



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, July 14, 2015
6:00 P.M.

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

AGENDA

ADDENDUM - 7/10/15

7c)	ADDS attachment
8a)	ADDS 2 attachments (Confidential - Council/Attorney/Management Only)

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

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

4. **RESPONSE TO THE PUBLIC**

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

5. CURRENT EVENT SUMMARIES AND REPORTS

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

- a. Report regarding the July 6, 2015 Appointments Subcommittee meeting and the Council appointment process. (Vice-Mayor Croft; Councilmember Best; Councilmember Turner)
- b. Status reports by Mayor and Council regarding current events.
- c. 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 intergovernmental agreement between the Town of Chino Valley and Yavapai County authorizing payment for the Chino Meadows Units 2 and 5 Drainage Project. The project in the amount of \$650,000 was budgeted for and will be accounted for in the Capital Improvement Fund. (Ron Gritman, Public Works Director/Town Engineer)

7. ACTION ITEMS

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

- a. Consideration and possible action to adopt Resolution No. 15-1063, levying and assessing an ad valorem tax on the assessed value of all real and personal property within the boundaries of the Town of Chino Valley Street Lighting Improvement Districts (CVSLID) for fiscal year 2015/2016, pursuant to Section 48-616, Arizona Revised Statutes. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution No. 15-1063, levying and assessing the ad valorem tax for the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2015/2016.

- b. Consideration and possible action to adopt Resolution No. 15-1064 to authorize staff to pursue the right-of-way acquisition for construction of Road 1 East between Road 3 South and Road 4 South. Funds to come from Roads Impact Fees. (Ron Grittmann, Public Works Director/Town Engineer)

Recommended Action: Adopt Resolution No. 15-1064 to authorize staff to pursue the right-of-way acquisition for construction of Road 1 East between Road 3 South and Road 4 South.

- c. Discussion and possible action to require Councilmembers to pay all costs associated with any records request generated by that Councilmember. (Mayor Chris Marley)

Recommended Action: Require Councilmembers to pay all costs associated with any records request generated by that Councilmember.

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. An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town's Attorney in order to consider its position and instruct the Town's Attorney regarding the Town's position on a contract that is the subject of negotiations concerning acquisition of a portion of the City of Prescott water system. (Cynthia Chandley, Water Attorney)

9. ACTION ITEMS RESUMED

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

10. ADJOURNMENT

Dated this 8th day of July, 2015.

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

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

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

Town Clerk's Office.

CERTIFICATION OF POSTING

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

Date: _____ Time: _____ By: _____

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. c.

Meeting Date: 07/14/2015
Contact Person: Liz Hart, Deputy Town Clerk/Records Technician
 Phone: 928-636-2646 x-1210
Department: Council
Item Type: Action Item
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to require Council members to pay allowable costs associated with records requests generated by that Council member.

RECOMMENDED ACTION:

Discussion and possible action as determined by Council.

SITUATION AND ANALYSIS:

Issue Statement

No formal policy exists to provide direction to Council and staff regarding records requests that are submitted by Council members.

Currently, the public pays for records requests, but not Council members, unless the Council member declares that the request being submitted is of a personal nature and that they would like to pay for the request.

Staff polled several municipalities on this issue. Half the municipalities polled charged all citizens, including elected officials, for records requested. The primary exception to this rule was records requested that were associated with their duties and/or were needed to carry out their duties as councilmembers. Historically, Councilmembers had only submitted formal records requests for records related to them personally; typically, they simply asked and staff provided.

Applicable "Policy"

None Exists.

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

No Policy exists for Council or Staff to follow.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

PRR Processing Costs

PRRs - Legally Permitted Charges

Town of Chino Valley

Briefing on Legally Permitted Charges for

Completing Public Records Requests

What is a public record?

- No “official” definition in state law
- ARS § 39-121.01(B) requires public officers and public bodies to maintain all records “reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of the activities which are supported by monies from this state or any political subdivision of this state.”
- Courts have articulated 3 definitions:
 1. A record made by a public officer in furtherance of a duty, the purpose of which is to disseminate information or memorialize official transactions.
 2. A record required by law or necessary in discharge of a duty of a public official.
 3. Written records of transactions of a public officer in office which is a convenient and appropriate method of discharging duties (whether required or not).

What is a public records request?

- A request to examine or be furnished copies, printouts, or photographs of any public record.

Who can file a public records request?

- Any member of the public – which means anyone.

What is required of the Town when a public records request is filed?

- The custodian of records (clerk) is required to “promptly furnish such copies, printouts or photographs.” A.R.S. § 39-121.01(D)(1).
- If documents have been withheld, if requested, the clerk must also provide an index of the records withheld and a reason why it was withheld.
- Town personnel are not required to create a document compiling information or a document in a form that is not maintained by the Town.

What is the Town legally permitted to charge for fulfilling public records requests?

- Requests for Non-Commercial Purposes (A.R.S. § 39-121.01(D)):
 - o Copying costs
 - o If the person requests the copies be mailed, the clerk can charge “postage charges”.

- Requests for Commercial Purposes (A.R.S. § 39-121.03(A)):
 - A portion of the cost to the Town for obtaining the original or copies of the records
 - A reasonable fee for the cost of time, materials, equipment and personnel in producing the reproduction.
 - The value of the reproduction on the commercial market as best determined by the Town.
- “Commercial Purpose” means “the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the record for sale or obtaining of names and addresses from public records for the purpose of solicitation or sale of the names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.”
- If the person requests only to inspect the documents and does not request copies, the Town cannot charge fees for inspection, regardless of how much time it takes staff to gather the records.
- No copying fees shall be charged for:
 - Records requested for use in claims against the United States (A.R.S. § 39-122)
 - Police Reports and transcripts requested by crime victims.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 8. a.

Meeting Date: 07/14/2015
Contact Person: Liz Hart, Deputy Town Clerk/Records Technician
Phone: 928-636-2646 x-1210
Department: Council
Estimated length of Staff Presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town's Attorney in order to consider its position and instruct the Town's Attorney regarding the Town's position on a contract that is the subject of negotiations concerning acquisition of a portion of the City of Prescott water system. (Cynthia Chandley, Water Attorney)

SITUATION & ANALYSIS:

N/A

Attachments

Pages 10-15
have been removed from
the public packet due to
their confidential nature