districts wishing to conduct vote-by-mail elections, but, with the exception of state primary and general elections, will not provide election services to districts wishing to conduct vote center elections unless a vote center election is expressly required by state or federal statute; and

WHEREAS, the JURISDICTION wishes to enter into an agreement with the COUNTY for the provision of elections services subject to the terms and conditions set forth herein,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Provision of Election Services.** The COUNTY hereby agrees to provide election services to the JURISDICTION for all consolidated election dates set forth by A.R.S. §16-204 during the effective term of this Agreement. The Agreement shall apply to all categories of elections including, but not limited to, primary, general, and special elections. Services to be provided by the COUNTY, and those that remain the responsibility of the JURISDICTION, are set forth in the Elections Task Schedule attached to this Agreement as Exhibit 1.
2. **Limitation on Eligible Elections.** It is understood and agreed that the services to be provided pursuant to this Agreement shall be provided exclusively for vote-by-mail elections with the exception of state primary and general elections and elections expressly required by state or federal statute to be conducted at vote centers. It shall be the responsibility of the JURISDICTION to establish the legal basis for a requirement that an election is required by state or federal statute to be conducted at vote centers. The COUNTY may, in its sole discretion, decline to provide services for any election that it concludes is not required to be conducted at vote centers. The COUNTY will not provide services for exclusively vote-by-mail elections during the state primary and general elections.
3. **Special Taxing Districts.** As provided in A.R.S. §§48-802(D)(4), 48-1012(E), 48-1082(E), 48-1092(E), 48-1908(C), and 48-2010(A), if the number of candidates is less than or equal to the number of vacancies, the Yavapai County Board of Supervisors may cancel the election for the position and appoint the person(s) who filed the nominating petition(s) to fill the position(s).

4. Compensation.

- a. **Fees.** The JURISDICTION shall compensate the COUNTY for election services provided pursuant to this Agreement in accordance with the fees set forth in the most current fiscal year Election/Voter Registration section of the Yavapai County Special Districts Fee Schedule posted online at www.yavapai.us. The fee schedule is for base services only. Any additional services required by the JURISDICTION will result in additional charges. Additional services include, but are not limited to, the following: hand count audit, court preparation, court appearances, supplemental mailings, recounts, or any service which will cause the COUNTY to incur increased costs or expenses. In the event that additional services are requested, the JURISDICTION should refer to unit and hourly pricing information as set forth on the fee schedule. The COUNTY reserves the right to adjust election service fees annually or otherwise at any time during the effective term of this Agreement notice of which will be posted on the COUNTY's website. Revised schedules will supersede prior schedules and be incorporated into this Agreement in effect at the time of revision.
- b. **Late Fees.** Payment for all costs associated with the provision of services pursuant to this Agreement shall be made in full no later than 30 days following the date of the election. In the event that the required payment is not made by the due date deadline specified herein, the COUNTY shall impose a late charge of 2% of the unpaid balance for each 30-day period or portion thereof following the specified deadline for which any portion of the required payment, including unpaid late charges, remains unpaid.
- c. **Termination.** Failure to make payments as required by this Section shall be deemed a material breach of this Agreement and shall be grounds for termination of this Agreement pursuant to Section 8 of this Agreement.

- 5. **Discounts.** The COUNTY has established a discounted fee rate for JURISDICTIONS that provide assistance, meeting sites free of charge or rent, or other services for COUNTY-administered elections.

☐

The JURISDICTION has elected to decline to receive discounted rates for providing assistance, meeting sites free of charge or rent, or other services.

☒

The JURISDICTION has elected to receive these discounted rates subject to the terms and conditions set forth herein and will provide the two services indicated below.

- a. **Services the JURISDICTION Will Provide.** The JURISDICTION and the COUNTY agree that the following two checked services will be provided by the JURISDICTION as consideration for the COUNTY's provision of election services at the discounted rates as set forth in the Special Districts Fee Schedule posted online at www.yavapai.us.

JURISDICTION will provide (check 2)	Service	COUNTY Approval (Initials)
☒	The JURISDICTION will serve as a ballot drop-off site for any election that the COUNTY requests. Duties are outlined in Exhibit 2.	____ ____
☒	The JURISDICTION will serve as a ballot replacement site for any Election that the COUNTY requests. Duties include: supplying replacement ballots and/or affidavit envelopes to voters, auditing and logging replacement ballots, verifying correct voter registration, and securing all ballots.	____ ____
☐	The JURISDICTION agrees to provide at least one vote center or poll worker training site at no charge for any statewide or countywide election cycle. Vote centers and training sites are subject to review by the COUNTY.	____ ____
☐	The JURISDICTION agrees to provide at least five poll workers or two Election Day Technicians (EDTs). A poll worker must be able to perform any of the following duties: voter check-in, ballot distribution, voter assistance, equipment setup, and/or poll worker supervision. An EDT provides information technology support to poll workers. Such workers will be trusted employees of the JURISDICTION who are eligible to serve as poll workers or EDTs. Poll workers and EDTs will receive from the JURISDICTION the normal compensation for the position worked.	____ ____
☐	The JURISDICTION agrees to act as a conditional provisional ID check site in accordance with A.R.S. §16-584 at no cost to the COUNTY. This check involves verifying voters' identification when they have not provided sufficient ID at their vote center. This will be required for 3 to 5 business days after election day for any vote center election.	____ ____

- b. Advance Notice.** The COUNTY hereby agrees to provide the JURISDICTION with at least 30 days notice of any election where the services agreed to above are required.
- c. Discounted Fee Rates; Adjustment of Fees.** The COUNTY hereby agrees to provide election services to the JURISDICTION at the discounted fee rate for all consolidated election dates during the effective term of this Agreement. The Agreement shall apply to all categories of elections including, but not limited to primaries, generals, and special elections. The COUNTY reserves the right to adjust election service fees

and discounts annually or otherwise at any time during the effective term of this Agreement notice of which will be posted on the COUNTY's website. Revised schedules will supersede prior schedules and be incorporated into the Election Services Agreement in effect at the time of revision. Failure by the JURISDICTION to provide the agreed-upon services selected under this Agreement shall result in the discounted fee rate being null and void.

6. **Conduct of Elections.** While the COUNTY will use its best efforts to provide election services pursuant to this Agreement in a capable and competent manner, it shall ultimately be the responsibility of the JURISDICTION to confirm that all legal requirements have been met and that all other activities related to a given election are carried out as required. The COUNTY will provide to the JURISDICTION, in advance, all forms, schedules, documents, and other information pertaining to each election conducted pursuant to this Agreement for the JURISDICTION's review and approval. The JURISDICTION shall provide to the COUNTY all informational materials or other election-related documents generated by the JURISDICTION for review and approval by the COUNTY prior to the distribution of such materials or documents.
7. **Term of Agreement.** The initial term of this Agreement shall expire on December 31, 2015. Thereafter, the Agreement shall be automatically renewed for successive two-year terms and shall continue in full force and effect until terminated as provided herein.
8. **Termination**
 - a. **Unilateral Termination.** This Agreement may be terminated by either Party upon 30 days written notice to the other Party of intent to terminate, provided, however, that the Agreement may not be unilaterally terminated by either party within 90 days of the date of an election for which the COUNTY would otherwise be providing services pursuant to this Agreement.
 - b. **Termination by Mutual Agreement.** This Agreement may be terminated at any time by mutual agreement of the Parties.
 - c. **Termination for Breach.** In the event of a breach of any term or condition of this agreement, the Party claiming breach shall provide written notice to the other Party specifying the factual basis for the claim that a breach has occurred. If the breach is not remedied within fifteen (15) days after notice is mailed to the Breaching Party at the address provided herein, the Non-breaching Party may terminate this Agreement without further notice.
9. **Conflict of Interest.** This Agreement is subject to the cancellation provisions of A.R.S. §38-511.
10. **Non-Discrimination.** The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that

applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin, or disability.

- 11. E-Verify; Government Procurement.** The Parties are required to comply with A.R.S. §41-4401, and hereby warrants that they will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the employment of their respective employees, the requirements of A.R.S. §41-4401, and with the e-verification requirements of A.R.S. §23-214(A) (together the “state and federal immigration laws”). The Parties further agree to ensure that each subcontractor that performs any work under this Agreement likewise complies with the state and federal immigration laws.

A breach of a warranty regarding compliance with the state and federal immigration laws shall be deemed a material breach of the Agreement and the party who breaches may be subject to penalties up to and including termination of the Agreement.

The Parties retain the legal right to inspect the papers of any contractor or subcontract employee working under the terms of the Agreement to ensure that the other party is complying with the warranties regarding compliance with the state and federal immigration laws.

- 12. Worker’s Compensation.** For purposes of workers’ compensation, an employee of a party to this Agreement, who works under the jurisdiction or control of, or who works within the jurisdictional boundaries of another party pursuant to this specific intergovernmental agreement, is deemed to be an employee of both the party who is his primary employer and the party under whose jurisdiction or control or within whose jurisdictional boundaries he is then working, as provided in A.R.S. §23-1022(D). The primary employer party of such employee shall be solely liable for payment of workers’ compensation benefits for the purposes of this section. Each party herein shall comply with the provisions of A.R.S. §23-1022(E) by posting the public notice required.

- 13. Indemnification.** Each Party (as “indemnitor”) agrees to indemnify, defend, and hold harmless the other Party (as “indemnitee”) from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney’s fees) (hereinafter collectively referred to as “claims”) arising out of or as a result of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers. The obligations under this Paragraph shall survive the termination of this Agreement.

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14. Contact Information. Communications regarding services provided pursuant to this Agreement shall be directed to the following:

COUNTY:

JURISDICTION:

Lynn Constabile

Contact: _____

Yavapai County Elections Director

Title: _____

1015 Fair Street, Room 228

Mailing Address: _____

Prescott, AZ 86305

Phone: (928) 771-3250

Phone: _____

E-mail: web.elections@yavapai.us

E-mail: _____

APPROVALS

COUNTY:

JURISDICTION:

Leslie Hoffman, County Recorder	Date
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Name _____
Date _____

Lynn A. Constabile, Elections Director
Date

Title

In accordance with A.R.S. §11-952, this Agreement has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to the COUNTY.

In accordance with A.R.S. §11-952, this Agreement has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to the JURISDICTION.

Deputy County Attorney _____ Date _____

Legal Counsel for the JURISDICTION Date

Exhibit 1

INTERGOVERNMENTAL AGREEMENT FOR ELECTION SERVICES
ELECTIONS TASK SCHEDULE

Responsibilities for the conduct of elections pursuant to the Yavapai County Election Services Agreement are allocated as follows:

TASK	TO BE PERFORMED BY:	
	County	Jurisdiction
If applicable, obtain pre-clearance of election changes from Department of Justice (Copy of submission to be forwarded to the COUNTY)		X **
Publish Call of Election (May be forwarded to the COUNTY for review)		X *
Publish Legal Advertising, Notices, etc. (May be forwarded to the COUNTY for review)		X *
Approve final ballot proof (Required JURISDICTION signoff)		X **
Attend and certify official Logic and Accuracy (L&A) Test		X
If applicable, submit agenda item to County Board of Supervisors for election cancellation	X	
Order ballots (Invoices will be sent directly to jurisdiction for all elections except biennial Primary and General)	X	
If applicable, obtain vote centers and poll workers	X	
Publish Logic & Accuracy Test notice	X	
Perform Logic & Accuracy Test	X	
Mail Vote by Mail Ballots and Early Ballots	X	
Process ballots which includes testing, tabulation, and audit	X	
Perform signature verification on ballot affidavits and provisional ballots	X	

** For a countywide election, the COUNTY is responsible for this task.*

*** For a countywide election, the JURISDICTION is only responsible for its portion.*

PERFORMANCE OF TASKS AS OUTLINED ABOVE MAY HAVE SIGNIFICANT IMPACTS ON THE CONDUCT OF AN ELECTION AND MAY HAVE SIGNIFICANT LEGAL CONSEQUENCES AS WELL. PARTICIPATING JURISDICTIONS ARE ADVISED TO:

1. CAREFULLY REVIEW THE ALLOCATION OF TASKS AND TO DIRECT ANY QUESTIONS TO THE COUNTY CONTACT.
2. MAINTAIN CLOSE CONTACT WITH THE YAVAPAI COUNTY ELECTIONS DEPARTMENT PRIOR TO, DURING, AND AFTER ELECTIONS.
3. REFER ANY QUESTIONS REGARDING ELECTION-RELATED LEGAL ISSUES TO THE JURISDICTION'S LEGAL COUNSEL.

Exhibit 2**INTERGOVERNMENTAL AGREEMENT FOR ELECTION SERVICES
BALLOT DROP BOXES**

JURISDICTIONS who are provided with COUNTY ballot drop boxes hereby agree to the following additional responsibilities:

1. The COUNTY will issue ballot drop box keys to the JURISDICTION. These keys remain COUNTY property and must not be duplicated. The JURISDICTION agrees to keep keys in a secure location and allow only authorized staff or COUNTY-designated employees access to keys.
2. The JURISDICTION shall “open” all COUNTY ballot boxes on the first day of early voting as instructed by the COUNTY, depending on the specific election.
3. The JURISDICTION shall maintain and check for ballots in all COUNTY ballot boxes periodically throughout the early voting period and on election night at 7 p.m.
4. The JURISDICTION shall promptly notify the COUNTY if a ballot box is at risk of becoming full and a ballot pickup needs to be scheduled.
5. The JURISDICTION shall “close” and secure all COUNTY ballot boxes from accepting any more ballots promptly at 7:00 p.m. on election night.
6. The JURISDICTION may be instructed to call the COUNTY with the number of ballots dropped off on election night, depending on the specific election.
7. The JURISDICTION shall promptly report to the COUNTY any damage and/or graffiti to the COUNTY ballot drop box.
8. The JURISDICTION shall provide written, advance notice to the COUNTY of any additional uses of the COUNTY ballot drop boxes.

**YAVAPAI COUNTY SPECIAL DISTRICTS
FEE SCHEDULE 2014-2015**

Pursuant to A.R.S. §11-251.06 AND §48-819 the following is the fee schedule for services provided to the fire districts and other special districts by Yavapai County.

	Fees	Per	
Assessor			
Office Manager	\$	38.00	HR
GIS/CAD Supervisor	\$	41.00	HR
GIS/CAD Technician	\$	32.00	HR
Administrative Assistant II	\$	35.00	HR
Attorney			
Attorney Supervisor	\$	64.00	HR
Attorney	\$	59.00	HR
Clerical	\$	27.00	HR
Development Services			
Director	\$	84.00	HR
Land Use & Planing Unit Manager	\$	54.00	HR
Customer Service & Permitting Manager	\$	49.00	HR
Senior Planner	\$	45.00	HR
Planner II	\$	41.00	HR
Environmental Health Specialist III	\$	41.00	HR
Planner I	\$	38.00	HR
Environmental Health Specialist II	\$	38.00	HR
Office Manager	\$	38.00	HR
Clerical	\$	27.00	HR
Elections/Voter Registration			
Director	\$	70.00	HR
Registrar of Voters	\$	45.00	HR
Voter Registration Clerk III	\$	32.00	HR
Voter Registration Street Specialist	\$	29.00	HR
Vote by Mail Technician	\$	29.00	HR
Voter Registration Clerk II	\$	27.00	HR
Elections Database Programmer	\$	35.00	HR
Elections Warehouse Technicians	\$	32.00	HR
Elections Office Technician	\$	32.00	HR
Contract Fees			
Vote by Mail	\$2.75 PER REG. VOTER		
Vote Center Election (Cost sharing with other Jurisdictions on the ballot)	Fee not to exceed \$4.60 PER REG. VOTER		
Discount for Jurisdictions who provide assistance	\$0.25 OFF PER REG. VOTER		
Minimum charge (the larger of the cost per voter or miniumum charge)	\$500.00		
Recounts	\$0.30 PER REG. VOTER		
Non-Contract Fees			
Processing Provisional Ballots	\$	2.50	EACH
Processing "Conditional" Provisional Ballots	\$	5.00	EACH
Early Voting Packet (includes signature verification)	\$	2.50	EACH
Property Owner Voter Verification	\$	2.50	EACH
Miscellaneous/Statutory Fees:			
Signature Verification	\$	0.50	NAME
Precinct Registers	\$	50.00	EACH
Authorized Countywide Voter Registration list per name on disk	\$	0.01	NAME
Authorized Countywide Voter Registration list per name on paper	\$	0.05	NAME
Court Related Costs			
Actual rates as determined by approved hourly rates of Elections and/or Voter Registration staff involved in compiling information related to lawsuits on elections-related matters and/or in time spent giving depositions or testifying in court, and costs for copies.	ACTUAL COST		
Facilities			
Director	\$	72.00	HR
Office Manager	\$	38.00	HR
Electrician	\$	36.00	HR
Carpenter	\$	36.00	HR
Maintenance Supervisor	\$	36.00	HR
Trade Specialist	\$	33.00	HR
Clerical	\$	27.00	HR
Finance			
Director	\$	77.00	HR
Assistant Director	\$	59.00	HR
Accounting Specialist II	\$	35.00	HR
Senior Accounts Payable Clerk	\$	29.00	HR
Accounts Payable Clerk	\$	27.00	HR
Vendor paid per item	\$	3.00	ITEM

Flood Control

Director	\$	70.00	HR
District Engineer	\$	59.00	HR
Flood Warning Program Manager	\$	49.00	HR
Project Manager	\$	45.00	HR
Hydrologist III	\$	45.00	HR
Civil Engineer Technician	\$	41.00	HR
Hydrologist II	\$	41.00	HR
Hydrologist I	\$	35.00	HR
Administrative Assistant II	\$	35.00	HR
Administrative Assistant I	\$	32.00	HR
Clerical	\$	27.00	HR

Management Information

Director	\$	84.00	HR
Programmer/Analyst Manager	\$	54.00	HR
Operations Manager	\$	54.00	HR
Network Engineer Manager	\$	54.00	HR
GIS Manager	\$	54.00	HR
Systems Programmer	\$	45.00	HR
Systems Administrator	\$	45.00	HR
Database Administrator	\$	45.00	HR
Programmer/Analyst II	\$	41.00	HR
Network Engineer	\$	41.00	HR
GIS Programmer/Analyst II	\$	41.00	HR
Computer Assistance Specialist III	\$	38.00	HR
Programmer/Analyst I	\$	35.00	HR
Computer Assistance Specialist II	\$	35.00	HR
GIS Programmer/Analyst I	\$	35.00	HR
Computer Service Technician	\$	35.00	HR
Computer Procurement Specialist	\$	29.00	HR
GIS Technician	\$	27.00	HR
Clerical	\$	27.00	HR

Public Works

Director	\$	85.00	HR
Assistant Public Works Director	\$	70.00	HR
Assistant County Engineer	\$	59.00	HR
Project Engineer	\$	54.00	HR
Business Manager	\$	49.00	HR
Civil Engineer	\$	49.00	HR
Survey Manager	\$	49.00	HR
Project Manager	\$	45.00	HR
Public Works Inspector Senior	\$	38.00	HR
Survey Party Chief	\$	41.00	HR
Administrative Assistant II	\$	35.00	HR
Equipment Operator III	\$	36.00	HR
Right-of-Way Specialist	\$	35.00	HR
Administrative Assistant I	\$	32.00	HR
Instrument Technician	\$	30.00	HR
Clerical	\$	27.00	HR
Maintenance Worker	\$	24.00	HR

Board of Supervisors/Special Districts Administration

County Administrator	\$	122.00	HR
Assistant County Administrator	\$	84.00	HR
Clerk of the Board/Special Districts Coordinator	\$	59.00	HR
Administrative Assistant	\$	35.00	HR
Clerical	\$	27.00	HR
Fire District Administrator	ACTUAL COST		

Treasurer

Office Manager	\$	38.00	HR
Administrative Assistant II	\$	35.00	HR
Administrative Assistant I	\$	32.00	HR
Account Clerk III	\$	29.00	HR

General County Fees

Computer printout	\$	1.00	Page
Photocopy	\$	0.25	Page
Mileage		\$0.555	Mile
Non sufficient fund check charge	\$25 + Bank Fee		Per CHK

Overtime, if applicable, is 1.5 x the hourly rate

Other County Departments may have previously established fee schedules or the ability to impose statutory fees. If a fire district or special district uses the services of those



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. b.**

Meeting Date: 07/08/2014
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve recommended budget adjustments for the Fiscal Year Ending June 30, 2014.

RECOMMENDED ACTION:

Approve recommended budget adjustments for Fiscal Year Ending June 30, 2014.

SITUATION AND ANALYSIS:

See Attached:

Fiscal Impact

Fiscal Impact?: 60,000

If Yes, Budget Code: 01955600

Available: 60,000

Funding Source:

The Contingency Budget will be reduced from \$321,500 to \$261,500.

Attachments

Staff Report

Situation and Analysis: Fiscal Year 2014 Final Budget Adjustments

The Town of Chino Valley adopts a budget by department each fiscal year. Only the Town Council has authority to approve budget adjustments between departments. Although the total General Fund is projected to be under budget by \$ 608,978, several of the Departments within the General Fund will exceed their budget in Fiscal Year 2014 and require a budget adjustment to prevent them from going over budget.

The Departments requiring a budget adjustment are:

Finance 46 - \$ 5,000 Professional Services is over due to CAFR preparation and GFOA fees.
Planning 55 - \$ 30,000 Salaries and Wages are over budget due to a filling the FY Planner position.
Animal Control 61 - \$ 5,000 Salaries and Wages are over due to personnel changes during the fiscal year.
Senior Center 66 - \$ 15,000 Food costs exceeded the budgeted amount..

The total budget adjustment for the General Fund is \$ 60,000.

Staff is recommending reducing the Contingency Fund Budget to make the budget adjustment.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. c.**

Meeting Date: 07/08/2014
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: Bright Star Subdivision

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 14-1040, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2014/2015, pursuant to Section 48-616, Arizona Revised Statutes, as amended; setting a date for public hearing on the proposed statements and estimates as approved; and providing for notice of the hearing and publication of the proposed statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the districts.

RECOMMENDED ACTION:

Adopt Resolution No. 14-1040, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2014/2015 and setting a date for the public hearing on the proposed statements and estimates for July 22, 2014.

SITUATION AND ANALYSIS:

See attached:

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code:

Available:

Funding Source:

Approval will create a levy to pay for street lighting within the CVSLID street lighting districts. The districts are accounted for in a separate fund by the Town.

Attachments

Staff Report

Resolution 14-1040 CVSLIDS Tentative Budget 2014-2015

Exhibit A Statement and Estimate of Expenses

Situation and Analysis: Resolution 14-1040, Street Lighting Improvement District budget

Taxes are levied on properties within street lighting improvement districts to pay for the annual expenses of those districts. Authorization of this resolution accepts the statements and estimated expenses, which will be incurred by those districts. This is the first step in processing a levy to pay for the expenses associated with street lighting in those districts. A budget approval, public noticing, and adoption of levy will follow to complete the levy and create the funds to pay for street lighting expenses within the districts.

RESOLUTION NO. 14-1040**TOWN OF CHINO VALLEY, ARIZONA**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA APPROVING THE PROPOSED STATEMENTS AND ESTIMATES OF REVENUES AND EXPENSES OF THE TOWN OF CHINO VALLEY STREET LIGHTING IMPROVEMENT DISTRICTS FOR FISCAL YEAR 2014/2015, PURSUANT TO SECTION 48-616, ARIZONA REVISED STATUTES, AS AMENDED; SETTING A DATE FOR PUBLIC HEARING ON THE PROPOSED STATEMENTS AND ESTIMATES AS APPROVED; AND PROVIDING FOR NOTICE OF THE HEARING AND PUBLICATION OF THE PROPOSED STATEMENTS AND ESTIMATES OF THE DISTRICTS WHICH SHALL BE PROVIDED FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY IN THE DISTRICTS.

WHEREAS, the provisions of A.R.S. § 48-616 require the governing body to levy taxes upon all property in a municipal street lighting improvement district to pay the annual expenses of said districts; and

WHEREAS, the governing body of the municipality shall make annual statements and estimates of the expenses of the district, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district, shall publish notice thereof, shall have hearings thereon and adopt said statements and estimates as provided in title 42, chapter 17, article 3, Arizona Revised Statutes; and

WHEREAS, the Mayor and Council desire to approve said statements and estimates for Fiscal Year 2014/2015;

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

1. The proposed statement and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2014/2015, attached hereto and incorporated herein as Exhibit "A", is hereby approved.

2. A public hearing and special meeting to approve the statement and estimates and final budgets of the Districts shall be set for the 22nd day of July 2014

and notice of such hearing shall be published in accordance with the requirements of A.R.S. § 48-616.

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

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

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

The following exhibits are attached hereto and incorporated herein:

1. Exhibit A: Proposed Statement and Estimates of Revenues and Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2014/2015

Exhibit A

TOWN OF CHINO VALLEY, ARIZONA

STREET LIGHTING IMPROVEMENT DISTRICTS

Schedule of Estimated Assessments - Fiscal Year 2014/2015

EXHIBIT "A"

TOWN OF CHINO VALLEY, ARIZONA
Street Lighting Improvement Districts**Statement of Estimates and Expenses**

Fiscal Year - 2014-2015

Co. No.	Dist. No.	Town ID No.	Town ID Name	A 2013/2014 Estimated Actual Expenses	B 2013/2014 Levy Request	C 2013/2014 Difference on Expenses vs. Levy	D 2014/2015 Projected Expenses	E 2014/2015 Levy Request
13004		CVSLID 1	Chino Valley, Arizona, CVSLID #1 Lighting Improvement District	\$ 1,923	\$ 1,804	\$ (119)	\$ 2,017	\$ 2,017
13005		CVSLID 2	Chino Valley, Arizona, CVSLID #2 Lighting Improvement District	\$ 986	\$ 931	\$ (55)	\$ 1,041	\$ 1,041
13006		CVSLID 3A	Chino Valley, Arizona, CVSLID #3A Lighting Improvement District	\$ 897	\$ 843	\$ (54)	\$ 942	\$ 942

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 07/08/2014
Contact Person: Liz Hart, Deputy Town Clerk/Records Technician
 Phone: 928-636-2646 x-1210
Department: Town Clerk
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Discussion, consideration, and possible action to adopt a resolution ordering and authorizing all matters necessary for a bond election to be held on November 4, 2014. If this resolution is so adopted, the deadline for submitting arguments with respect to it is August 4, 2014.

RECOMMENDED ACTION:

Discuss, consider and approve Resolution No. 14-1041, ordering and authorizing all matters necessary for a bond election to be held on November 4, 2014.

SITUATION AND ANALYSIS:

Michael Cafiso of the law firm of Greenburg Traurig serves as the Town's bond counsel. Mr. Cafiso prepared the attached Resolution and 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

Attachments

Staff report

Election language V5

Resolution 14-1041

**Agenda Item Staff Report
SITUATION & ANALYSIS**

Issue Statement

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"

N/A

Satisfaction of "Policy"

N/A

Summary of Issues and Staff Rationale

N/A

Findings of Fact

N/A

DRAFT
05/22/14
06/09/14
06/10/14
06/18/14
06/25/14

SUMMARY OF CONTENTS
(to be removed from adopted version)

- Pages 1-5 - legislative action of the Council ordering and calling the Election, approving ballot and information pamphlet and authorizing all other related actions
- Page A-1 - Ballot Forms - (Full Form) = what the voters are actually being asked to approve; it controls

(Tag Form) = what shows on the ballot because of space limitations; (Full Form) controls
- Pages B-1 - B-15 - Informational Pamphlet and Sample Ballot = how notice of the Election is provided to voters; it is mailed thirty-five days prior to the Election to each household in the Town which includes a registered voter; it includes statutory required information (A.R.S. § 35-454)
- Page C-1 - the form of notice of requesting arguments for and against approval; it will be posted and published as indicated

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 "Council"), desire to provide certain, additional water and wastewater utility services to the citizens of the Town of Chino valley, Arizona (hereinafter referred to as

the "Town"), at the lowest rates with the fewest rate increases possible for the following purposes:

- To increase its sewer collection and intercept of waste streams to maximize treatment and recharge of same to preserve the Town's aquifer and water resources for future generations;
- To ~~expand~~improve fire protection capabilities of the ~~ability of the Town to protect the Town and its citizens from the threat of fire~~Town;
- To develop the Town's local economy and in connection therewith, to provide more jobs, sales tax proceeds and retail/commercial choices for the citizens of the Town;
- To follow and implement the policies and concepts enumerated in the General Plan of the Town, in order to create infrastructure, jobs and choices for the Town in the most efficient and effective manner as described in such plan and
- To ensure that the General and Strategic Plans of the Town will be implemented on a consistent basis to effect the changes in the development of the Town, as expressed by its citizens through such plans

; and WHEREAS, the foregoing are in the best interests of the health, safety and welfare of the citizens of the Town; and

WHEREAS, provision of such utility services will be accomplished by the following:

- The acquisition of ~~a~~the portion of the domestic water system of the City of Prescott, Arizona, ~~in~~which serves the Town per the acquisition agreement with such city;
- The settlement of the construction manager at risk agreement related to the wastewater treatment plant of the Town per the settlement agreement with Fann Contracting and
- ~~[Highway 89 Water/Wastewater Extension]~~The extension of water and wastewater service along Highway 89 between Road 2 North and Road 3 North

; and WHEREAS, such 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, which tax levy shall be no more than required to repay such bonds and shall cease when the bonds are paid; and

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

WHEREAS, if the issuance of such bonds is approved, ~~it is expected that~~ the bonds will be sold to the Water Infrastructure Finance Authority of Arizona; ~~[NOTE: In the process of being approved. If not so approved, the Town would issue bonds to finance the proposed projects. Alternative Ballot Question may be required]~~

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"). The deadline for submitting arguments is August 4, 2014, at 5:00 p.m.

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, if necessary, 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 for the purposes of the Election is approved as determined by the Clerk of the Town, 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"

[DRAFT]

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 acquisition of 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 30 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

(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"

[DRAFT]

TOWN OF CHINO VALLEY, ARIZONA

INFORMATIONAL PAMPHLET
AND SAMPLE BALLOT

NOVEMBER 4, 2014
SPECIAL ELECTION

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LETTER TO THE VOTERS OF THE TOWN:

The Mayor and Common Council of the Town of Chino Valley, Arizona (the "Council"), 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").

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 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.)

If approved at the Election, the Bonds would provide funds to pay the costs to acquire the domestic water system of the City of Prescott, Arizona, in the Town per the acquisition agreement with such city (\$4,245,000); to settle the construction manager at risk agreement related to the wastewater treatment plant of the Town per the settlement agreement with Fann Contracting (\$3,030,000) and to extend water and wastewater service along Highway 89 ~~Water/Sewer Extension~~ between Road 2 North and Road 3 North (\$6,225,000) and to pay all costs incidental to any of the foregoing and to the sale and issuance of the Bonds. The Bonds ~~will~~ are expected to be sold to the Water Infrastructure Finance Authority of Arizona to take advantage of lower borrowing costs, including possible forgivable principal (grants) available through it.

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.

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

GENERAL QUESTIONS AND ANSWERS ABOUT THE PROPOSED BONDS

*(This section provides basic information to assist voters.
Detailed, legal descriptions of the ballot question
and projects are in a later section.)*

Why is this election being held?

Bonds that are payable from Town *ad valorem* secondary property taxes require voter approval. These bonds are commonly called general obligation bonds.

One bond authorization question is being submitted for your consideration at the Election for that purpose. The Bonds, which are the subject of such question, will provide financing for three projects that are a part of the Town's long-range planning program.

How do general obligation bonds work?

If the Bonds are approved by the voters at the Election, they will be issued as soon as possible. The amount of the Bonds may not exceed the amount approved by the voters at the Election. Proceeds of the sale of the Bonds may only be used for the purposes specified in the ballot question.

If approved, the Bonds will be paid from property taxes levied on property within the Town. More specifically, the Town will impose secondary property taxes to repay the principal and interest on the Bonds over time. Some of the costs may be paid from other Town sources that will reduce the amount of property taxes required.

Payments of taxes by present and future landowners will be used to repay the Bonds over a period of not more than 30 years ~~[TO BE DETERMINED]~~ in the same manner that homeowners pay off a home mortgage over time. Once the Bonds are paid in full, the levy of taxes for such purpose will stop.

The amount of general obligation bonds the Town may issue is limited by the State Constitution. The limit is based on a percentage of the total taxable property within the Town.

What are primary and secondary property taxes?

Primary property taxes fund the maintenance and operation budgets for local governments. Secondary property taxes pay for bond issues. Your tax bill has a separate primary and secondary property tax rate for the Town as well as most other local governments.

QUESTIONS AND ANSWERS ABOUT THE PROPOSED PUBLIC INFRASTRUCTURE PROJECTS

What exactly will the proceeds of the sale of the Bonds be used for?

- Acquire at the portion of the domestic water system ~~from of~~ the City of Prescott, Arizona, located in which serves the Town per the acquisition agreement with such city (\$4,245,000).
- Settle the construction manager at risk agreement related to the wastewater treatment plant acquisition by the Town per the settlement agreement with Fann Contracting (\$3,030,000).
- ~~[Water/Wastewater Extension/Improvements]~~ Extend water and wastewater service along Highway 89 between Road 2 North and Road 3 North (\$6,225,000).

Why are the projects needed?

- ~~To expand the ability of the Town to protect the Town and its citizens from the threat of fire;~~
- To increase its sewer collection and intercept of waste streams to maximize treatment and recharge of same to preserve the Town's aquifer and water resources for future generations;
- To improve fire protection capabilities of the Town;
- To develop the Town's local economy and in connection therewith, to provide more jobs, sales tax proceeds and retail/ commercial choices for the citizens of the Town;
- To follow and implement the policies and concepts enumerated in the General Plan of the Town, in order to create infrastructure, jobs and choices for the Town in the most efficient and effective manner as described in such plan and
- To ensure that the General and Strategic Plans of the Town will be implemented on a consistent basis to effect the changes in the development of the Town, as expressed by its citizens through such plans.

When will work begin and end?

What will be the source of the money for projects?

The Bonds ~~[will/are expected to]~~ be sold to the Water Infrastructure Finance Authority of Arizona ("WIFA"). WIFA is an independent agency of the state of Arizona and is authorized to finance the construction, rehabilitation and/or improvement of drinking water, wastewater, wastewater reclamation and other water quality facilities/projects. WIFA provides significant savings due to lower interest rates and no closing costs.

Where can I find additional information on this question?

~~[NOTE: This Section will be updated once the Town hears back from WIFA regarding the estimated interest rate subsidy and possible forgivable principal on Clean Water and Drinking Water Programs.]~~

CERTAIN REQUIRED INFORMATION ABOUT GENERAL OBLIGATION 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 7% per annum. It is expected as of the date hereof that the rate on the Bonds will actually be _____ % to _____ % per annum. 2.90% has been used for purposes of estimates in this Pamphlet.

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 **\$1.35 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%)

Assessor's Full Cash Value(a)	Assessed Value	Estimated \$1.2151 Tax Rate Impact(b)	
		Estimated Average Annual Cost	Estimated Average Monthly Cost
\$ 91,940(c)	\$ 9,140	\$111.72	\$ 9.31
100,000	10,000	121.51	10.13
250,000	25,000	303.78	25.32

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 \$321 per year for 20 years, or \$6,422 total cost.(d)

Agricultural Property
(Assessed at 16%)(e)

Assessor's Full Cash Value(a)	Assessed Value	Estimated \$1.2151 Tax Rate Impact(b)	
		Annual Cost	Monthly Cost
\$ 19,388(c)	\$ 3,102	\$ 37.69	\$ 3.14
100,000	16,000	194.42	16.20
250,000	40,000	486.05	40.50

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 \$193 per year for 20 years, or \$3,867 total cost.(d)

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

Assessor's Full Cash Value(a)	Assessed Value	Estimated \$1.2151 Tax Rate Impact(b)	
		Annual Cost	Monthly Cost
\$ 264,663(c)	\$ 50,286	\$ 611.03	\$ 50.92
500,000	95,000	1,154.36	96.20
1,000,000	190,000	2,308.73	192.39

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 \$2,315 per year for 20 years, or \$46,307 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 annually grows at the lesser of five percent or 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 2016-17.
- (f) Adopted legislation requires that the assessment ratio be reduced to 15% in fiscal year 2016-17.

Estimated Issuance Costs: Should the Bonds be authorized and issued, the Town estimates that the cost of issuance of the Bonds will be approximately \$150,000 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 \$17,392,281, being twenty-six percent (26%) of the current secondary assessed valuation of the Town.

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 two bond sales

~~(Clean Water Project and Drinking Water Project as outlined herein)~~ and sell the Bonds to WIFA. 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 7% per annum. Repayment of both principal of and interest on the Bonds would occur over a period of not to exceed 30 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 2.0% of secondary assessed valuation for fiscal years 2015-16 through 2019-20 and 0.85% growth thereafter. The assessed value is also adjusted to reflect the following statutory assessment ratio phase downs: class 1 to 18% in 2016-17 and class 2 from 16% in 2015-16 to 15% in 2016-17. 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:

Fiscal Year	Secondary Assessed Valuation(a)	Principal	Estimated Interest(b)	Projected Total General Obligation Debt Service (c)	Estimated Tax Rate
2014/15	\$66,893,394				
2015/16	67,643,123	\$ 325,000	\$587,250	\$ 912,250	\$0.00
2016/17	67,923,415	530,000	382,075	912,075	1.35
2017/18	69,281,884	545,000	366,705	911,705	1.34
2018/19	70,667,521	560,000	350,900	910,900	1.32
2019/20	72,080,872	580,000	334,660	914,660	1.29
2020/21	72,693,559	595,000	317,840	912,840	1.27
2021/22	73,311,454	610,000	300,585	910,585	1.26
2022/23	73,934,602	630,000	282,895	912,895	1.24
2023/24	74,563,046	645,000	264,625	909,625	1.23
2024/25	75,196,832	665,000	245,920	910,920	1.22
2025/26	75,836,005	685,000	226,635	911,635	1.21
2026/27	76,480,611	705,000	206,770	911,770	1.20
2027/28	77,130,696	725,000	186,325	911,325	1.19
2028/29	77,786,307	745,000	165,300	910,300	1.18
2029/30	78,447,490	770,000	143,695	913,695	1.17
2030/31	79,114,294	790,000	121,365	911,365	1.16
2031/32	79,786,766	815,000	98,455	913,455	1.15
2032/33	80,464,953	835,000	74,820	909,820	1.14
2033/34	81,148,905	860,000	50,605	910,605	1.13
2034/35	81,838,671	885,000	25,665	910,665	1.12
		<u>\$ 13,500,000</u>		<u>\$ 18,233,090</u>	1.11

Average Additional Tax Rate Per \$100 Assessed Value:

\$1.21

- (a) Beginning in 2015/16, that assessed valuation will be based on the limited property value. Fiscal year 2014/15 is actual as reported by the Arizona Department of Revenue. Fiscal years 2015/16 through 2019/20 assume 2.00% growth and subsequent years assume 0.85% growth. Assessed values are also adjusted to reflect the following statutory phased downs: in class 1 phase down by one half percentage point per year to 18% in 2016/17 and class 2 from 16% in 2015/16 to 15% in 2016/17.
- (b) A 2.90% average interest rate has been estimated in calculating interest costs for the 2015 issue. ~~[NOTE: Subject to change based on WIFA eligibility.]~~
- (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 \$18,233,090.

IMPORTANT VOTING INFORMATION

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.

Polling Locations:

<u>Precincts</u>	<u>Polling Place</u>
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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, 202 North State Route 89, Chino Valley, Arizona 86323, telephone number: (928) 636-2646.

To Vote An Early/Absentee Ballot In Person: Appear in person at the ~~Town of Chino Valley Town Clerk's Office, 202 North State Route 89, 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: Submit a written, signed request to Town of Chino Valley Town Clerk's Office, 202 North State Route 89, Chino Valley, Arizona 86323 or call (928) 636-2646.

- 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
202 North State Route 89
Chino Valley, Arizona 86323
Telephone: (928) 636-2646

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.

FORM OF 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 202 North State Route
 89, 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
 _____, August 4, 2014. If you have any questions about the foregoing,
 please contact the Clerk of the Town at (928) 636-2646.

/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
 _____ Prescott Daily Courier.

Document comparison by Workshare Compare on Friday, June 27, 2014 4:00:53 PM

Input:	
Document 1 ID	interwovenSite://DMS-WEST/PHX/331151467/4
Description	#331151467v4<PHX> - RESOLUTION ORDERING AND CALLING ELECTION
Document 2 ID	interwovenSite://DMS-WEST/PHX/331151467/5
Description	#331151467v5<PHX> - RESOLUTION ORDERING AND CALLING ELECTION
Rendering set	Gersh

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	38
Deletions	48
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	86

RESOLUTION NO. 14-1041

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 "Council"), desire to provide certain, additional water and wastewater utility services to the citizens of the Town of Chino valley, Arizona (hereinafter referred to as the "Town"), at the lowest rates with the fewest rate increases possible for the following purposes:

- To increase its sewer collection and intercept of waste streams to maximize treatment and recharge of same to preserve the Town's aquifer and water resources for future generations;
- To improve fire protection capabilities of the Town;
- To develop the Town's local economy and in connection therewith, to provide more jobs, sales tax proceeds and retail/commercial choices for the citizens of the Town;
- To follow and implement the policies and concepts enumerated in the General Plan of the Town, in order to create infrastructure, jobs and choices for the Town in the most efficient and effective manner as described in such plan and
- To ensure that the General and Strategic Plans of the Town will be implemented on a consistent basis to effect the changes in the development of the Town, as expressed by its citizens through such plans; and

WHEREAS, the foregoing are in the best interests of the health, safety and welfare of the citizens of the Town; and

WHEREAS, provision of such utility services will be accomplished by the following:

- The acquisition of the portion of the domestic water system of the City of Prescott, Arizona, which serves the Town per the acquisition agreement with such city;
- The settlement of the construction manager at risk agreement related to the wastewater treatment plant of the Town per the settlement agreement with Fann Contracting and
- The extension of water and wastewater service along Highway 89 between Road 2 North and Road 3 North; and

WHEREAS, such 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, which tax levy shall be no more than required to repay such bonds and shall cease when the bonds are paid; and

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

WHEREAS, if the issuance of such bonds is approved, the bonds will be sold to the Water Infrastructure Finance Authority of Arizona;

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"). **The deadline for submitting arguments is August 4, 2014, at 5:00 p.m.**

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, if necessary, the consolidation of precincts for the purposes of the Election is approved as determined by the Clerk of the Town, and such consolidation is hereby deemed necessary for purposes of the Election.

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.

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

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

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall & Schwab
Town Attorney

CERTIFICATION

I hereby certify that the foregoing Resolution No. 10-1041 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

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. b.**

Meeting Date: 07/08/2014
Contact Person: Ruth Mayday, Planner
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to amend the Unified Development Ordinance (UDO) to regulate the manner and placement of Assisted Living Facilities, Assisted Living Homes, Recovery Homes, and related special purpose residences.

RECOMMENDED ACTION:

Staff recommends approval of the proposed text amendments to Section 2.1 Definitions and Chapter 3 Zoning Districts?, Sections 3.5 through 3.13 (AR-36, AR-5, AR-4, SR-2.5, S4-2, SR 1.6, SR-1, SR-0.16, MR), and Section 3.15 (CL) and Section 4.10 Special Purpose and Temporary Housing for the purposes of regulating the manner and placement of Sober Homes, Assisted Living Centers, and Assisted Living Homes.

SITUATION AND ANALYSIS:

See Attached

Fiscal Impact

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

Attachments

Staff report
Ord 14-785 UDO Amdt re: Recovery Residences

STAFF REPORT: SITUATION AND ANALYSIS:

The purpose of these text amendments is to regulate the manner and placement of special purpose residences such as "sober homes" or "recovery residences" that may or may not be regulated by the Fair Housing Act, described in Section 36-581 and 36-582 of Arizona Revised Statutes, or otherwise regulated in the Unified Development Ordinance.

Given the growing demand for sober living and/or recovery homes in the region and the impact they may have on residential neighborhoods, implementing regulations to provide separation between these uses, the number of residents allowed per site, and to protect the health, safety, and general welfare of the community is timely. Additionally, there are group living situations such as elder care facilities that may benefit the community but are not currently defined in the UDO.

Occupants of Sober Living and Recovery Homes meet the definition of "disabled" under the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA), as long as the residents are not using drugs and alcohol. If they relapse, they are no longer considered disabled; thus, almost all sober living homes immediately evict residents that test positive for drugs or alcohol. Sex offenders are not considered disabled as defined by the FHA; in addition, the language in Section 4.10 Special Purpose and Temporary Housing, subsection C (5)(f) precludes the inclusion of "any person whose tenancy would constitute a direct threat to the health or safety of other persons or would result in substantial physical damage to the property of others." Furthermore, anyone seeking tenancy in a recovery home as part of their treatment for drug or alcohol addiction that is also a registered sex offender is required to comply with all other registry and notification requirements in accordance with state and federal law.

This item was first discussed by Town Council during a work-study session held October 3, 2013. At that time, council directed staff to continue work on this item and bring it to Council for action. The Planning and Zoning Commission discussed staff's recommended text amendments its regular meeting on May 6, 2014; one (1) person supported the proposed amendments, as they would enable this person to open an assisted living home. The Commission then voted unanimously to initiate a public hearing on June 3, 2014 for the purposes of taking public comment on the proposed text amendments and consider forwarding the item to Town Council with a recommendation for approval. After proper notice in compliance with ARS 9-462.04, a public hearing was held at the June 3, 2014 Planning and Zoning Commission regular meeting. The commission again discussed the proposed language, and reviewed how it may affect the Multi-Family (MR-1) and Mobile Home Park (MHP-4) zoning districts. As no comments were offered by the public, the public hearing was closed. Commissioner Merritt made a motion to forward the text amendments to the Town Council with a recommendation for approval; McCaullay seconded. The Commission voted unanimously to forward this item to Town Council with a recommendation for approval.

During the discussion of this item at the May 6, 2014 meeting, it was suggested that Recovery Homes not be allowed in the MR (Multi Family Residential) zoning district as it could possibly lead to overcrowding in apartments, as the HUD standard is two persons per bedroom. As staff stated during the discussion, HUD does not regulate the number of persons per bedroom, but rather the minimum dimensions (7 x 10) for a bedroom in units constructed with, rehabilitated with, or otherwise subsidized with HUD funding. As funding of these facilities is not within the purview of the Town, neither is consideration of HUD regulations as they relate to bedroom size. In addition, the limit on residents per bedroom does not result in a higher density than may be comprised by a single family in a similar unit. The location of such a facility in an MR zoning district is appropriate, based on equivalent density. Furthermore, Nursing Homes and Convalescent Centers are already a permitted use in the MR zoning district; adding the uses identified in the proposed text amendments does not substantially change the nature of permitted uses.

Therefore, staff stands by its original recommendation to include Recovery Homes as a permitted use in the MR zoning district.

Currently, the UDO defines a nursing home as "A health care institution other than a hospital or personal care home (not defined) that is licensed by the State Department of Health Services as a skilled nursing facility for two (2) or more related persons." This does not meet the current definition of Nursing Care Institution or Residential Care Institution as set forth in ARS 36-401(31) or (39). The UDO also does not define "Assisted Living Home" or "Assisted Living Center" at all; ARS 36-401 clearly differentiates between these four types of special purpose residences.

Persons over the age of 65 are increasing in number in Chino Valley, as the reputation of the Quad Cities area's suitability for retirement grows. There is one (1) Assisted Living Home in the Town; other forms of congregate care such as assisted living or nursing homes are not available here. Nursing homes and convalescent homes are allowed as uses by right in Multiple Family (MR) or Mobile Home Parks (MH).

During the June 24, 2014 regular meeting of the Chino Valley Town Council, Councilmember Hatch questioned how the proposed use was not in conflict with the definition of Single Family Residential in the Unified Development Ordinance, and how the UDO defined Single Family Residential. In further reviewing the UDO, staff finds no definition of "Single Family Residential". It does define "Dwelling, Single Family: A building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.", and goes on to define "family" as "an individual, or two or more persons related by blood or marriage, or a group of persons not related by marriage living together as a single housekeeping unit." "Single Housekeeping Unit" is currently undefined by the UDO; the proposed amendment would add a definition to Section 2.2 Definitions: Meanings of Words and Terms. This definition would allow for groups of unrelated individuals to occupy a single-family dwelling unit. Neither the IBC nor the IRC limit the number of persons that can occupy a single-family residential dwelling unit, related or not related.

The right and ability of sober homes to locate in single-family neighborhoods is well established in law. Most notable are the Oxford House challenges; other similar cases demonstrate the Court's willingness to uphold the Fair Housing Act's prohibitions on discrimination based on handicap while striking down the imposition of zoning regulations governing the manner and placement of said homes. In short, the rights of the handicapped to not suffer discrimination in housing choices supersede the Town's ability to define family and regulate the number of persons residing in a dwelling unit based on familial status.

Staff recommends defining Assisted Living Center(s) and Assisted Living Home(s), and allowing them as conditional uses in residential zoning districts, and as permitted uses in Multiple Family (MH) and Commercial Light (CL) zoning districts.

Staff recommends the following changes to the UDO:

Add the following to Section 2.1 Meaning of Words and Terms:

- A) Assisted Living Home
- B) Assisted Living Center
- C) Recovery Home
- D) Single Housekeeping Unit

Add Assisted Living Homes and Recovery Homes as conditional uses in the following zoning districts: 3.5 Agricultural/Residential 36 acre minimum (AR -36), 3.6 Agricultural/Residential 5 acre minimum (AR-5), 3.7 Agricultural/Residential 4 acre minimum (AR-4), 3.8 Single Family Residential, 2.5 acre minimum (SR-2.5), 3.9 Single Family Residential, 2 acre minimum (SR-2), 3.10 Single Family

Residential 1.6 acre minimum (SR-1.6), 3.11 Single Family Residential 1 acre minimum (SR-1), 3.12 Single Family Residential 0.16 acre minimum (SR-0.16)

Add Assisted Living Centers, Assisted Living Homes, and Recovery Homes as permitted uses in the following zoning districts: 3.13 Multiple Family Residential (MR), 3.15 Commercial Light (CL)

Change the name of Section 4.10 to include "Special Purpose" housing and add Subsection C Recovery Residence to require registration, procedures and standards, including separation requirements, and to provide for reasonable accommodations as needed to comply with federal and state fair housing laws.

ORDINANCE NO. 14-785

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA AS FOLLOWS: (1) CHAPTER 2 DEFINITIONS, SECTION 2.1 MEANING OF WORDS AND TERMS TO ADD NEW DEFINITIONS RELATED TO RECOVERY HOMES, ASSISTED LIVING CENTERS AND ASSISTED LIVING HOMES AND TO AMEND THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"; (2) CHAPTER 3 ZONING DISTRICTS BY AMENDING (A) SECTION 3.5 "AR-36" – AGRICULTURAL/ RESIDENTIAL (36 ACRE MINIMUM), SUBSECTION 3.5.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (B) SECTION 3.6 "AR-5" – AGRICULTURAL/ RESIDENTIAL (5 ACRE MINIMUM), SUBSECTION 3.6.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (C) SECTION 3.7 "AR-4" – AGRICULTURAL/ RESIDENTIAL (4 ACRE MINIMUM), SUBSECTION 3.7.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (D) SECTION 3.8 "SR-2.5" SINGLE FAMILY RESIDENTIAL (2.5 ACRE MINIMUM), SUBSECTION 3.8.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (E) SECTION 3.9 "SR-2" SINGLE FAMILY RESIDENTIAL (2 ACRE MINIMUM), SUBSECTION 3.9.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (F) SECTION 3.10 "SR 1.6 – SINGLE FAMILY RESIDENTIAL (1.6 ACRE MINIMUM), SUBSECTION 3.10.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (G) SECTION 3.11 "SR-1" SINGLE FAMILY RESIDENTIAL (1 ACRE MINIMUM), SUBSECTION 3.11.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (H) 3.12 "SR-0.16" SINGLE FAMILY RESIDENTIAL (0.16 ACRE MINIMUM), SUBSECTION 3.12.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) TO PERMIT RECOVERY RESIDENCES AND ASSISTED LIVING HOMES IN THE ABOVE ZONING DISTRICTS SUBJECT TO A CONDITIONAL USE PERMIT AND; (I) SECTION 3.12 "MR – MULTI FAMILY RESIDENTIAL, SUBSECTION 3.13.2 PERMITTED USES; AND (J) SECTION 3.15 "CL" – COMMERCIAL LIGHT, SUBSECTION 3.15.2 PERMITTED USES TO PERMIT RECOVERY RESIDENCES AND ASSISTED LIVING HOMES IN MR AND CL ZONING DISTRICTS; AND (3) AMENDING CHAPTER 4 GENERAL REGULATIONS, SECTION 4.10 TEMPORARY RESIDENCES TO RENAME THE SECTION TO "SPECIAL PURPOSE AND TEMPORARY HOUSING" AND TO ADD NEW SUBSECTION C RECOVERY RESIDENCES RELATED TO PROVIDING REGULATIONS FOR RECOVERY RESIDENCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, federal and state fair housing laws protect the rights of persons with disabilities to obtain housing and pursuant to federal and state fair housing laws; and

WHEREAS, persons recovering from alcohol and drug addiction are considered persons with disabilities and thus are protected by fair housing laws only to the extent they are not currently using alcohol and drugs; and

WHEREAS, there are facilities that are not required to be licensed by the State of Arizona that are intended to transition such persons from an institutional setting where persons recovering from addictions agree to remain “clean and sober” during their residency. Such facilities are commonly known as “sober living homes” or “sober houses” or “recovery residences”. The residents of these facilities generally live at the facility for six months or less; and

WHEREAS, due to the transitory nature of the residents, these facilities reportedly result in increased parking demand, increased traffic, and the potential for impacts to the residential character of neighborhoods, which the Town Council desires to address by providing reasonable regulations to mitigate any impacts to neighbors and neighborhoods while providing persons with a disability opportunities for housing; and

WHEREAS, the Town Council has determined that the proposed amendments will not unreasonably restrict the rights of persons with a disability to fair housing while providing protections and mitigation of impacts to the residential character of neighborhoods, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments; 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.

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

* * *

ASSISTED LIVING CENTER. A RESIDENTIAL CARE INSTITUTION THAT PROVIDES OR CONTRACTS TO PROVIDE SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES, OR DIRECTED CARE SERVICES ON A CONTINUOUS BASIS FOR ELEVEN OR MORE PEOPLE.

ASSISTED LIVING HOME. A RESIDENTIAL CARE INSTITUTION THAT PROVIDES OR CONTRACTS TO PROVIDE SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES, OR DIRECTED CARE SERVICES ON A CONTINUOUS BASIS FOR UP TO TEN PEOPLE.

* * *

RECOVERY RESIDENCE. A DWELLING UNIT OR BUILDING USED TO PROVIDE A STABLE, CLEAN AND SOBER ENVIRONMENT FOR INDIVIDUALS RECOVERING FROM SUBSTANCE ABUSE. INDIVIDUAL RESIDENTS DO NOT LIVE TOGETHER AS A SINGLE HOUSEKEEPING UNIT AND EVERY PERSON RESIDING IN THE RESIDENCE (EXCLUDING THE HOUSE MANAGER) IS AN "INDIVIDUAL WITH A DISABILITY", AS THAT TERM IS USED IN THE FEDERAL AND STATE FAIR HOUSING LAWS.

* * *

SINGLE HOUSEKEEPING UNIT. AN INTERACTIVE GROUP OF PERSONS OCCUPYING A RESIDENTIAL UNIT WHERE ALL OF THE FOLLOWING ARE TRUE:

- a. THE RESIDENTS SHARE USE OF AND RESPONSIBILITY FOR COMMON AREAS, HOUSEHOLD ACTIVITIES, AND RESPONSIBILITIES SUCH AS MEALS, CHORES, HOUSEHOLD MAINTENANCE, AND EXPENSES; AND
- b. IF THE RESIDENTS ARE RENTERS, ALL ADULT RESIDENTS HAVE CHOSEN TO OCCUPY THE ENTIRE PREMISES OF THE DWELLING UNIT TOGETHER UNDER A SINGLE WRITTEN LEASE WITH JOINT USE AND RESPONSIBILITY FOR THE PREMISES; AND
- c. THE MAKEUP OF THE HOUSEHOLD OCCUPYING THE UNIT IS DETERMINED BY THE RESIDENTS OF THE UNIT RATHER THAN THE LANDLORD OR PROPERTY MANAGER.

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum), Subsection 3.5.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum)

* * *

3.5.3 Conditional Uses (Conditional Use Permit Required)

* * *

- P. RECOVERY RESIDENCES
- Q. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum), Subsection 3.6.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum)

* * *

3.6.3 Conditional Uses (Conditional Use Permit Required)

* * *

- P. RECOVERY RESIDENCES
- Q. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum), Subsection 3.7.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum)

* * *

3.7.3 Conditional Uses (Conditional Use Permit Required)

* * *

- P. RECOVERY RESIDENCES
- Q. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.8 “SR-2.5” – Single Family Residential (2.5 Acre Minimum), Subsection 3.8.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.8 “SR 2.5” – Single Family Residential (2.5 Acre Minimum)

* * *

3.8.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.9 “SR-2” – Single Family Residential (2

Acre Minimum), Subsection 3.9.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.9 “SR 2 – Single Family Residential (2 Acre Minimum)”

* * *

3.9.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.10 “SR-1.6” – Single Family Residential (1.6 Acre Minimum), Subsection 3.10.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.10 “SR 1.6 – Single Family Residential (1.6 Acre Minimum)”

* * *

3.10.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.11 “SR-1” – Single Family Residential (1 Acre Minimum), Subsection 3.11.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.11 “SR 1 – Single Family Residential (1 Acre Minimum)”

* * *

3.11.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. RECOVERY HOMES
- H. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.12 “SR-0.16” – Single Family Residential (0.16 Acre Minimum), Subsection 3.12.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.12 “SR 0.16 – Single Family Residential (0.16 Acre Minimum)”

* * *

3.12.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

* * *

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.13 “MR” – Multi Family Residential, Subsection 3.13.2 Permitted Uses, to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.13 “MR” – Multi Family Residential

* * *

3.13.2 Permitted Uses

* * *

- D. RECOVERY RESIDENCES
- E. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.15 “CL” – Commercial Light, Subsection 3.15.2 Permitted Uses, to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.15 “CL” – Commercial Light

* * *

3.15.2 Permitted Uses

* * *

- AG. RECOVERY RESIDENCES
- AH. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 4 General Regulations, Section 4.10 Temporary Residences is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

4.10 SPECIAL PURPOSE AND Temporary Housing

* * *

C. RECOVERY RESIDENCES

1. **PURPOSE.** THE PURPOSE OF THESE REGULATIONS IS TO PERMIT PERSONS RECOVERING FROM SUBSTANCE ABUSE TO RESIDE IN A GROUP SETTING IN RESIDENTIAL NEIGHBORHOODS IN ORDER TO FACILITATE INTEGRATION AND STABILIZATION AND TO PROVIDE REASONABLE REGULATIONS TO MAINTAIN THE RESIDENTIAL

CHARACTER OF NEIGHBORHOODS AND PREVENT A CONCENTRATION OF SUCH FACILITIES IN ANY PARTICULAR AREA SO AS TO INSTITUTIONALIZE THAT AREA.

2. **REGISTRATION REQUIRED.** PRIOR TO BEGINNING OPERATIONS, THE OWNER OR OPERATOR OF A RECOVERY RESIDENCE SHALL SUBMIT A COMPLETED REGISTRATION FORM TO THE DEVELOPMENT SERVICES DEPARTMENT ON A FORM ESTABLISHED BY THE PLANNING AND DEVELOPMENT SERVICES MANAGER. THE REGISTRATION SHALL BECOME EFFECTIVE UPON VERIFICATION BY THE ZONING ADMINISTRATOR THAT THE REGISTRATION COMPLIES WITH THE REQUIREMENTS OF THE ZONING CODE AND THAT THE RECOVERY RESIDENCE OPERATOR HAS OBTAINED A VALID TOWN OF CHINO VALLEY BUSINESS LICENSE FOR THE RECOVERY RESIDENCE. A REGISTRATION SHALL TERMINATE WHEN THE RECOVERY RESIDENCE USE CEASES.

3. **ZONING CONFIRMATION.** PRIOR TO REGISTRATION, A REQUEST FOR ZONING CONFIRMATION MAY BE SUBMITTED TO THE DEVELOPMENT SERVICES DEPARTMENT TO CONFIRM THAT THE PROPOSED LOCATION OF THE RECOVERY RESIDENCE IS PERMITTED UNDER THIS SECTION.

4. **PROCEDURES.** IN ADDITION TO THE REGISTRATION FORM, THE APPLICANT SHALL SUBMIT AN OPERATIONS AND MANAGEMENT PLAN ("O&MP") TO ENSURE COMPLIANCE WITH STATE AND LOCAL LAWS. O&MP SHALL INCLUDE (1) NAME AND ADDRESS OF THE BUSINESS OWNER; (2) NAME, ADDRESS AND TELEPHONE NUMBER OF THE PROPERTY OWNER AND PERSON IN CONTROL OF THE PROPERTY; (3) IF THE BUSINESS OWNER AND PROPERTY OWNER ARE NOT THE SAME PERSON OR ENTITY, APPLICANT SHALL PROVIDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER; (4) EMERGENCY CONTACT TELEPHONE NUMBER; (5) THE NUMBER OF PERSONS OCCUPYING EACH BEDROOM; (6) MAXIMUM NUMBER OF OCCUPANTS; (7) A FLOOR PLAN; (8) RESIDENT SCREENING PROCESS; AND (9) GUEST AND RESIDENT RULES OF CONDUCT.

5. **STANDARDS.** RECOVERY RESIDENCES SHALL BE LOCATED, DEVELOPED, AND OPERATED IN COMPLIANCE WITH THE FOLLOWING STANDARDS:

a. **O&MP COMPLIANCE.** THE RECOVERY RESIDENCE SHALL BE OPERATED AND MANAGED IN COMPLIANCE WITH THE O&MP SUBMITTED WITH REGISTRATION, A COPY OF WHICH SHALL REMAIN ON FILE WITH THE DEVELOPMENT SERVICES DEPARTMENT.

b. **SEPARATION.** THE MINIMUM SEPARATION BETWEEN RECOVERY RESIDENCES SHALL BE 5,280 FEET AS MEASURED FROM THE CLOSEST PROPERTY LINES.

c. **OCCUPANCY.** THE NUMBER OF RESIDENTS, INCLUDING THE HOUSE MANAGER, SHALL NOT EXCEED TWO RESIDENTS PER BEDROOM WITH UP TO 3 RESIDENTS IN THE LARGEST BEDROOM IN THE HOME AND A MAXIMUM OF 11 RESIDENTS IN THE HOME

d. **EXTERIOR APPEARANCE.** THERE SHALL BE NO SIGN OR OTHER EXTERIOR INDICATION OF A RECOVERY RESIDENCE VISIBLE FROM THE STREET.

e. **PARKING.** PARKING FOR THE RECOVERY RESIDENCE SHALL BE ON-SITE AND COMPLY WITH CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE SECTION 4.22 OFF-STREET PARKING AND LOADING REGULATIONS.

f. **TENANCY.** NO RECOVERY RESIDENCE SHALL HOUSE ANY PERSON WHOSE TENANCY WOULD CONSTITUTE A DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHER PERSONS OR WOULD RESULT IN SUBSTANTIAL PHYSICAL DAMAGE TO THE PROPERTY OF OTHERS.

4. **REQUEST FOR ACCOMMODATION.** IF A RECOVERY RESIDENCE OWNER BELIEVES ANY REQUIREMENT OF THE ZONING CODE PREVENTS THE ESTABLISHMENT OF A RECOVERY RESIDENCE IN AN ECONOMICALLY VIABLE MANNER, THE OWNER SHALL SUBMIT TO THE ZONING ADMINISTRATOR A WRITTEN REQUEST FOR ACCOMMODATION AND THE REASONS WHY THE ACCOMMODATION IS REQUIRED. THE WRITTEN REQUEST SHALL CONTAIN SUFFICIENT FACTS TO ALLOW THE ZONING ADMINISTRATOR TO MAKE AN INDIVIDUALIZED DETERMINATION OF THE RECOVERY RESIDENCE'S NEEDS, TO ADDRESS THE TOWN'S SAFETY AND WELFARE CONCERNS, AND TO ASSURE COMPLIANCE WITH THIS SECTION. THE ZONING ADMINISTRATOR SHALL REVIEW THE WRITTEN REQUEST AND DETERMINE:

- a. WHETHER AN ACCOMMODATION SHOULD BE MADE PURSUANT TO THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS; AND
- b. IF SO, THE NATURE OF THE ACCOMMODATION TAKING INTO CONSIDERATION THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS, PUBLIC SAFETY AND WELFARE CONCERNS, AND THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD.

THE ACCOMMODATION SHALL BE MADE ONLY TO THE EXTENT NECESSARY TO COMPLY WITH FEDERAL AND STATE FAIR HOUSING LAWS.

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 shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 2014 by the following vote:

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

APPROVED this ____ day of _____, 2014.

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. 14-785 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 2014, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2014.

Jami Lewis, Town Clerk