TOWN COUNCIL
AGENDA PACKET

REGULAR MEETING

Tuesday, September 13, 2011
6:00 p.m.

Council Chambers – South Campus
202 N. State Route 89

NOTICE OF THE REGULAR AND POSSIBLE EXECUTIVE SESSION OF THE CHINO VALLEY TOWN COUNCIL

SEPTEMBER 13, 2011
6:00 P.M.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Chino Valley Town Council and to the general public that the Chino Valley Town Council will hold a Regular Meeting open to the public on **Tuesday, September 13, 2011** at **6:00 p.m.** in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona. Members of the Town Council will attend either in person or by telephone conference call. As indicated in the agenda, the Chino Valley Town Council may vote to go into Executive Session, which will not be open to the public, to discuss certain matters.

RULES FOR ADDRESSING THE COUNCIL – AMENDED MAY 13, 2010

It is the Council's desire to hear public comment on agenda items. Because it is important to maintain order during the meeting, please adhere to the following rules of order if you wish to speak:

1) Members of the public wishing to speak must be first recognized by the Chairman.
2) Please state your name and whether or not you are a Town resident in an audible tone for the record.
3) TIME LIMIT: 3 MINUTES PER PERSON.
4) Remarks shall be limited to the agenda item under consideration.
5) All remarks shall be directed to the Mayor and to any or all members of the Council.
6) A person wishing to make a presentation that exceeds the three-minute time limit should make such a request of the Town Clerk prior to the meeting.
7) Members of the public are expected to observe rules of propriety and decorum.
8) Speakers shall not discuss employee performance, employee evaluations, or employee health, family or personal matters.

The **Agenda** for the meeting is as follows:

1) Call to Order, Invocation; Pledge of Allegiance; Roll Call.

2) <u>Introductions, Presentations and Proclamations</u>

2a) Proclamation declaring September 17-23, 2011 as "**Constitution Week**," sponsored by Daughters of the American Revolution, Yavapai Chapter.

2b) Proclamation declaring the week of September 19-25, 2011 as "**Employer Support of the Guard and Reserve Week**," sponsored by the Arizona Office for Employer Support of the Guard and Reserve.

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. At the conclusion of an open call to the public, individual members of the Council may respond to those who have addressed the Council, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take legal action on matters raised during an open Call to the Public unless the matters are properly noticed for discussion and legal action.

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.

4) Mayor/Council/Manager Report

This item is for information only. Presentation on information requested by the Mayor and Town Council will be made and questions answered. No action will be taken.

Consent Agenda

All those items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Council so requests.

5) Consideration and possible action to approve the March 22, 2011 Regular Meeting **minutes**.

6) Consideration and possible action to approve the April 7, 2011 Study Session **minutes**.

7) Consideration and possible action to authorize the Finance Department to apply for and accept Local Transportation Assistance Fund II (**LTAF** II) funds in an amount not to exceed $10,000, with a local match not to exceed $2,500. The 25% match will be included in the General Fund Non-Departmental budget when the expenditure of funds occurs.

8) Consideration and possible action to authorize the Mayor to sign an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) in the amount of $77,475 for the **Section 5311 Rural Transportation Grant** Program. This grant requires a local match valued at $26,023 which shall be met through volunteer service hours, Town personnel and operating allocations, rider and advertising revenues, Local Transportation Assistance Fund (LTAF) II grant funding, and the Town’s general fund.

9) Consideration and possible action to approve a **Tow Services Agreement** between the Chino Valley Police Department and Tow Service Providers.

Staff recommended motion: Move to accept Consent Agenda items 5-9.

Action Items

10) Consideration and possible action regarding a request by the Yavapai Cattle Growers Association to endorse the Arizona Cattle Growers Association's "Save Arizona's Forest Environment (**SAFE**) Plan."

Staff recommended motion: To be determined per Council discussion.

11) ZC-11-004: Consideration and possible action to adopt **Ordinance No. 11-750** to provide for the **zone change** of Assessor's Parcel Number (APN) 306-21-165A from "AR-5" Agricultural/Residential – 5 Acre Minimum to "SR-2.5" Single Family Residential – 2.5 Acre Minimum. Said property consists of approximately 4.6 acres and is located at the southeast corner of W. Road 2 North and Sycamore Vista Drive. Applicants/Owners: Donald J. Roskopf Jr. and Lindsay A. Roskopf.

Staff recommended motion: Move to adopt Ordinance No. 11-750 (Option ___) to provide for the zone change of APN 306-21-165A from "AR-5" to "SR-2.5."

12) Site Plan Review (SPR)-11-002: Consideration and possible action to: (a) grant site plan approval to authorize construction of an approximately 7,000 sq. ft. **O'Reilly auto parts** store building on a 1.97 acre parcel in the "CL" Commercial Light zoning district, located at the southeast corner of State Route 89 and E. Center Street directly across from the Chino Valley High School; (b) modify the UDO requirements to allow an increase in the maximum allowed parking spaces from 28 to 43 spaces and, (c) for public safety reasons, allow the proposed lighting to be spread out to illuminate the entire 1.97 acre parcel, including a large portion of vacant land.

Staff recommended motion: Move to grant site plan approval to authorize construction of an approximately 7,000 sq. ft. O'Reilly auto parts store building, to allow an increase in the maximum allowed parking spaces from 28 to 43 spaces and, for public safety reasons, allow the proposed lighting be spread out to illuminate the 1.97 acre parcel.

13) PUBLIC HEARING and possible action to adopt **Resolution No. 11-967** declaring "The 2010-2011 Amendments to the **Tax Code** of the Town of Chino Valley" a public record and adopt **Ordinance No. 11-751**, adopting "The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley" by reference.

Staff recommended motion: Move to adopt Resolution No. 11-967 declaring "The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley" a public record and adopt Ordinance No. 11-751, adopting the same by reference.

14) Consideration and possible action to approve the **Financial Report** for one month ending July 31, 2011 for fiscal year 2011/2012.

Staff recommended motion: Move to approve the Financial Report for one month ending July 31, 2011 for fiscal year 2011/2012.

15) Consideration and possible action to authorize staff to implement one or more of the recommendations listed below, which were set forth in the *Development Services Department **Organizational Assessment*** prepared by PW Consulting Services, LLC (Paul Wenbert), dated July 12, 2011, and which require Council approval:

a) **Item 2–Water Resources:** Continue to have Public Works Director serve as Water Resources Director representing the Town with NAMWUA and WAC; and eliminate membership in the Upper Verde River Watershed Protection Coalition. Fiscal Impact: Savings of $26,667 in Water Enterprise Fund budget due to eliminating membership in Upper Verde River Watershed Protection Coalition.

Staff recommended motion: Move to have the Public Works Director serve as Water Resources Director representing Town with NAMWUA and WAC, and eliminate membership in the Upper Verde River Watershed Protection Coalition.

b) **Item 3–Capital Improvements Program:** Fill Public Works Department's part-time Civil Engineer position to assist in implementing CIP projects. Fiscal Impact: Cost of this position is already included in the proposed 2011/2012 budget and is funded by the General Fund, Highway User Revenue Fund (HURF), Water Enterprise Fund, and Sewer Enterprise Fund.

Staff recommended motion: Move to fill Public Works Department's part-time Civil Engineer position to assist in implementing CIP projects.

c) **Item 4–Code Enforcement:** Move Code Enforcement from Development Services to Police Department and change title of current Code Enforcement Officer to Utilities/Zoning Technician. Fiscal Impact: Annual cost savings to General Fund of $41,000 which represents 80 percent of Code Enforcement Officer costs that will be transferred to the Sewer Enterprise Fund; annual cost addition to General Fund of $17,000 due to restoring half-time Civilian Officer in Police Department; and no additional net cost to Sewer Enterprise Fund.

Staff recommended motion: Move to move Code Enforcement from Development Services to Police Department and change title of current Code Enforcement Officer to Utilities/Zoning Technician.

d) **Item 5–GIS/Webmaster Services:** Have GIS/CAD Technician report to General Services Director; and explore IGA with Yavapai County and/or other municipalities to provide GIS services and explore possibility of contracting with private company for webmaster services.

Staff recommended motion: Move to have GIS/CAD Technician report to General Services Director; and explore IGA with Yavapai County and/or other municipalities to provide GIS services and explore possibility of contracting with private company for webmaster services.

e) **Item 6–Reorganization/Staffing Levels/Realignment of Duties:** Merge Development Services into Public Works Department thereby eliminating Development Services Director position; reclassify Associate Planner to Community Development Supervisor, Utilities Supervisor to Utilities/Streets Supervisor, Engineering Inspector to Streets Supervisor/Engineering Inspector, Public Works Director to Public Works/Community Development Director, and change title of Senior Building Inspector to Building Official. Fiscal Impact: Reduces General Fund expenses by $84,000 annually by eliminating Development Services Director position. There will likely be some additional costs due to salary increase for some or all of the four aforementioned positions whose responsibilities will increase as a result of this recommendation.

Staff recommended motion: Move to merge Development Services into Public Works Department thereby eliminating Development Services Director position; reclassify Associate Planner to Community Development Supervisor, Utilities Supervisor to Utilities/Streets Supervisor, Engineering Inspector to Streets Supervisor/Engineering Inspector, Public Works Director to Public Works/Community Development Director, and change title of Senior Building Inspector to Building Official.

16) Consideration and possible action to revise the Council **agenda format** pursuant to Section 10, Council Rules of Procedure, dated May 13, 2010.

Staff recommended motion: To be determined per Council discussion.

17) Council may vote to hold an **Executive Session** pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys regarding pending and potential water resource contract negotiations.

18a) Council may vote to hold an **Executive Session** pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys, or other designated representatives, regarding a Retail Development Tax Incentive Agreement between the Town and Jack Tuls, Jr., in connection with the proposed development of a KOA.

18b) Consideration and possible action with regard to approving a Retail Development Tax Incentive Agreement between the Town of Chino Valley and Jack Tuls, Jr., developer of the proposed **KOA** facility.

Staff recommended motion: To be determined per Council discussion.

19) Council may vote to hold an **Executive Session** pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) to obtain legal advice and consider its position and instruct its attorneys regarding negotiations and a potential agreement between the Town and Sun Edison LLC regarding the dedication and improvement of certain road(s) and/or other considerations between the Town and Sun Edison.

20) **Adjournment.**

Dated this 8th day of September, 2011.

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 636-1787 (TDD) 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.

ITEM 2a

Proclamation:
Constitution Week

Daughters of the American Revolution

PROCLAMATION

WHEREAS: The ASDAR,

Yavapai Chapter of Prescott Valley, Arizona

is sponsoring **Constitution Week** in the Tri-City area during the Week of September 17 through 23, 2011; and

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principals of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2011, marks the two hundred twenty-fourth anniversary of the framing of the Constitution of the United States of America by the Continental Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW THEREFORE, I, **Chris Marley**, BY VIRTUE OF THE AUTHORITY VESTED IN ME AS MAYOR OF THE **Town of Chino Valley** DO HEREBY PROCLAIM THE WEEK OF SEPTEMBER 17 through 23, 2011, AS

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the **Town of Chino Valley** to be affixed this **13th day of September, 2011.**

MAYOR MARLEY

ITEM 2b

Proclamation:
Employer Support of the Guard and Reserve Week

Office of the Mayor (928) 636-2646

PROCLAMATION

Employer Support of the Guard and Reserve Week
Week of September 19, 2011

Whereas, throughout history, America has counted on brave individuals willing to put on the uniform to protect our land and defend our way of life; and

Whereas, the men and women of the National Guard and Reserve have demonstrated the highest form of citizenship, and their service is vital to the security of our country and peace of the world; and

Whereas, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession and are trained to respond to their community and their country in time of need; and

Whereas, the National Guard and Reserve are essential to the strength of our nation and the well-being of our communities; and

Whereas, the Town of Chino Valley fully recognizes, honors and enforces the Uniformed Services Employment and Reemployment Rights Act (USERRA); and

Whereas, departments will have the tools they need to effectively manage those employees who serve in the Guard and Reserve; and

Whereas, the Town of Chino Valley will continually recognize and support our country's service members and their families in peace, crisis and in war;

Now, Therefore, I, Chris Marley, Mayor of the Town of Chino Valley, do hereby proclaim the week of *September 19, 2011* as *Employer Support of the Guard and Reserve Week* in Chino Valley, Arizona, and urge all of our citizens to recognize this observance.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 13th day of September, 2011.

Chris Marley, Mayor

ATTEST: Jami C. Lewis, Town Clerk

10TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 5

[X] Regular Meeting   [ ] Special Meeting   [ ] Other ____________

MEETING DATE: September 13, 2011   TIME: 6:00 p.m.

SUBMITTING DEPARTMENT: Town Clerk

CONTACT PERSON: Jami C. Lewis   PHONE: 636-2646, ext. 119

[ ] Presentation Only   [ ] Report Only   [X] Consent

[ ] Action-Presentation   [ ] Action   [ ] Executive

Estimated Length of Staff Presentation: _____ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to approve the March 22, 2011 Regular Meeting minutes.

FISCAL IMPACT? No   If Yes, Budget Code: ____________   Available: $ ________

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Council meeting minutes

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **5**

SITUATION AND ANALYSIS:

RECOMMENDED MOTION:

Move to approve the March 22, 2011 Regular Meeting minutes.

ATTACHMENTS:

March 22, 2011 Regular Meeting minutes

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

	Jami C. Lewis	Vera J. Smith
Author	Department Head	Finance
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

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

TUESDAY, MARCH 22, 2011
6:00 P.M.

The Town Council of the Town of Chino Valley, Arizona met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, March 22, 2011.

Mayor Bunker called the meeting to order at 6:03 p.m.

Council Present: Mayor Jim Bunker, Vice-Mayor Ron Romley, and Councilmembers Joel Baker, Dean Echols, Linda Hatch, Gloria Moore (by conference phone at 6:16 p.m.), and Carl Tenney.

Staff Present: Town Manager Michael Scannell, Management Assistant Cecilia Watts (recorder), Town Attorney Sharon Sargent-Flack, Finance Director Vera Smith, Police Chief Pat Huntsman, Police Commander Mark Garcia, Police Sargeant Vince Schaan, Development Services Director Pat Clingman, Associate Planner David Nicolella, GIS/CAD Technician Jan Mazy, Town Engineer/Public Works Director Ron Grittman, Utilities Supervisor Chris Bartels, Utilities Clerk Sally Self, and Library Director Scott Bruner.

Vice-Mayor Romley gave the invocation and Councilmember Baker led the pledge of allegiance.

2) <u>Introductions, Presentations and Proclamations</u>

2a) Proclamation declaring April 2011 as "**Jazz Appreciation Month**," sponsored by the Prescott Jazz Society, Inc.

Mayor Bunker read the proclamation and presented it to Milton Cannon, who thanked Council and requested that the proclamation be read annually.

2b) Administer ceremonial **Oath of Office** to Joseph Abbate, Parks and Recreation Advisory Board appointee.

Deputy Town Clerk Cecilia Watts administered the Oath of Office to Mr. Abbate.

3) <u>Call to the Public</u>

Carol Faoro, resident, spoke her property being deluged with tumbleweeds from neighboring ranch land and asked the Town to take action to prevent the resulting fire hazard.

Jim Olsen, resident, spoke about the lack of development-related documents associated with the High Plains/KOA development available to the public. Mayor Bunker explained that the developer had not yet submitted any of those documents to the Town.

Paul Eguina, resident, spoke about a problem with storm flooding in the area of Road 1 East and Road 1 South, ongoing damage to several neighboring properties, and obtaining a copy of a related report from the town engineer. Mayor Bunker related that this issue was scheduled to be reviewed during Council's study session on April 7.

Toni Graybill, resident, spoke about Town businesses feeling bullied by the Town and being unhappy about harsh restrictions; and she urged the Council to listen to the citizens when it began the General Plan update process.

Mayor Bunker invited citizens to visit with him about such issues during Open Nights with the Mayor.

Larry Hinsey, resident, spoke about contacting town officials on several occasions and those persons not being available or not returning his calls.

4) <u>Mayor/Council/Manager Report</u>

There were no reports.

<u>Consent Agenda</u>

5) Adopt **Resolution No. 11-955**, declaring and adopting the results of the **Primary Election** held on March 8, 2011.

6) Adopt **Resolution No.11-954** authorizing the Chino Valley Police Department to apply for, and accept and expend funds for a 2012 **Highway Safety Plan Grant** from the Governor's Office of Highway Safety in the amount not to exceed $45,000.00. Funds to come from Miscellaneous Police Grants expenditure line in the Grants Fund for fiscal year 2011/2012, with no matching funds required by the Town.

Vice-Mayor Romley asked if an e-citation printer in the list of expenditures was different from what Council approved a few months ago. Commander Garcia stated that it was an additional one that they could obtain through the grant.

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to accept Consent Agenda items 5 and 6. The motion PASSED unanimously 7-0.

<u>Action Items</u>

7) PUBLIC HEARING and possible approval of application from Joneal P. Young, for person transfer of a Series 6 (Bar) Liquor License for **Doreen's** Back Street Bar & Grill, located at 2879 Arizona Trail in Chino Valley.

The staff report by Town Clerk Jami Lewis stated that A.R.S. § 4-201 required local governing bodies to provide a recommendation to the State Liquor Board as to whether or not it should grant or deny liquor license applications. The Police and Planning Departments reviewed the application and recommended approval with no comments. Staff posted the establishment with the necessary notices from February 18 through March 22, 2011, and staff did not receive any written arguments in favor of or in opposition to the application.

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to open the public hearing.

Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, spoke in support of the application.

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to close the public hearing. The motion PASSED unanimously 7-0.

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to approve application for a new Series 6 Liquor License for Doreens, located at 2879 Arizona Trail. The motion PASSED unanimously 7-0.

8) PUBLIC HEARING and possible adoption of **Ordinance No. 11-744** amending the Chino Valley Town Code, Section 71.12 "**Speed Limits**," to allow the Town Council, with the approval of a Resolution, to set speed limits within the community in accordance with Arizona Revised Statutes § 28-701.

Town Engineer Ron Grittman reported that current Town Code provisions with regard to setting speed limits did not conform to Arizona Revised Statues and the changes proposed in Ordinance No. 11-744 would bring the Code into compliance. Once the Ordinance took effect, staff planned to submit a resolution to Council on April 26 that would set the speed limits on the west and east sides of the Town.

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to open the public hearing. The The motion PASSED unanimously 7-0. As no one from the public spoke, Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to close the public hearing. The motion PASSED unanimously 7-0.

Councilmember Tenney supported the Ordinance, as it gave the Town the flexibility needed to set speed limits.

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to approve Ordinance No. 11-744 amending the Chino Valley Town Code, Section 71.12 "Speed Limits," to allow the Town Council, with the approval of a Resolution, to set speed limits within the community in accordance with Arizona Revised Statutes § 28-701. The motion PASSED unanimously 7-0.

9) *Continued from March 8, 2011:* Approve a one-year Lease Agreement between the Chino Valley **Food Bank**, located at 1943 Voss Drive and the Town of Chino Valley, for the period of April 1, 2011 to March 31, 2012.

Management Assistant Cecilia Watts reported that the Chino Valley Food Bank had requested an extension of their lease agreement with the Town on the property they had occupied for the past 12 years. In Executive Session on January 11, 2011, Council directed staff to extend their lease for a one-year period, as they were reluctant to commit for a longer time frame, due to the

Town's intent to conduct a master plan of its North CaThe motion PASSED unanimously facilities, which included the building in which the Food Bank was housed.

As a couple of the Councilmembers had not seen the lease that was sent to them via email, they asked for a continuance and for staff to provide them with hard copies.

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to continue this item until the next Council meeting. The motion PASSED unanimously 7-0.

10) Approve the Scope of Services and Estimated Budget by **Dava & Associates**, Inc. for an update of the Town's General Plan and development of an Economic Development Strategy for the Town; and authorize the Mayor to sign an associated Professional Services Agreement between the Town of Chino Valley and Dava & Associates, Inc. upon completion by the Town Attorney. The total project estimated amount of $120,000 is proposed to be funded over three fiscal years (FY), with $30,000 in FY 2010/2011, $72,000 in FY 2011/2012, and $18,000 in FY 2012/2013. Funds to come from Non-Departmental General Plan expenditure line in the General Fund.

Associate Planner David Nicolella reported that:

- The Town's current general plan structure had been problematic over the years due to its limited scope with only two residential classifications, one commercial classification, limited industrial areas, and lack of definition for special development areas. In addition, prospective businesses preferred a stronger general plan and more definitive land use map to help them determine the potential for their business to succeed.
- On January 12, 2011, Town Manager Michael Scannell and Associate Planner David Nicolella presented an overview of the Arizona Growing Smarter legislation and options for the process to update the Town's General Plan that must be completed by 2015. Council discussed directing the update in-house versus outsourcing, community involvement, new elements that should be considered in the update, Growing Smarter scorecard considerations, and a new land use map concept.
- On January 25, 2011, Council directed staff to complete a Contract for Services between the Town and Dava & Associates, Inc. ("Dava") to update the Town's General Plan and develop an Economic Development Strategy for the Town, with funding to span several fiscal years.
- Dava's proposed Scope of Services included updating four general plan elements—economic development, land use/growth, circulation and water resources, at an estimated cost of $120,000.00, spread out over three fiscal years: $30,000 in FY 2010/2011; $72,000 in FY 2011/2012; and $18,000 in FY 2012/2013.
- As there was an apparent debate among the Town's citizens between bringing in business and a variety of housing versus remaining a bedroom community, Dava proposed several ways to bring the citizens together through public hearings, gatherings, workshops, and review panels to create an arena for public input and participation.
- Dava would lead this project on a bare-bones basis, with the aid of Town Planning and Public Works staff, and state and local organizations. Another cost saving method was the anticipated participation of APS staff specialists to assist in meetings and research/data for the preparation of the Economic Development Strategy element.

Council asked if the membership of the economic development committee would be the same as the overall steering committee. Mr. Nicolella stated that it was his understanding that both committees would consist of the same membership.

Council discussed the item. While they agreed that a plan was necessary and Dava was qualified to lead it, some expressed concern about approving the agreement in light of serious budget developments since the item was first discussed in January, and the contract's lack of provisions for replacing committee members and conflicts of interest. Some also stated that they could not support the committee concept, preferring that the two committees were separate and would have different members.

Public comment was as follows:

Candy Blakeslee, resident, believed that although the current general plan was broken and needed to be fixed, due to the budget issues, Council should address the budget first and then revisit this item.

Jim Klein, resident, suggested that Council wait on this item until after the new Council was seated.

Vice-Mayor Romley MOVED, seconded by Councilmember Hatch, to continue item 10 indefinitely. The motion PASSED unanimously 7-0.

11) Move to approve the process that Council will appoint the General Plan/Economic Development Strategy Committee to develop an Economic Development Strategy for the Town of Chino Valley. If process is approved, Council will perform a drawing as outlined.

Vice-Mayor Romley MOVED, seconded by Councilmember Baker, to table item 11 indefinitely. The motion PASSED unanimously 7-0.

12) Accept User Fee Study Proposal and related Work Plan from Heinfeld, Meech & Co., P.C., to perform an User Fee Study for an amount not to exceed $13,500 plus expenses, and authorize the Town Manager to complete subsequent engagement letter. Funds to come from Non-departmental User Fee Study expenditure line in the General Fund.

Acronyms used in this item:
FY (Fiscal Year)

Town Manager Michael Scannell and Finance Director Vera Smith reported that:

- In the past, Town staff had performed in-house fee studies by comparing the Town's charges with those of its neighbors. However, those studies only considered direct costs, not those which were incurred indirectly.
- Due to budget challenges facing the Town in the General Fund for FY 2011/2012, staff believed that a comprehensive user fee study was necessary to assess both direct and

- As Council was the ultimate arbiter of setting such fees, the data from the study would help them understand the true cost of doing business, the Town's expense structure and fee relationships, and determine where to set fees based on the percentage of cost recovery desired for each service.

Council asked about the completion timeframe and if they could include the study's findings in the FY 2011/2012 budget. Ms. Smith stated that although she hoped to have the study results by the end of June, she did not believe there would be sufficient time to include it in the budget; however, Council could use the information provided to make adjustments after the final budget was approved.

Public comment was as follows:

Mark Holt, resident, suggested including a cap on the expenses included in the agreement. Ms. Smith stated that she anticipated $1,500 in expenses and Council could change the recommended motion to include a total cap not to exceed $15,000.

Gloria Ernst, resident, asked about the expenses included and expressed concern about hiring outside firms when there were many people in the community who could do this and might be willing to do it for free. Ms. Smith related that the $13,500 was at a reduced rate and the expenses, which were generally related to travel, were delineated in the Scope of Services. Mayor Bunker added that as Council was accountable for how they spent public funds, they needed to hire professionally qualified persons to justify spending the money.

Vice-Mayor Romley MOVED, seconded by to Councilmember Tenney, to accept User Fee Study Proposal and related Work Plan from Heinfeld, Meech & Co., P.C., to perform a User Fee Study for an amount not to exceed $13,500 plus a cap of 1,500 in expenses, and authorize the Town Manager to complete subsequent engagement letter. The motion PASSED unanimously 7-0.

13) Approve January 6, 2011 Study Session **minutes**. (Absent: Councilmember Baker)

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to approve the January 6, 2011 Study Session minutes. The motion PASSED 6-0 with 1 abstention by Councilmember Baker.

14) Discussion of anticipated FY 2011/2012 General Fund Budget Shortfall, and possible action to be determined by Town Council.

Acronyms used in this item:
FY (Fiscal Year)
GF (General Fund)

Town Manager Michael Scannell and Finance Director Vera Smith reported that:

- Per the recently released 2010 Census figures, the Town's population decreased by 1,508 from the 2005 population figure of 12,325, while the total state population increased by 157,512. These two factors combined will result in significantly lower state shared revenues for the Town for the next five years.
- Prior to the Census figures, staff had anticipated a budget shortfall of $253,000. Due to $322,000 in losses from the Census figures, additional cuts by the state, and anticipated expenditure increases, staff now anticipated a FY 2011/2012 general fund budget shortfall of $773,477. In addition, the Town was facing a decrease in Highway User Revenue Fund revenues of $148,000 based on the governor's proposal, with the legislature possibly approving further cuts.
- The general fund shortfall would have been worse by $889,417 if not for the anticipated subsidy of $529,417 from 1% sales tax revenues to the general fund and staff allocating $360,000 in carryforward dollars.
- Staff was recommending that Council focus its scheduled April 7 budget study session on discussing budget balancing strategies. There were three ways to close the gap: increase revs, decrease expenditures, or a combination of the two. As staff did not believe the Town could pick up much additional revenue and staff had no more 'bandaids,' it would need to decrease expenditures.
- Staff was going to meet with Town employees to inform them of the magnitude of the challenge ahead, take their comments, and prepare their best thoughts for Council's consideration. They encouraged Council candidates, citizens, and staff to attend the study session to hear the various options for bridging the gap.

Mayor Bunker added that both revenue losses and population decreases were also due to loss of construction-related activity and workers. He recommended not taking any action, and Councilmembers studying these matters and beginning the process to rank Town services by importance. He also encouraged citizens to shop locally to increase revenues.

Councilmember Baker added that whatever solutions Council founded, there would be unhappy people.

15) Adjournment.

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to adjourn the meeting. The motion PASSED unanimously 7-0 at 8:06 p.m.

Chris Marley, Mayor

ATTEST:

____

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 22nd day of March, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of September, 2011.

____

Jami C. Lewis, Town Clerk

10TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 6

[X] Regular Meeting [ ] Special Meeting [ ] Other ______

MEETING DATE: September 13, 2011 TIME: 6:00 p.m.

SUBMITTING DEPARTMENT: Town Clerk

CONTACT PERSON: Jami C. Lewis PHONE: 636-2646, ext. 119

[ ] Presentation Only [ ] Report Only [X] Consent

[ ] Action-Presentation [ ] Action [ ] Executive

Estimated Length of Staff Presentation: ______ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to approve the April 7, 2011 Study Session minutes.

FISCAL IMPACT? No If Yes, Budget Code: ______ Available: $ ______

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Council meeting minutes

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 6

SITUATION AND ANALYSIS:

RECOMMENDED MOTION:

Move to approve the April 7, 2011 Study Session minutes.

ATTACHMENTS:

April 7, 2011 Study Session minutes

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

	Jami C. Lewis	Vera J. Smith
Author	Department Head	Finance
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

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

THURSDAY, APRIL 7, 2011
6:00 PM

The Town Council of the Town of Chino Valley, Arizona met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Thursday, April 7, 2011.

Mayor Bunker called the meeting to order at 6:09 p.m.

Council Present: Mayor Jim Bunker, Vice-Mayor Ron Romley, and Councilmembers Joel Baker, Dean Echols, Linda Hatch, and Carl Tenney.

Council Absent: Councilmember Gloria Moore.

Staff Present: Town Manager Michael Scannell, Management Assistant Cecilia Watts, I.T. Technician Spencer Guest, Access Channel Technician Steve Hollingsworth, Finance Director Vera Smith, Accounting Clerk Shannon Bowe, Magistrate John Walker, Police Chief Pat Huntsman, Police Commanders Mark Garcia and Chuck Wynn, Sergeant Vince Schaan, Officers Randy Chapman and Todd Hyslip, Dispatch Supervisor Laurie Whisenand, Dispatcher Amanda LaRue, Senior Building Inspector Dan Trout, Plans Examiner Jim Shinost, Code Enforcement Officer Mike Bovee, GIS/CAD Technician Jan Mazy, Administrative Clerk Mary Brasher, Town Engineer/Public Works Director Ron Grittman, Executive Assistant Sherri Turner, Administrative Clerk Christy Russell, Public Works Supervisor Kenny Tribolet, Public Works Inspector Kurt Morrill, Heavy Equipment Operators Mark Isza and Bill Butts, Medium Equipment Operator Paul Smith, Laborer Brandon de la Huerta, Vehicle Maintenance Supervisor Rick De La Huerta, Utilities Supervisor Chris Bartels, Utilities Technician Joe Grassi, Utilities Clerk Sally Self, Building Maintenance Laborer Chuck Turner, Transit Coordinator Jason Kelly, Recreation Coordinator Shannon Gansz, Aquatics Supervisor Dean Smith, Parks and Trails Superintendent Bob Worthen, Senior Center Supervisor Cyndi Thomas, Youth Librarian Darlene Westcott, Administrative Clerk Hilda Little, and Town Clerk Jami Lewis (recorder).

2) Presentation by staff and discussion regarding the status of the fiscal year 2010/2011 budget and planning for the fiscal year 2011/2012 **budget**.

Acronyms used in this item:
- ASRS (Arizona State Retirement System)
- FY (Fiscal Year)
- GF (General Fund)
- PSRS (Public Safety Retirement System)

Finance Director Vera Smith, Management Assistant Cecilia Watts, and Town Manager Michael Scannell presented the following budget information:

- Comparing all actual revenues from FY 2004/2005 through FY 2009/2010, budgeted revenues for FY 2010/2011, and those projected for FY 2011/2012, demonstrated that some revenues began declining in FY 2004/2005 followed by all the rest being in decline by FY 2008/2009.
- The anticipated GF revenue shortfall for FY 2011/2012 before and after the Census figures was:

	Before Census	After Census
Anticipated GF budget shortfall:	$360,000	$360,000
Anticipated GF revenue decreases	$234,956	$557,512
Anticipated expenditure increases	$136,892	$136,892
Subtotal	$731,848	$1,054,404
Carry Forward utilization		($360,000)
Adjusted anticipated FY 2011/2012 GF budget shortfall		$694,404

- The FY 2011/2012 1% sales tax revenue total proposed allocations to the GF equaled $1,121,834. Allocating more 1% tax into the GF would require Council to amend the current allocation resolution.
- Anticipated increases in the Town's ASRS contributions were 0.295%, while its contribution to PSRS was decreasing by 0.090%. The Town's contribution for employee health insurance was anticipated to increase 9.1%.
- If the Town were to add vision coverage, the Town's estimated cost would be $11,625 for employees only to $15,500 for family coverage. If the Town were to add short term disability, the Town's estimated cost would be $4,844 for the modified version and $17,437 for the enhanced version.

Recommendations to adjust the balance:

- The Town must reduce expenditures, increase revenues, or a combination of the two. Long term structural changes were necessary as there were no more temporary or short term fixes, and future years would most likely bring further revenue reductions.
- Staff already factored in $360,000 in carry forward dollars.
- Options previously recommended were: consolidate and reorganize Administration, Town Manager, and Human Resources Departments; eliminate vacant Community Services Director position; leave Police Chief position vacant for one-half year after the current Police Chief retired; and implement Community Services assessment recommendations, excluding Senior Center. These would bring the shortfall down to $448,292.
- Other possible options included, but were not necessarily limited to: (i) implement other departmental consolidations and generally flatten the organizational structure, hold certain positions vacant, eliminate certain positions, and authorize assessment and audit of Development Services, followed by all Town departments and divisions; (ii) explore contracting out certain services, such as Police Dispatch and Animal Control, sales tax audits, and a comprehensive fee study; and (iii) reduce funding to certain services, such

- Council needed to consider the most effective way to still deliver core services, and determine what they considered as "core." Council also needed to have a frank conversation with the community about what they wanted, as there was no way to foster economic development without infrastructure in commercial areas, and the Town needed to pursue this and decide where it wanted to go in order to be prepared for when the economy recovered.
- Staff did not recommend taking anything else away from employees, who had endured very difficult times and had no wage or cost of living increases in four years, while having take-home decreases due to increases in health insurance and retirement.
- Staff suggested setting a work session on April 21 to frame this issue and obtain Council guidance, with staff providing updates every couple weeks throughout the budget process.

Council asked if budget reductions could be done without affecting the employees. Mr. Scannell stated that the needed reductions would require some position reductions or cuts and the employees understood this and were prepared for it.

Public comments:

Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, pledged the Chamber's and business community's support through the rough time and urged the Town not to neglect the businesses and support an economic development plan, since the businesses were the Town's only revenue source.

Council discussed the matter and generally asked staff to develop scenarios that did not take any more away from the employees, a list of the reduction options, and options for using carry forward funds. They also asked for the employees to give input on ideas for service reductions in their own departments.

Mayor Bunker called for a break at 7:57 p.m. and called the meeting back to order at 8:14 p.m.

3) Presentation and discussion regarding Area **Drainage Master Plan** Study.

Town Engineer Ron Grittman reviewed the results of the recent Area Drainage Master Study.

- This project was funded from a $200,000 grant from the Yavapai County Flood Control District, approved in August 2009. In December 2009, Council approved contracts with Civil Tec Engineering ("Civil Tec") and Lyon Engineering ("Lyon"), who agreed to approach the project as a team.
- Civil Tec was responsible to coordinate aerial photography and topographic mapping, review documentation, model the hydrology for various storm events up to the 100 year event, review potential regional stormwater recharge locations, and develop a report summarizing the findings.

- Lyon was responsible to prepare hydraulic models of areas prone to sheetflow conditions, review the 2001 Chino Valley Flood Hazard Delineation Study, develop the depth that the 100 year storm will reach based on the hydrology developed by Civil Tec, develop conceptual solutions and estimated costs, and develop a report summarizing their findings.
- The study found that there were a lot of sheeting areas throughout the Town. Over the years, lot splits and wildcat subdivisions, which required no drainage planning, had contributed to the problem.
- As a result of the study, Lyon prepared a list of 10 conceptual stormwater projects that could reduce or alleviate the Town's worst flooding problems. The projects were rated using the following criteria: estimated construction costs, number of homes/businesses helped/improved, right-of-way acquisition, recurring complaints, recurring town maintenance, and recurring access problems.
- The 10 projects, in order of ranking, were:
    1. Cemetery Draw at Juniper Drive ($1,107,075.00)
    2. Chino Meadows Unit 5 at Peavine Trail ($1,084,600.00)
    3. Road 2 South west of SR 89 ($235,770.00)
    4. Mariposa Manner (South of Road 3 North west of SR 89) Unit 2 South Boundary ($381,350.00)
    5. Road 3 North at Town Hall ($268,250.00)
    6. Road 2 South crossing east of Road 1 East ($356,700.00)
    7. Road 1 South from west of Road 1 East to Santa Cruz Wash ($2,480,225.00)
    8. Perkinsville Road at the Santa Cruz Wash ($975,850.00)
    9. Center Street west of Road 1 East ($842,450.00)
    10. Perkinsville Road east of Road 1 East ($1,451,000.00)
- Projects currently funded were: Road 2 North widening at the Santa Cruz Wash, which was initially funded by roads impacts fees; and Chino Meadows Unit 5 at Peavine Trail, funded by a Community Development Block Grant.
- Staff recommended that: (i) Council adopt this Report on April 26, and (ii) staff incorporate this Report and these projects into the Engineering Standards and Capital Improvement Program so that developers will participate in regional solutions; (iii) the Town continue to seek funding for projects with Yavapai County, especially the more inexpensive projects such as project 5, Road 3 North at Town Hall; (iv) any project to be constructed be prioritized through the Council; and (v) the Town begin the discussion to determine the level of services that citizens were willing to support and how to fund the remaining projects.
- Staff intended to request an additional $300,000 from the County immediately and to discuss options with them for funding the remainder of the projects.

Council asked about grant funding, the County funding project 8, differing levels of County funding, and FEMA funding. Mr. Grittman related that: (i) any federal funding would incur 30%-40% on archeology studies; (ii) he did not believe the County would fund project 8 at that amount; (iii) he was not aware of differing levels of County funding, but he could obtain the information; and (iv) FEMA only funded projects in their floodplains.

Public comment:

Paul and Cathy Aguina, residents, spoke about repeated flooding in the Road 1 South and Road 1 East area and asked about digging more ditches to alleviate flooding; funding sources for improvements, including property taxes; and the Town removing an irrigation ditch that was in the area. Mr. Aguina added that he would be willing to pay a property tax to get it fixed. Mr. Grittman stated that: (i) the Town could only solve regional problems, not spot fix, and digging such ditches would not help; (ii) funding could come from FEMA, the County, improvement districts or other self-taxing mechanisms, or development sales taxes, some of which would require citizen buy-in; and (iii) the Town did not maintain or remove irrigation ditches.

Lon Turner, resident, stated that he lived near Road 1 South and Road 1 East from 1975 to 1991, and it had always flooded like that, but the area was farm fields then. He also asked if Road 1 South and Road 2 South was in the FEMA floodplain and if the Town could get FEMA funds for the Vista Grande entrance. Mr. Grittman stated that it might be possible.

Council and staff pointed out that all recently approved subdivisions did not have flooding problems, as they had been engineered to handle stormwater. The Town had had flooding problems for years and it would cost millions to solve them. They also suggested that this Master Plan be part of the future General Plan.

4) Adjournment.

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to adjourn the meeting. The motion PASSED unanimously 6-0 at 9:41 p.m.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 7th day of April, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of September, 2011.

____
Jami C. Lewis, Town Clerk

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 7

[X] Regular Meeting   [ ] Special Meeting   [ ] Other ______

MEETING DATE: September 13, 2011   TIME: 6:00 pm

SUBMITTING DEPARTMENT: FINANCE

CONTACT PERSON: VERA SMITH   PHONE: 636-2646 x173

[ ] Presentation Only   [ ] Report Only   [X] Consent

[ ] Action-Presentation   [ ] Action   [ ] Executive

Estimated Length of Staff Presentation: ______ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to authorize the Finance Department to apply for and accept Local Transportation Assistance Fund II (LTAF II) funds in an amount not to exceed $10,000, with a local match not to exceed $2,500.

FISCAL IMPACT? Yes   If Yes, Budget Code: ______   Available: ______

FUNDING:

The 25% match will be included in the General Fund Non-Departmental budget when the expenditure of funds occurs.

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **7**

SITUATION AND ANALYSIS:

Recently the Town received a letter from Yavapai County indicating the County is accepting applications for available Local Transportation Assistance Funds (LTAF II).

In two previous years the Town has received LTAF II funds via Yavapai County: SFY2009 $7,500 and SFY2010 $4,950. The Town utilizes LTAF II to provide transportation services within the tri-city area for the general public, elderly persons, persons with disabilities, and low income persons.

Staff is recommending that the Town submit an application for $10,000 in LTAF II funds which will require a local match of $2,500.

RECOMMENDED MOTION:

Move to authorize the Finance Department to apply for and accept Local Transportation Assistance Fund II (LTAF II) funds in an amount not to exceed $10,000, with a local match not to exceed $2,500.

ATTACHMENTS:

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

		Vera J. Smith
Author	Department Head	Finance
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 8

[X] Regular Meeting [ ] Special Meeting [ ] Other ____________

MEETING DATE: September 13, 2011 TIME: 6:00 pm

SUBMITTING DEPARTMENT: Town Clerk

CONTACT PERSON: Jami C. Lewis PHONE: 636-2646 x119

[ ] Presentation Only [ ] Report Only [X] Consent

[ ] Action-Presentation [ ] Action [ ] Executive

Estimated Length of Staff Presentation: _____ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to authorize the Mayor to sign an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) in the amount of $77,475 for the Section 5311 Rural Transportation Grant Program.

FISCAL IMPACT? Yes If Yes, Budget Code: ____________ Available: ____________

FUNDING:

This grant requires a local match valued at $26,023 which shall be met through volunteer service hours, Town personnel and operating allocations, rider and advertising revenues, Local Transportation Assistance Fund (LTAF) II grant funding, and the Town's general fund.

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Intergovernmental Agreement

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **8**

SITUATION AND ANALYSIS:

On August 23, 2011, Council elected to continue the Transit Program for the next State Fiscal Year. However, they erroneously voted to authorize the Mayor to sign a transit grant application, which was previously approved on February 8, 2011. Thus, Council needs to authorize the Mayor to sign an Intergovernmental Agreement with ADOT to continue the program.

RECOMMENDED MOTION:

Move to authorize the Mayor to sign an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) in the amount of $77,475 for the Section 5311 Rural Transportation Grant Program with a local match valued at $26,023.

ATTACHMENTS:

Council action taken summary, August 23, 2011

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

	Jami C. Lewis	Vera J. Smith
Author	Department Head	Finance
	Jason Kelly, Transit Coord.	Sharon Sargent-Flack
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

TOWN OF CHINO VALLEY
CHINO VALLEY TOWN COUNCIL

ACTION TAKEN ON
AUGUST 23, 2011
6:00 P.M.

*The Chino Valley Town Council held a Regular Meeting open to the public on **Tuesday, August 23, 2011 at 6:00 p.m.** in the Chino Valley Council Chambers located at 202 N. State Route 89, Chino Valley, Arizona.*

Action Taken during the meeting was as follows:

2) **Introductions, Presentations and Proclamations**

2a) Proclamation by the Chino Valley Elks declaring September 5-11, 2011 National Patriotism Week.

Read the proclamation and presented it to Elks Club members.

3) **Call to the Public**

No one spoke.

Mayor's Response to the Public: Referred the Senior Center Foundation to contact Town Manager regarding use of the Senior Center kitchen.

4) **Mayor/Council/Manager Report**

Mayor Marley reported on budget matters.

Councilmember Best reported on a recent Central Yavapai Metropolitan Planning Organization meeting.

Consent Agenda

5) Consideration and possible action to waive Park Rental Fees of $90.00 for Memory Park rental on September 16, 17, and 18, 2011 for a Geocaching event planned around Arizona's Centennial Theme, and in conjunction with the County's Centennial celebration.

Accepted Consent Agenda item 5.

Action Items

6) Consideration and possible action regarding the Town of Chino Valley Transit program.

Authorized Mayor to sign transit grant application for fiscal year 2011/2012 and instructed staff to work with ADOT consultants to identify and evaluate service delivery options, including not-for-profit delivery options for future years.

7) *Continued from August 9, 2011:* Consideration and possible action to authorize the Police Department to expend approximately $11,500 to expand the current fenced impound yard at the Police Department to accommodate additional vehicles impounded under A.R.S.§ 28-3511.

Authorized Police Department to expend approximately $11,500 to expand the current fenced impound yard at the Police Department to accommodate additional vehicles impounded under A.R.S. § 28-3511.

8) PUBLIC HEARING and possible action to approve application from Timothy Smith for person transfer of a Series 6 (Bar) Liquor License for Doreen's Back Street Bar & Grill, located at 2879 Arizona Trail in Chino Valley.

Held public hearing; Approved application for a new Series 6 Liquor License transfer for Doreens.

9) Discussion and possible recommendations with regard to the 2011 resolutions submitted for consideration by the League of Arizona Cities and Towns Resolution's Committee.

Voted to support the recommendations of the Resolutions Committee.

10) *Continued from August 9, 2011:* Discussion and possible action with regard to the 2011/2012 Chino Valley Area Chamber of Commerce ("Chamber") contract.

Approved Services Contract with Chino Valley Area Chamber of Commerce for fiscal year 2011/2012, recognizing that they are a sole service provider for this group of services, to promote, develop, and enhance tourism and economic development for the Town and render specific professional and technical services to the Town as delineated in this agreement in the amount of $38,000.

11) Adjournment.

Dated this 24th day of August, 2011.

By: *Jami C. Lewis, Town Clerk*

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 9

[X] Regular Meeting [ ] Special Meeting [ ] Other ______

MEETING DATE: 09/13/11 TIME: 6:00pm

SUBMITTING DEPARTMENT: Police

CONTACT PERSON: Commander Chuck Wynn PHONE: 636-4223

[ ] Presentation Only [ ] Report Only [X] Consent

[ ] Action-Presentation [ ] Action [ ] Executive

Estimated Length of Staff Presentation: ______

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to approve a Tow Services Agreement between the Chino Valley Police Department and Tow Service Providers.

FISCAL IMPACT? Yes If Yes, Budget Code: Revenue Available: $

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Tow Services Agreement

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 9

SITUATION AND ANALYSIS:

The Police Department's Tow Services Agreement has not been updated in some time and did not include a rate schedule. The Police Department has updated this agreement with input from its Rotational Tow Providers. The Agreement now includes a fee schedule, as well as addressing how vehicles towed under ARS 28-3511 are handled. The Agreement has been reviewed by the Town's legal counsel.

RECOMMENDED MOTION:

Move to approve the Tow Services Agreement between the Police Department and Tow Service Providers.

ATTACHMENTS:

Tow Services Agreement

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

C. Wynn	P. Huntsman	Vera J. Smith
Author	Department Head	Finance
		Sharon Sargent-Flack
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

TOW SERVICES AGREEMENT

Rotational Tow Providers for Chino Valley Police Department

This Tow Service Agreement ("Agreement") contains terms and conditions that a towing company ("Provider") agrees to in order to receive and maintain a rotation tow listing with the Chino Valley Police Department (also, "Police Department"). This Agreement supersedes any previous Agreements between the Town of Chino Valley and/or the Police Department and undersigned Provider. This Agreement shall become effective on ____________, 20___ at which time any previous tow service agreement shall become null and void.

Any Provider previously on the Rotational Tow List that does not have a current signed agreement shall no longer be considered part of the Rotational Tow List.

A Provider that meets the terms of this Agreement and provides a signed original to the Police Department shall be included on the Rotational Tow List. As a Provider is added it will be placed at the bottom of the Rotational Tow List.

1. GENERAL

The conditions of this Agreement shall apply to all wrecker or towing requests made by the Police Department. A police-initiated tow shall refer to all vehicle tows initiated by the Police Department and having destinations within the Town limits of Chino Valley. The conditions of this Agreement shall not apply when a tow made by a towing company is initiated, specified and requested by the owner or operator of the vehicle.

This Agreement shall provide uniform rates for all wrecker or towing services provided to any citizen at the request of the Police Department. All charges under the service rate schedule established shall be chargeable to the owner of the vehicle towed. Other than a police impound pursuant to A.R.S. § 28-3511, the owner or operator of a vehicle to be towed shall have the right to determine the destination of the tow.

This Agreement shall include removal of vehicles that are (i) disabled, wrecked, abandoned, or stored, (ii) involved in criminal matters, (iii) deemed necessary to avoid endangering the safety of any person.

The Police Department shall have the right to cancel this Agreement it if is determined that a Provider is or has engaged in illegal or unethical practices.

The Police Department shall have the right to cancel this Agreement in the event the Provider breaches any conditions of the Agreement.

Provider shall not solicit for or suggest a repair service to the owner or operator of a damaged vehicle.

The Town of Chino Valley shall not be liable for any towing charges when request for towing is made by the Town acting as agent for the operator or owner of any vehicle to be towed.

Requests for towing service by the Police Department may be made by telephone. The Provider must maintain and report its 24-hour business telephone number to the Police Department.

Unless extenuating circumstances exist, one Provider will be utilized per incident.

This Agreement will be in effect until June 30, 2013.

2. INSPECTION

The Town of Chino Valley shall have the right to thoroughly inspect and investigate the establishment, facilities, business reputation and other general qualifications of any Provider. A Provider may be removed from the Rotational Tow List and their agreement cancelled if it is determined that the Provider is lacking in any of the essentials necessary to assure acceptable standards of performance.

Provider must have available at least one power operated wrecker and one rollback wrecker in good and serviceable condition to provide adequate service to the Town. At least one of said wreckers must be classified as a Medium or Heavy Duty Wrecker. All wreckers shall be equipped with their proper complement of dollies, chains, slings, and bumpers and other equipment necessary to prevent damage to vehicles.

3. FACILITIES

Provider shall maintain a storage facility within the corporate limits of the Town of Chino Valley. Facility(s) shall be adequate to accommodate any increase in tows that may arise from the enforcement of A.R.S. § 28-3511.

Provider shall be required to have a fenced storage area with a fence of a minimum of 6 ft. in height plus outwardly slanted 3-strand barbed or razor wire. The storage area shall be lighted and shall have one-half watt of electrical light for each square foot of storage area.

The fenced storage area shall have a controlled access point which shall be locked when unattended. This access point shall be such that non-employees are not allowed access onto the lot without the knowledge of the Provider or designee. Provider shall be solely responsible for the safekeeping of vehicles towed and for items left in the vehicles stored.

4. PERSONNEL

Provider shall have available sufficient qualified personnel for the operation of the towing service at all times.

Provider shall assign one person to interact with the Police Department in administering this Agreement.

5. STORAGE

Provider shall not store towed vehicles at any location other than its own place of business or a lot leased and used by Provider. Notice of said location shall be on record with the Police Department.

After fifteen (15) days at the Provider’s storage facility, if the owner or owner’s authorized agent has not removed the towed vehicle, said vehicle may be stored at an alternate location, provided it meets all requirements stated under the Facilities section of this Agreement.

Vehicles shall be taken directly to Provider's storage facility unless the Provider is advised differently by the Police Department or owner or operator of the vehicle.

Persons whose vehicles are stored or have been impounded for reasons other than evidentiary purposes shall have the right to remove any personal property, perishables, or valuables prior to the payment of storage fees, impound fees, or the release of the vehicle stored in the Provider's storage facility (or alternate location). All fees shall be assessed only against the vehicle and not personal property.

After the initial, chargeable 24 hours of storage, the storage charge for one full day shall be charged for any part of a 24 hour day that the vehicle is held in storage. The storage fee shall be in effect until the vehicle is claimed by the owner/responsible party or until title is awarded to the Provider by Arizona Department of Transportation, Motor Vehicle Division.

6. AVAILABILITY

Provider shall staff its storage facility during normal business hours for the purpose of vehicle release or appraisal. "Normal Business Hours" are defined as 8:00 A.M. to 5:00 P.M. except Saturdays, Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. At all other times, Provider's services shall be available through a central communications service to release vehicles.

7. RESPONSE

When a tow is needed, the police officer will communicate the need for a tow to the on-duty Police Department communications dispatcher. On receiving this communication, the dispatcher shall call the next authorized Provider on the Rotational Tow List to remove the vehicle or vehicles. On each succeeding communication, the next Provider on the list is assigned.

Upon receiving a request for towing services, Provider shall be responsible for dispatching the necessary tow vehicles.

When a Provider is called to respond to an accident scene, said Provider will be responsible for the removal of all vehicles involved in the accident and accident debris, including but not limited to broken glass, metal or broken pieces ("accident debris"). Any accident debris not retained by Provider and appropriate for disposal shall be disposed of by Provider in a lawful manner.

Provider shall arrive on scene within twenty (20) minutes of service requests from the Police Department communications dispatcher ("20 minute time limit").

Any response over 20 minutes will be documented by the officer and reported to a Police Department Sergeant. A determination will be made if any extenuating circumstances existed which increased response time (e.g., weather, severe traffic backup due to crash, etc.). The Sergeant will document the occurrence and findings in the Provider's File. After the second sustained violation of being over the 20 minute time limit, a warning letter will be sent to the rotational tow Provider, advising it of the second violation and that a third violation within a two (2) year period will be grounds for suspension of said Provider from the Rotational Tow List. The suspension will remain in effect until two years from the first sustained violation occurs.

A call to a Provider shall constitute one turn on the list and the Provider shall forfeit its turn and shall be moved to the bottom of the list under the following circumstances: (i) Provider fails to answer the phone; (ii) Provider is unable to respond; (iii) Provider is unable to respond or provide service; or (iv) call is cancelled due to excessive response time.

There will be no other adverse consequences for (i) through (iii) above, other than being rotated to the bottom of the list. If the Provider is cancelled due to exceeding the 20 minute time limit, it will be rotated to the bottom of the list and the violation shall be documented by the officer cancelling the Provider and forwarded to a Sergeant, as described above.

If a Provider is cancelled while in route to a call for service by the Police Department because (i) the vehicle was moved by another means, (ii) the call was cancelled by the owner, or (iii) a similar situation, the Provider will be placed back at the top of the list and will receive the next call for service.

8. REPORTING

Provider shall not release any vehicle impounded by the Police Department without prior authorization from the Police Department.

Provider shall report to the Police Department any vehicle which has been stored for more than seven (7) days on a police initiated call and has a police hold on it.

Within ten (10) days after release of a vehicle, Provider shall notify the Chino Valley Police Department via facsimile at 928-636-1972.

The Police Department further reserves the right to inspect, during normal business hours, the facilities and records which are reasonably related to this Agreement.

Before this Agreement becomes effective, inspection and approval of equipment and facilities by the Police Department is necessary. Any change or substitution of the equipment or facilities shall be subject to the prior written approval of the Police Department.

For all vehicles that were towed per A.R.S. § 28-3511 which the Provider obtains possession of (either through applying for and receiving abandoned title or which the owner signs over to the company) the Provider must report this information including a vehicle description with (i) VIN number, (ii) the Department Report Number, and (iii) a clear copy of the title both front and back prior to disposing of the vehicle. A letter will be drafted from the Chino Valley Police Department authorizing the tow company to take possession of the vehicle and dispose of accordingly which is in compliance with the requirements of ARS 28-3515.

9. COMPLIANCE

Provider's equipment and equipment operators shall meet the requirements of the Arizona Revised Statutes and the State of Arizona Department of Public Safety Tow Truck Rules and Regulations.

10. IDENTIFICATION

Provider shall conspicuously post its name and 24-hour phone number at its place of business stating its name and a 24-hour telephone number where information can be obtained about any vehicle towed or stored. Said name and number shall be visible to the public from the street adjacent to or nearest to said place of business.

Provider's drivers shall carry business cards in order that the Police Department may give said card to the owner or operator of the towed vehicle.

All wreckers/towing vehicles shall have Provider's name and phone number printed on the driver’s and passenger’s sides.

11. EQUIPMENT

Provider must have available sufficient equipment for operation of the tow service to ensure full compliance with the terms of this agreement at all times.

12. UNUSUAL CONDITIONS

Standby time shall be paid at an hourly rate and shall be allowed after one-half hour of continuous time at the scene of the towing hookup, but only when these conditions are not the result of circumstances created by the Provider (such as waiting for additional or different equipment).

The conditions specified above shall be verified by the officer at the scene. Said conditions to be noted on the Provider's paperwork and signed by the officer.

13. RATE POSTING

Provider shall carry cards or brochures in all equipment that list rates and terms of this agreement and clear instructions with contact information for retrieval of the vehicle.

The Provider shall post the rates for this agreement in all tow trucks.

14. DEMEANOR AND CONDUCT

While involved in tow operations or related business under this Agreement, Provider and any of its employees shall refrain from rude or discourteous behavior, unsafe driving practices, selective service or refusal to provide service which the Provider is capable of providing. The Provider shall not solicit for or suggest a repair service to the owner of a damaged vehicle.

The Provider or its employees SHALL NOT take photographs at any traffic collision unless it is for documentation of damages and only upon authorization of the officer in charge. No photographs of any traffic scene may be displayed or posted on any electronic media or social networking sites. **Any violation of this nature will be grounds for immediate termination of the agreement and immediate removal from the Chino Valley Police Department Rotational Tow List.**

15. *VEHICLES IMPOUNDED PURSUANT TO A.R.S. § 28-3511*

Unless extenuating circumstances exist, the vehicle shall be towed, not driven, to the Chino Valley Police Department's impound yard.

Provider will submit an invoice for each vehicle towed to the Police Department's impound yard which is released to the owner on or before the thirtieth (30^{th}) day of impoundment. Invoices will be due fifteen (15) days from receipt. It is the Police Department's responsibility to collect the towing fee for all vehicles released from the Police Department to the owner.

The Police Department will be liable for the vehicle and its contents while it is impounded at the Police Department.

Vehicles not released to the owner will be picked up by the towing Provider who originally towed the vehicle. The vehicle should be picked up on day 31 of impoundment, or the next business day. It will be the Police Department's responsibility to notify the tow Provider when the vehicle is available for pick up.

Towing Provider will not bill the Town for towing service for vehicles which are not claimed by the owner and subsequently picked up by the towing Provider.

If the vehicle is released by the Police Department after it has been picked up by the towing Provider, the towing Provider will collect any storage fees owed to it for storage past the (thirty) 30 day impoundment period, plus any towing charges.

Upon release of an impounded vehicle, the Police Department will promptly notify the towing Provider by either facsimile or telephone.

16. ***IMMIGRATION WARRANTY***

Provider understands and acknowledges the applicability to it of the American with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989.

Under the provisions of A.R.S. § 41-4401, Consultant hereby warrants to Town that the Provider and any of its subcontractors ("Subcontractors") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter "Provider Immigration Warranty").

A breach of the Provider Immigration Warranty shall constitute a material breach of this Agreement and shall subject the Provider to penalties up to and including termination of this Agreement at the sole discretion of the Town.

The Town retains the legal right to inspect the papers of any Provider or Subcontractors' employees who work on this Agreement to ensure that the Provider or Subcontractor is complying with the Provider Immigration Warranty. Provider agrees to assist the Town in regard to any such inspections.

The Town may, at its sole discretion, conduct random verification of the employment records of the Provider and any of the Subcontractors to ensure compliance with the Provider Immigration Warranty. Provider agrees to assist the Town in regard to any random verifications performed.

Neither the Provider nor any of the Subcontractors shall be deemed to have materially breached the Provider Immigration Warranty if the Provider or Subcontractors establish that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

The provisions of this paragraph must be included in any contract the Provider enters into with any and all of its Subcontractors who provide services under this Agreement. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a Provider or Subcontractor. Under this Agreement, Provider is deemed to be a Provider as defined in the preceding sentence. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

17. ***NO VESTED RIGHTS***

Nothing in this Agreement shall confer any vested property rights upon the Provider to continue on the Police Department's Rotational Tow List.

18. ***MISCELLANEOUS REQUIREMENTS***

Provider shall:

Maintain an impound facility within the town limits of the Town of Chino Valley, Arizona.

Provide information concerning the storage facility, access and staffing during business hours.

Provide information concerning the security of the storage facility.

Provide reasonable access to the interior of the storage facility if necessary.

Provide information concerning available equipment and submit all current inspection records for all vehicles in the Provider's fleet.

Provide information concerning all employees of the towing Provider, including licensing, certifications, training, hiring practices, random drug screening, and other similar information reasonably necessary to demonstrate compliance with applicable statutes and this Agreement.

Immediately report any change in equipment or personnel to the Police Department official administering this Agreement. This will include copies of any driver's licenses and/or vehicle inspection certifications.

Provide the following insurance coverages:

-General Liability coverage minimum $1 million per occurrence/$2 million aggregate with Town named as additional insured
-On Hook/Cargo coverage minimum $50K
-Auto Accident coverage minimum $500K
-Proof of Workers' Comp coverage or execution of sole proprietorship form attached hereto as Exhibit A.
-Proof of Garage Keepers coverage

[All insurance and bonds required pursuant to this Agreement must be written by an insurance company duly licensed and subject to legal process within the State of Arizona, to be evidenced by a Certificate of Authority as defined in A.R.S. 20-217, a copy of which certificate is to be attached to each applicable bond or binder.]

19. ***NOTICES***

Except as otherwise provided in this Agreement, Notices pursuant to this Agreement shall be given: by hand delivery to the party receiving notice; or by deposit in the custody of the United States Postal Service, first class postage prepaid or through overnight carrier service, addressed as set below or as such address may be changed from time to time upon notice to the other. Notice shall be deemed given when delivered, mailed or transmitted by overnight carrier as provided above and shall be deemed received the day it is hand delivered, three business days after being mailed, or one business day after being transmitted by overnight carrier.

20. ***GOVERNING LAW***

This Agreement has been made and entered into in the State of Arizona, and shall be governed by the laws of the State of Arizona in all respects, including, without limitation, matters of construction, validity, enforcement, rights, remedies and performance. If any provision of this Agreement is rendered or declared illegal or unenforceable by reasons of any existing or subsequently enacted statute, rule or regulation, or by order of or judgment of a court, all other terms and provisions of this Agreement shall remain in full force and effect as stated and set forth herein.

21. ***SERVICE RATE SCHEDULE***

The following Service Rate Schedule shall constitute the maximum price charged by all Providers entering into this Agreement for inclusion on the Rotational Tow Provider list. Prices are all inclusive and no other charges shall be allowed except under extenuating circumstances beyond the control of the Provider <u>and</u> with prior authorization by the Chief of Police or his/her designee.

Service Rate Schedule

-	Level 1 Service Unlock, Fuel Delivery (customer to pay for fuel), Tire change (up to ¾ ton) and jump starts.	$ 55.00
-	Level 2 Tow Basic tow, vehicle has keys, wheels and tires operable. Vehicle under 9,000 lb GVW.	$ 95.00
-	Level 3 Tow Accident tows, no keys, wheels and tires inoperable, winching under 50 feet from tow truck access. Vehicle under 9,000 lb GVW.	$ 185.00

-	Level 4 Tow Vehicles towed pursuant to ARS 28-3511, Vehicles towed the Chino Valley Police Department.	$ 200.00
-	Large Vehicle Tows	
	9,001 – 16,000 lb GVW	$ 95.00/hr port to port
	16,001 – 26,000 lb GVW	$135.00/hr port to port
	26,001 – 80,000 lb GVW	$175.00/hr port to port

Off-Road Recovery Rate / Standby Rate — $ 95.00
After first ½ hour on scene or vehicle greater than 50 feet from tow truck access, vehicle under 9,000 GVW.

Recovery Large Vehicles

9,001 – 16,000 lb GVW	$150.00 / hr
16,001 – 80,000 lb GVW	$250.00 / hr

Daily storage - regular tow after first full 24 hr period	$ 30.00
Daily storage - Vehicles impounded under ARS § 28-3511	$ 15.00
After Hours Gate Fee	$ 65.00
Cost per loaded mile	$ 4.50
Filing Fee (Up to but not to exceed)	$ 150.00 .
Fuel Surcharge (Rate will be recalculated based on EIA rates if diesel prices rise to $4.50 / gal or higher)	15% of total service bill

Level 2 and 3 tows include towing the vehicle inside the Town limits of Chino Valley. Cost per loaded mile will be charged when the vehicle owner or agent requests vehicle to be towed to a location outside the Town Limits of Chino Valley and will be charged from the Town Limits to the requested destination.

No other miscellaneous charges will be allowed. These services shall be considered part of the towing fee and include but are not limited to such things as Snatch Block, Skates, no key, driveshaft removal, etc.

After Hours Gate Fee will only be charged when the owner or agent of a vehicle requests entrance into impound facility after normal business hours. This will not be charged when a tow is simply performed outside normal business hours.

Off-Road Recovery fee will be charged only when a vehicle has to be recovered more than 50 feet from tow truck access and will be charged at the rate commensurate with the vehicle's registered GVW.

Fee schedule will be reviewed every two (2) years.

Dated this _________ day of ____________, 20_____.

CHINO VALLEY POLICE DEPARTMENT:

____
Chino Valley Police Department
Patricia Huntsman, Chief of Police
1020 Palomino Road
Chino Valley, Arizona 86323

PROVIDER:

____
Provider Authorized Representative Signature

____
Provider Authorized Representative (printed)

____
Provider Company Name

____
d/b/a, if any

____
Facsimile

____
Registered Agent Address

____
Registered Agent City, State, ZIP Code

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **10**

[x] Regular Meeting [ ] Special Meeting [ ] Other ____________

MEETING DATE: September 13, 2011 TIME: 6:00 p.m.

SUBMITTING DEPARTMENT: Town Clerk

CONTACT PERSON: Jami Lewis PHONE: 636-2646, ext. 119

[ ] Presentation Only [ ] Report Only [ ] Consent

[ ] Action-Presentation [X] Action [ ] Executive

Estimated Length of Staff Presentation: ______ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action regarding a request by the Yavapai Cattle Growers Association to endorse the Arizona Cattle Growers Association's "Save Arizona's Forest Environment (SAFE) Plan."

FISCAL IMPACT? No If Yes, Budget Code: ____________ Available: $ ____________

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

"Save Arizona's Forest Environment (SAFE) Plan"

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **10**

SITUATION AND ANALYSIS:

On August 12, the Town received an email from Paul Groseta, President, Yavapai Cattle Growers Association (YCGA), Forest Service Chair, Federal Lands Committee, Arizona Cattle Growers Association, requesting that the Town place an item on the Council's next agenda for the Council to endorse the Cattle Growers "Save Arizona's Forest Environment (SAFE) Plan." Mr. Groseta has also provided two sample resolutions that Council may elect to use for its endorsement.

Pursuant to Council's Rules of Procedure, the item would need two sponsors, and Mayor Marley and Vice-Mayor Tenney both agreed to sponsor it.

RECOMMENDED MOTION:

To be determined per Council discussion.

ATTACHMENTS:

A – Email from Mr. Groseta, President, Yavapai Cattle Growers Association (YCGA)
B – Sample Resolutions from YCGA – Mohave County & Yavapai County
C – Cattle Growers' SAFE Plan (see also at http://azcattlemensassoc.org/)

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

Author	Jami C. Lewis Department Head	Vera J. Smith Finance
Other:	Other:	Legal
Other:	Other:	Michael K. Scannell Town Manager/Designee

ATTACHMENT "A"

Email from Mr. Groseta, President
Yavapai Cattle Growers Association (YCGA)

Jami Lewis

From: Paul Groseta <paul@headquarterswest.com>
Sent: Friday, August 12, 2011 2:48 PM
To: Jami Lewis
Cc: Hilda Little
Subject: ACGA Save Arizona's Forest Environment (SAFE) plan
Attachments: SAFE PLAN.pdf

Dear Ms. Lewis, can you please see that the Mayor and the Town Council receive this request, thanks.

The Arizona Cattle Growers Association has came out with the Save Arizona's Forest Environment (SAFE) plan. The plan is attached to this email, or you can view it online at http://azcattlemensassoc.org/.
The Forest Service suffers from analysis paralysis, we cannot afford to wait years and years for NEPAs to be completed. As the Wallow Fire effects are already falling on the public's short term memory back burner, action must be taken now. This plan outlines several points on the last pages that the USFS needs to implement now. The first pages cover the background and issue at hand. The goal of the SAFE Plan is to reduce fuel loads in all of our National Forests here in Arizona. This plan strongly suggests that we harvest trees and utilize increased livestock grazing on the National Forests. As you will read in the plan, each year (per the USFS) in Arizona 367 million board feet of sawable timber are grown in our National Forests with little to none harvested. In addition, since 1993 approximately 55,000 head of cattle have been taken off Arizona's Forests because of the Endangered Species Act/NEPA/Threatened & Endangered Species/Critical Habitat designations. In order to start timber harvesting and to get more cattle back on the land, we (ranchers/loggers/USFS) need emergency regulatory relief. This effort will add thousands of jobs in rural Arizona.

I request that ACGA's SAFE plan be placed on the next Town of Chino Valley's Town Council meeting agenda and that the Town votes to endorse the plan. If I need to submit the SAFE plan in another form or way please let me know. We are taking the plan to all forms of government and groups for them to endorse as well. Your assistance with this is greatly needed, please contact me or ACGA with any questions.

Thank you,

Paul Groseta
President, Yavapai Cattle Growers Association
Forest Service Chair, Federal Lands Committee, Arizona Cattle Growers Association

ATTACHMENT “B”

Sample Resolutions from YCGA:
Mohave County & Yavapai County

RESOLUTION LANGUAGE DRAFTED FOR MOHAVE COUNTY:

WHEREAS nearly once million acres has burned in Arizona making 2011 one of the most devastating wildfire seasons in history; and

WHEREAS these fires have killed and harmed more endangered species and their habitats than all human activity since statehood and polluted our air and will soon pollute our waterways unlike any of man's activity in our state's history; and

WHEREAS Arizona's Ponderosa Pine forest continues to produce millions of harvestable board feet a year with very littleprivateforestindustry left in the state to harvest the product; and

WHEREAS livestock has been removed from public lands through the reduction of allotment numbers by 55,000 head removing a tool to harvest forage; and

THEREFORE BE IT RESOLVED reducing fuel loads and taking other appropriate actions so that risk of catastrophic wild fires is reduced in Arizona's National Forests by providing for long-term, self-funding mechanisms and infrastructure to eliminate the dangerous accumulation of overgrown trees and forests; and

THEREFORE BE IT FURTHER RESOLVED the County of Mohave supports the following actions items in the Save Arizona's Forest Environment Plan ,

• Suspend NEPA and other pre-decisional requirements for fuel/fiber reduction activities on Arizona forests (forage and timber management) for 5 years.

• Immediately require consultation on risk of catastrophic wild fire in critical habitat determinations with US Fish and Wildlife Service to attain intended goal of conserving species, not allowing their habitat to be destroyed by fire.

• Begin restoration of burned forest immediately working in consultation and conjunction with local authority and community to restore ranching infrastructure, wildlife habitat and recreational areas destroyed by fires.

• Authorize and effectuate immediate harvest of salvage timber burned in the National Forest and utilize intensive livestock management to recover burned areas.

• Streamline US Forest Service decision process for reduction of fuel and fiber reduction activities including the harvest of timber and forage.

• Allow logging operations of both saw timber and pre-commercial timber on a scale and for a term which will permit private sector infrastructure investment in areas surrounding Arizona's forests.

• Require the US Forest Service to harvest an amount of timber each year approximating annual growth and increase in forage harvest with livestock of up to 60% utilization of annual growth.

• Review Wild Fire Fighting techniques which are now biased towards "re-introducing" fire into landscapes where intense fire suppression has been utilized for one hundred years. This should include forest closure to all non-authorized forest actions. Meteorological conditions need to be considered along with overgrowth of forest in restricted areas.

• Institute budget reforms where Congress and the Administration dedicate 25% of its resources which are normally appropriated for fighting wildfire in Arizona, to direct these monies to the "Save Arizona's Forest Environment (SAFE)" account which will be housed in the Arizona State Land Department. Rural communities, homeowners, businesses and healthy forests entrepreneurs would be able to present plans applying for grants that provide for the protection of their locales by implementing their "SAFE" plans. This proposal will assist in creating safe forests, jobs and economic activity in these threatened areas.

• Designate an office within the Department of Agriculture that would work with rural communities and individuals to assist them in addressing any grievances or issues related to forest planning or to resolve other Arizona State agency issues surrounding forest management.

• Convene a "Save Arizona's Forest Environment (SAFE)" Summit at which we will issue a request to all interested individuals and advocate or activist groups to sign a pledge to refrain from utilizing the Courts or Administrative processes for a period of five years while we consider and implement adaptive management measures to enhance the health of Arizona's forest lands and the protection of forested communities.

ALSO BE IT FURTHER RESOLVED that the County of Mohave call upon Arizona's congressional delegation to work to secure federal authorization and appropriations needed to support the acceleration of forest restoration treatments across Northern Arizona.

RESOLUTION NO. ____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YAVAPAI COUNTY IN SUPPORT OF THE "SAVE ARIZONA'S FOREST ENVIRONMENT" (SAFE) PLAN.

WHEREAS, Arizona's National Forests are an invaluable resource to the State and its citizens, offering recreational opportunities, timberlands, wildlife habitat and livestock forage; and

WHEREAS, in recent years, burdensome rules and regulations, forest management practices and time-consuming, costly litigation have drastically reduced timber harvests, resulting in a 3.9 billion board-feet increase in forest fuel loads, which, in turn, has resulted in ever-larger and more destructive forest fires; and

WHEREAS,recent "mega-fires" alone – notably, the Rodeo-Chediski Fire, Wallow Fire, Horseshoe Fire, Murphy Complex Fire, Monument Fire, Arlene Fire and the Bull Fire –have collectively burned in excess of 1,346,000 acres, destroying wildlife habitat, timberland, livestock forage, recreational lands and private property; and

WHEREAS, in those Arizona counties where Forest Service lands are used for livestock production cattle populations have fallen from 300,000 in 1993 to 203,000 in 2010 with 55,000 of that decline estimated to have resulted from Forest Service regulatory policies and management practices;

WHEREAS, these losses have had dire economic consequences throughout the State of Arizona and, particularly, in those resource-based communities located in the vicinity of the National Forests; and

WHEREAS, the decline of resource-based communities is leading to the deterioration, and potential extinction, of the vocational and physical infrastructure necessary for thefuture viability of resource-based businesses; and

WHEREAS, it appears unlikely that these disturbing trends can be reversed without significant changes to current forest-management policies that would expedite and expand fuel reduction and forest restoration activities on the National Forest, streamline forest planning and minimize costly and time-consuming litigation; and

WHEREAS, the "Save Arizona's Forest Environment" (SAFE) Plan as proposed by the Arizona Cattle Growers' Association identifies specific policy, regulatory and managerial changes which, if adopted, would promote forest health, restore viable levels of timber and livestock production and stimulate economic activity statewide in the resource-based communities;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF YAVAPAI COUNTY, ARIZONA AS FOLLOWS:

That the Board of Supervisors hereby supports the goals and objectives of the "Save Arizona's Forest Environment" (SAFE) Plan asauthored by the Arizona Cattle Growers' Association and urges prompt consideration and implementation of the of the specific proposals set forth in the Plan.

ADOPTED AND APPROVED this _____ day of __________, 2011.

By: _______________________________________
Chairman, Board of Supervisors

ATTEST:

By: _________________________________
Clerk, Board of Supervisors

ATTACHMENT "C"

Cattle Growers' SAFE Plan
(see also at http://azcattlemensassoc.org/)

Arizona Cattle Growers' Association

Save Arizona's Forest Environment

SAVE ARIZONA'S FOREST ENVIRONMENT (SAFE)

July 29, 2011

By:

Arizona Cattle Growers' Association
1401 N. 24th Street
Phoenix, AZ 85008
(602) 267-1129
www.azcattlemensassoc.org

Background

Nearly one million acres in Arizona have tragically burned in the last 120 days. These fires have killed and harmed more endangered species and their habitats than all human activity since statehood. These fires polluted our air and will soon pollute our waterways unlike any of man's activity in our state's history. The very sad part is – ever since the Rodeo-Chediski Fire (and in some instances even before) – we all knew it was going to happen, and still we were obstructed and frozen in place by a never ending process of litigation, appeals, objections, studies, consultations, designations, collaborations and planning efforts for the past 10 years.

These fires burned trees, forage, animals, homes, barns, fences and many other property structures that fell in their wake. These fires have burned or impacted approximately 100 ranch families' pasture lands and beef producing infrastructure. We estimate that 18,000 head of cattle (cows and their calves) are or will be displaced by the after effects of these fires. We currently know of over 150 miles of ranch fences that have been destroyed. Many people have provided gracious donations of money and hay that have allowed for over $80,000 worth of relief efforts from the ACGA's "Bale Out Relief Fund" and another $100,000 from sportsmen groups to people and communities impacted by these fires.

The fires and their size were: Wallow Fire – 538,049 acres; Horseshoe 2 Fire – 222,954 acres; Murphy Complex Fire – 68,078; Monument Fire – 30,526 acres; Arlene Fire – 10,610 acres; and the Bull Fire – 9,711 acres. These fires burned high mountain meadows and large swaths of endangered Mexican Spotted Owl (MSO), fish and frog habitats in the White Mountains, bird sanctuaries in the Chiricahua Mountains, Leopard Frog habitats in Cochise County and people's homes, possessions and businesses.

The United States Forest Service (USFS) estimates that from 1986 through 2000 Arizona's forests produced 367,000,000 board feet of timber per year. This totals over 5,500,000,000 board feet of growth over 15 years. The USFS's own "Forest Plan" from the 1980s called for an "Allowable Sale Quantity" (ASQ) of 267,000,000 board feet to be harvested annually, an amount at which even if the targets established for fiber removal were reached, our forests would still be increasing in fiber production and therefore fuel accumulation by 27% percent per year even if the harvest targets were reached. But we never even came close to reaching the targeted harvest. Instead, timber harvests in Arizona's forests were only 1,600,000,000 board feet of timber during these same 15 years. This means the fuel load in Arizona's forests grew by 3,900,000,000 board feet over 15 years. They have grown even more since. Man, in the form of the Forest Service, had decided not to harvest the excess. Nature has stepped in.

These wood fibers are really just particles of energy captured through sunlight, soil and water and concentrated into a wood product through a living tree. As anything that lives – it must die someday. Such large amounts of fuel production during this time period cannot be ecologically sustained for long periods of time and as nature is – it harvests them when man will not.

Table 1. Arizona Saw Timber Sold, Fiscal Years 1986 – 2000

	Arizona	**Apache-Sitgreaves Forest MMBF Harvested**	**Coconino Forest MMBF Harvested**
Estimated Annual Growth	367 (MMBF)		
ASQ[1]	267	99.0	89.0
1986	212.6	81.4	47.7
1987	235.9	88.7	74.5
1988	206.0	75.1	64.9
1989	252.3	81.6	82.3
1990	198.4	57.7	69.0
1991	159.4	94.5	33.1
1992	115.2	31.7	53.4
1993	83.5	31.8	21.3
1994	38.2	10.2	11.1
1995	30.9	15.9	8.5
1996	0.5	0.5	0.0
1997	0.6	0.0	0.0
1998	0.0	0.0	0.0
1999	43.2	25.5	2.2
2000	33.1	7.8	11.6

[1] *The Allowable Sale Quantity (ASQ) is the quantity of timber that may be sold over the time period specified by the Region 3 Forest Plan. It is usually stated on an annual basis as the average annual allowable sale quantity.*

The economic value of the fiber resources lost in these fires is astounding. The USFS estimates that 2.5 billion board feet of wood was lost in the Wallow Fire alone. At $1 per board foot of economic value this equates to $2.5 billion of lost economic activity from the wood loss alone.

If we use our memory and add the loss of wood resources in the Rodeo-Chediski Fire to the Wallow Fire – the rural resource-based communities of Flagstaff, Payson, Heber, Show Low, Snowflake, Taylor, Pinetop-Lakeside, McNary, Eagar, Williams and Springerville have lost approximately $4 billion in economic activity and jobs from the loss of these renewable natural resources in their forests. Imagine how much value these renewable natural resources would have provided to these resource-based communities if they could have harvested them over 20 years – rather than watch them go up in smoke during two fires in a 10-year time frame. If this was not criminal – it certainly was malfeasance.

Our wonderful forests produce other fuels and fibers in the form of plant (rather than wood) forages. These forages have provided food for wildlife, cattle and sheep for over 100 years of Arizona's history. The economic value of the loss in livestock production from the reduction in forage harvests in our forests is an additional loss for these communities and our state. The ACGA performed a study based on livestock numbers from the United States Department of Agriculture's (USDA) National Agricultural Statistic Service (NASS) Reports for Arizona from 1993 thru 2010. This study demonstrates that a total of approximately $126 million dollars was lost annually from the reduction of approximately 55,000 head of livestock foraging in Arizona's forests. This allows us to reflect on how these plant fuels have been allowed to build up from the lack of harvest and how they have been diminished right along with the reduction in wood harvests. A copy of this study is provided on the next two pages:

It is clear that the process of planning, studying, consultation, litigation, appeals, objections and collaborations are failing us and our forests. All of these processes have only led to another 500,000 acre fire, the killing of endangered species, the release of massive amounts of pollution and the devastation of several decades of forest growth.

The worst part is – it is not over. Our forests are growing today and these lawsuits and appeals have driven off our wood harvesting economy. The infrastructure of small and large diameter wood mills is gone. There are only a couple of small ones left. The range and animal science expertise that used to oversee the day-to-day management of livestock production to harvest the forage that grows daily in our forests has shrunk because many of those ranch families found less dangerous and uncertain areas to produce food in. We are at a breaking point where either we continue to talk about the forest, study the forest and collaborate about the harvest of small diameter trees – or we act. We act by inviting back investment and expertise in the form of wood mills and ranch families. We act by inviting back those "forest engineers" who worked in the woods and understand how to harvest trees and make valuable products for mankind.

Estimate of Reduction in Livestock Production in Arizona Due to United States Forest Service (USFS) Policies On National Environmental Policy Act (NEPA) Reviews; Endangered Species Act (ESA) Consultation/Mitigation; Changes in Seasons of Use; and Changes in Utilization Standards

Background

This document attempts to quantify the total reduction in livestock production in Arizona due to changes over the past 25 years in USFS policies regarding permitted livestock use. The estimates are compiled from the comparison of the United States Department of Agriculture's National Agricultural Statistics Service Report for Arizona for the years 1993 and 2010. The numbers are taken directly from each county with major acreages of National Forest Lands and a percentage of the reduction in livestock numbers for each county attributed to the number of acres of Forest and assumptions from prior permitted use numbers. These numbers reflect the estimated loss of permitted livestock use numbers on these forests coupled with season of use/utilization reductions.

It is provided as information regarding discussions about the loss of revenues to Arizona counties from the massive reduction in PILT payments from the USFS. These reductions have become magnified since the early 1990's when saw timber sales and permitted livestock use on these forests began to be reduced drastically.

Livestock Numbers

The table below reflects the numbers of cattle in each of 8 counties which contain USFS lands as part of the range for livestock production. It compares the 1993 cattle population with the 2010 population number. Provided within the table is an estimated percentage number of livestock population reduction due to USFS policies and procedures.

County	1993 Cattle Population	2010 Cattle Population	Total Reduction in Cattle Population	Contributing % due to Forest Policies	Number Head Reduced due to USFS Policies
Apache	52,000	35,000	17,000	50%	8,500
Coconino	51,000	45,000	6,000	75%	4,500
Gila	30,000	10,000	20,000	95%	19,000
Graham	35,000	15,000	20,000	50%	10,000
Greenlee	11,000	8,000	3,000	50%	1,500
Navajo	39,000	30,000	9,000	50%	4,500
Yavapai	64,000	45,000	19,000	30%	5,700
Santa Cruz	18,000	15,000	3,000	60%	1,800
Total	300,000	203,000	97,000		55,500

Economic Loss

The annual loss of beef production from the 55,500 head of cattle totals 30,525,000 pounds of beef (average of 550 pounds per head). The direct total value of this lost beef production would be $36,630,000 ($1.20 per pound).

In April of 2009 the University of Arizona completed a study titled, *"Impacts from Agricultural Production on the Arizona Economy, Jorgen R. Mortensen,"* which quantified an economic multiplier of 3.46 for livestock production in Arizona. Using this study the loss of beef production means a loss of $126,739,800 (3.46 x 36,630,000) to Arizona's economy. Overall, the study pegged Arizona's total livestock production value at $4.45 billion dollars. Livestock were the largest segment of Arizona's agricultural economy.

Key Points

- While the total 55,500 head of lost livestock production may not have grazed year round on the forest, many of these numbers were lost because the forest was utilized as either summer or winter range. When a critical component of a season's use is lost the overall ranching unit has to reduce drastically or eliminate itself.

- USFS lands are critical ranges for most northern Arizona ranches. Their ability to provide plentiful plant forage during the summer months allows ranch families to maintain larger production numbers throughout the year.

- Recent USFS policies to only allow 35% or 40% of available forage to be consumed by livestock has led to a large buildup of plant fibers and fuels in our forests. After several years of only 35% use the plant litter begins to build up and desiccate making itself ripe for fire fuels.

- When our rural resource-based communities are allowed access to these wood, plant and mineral resources – they thrive.

- The additional benefit of fuel-reduction projects from livestock grazing does not cost the USFS any dollars. This at a time when they are calling for $2,000 per acre to “clean and thin” our forests.

- Utilization of 55 to 60 percent, depending on season and historical use, is more in line with the proper management of fuels in an already fuel-heavy forest.

Over the last 30 years the policy decisions and statutory requirements that govern our forests have changed dramatically. The implementation of the Endangered Species Act (ESA), which calls for single-species management, has been placed over the United States Forest Service (USFS) like a super-zoning law. To complicate matters, this super-zoning law is implemented by another agency of the federal government—the United States Fish & Wildlife Service (USFW), which is not statutorily empowered to manage USFS lands, but now finds itself empowered through ESA. In addition to the hammer of ESA, individual employees of the USFS can be charged with personal liability if they make a decision that may harm a species. Ironically, this same liability does not apply if the USFS employee makes a decision that harms people. Thus USFS employees will always err on the side of the species to the extent that they will not make any decision that may be challenged by the USFW. This scenario allows the USFW to insert itself into forest planning processes with no accountability for the results of such a process. For example, they can say the USFS cannot perform a certain action such as thinning, controlled burns, permitting grazing or conducting a timber sale because it may harm a species, yet they bear no responsibility for the results of this management gridlock, such as catastrophic wildfire.

In addition to this disconnect between authority and accountability we now have several well-funded advocacy activist organizations who have found that the ESA and National Environmental Policy Act (NEPA) provide an avenue to "paper wrench" the USFS into a "process predicament" with their litigiousness. These groups have discovered that these two federal laws provide an avenue for them to grind the management of these lands to a halt and at the same time provide federal funds, through the awarding of attorney's fees, to pay these advocacy groups for the litigation. Hence timber sales, thinning projects and grazing allotment planning processes that take years to complete, are continually stymied. These litigious tools are so prevalent that the USFS did a review and published a study called, *Process Predicament, How Statutory, Regulatory, and Administrative Factors Affect National Forest Management, June 2002*, An Arizona example from the study follows:

It's About Good Government

The Coconino National Forest in Arizona is home to the northern goshawk. In 1996, the forest proposed thinning trees near a goshawk nest, partly to protect the bird from fire hazards. The project was stopped because environmentalists protested. That year, catastrophic fire destroyed the forest, including the tree with the goshawk nest. "There was not a green tree left," said a Forest Service biologist. "What the scientists said could happen, did happen, right in front of my eyes."

If process keeps projects from restoring the land, the land ultimately suffers. At stake are wildlife habitat and all of the other values that the Forest Service is charged with protecting and delivering on the national forests and grasslands. By streamlining the procedures, the agency can reduce costs and increase its ability to do more on the ground for healthy, resilient ecosystems.

Many values might or might not flow out of that, such as recreation, wildlife habitat, and timber. But the particular values are incidental to the core purpose – good government. It's about reducing waste and mismanagement. It's about efficient, effective service delivery.

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*Tom Knudson, "Playing With Fire: Spin on Science Puts National Treasure at Risk," Sacramento Bee, 25 April 2001.

Finally, the USFS federal planning theme, coupled with the political whim of Congress and the Executive Branch, has ignored rural communities and citizens in Arizona for far too long. The impacts of their decisions could not be felt in Washington D.C. or in some instances even in the urban areas such as Phoenix. We now not only feel – but have seen first-hand – the results of this "process predicament." It is time we move forward in giving Arizona a voice in the management of these lands unencumbered by the gridlock of ESA, NEPA and a distant electorate.

The Problem

The following example and summary is taken from *Process Predicament, How Statutory, Regulatory, and Administrative Factors Affect National Forest Management, June 2002.*

> In December 1995, a severe winter storm left nearly 35,000 acres of wind thrown trees on the Six Rivers National Forest in California. The storm's effects created catastrophic wild land fire conditions, with the fuel loading reaching an estimated 300 to 400 tons per acre – ten times the manageable level of 30 to 40 tons per acre.
>
> The forest's management team proposed a salvage and restoration project to remove excess fuels and conduct a series of prescribed burns to mitigate the threat to the watershed. From 1996 through the summer of 1999, the forest wrestled its way through analytical and procedural requirements, managing to treat only 1,600 acres.
>
> By September 1999, nature would no longer wait. The Megram and Fawn Fires consumed the untreated area, plus another 90,000 acres. Afterward, the forest was required to perform a new analysis of the watershed, because the post fire conditions were now very different. A new round of processes began, repeating the steps taken from 1996 to 1999.
>
> Seven years after the original lowdown, the Megram project was appealed, litigated, and ultimately enjoined by a federal district court. The plan to address the effects of the firestorm – a direct result of the windstorm -- remains in limbo.

Process and Predicament goes on to state, "The Megram case example, encapsulated above, illustrates the process predicament faced by Forest Service decision- makers at all levels. As many Forest Service employees see it, they are caught in a bind, where the very procedures they need to follow to get them to their goal are keeping them from getting there."

To summarize *Process and Predicament*, the Forest Service is so busy following its procedural requirements in performing studies, planning and documenting that it cannot fulfill its mission – "to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations." In its own words, "Too frequently, the paralysis results in catastrophe."

Proposed Solutions

Given the unquestionable "process predicament" that has encumbered the forest management process to a point that it can no longer conduct or prescribe management treatments in a timely manner, the following solutions need to be implemented:

Save Arizona's Forest Environment Goal: Reduce fuel loads and take other appropriate actions so that risk of catastrophic wild fire is reduced in Arizona's National Forests by providing for long-term, self-funding mechanisms and infrastructure to eliminate the dangerous accumulation of overgrown trees and forests.

Action Items Supporting SAFE Goal:

- Suspend NEPA and other pre-decisional requirements for fuel/fiber reduction activities on Arizona forests (forage and timber management) for 5 years.

- Immediately require consultation on risk of catastrophic wild fire in critical habitat determinations with US Fish and Wildlife Service to attain intended goal of conserving species, not allowing their habitat to be destroyed by fire.

- Begin restoration of burned forest immediately working in consultation and conjunction with local authority and community to restore ranching infrastructure, wildlife habitat and recreational areas destroyed by fires.

- Authorize and effectuate immediate harvest of salvage timber burned in the National Forest and utilize intensive livestock management to recover burned areas.

- Streamline US Forest Service decision process for reduction of fuel and fiber reduction activities including the harvest of timber and forage.

- Allow logging operations of both saw timber and pre-commercial timber on a scale and for a term which will permit private sector infrastructure investment in areas surrounding Arizona's forests.

- Require the US Forest Service to harvest an amount of timber each year approximating annual growth and increase in forage harvest with livestock of up to 60% utilization of annual growth.

- Review Wild Fire Fighting techniques which are now biased towards "re-introducing" fire into landscapes where intense fire suppression has been utilized for one hundred years. This should include forest closure to all non-authorized forest actions. Meteorological conditions need to be considered along with overgrowth of forest in restricted areas.

- Institute budget reforms where Congress and the Administration dedicate 25% of its resources which are normally appropriated for fighting wildfire in Arizona, to direct these monies to the "Save Arizona's Forest Environment (SAFE)" account which will be housed in the Arizona State Land Department. Rural communities, homeowners, businesses and healthy forests entrepreneurs would be able to present plans applying for grants that provide for the protection of their locales by implementing their "SAFE" plans. This proposal will assist in creating safe forests, jobs and economic activity in these threatened areas.

- Designate an office within the Department of Agriculture that would work with rural communities and individuals to assist them in addressing any grievances or issues related to forest planning or to resolve other Arizona State agency issues surrounding forest management.

- Convene a "Save Arizona's Forest Environment (SAFE)" Summit at which we will issue a request to all interested individuals and advocate or activist groups to sign a pledge to refrain from utilizing the Courts or Administrative processes for a period of five years while we consider and implement adaptive management measures to enhance the health of Arizona's forest lands and the protection of forested communities.

Summary

To achieve forest health, protection of adjacent communities from catastrophic fire, other forest management goals and to maintain Arizona's Forest lands in an ecologically sustainable condition, the ACGA proposes to use proven silvicultural practices, prescribed fire and proper forage management to achieve these goals.

The National Forests are capable of providing the many values and benefits that people expect from our forests, but they need proper management in order to provide these values. ACGA supports prescribed fire, commercial timber harvest, noncommercial treatments and enhanced forage harvests on Arizona's Forest lands allocated for such uses through appropriate land and resource management planning processes. Further, we believe the commercial utilization payments can be a big part of bringing back private investment to help finance the total treatment needs of the forests.

For far too long we have allowed outside interests and bureaucratic paralysis to dictate the management of our forests in Arizona. Our federal government needs to reduce the current bureaucratic planning process and litigious playing field that our forests have been subject to for most of the last 30 years.

We have spent the last nine years since the Rodeo-Chediski Fire collaborating, talking, appeasing and planning our next step of action. All of this has led to a proposal known as the Four Forests Restoration Initiative (4FRI). The 4FRI is a noble effort, but in and of itself it is not of sufficient size or scope to return our forests to health or to invite enough private investment of wood harvesting infrastructure into these rural resource based communities. The 4FRI has taken 9 years (since the Rodeo-Chediski Fire) to "collaborate" on a solution for a single type of fiber mill in the form of an Oriented Strand Board (OSB) plant to be the infrastructure to process the necessary amount of annual growth from our forests. When our forests are growing at 367 million board feet per year, a single OSB plant is not sufficient to deal with the scope of fuels building in our forests.

It will be through the empowerment of private investment, individuals and communities that we set the guidepost for future forest planning. We need to direct and see through the initiative to return people to work in the woods, protect habitats and communities and return to the days of 5,000 to 10,000 acre fires in our forests – not 500,000 acre catastrophes.

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **11**

[X] Regular Meeting [ ] Special Meeting [ ] Other ____________

MEETING DATE: September 13, 2011 TIME: 6 p.m.

SUBMITTING DEPARTMENT: Development Services

CONTACT PERSON: Pat Clingman PHONE: 928-636-4427

[ ] Presentation Only [ ] Report Only [ ] Consent

[X] Action-Presentation [ ] Action [ ] Executive

Estimated Length of Staff Presentation: 10 min.

ITEM LOCATION:

Southeast corner of W. Road 2 North and Sycamore Vista Drive

PROPOSED AGENDA ITEM:

ZC-11-004: Consideration and possible action to adopt Ordinance No. 11-750 to provide for the zone change of Assessor's Parcel Number (APN) 306-21-165A from "AR-5" Agricultural/Residential – 5 Acre Minimum to "SR-2.5" Single Family Residential – 2.5 Acre Minimum. Said property consists of approximately 4.6 acres and is located at the southeast corner of W. Road 2 North and Sycamore Vista Drive. Applicants/Owners: Donald J. Roskopf Jr. and Lindsay A. Roskopf.

FISCAL IMPACT? No If Yes, Budget Code: ____________ Available: $ ____________

FUNDING: N/A

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Ordinance

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **11**

SITUATION AND ANALYSIS:

Neighborhood meeting: On Wednesday, August 3, 2011, a neighborhood meeting was held by Mr. Roskopf to discuss the proposed zone change with residents surrounding the property. Mr. Roskopf and a town staff member were the only attendees at the meeting. While there, Mr. Roskopf mentioned that he spoke with several neighbors and none of them opposed the proposed rezone and ultimate lot split.

Commission meeting: At the August 6, 2011, Planning and Zoning Commission Public Hearing the Commission elected by a 6-0 vote (Commissioner Rowitsch absent) to forward the application to the Town Council with a recommendation for approval with the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from "AR-5" to "SR-2.5" is consistent with and conforms to the land use designation of Medium Density Residential and the goals of the "Town of Chino Valley 2003 General Plan."
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the "SR-2.5" zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.

ENGINEERING STIPULATIONS:

1. That the existing non-conforming metal barn, located adjacent to Sycamore Vista and W. Road 2 North, shall be removed from the property before the effective date (October 13, 2011) of the rezoning Ordinance.
2. That the applicant shall provide a perpetual offer to dedicate (POD) of sufficient width to accommodate a fifty (50) foot wide ½ street from the centerline along the property's Road 2 North frontage. This POD shall be offered before the effective date (October 13, 2011) of this rezoning Ordinance.

OPTION A (Commission's Recommendation)

3. With regard to the property's frontage along Sycamore Vista Drive, the Council waives Arizona Revised Statute Section 9-462.01 and Section 4.23 of the

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **11**

Unified Development Ordinance, which allows the Town to require as a condition of rezoning right-of-way dedication and/or a perpetual offer to dedicate.

OPTION B (Staff's Recommendation)

3. That the applicant shall provide a POD of sufficient width to accommodate a forty (40) foot wide ½ street from the centerline along the property's Sycamore Vista Drive frontage. This POD shall be offered before the effective date (October 13, 2011) of this rezoning Ordinance.

Because Staff is recommending that Council require a POD and the Commission is recommending that the Council waive a POD, as it fronts Sycamore Vista Drive, Council is presented with two alternative proposed Ordinances, Engineering **Stipulation #3** being the only difference between the Ordinances.

RECOMMENDED MOTION:

Move to adopt Ordinance No. 11-750 (Option ___) to provide for the zone change of APN 306-21-165A from "AR-5" to "SR-2.5."

ATTACHMENTS:

A-Ordinance No. 11-750 (Option A and Option B)
B-Location Map
C-Commission Staff Report

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

David Nicolella	Pat Clingman	Vera J. Smith
Author	Department Head	Finance
		Sharon Sargent-Flack
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

ATTACHMENT “A”

Ordinance No. 11-750 (Option A and Option B)

ORDINANCE NO. 11-750

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE ZONE CHANGE OF ASSESSOR'S PARCEL NUMBER 306-21-165A FROM "AR-5" AGRICULTURAL/RESIDENTIAL – 5 ACRE MINIMUM TO "SR 2.5" SINGLE FAMILY RESIDENTIAL – 2.5 ACRE MINIMUM

WHEREAS, Donald and Lindsay Roskopf have filed an application with the Town of Chino Valley ("Town") requesting a zone change from "AR-5" to "SR-2.5" for the real property described on Exhibit "A" as attached to this Ordinance; and

WHEREAS, the requested rezone was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Unified Development Ordinance; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on August 6, 2011, during which testimony was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 6-0 vote (Commissioner Rowitsch absent) to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of September 13, 2011, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested rezone with the Findings and Stipulations cited in Section 1 of this Ordinance;

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

Section 1 That the Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone the real property legally described on Exhibit "A" and generally described on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-21-165A located at the southeast corner of W. Road 2 North and Sycamore Vista Drive and consisting of approximately 4.6 acres, from "AR-5" to "SR-2.5" with the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from “AR-5” to “SR-2.5” is consistent with and conforms to the land use designation of Medium Density Residential and the goals of the “Town of Chino Valley 2003 General Plan.”
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the “SR-2.5” zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley’s Unified Development Ordinance.

ENGINEERING STIPULATIONS:

1. That the existing non-conforming metal barn, located adjacent to Sycamore Vista and W. Road 2 North, shall be removed from the property before the effective date (October 13, 2011) of the rezoning Ordinance.
2. That the applicant shall provide a perpetual offer to dedicate (POD) of sufficient width to accommodate a fifty (50) foot wide ½ street from the centerline along the property’s Road 2 North frontage. This POD shall be offered before the effective date (October 13, 2011) of this rezoning Ordinance.
3. With regard to the property’s frontage along Sycamore Vista Drive, the Council waives Arizona Revised Statute Section 9-462.01 and Sections 4.23 and 5.2.6(E) of the Unified Development Ordinance, which allows the Town to require as a condition of rezoning right-of-way dedication and/or a perpetual offer to dedicate.

<u>Section 2.</u> That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

<u>Section 3.</u> If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Unified Development Ordinance adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this __13th__ day of __September___, 2011.

____

Chris Marley, Mayor

ATTEST:

____

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

____

Musgrove Drutz & Kack, P.C.
Town Attorney

OPTION “A”

EXHIBIT “A”

THAT portion of the Northeast Quarter of Section Twenty-One (21), Township Sixteen (16) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona as described as follows.

The west Half (1/2), of the West Half (1/2), of the North Half (N ½), of the Northwest Quarter (NW ¼), of Northeast Quarter of Section Twenty-One (21), Township Sixteen (16) North, Range Two (2) West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Excepting the North 25 Feet and the West 25 Feet as dedicated to the Town of Chino Valley for Roadway Purposes.

CONTAINING 4.636 ACRES MORE OR LESS

ORDINANCE NO. 11-750

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE ZONE CHANGE OF ASSESSOR'S PARCEL NUMBER 306-21-165A FROM "AR-5" AGRICULTURAL/RESIDENTIAL – 5 ACRE MINIMUM TO "SR 2.5" SINGLE FAMILY RESIDENTIAL – 2.5 ACRE MINIMUM

WHEREAS, Donald and Lindsay Roskopf have filed an application with the Town of Chino Valley ("Town") requesting a zone change from "AR-5" to "SR-2.5" for the real property described on Exhibit "A" as attached to this Ordinance; and

WHEREAS, the requested rezone was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Unified Development Ordinance; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on August 6, 2011, during which testimony was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 6-0 vote (Commissioner Rowitsch absent) to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of September 13, 2011, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested rezone with the Findings and Stipulations cited in Section 1 of this Ordinance;

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

Section 1 That the Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone the real property legally described on Exhibit "A" and generally described on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-21-165A located at the southeast corner of W. Road 2 North and Sycamore Vista Drive and consisting of approximately 4.6 acres, from "AR-5" to "SR-2.5" with the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from “AR-5” to “SR-2.5” is consistent with and conforms to the land use designation of Medium Density Residential and the goals of the “Town of Chino Valley 2003 General Plan.”
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the “SR-2.5” zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley’s Unified Development Ordinance.

ENGINEERING STIPULATIONS:

1. That the existing non-conforming metal barn, located adjacent to Sycamore Vista and W. Road 2 North, shall be removed from the property before the effective date (October 13, 2011) of the rezoning Ordinance.
2. That the applicant shall provide a perpetual offer to dedicate (POD) of sufficient width to accommodate a fifty (50) foot wide ½ street from the centerline along the property’s Road 2 North frontage. This POD shall be offered before the effective date (October 13, 2011) of this rezoning Ordinance.
3. That the applicant shall provide a POD of sufficient width to accommodate a forty (40) foot wide ½ street from the centerline along the property’s Sycamore Vista Drive frontage. This POD shall be offered before the effective date (October 13, 2011) of this rezoning Ordinance.

<u>Section 2.</u> That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

<u>Section 3.</u> If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Unified Development Ordinance adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this __13th__ day of __September___, 2011.

____
Chris Marley, Mayor

ATTEST:

____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

____
Musgrove Drutz & Kack, P.C.
Town Attorney

OPTION “B”

EXHIBIT “A”

THAT portion of the Northeast Quarter of Section Twenty-One (21), Township Sixteen (16) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona as described as follows.

The west Half (1/2), of the West Half (1/2), of the North Half (N ½), of the Northwest Quarter (NW ¼), of Northeast Quarter of Section Twenty-One (21), Township Sixteen (16) North, Range Two (2) West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

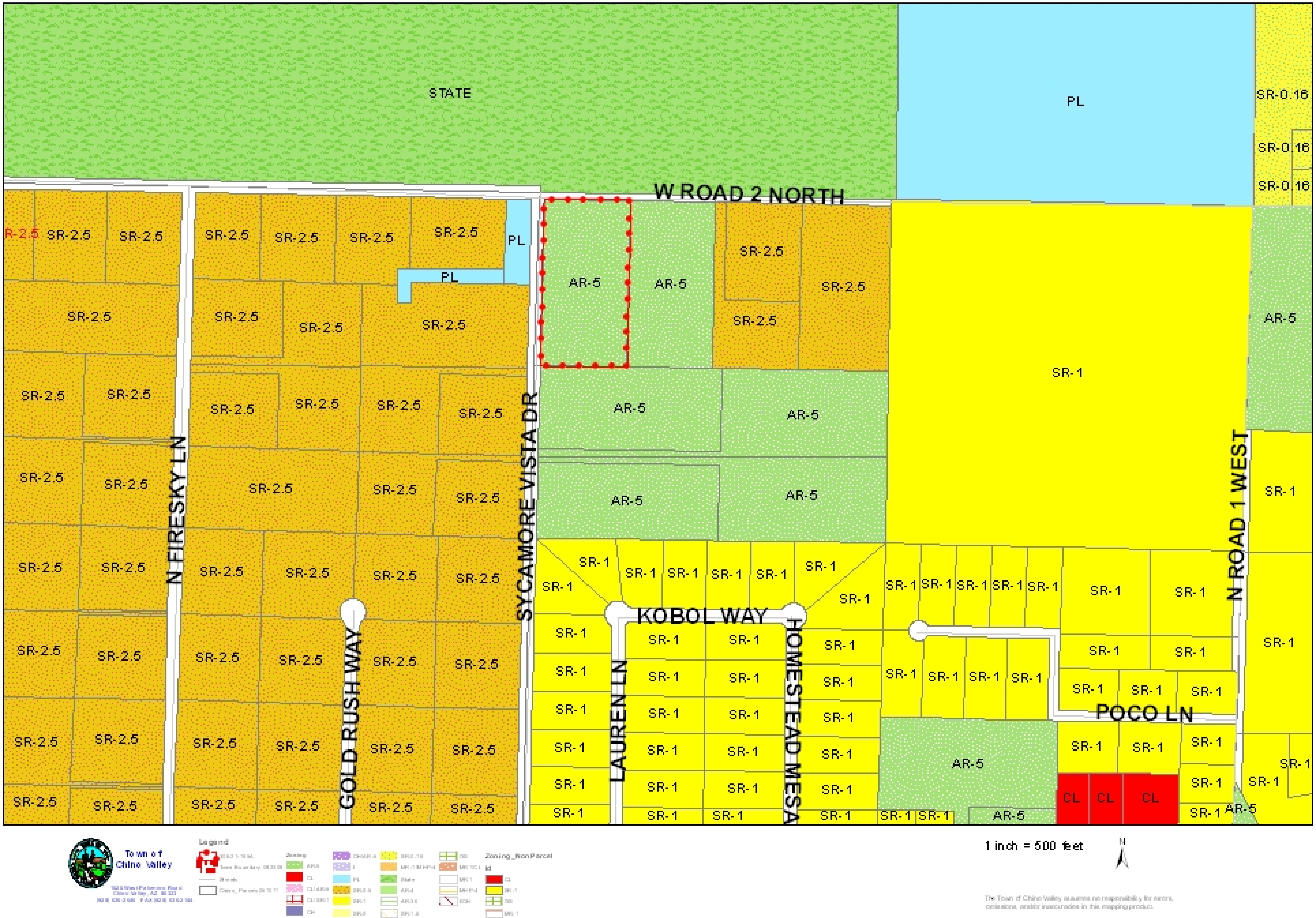
Excepting the North 25 Feet and the West 25 Feet as dedicated to the Town of Chino Valley for Roadway Purposes.

CONTAINING 4.636 ACRES MORE OR LESS

ATTACHMENT “B”

Location Map

ROSKOPF APN 306-21-165A
Rezone AR-5 to SR-2.5
RZ# 11-004



ATTACHMENT “C”

Commission Staff Report

1020 WEST PALOMINO ROAD
PO BOX 406
CHINO VALLEY, AZ 86323

DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-6937

PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
AUGUST 16, 2011

LEGAL AD

ZC-11-004: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Thursday, August 16, 2011. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a requested rezone from Agricultural/Residential – 5 Acre Minimum "AR-5" to Single Family Residential – 2.5 Acre Minimum "SR 2.5". The location of the approximately 4.6 acre parcel is the southeast corner of W. Road 2 North and Sycamore Vista Dr. and is further described as Assessor's Parcel Number (APN) 306-21-165A. Applicants/Owners: Donald J. Roskopf Jr. and Lindsay A. Roskopf.

A. LOCATION: Please see Exhibit"A" Location Maps., southeast corner of W. Road 2 North and Sycamore Vista Dr.

B. FACTS:

1. Owner/ Applicant: ....Donald and Lindsay Roskopf
2. Site Dimensions and Area:..........................640' x 315' (4.6 acres)
3. Existing Zoning:..AR-5
4. Requested Zoning:..SR-2.5
5. Adjacent Zoning and Use:
   North.................. State Land, vacant
   South.................. AR-5
   East..................... AR-5
   West.................... Across Sycamore Vista Dr., PL and SR-2.5
6. Water Source:.............................Private Well
7. Waste Water..............................Septic system
8. Topography:.................................Flat

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9. General Plan Conformance:...........General Plan Designation is Medium Density Residential. If the property is rezoned to SR-2.5, the property will be in conformance with the General Plan Future Land Use Element (Exhibit B).

C. NOTIFICATION LETTERS: The Citizen Participation protocol as required by the Unified Development Ordinance (UDO) resulted in approximately eight letters noticing the request being mailed out. To date, the Town has received one response in favor of the rezone (Exhibit C). In addition, one neighbor called the Development Services Department to express concern about the rezone creating additional driveways along Sycamore Vista Drive.

D. NEIGHBORHOOD MEETING: On Wednesday, August 3, 2011, a neighborhood meeting was held by Mr. Roskopf to discuss the proposed zone change with residents surrounding the property. The meeting was held at Chino Valley Council Chambers, located at 202 N. State Route 89 and allowed adjacent landowners or other affected citizens, an opportunity to discuss or express their views concerning the zone change. Mr. Roskopf and a town staff member were the only attendees at the meeting. While there, Mr. Roskopf mentioned that he spoke with several neighbors and none of them opposed the proposed rezone and ultimate lot split.

E. ANALYSIS: The applicants would like to rezone APN 306-21-165A for the purpose of splitting the parcel into two lots. Currently the site consists of approximately 4.6 acres and is zoned Agricultural/Residential – 5 Acre Minimum "AR-5". The reason the parcel size does not consist of a minimum of 5 acres is because at some point in time a portion of the property's Road 2 North street frontage was dedicated to the Town of Chino Valley. This right-of-way dedication reduced the overall size of the parcel to its current size of less than 5 acres. The UDO addresses situations such as this in Section 4.23. E, 5 which states: "*In no case shall right-of-way or public street of the public use access system, as required by this UDO, be considered as creating non-conforming lots or prevent such lots from legally being split as otherwise governed in this UDO due to loss of area as a result of such requirements (Amended with Ord. 10-729/ Res. 10-933)*".

If the request to rezone the property to "SR 2.5" is ultimately approved the property owners anticipate splitting the parcel into two 2.3 acre parcels (Exhibit D). One lot would have two street frontages and one would have one street frontage.

Existing Conditions: Currently the subject 4.6 acre parcel has a 400 square foot metal barn building which does not conform to building setback regulations and, in fact, is located directly adjacent to the Town of Chino Valley's right of ways for both W. Road 2 North and Sycamore Vista Drive. Because of this, the structure is deemed as a "non-conforming structure. The UDO defines a non-conforming structure as: *A structure which was lawfully erected prior to the adoption of this Ordinance, or any amendment there to or any annexation to the Town, which does not conform with the standards of lot coverage, yard spaces, height*

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structures, distance between structures or other standards prescribed in the regulations for the district in which the structure is located. If this rezone is approved by the Town Council one of the stipulations for approval is that the non-conforming metal barn building be removed from the property. There are no other structures on the property. In addition, the applicant has recently installed trees around the perimeter of the 4.6 acre parcel and installed a row of trees through the center of the property.

Access: The applicant has stated that if a driveway is installed it would be located on the property's Road 2 North frontage.

Right of Way Dedications and lot sizes: As stated earlier, the reason the subject parcel does not meet the minimum lot size requirement of 5 acres is due to a right of way dedication that occurred in the past. If this rezone is approved by the Town Council one of the stipulations for approval is the dedication of right of way along Sycamore Vista and a perpetual offer to dedicate along W. Road 2 North.

F. RECOMMENDATION:

1. With the Findings and Stipulations indicated below staff endorses the following requests and suggests that the Commission forward the items to the Town Council with a recommendation for approval.

FINDINGS:

1. That the requested rezone from Agricultural/Residential – 5 Acre Minimum "AR-5" to Single Family Residential – 2.5 Acre Minimum "SR 2.5" is consistent with and conforms to the land use designation of Medium Density Residential and the goals of the "Town of Chino Valley 2003 General Plan".
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the "SR-2.5" zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.

ENGINEERING STIPULATIONS:

1. That the existing non-conforming metal barn, located adjacent to Sycamore Vista and W. Road 2 North, shall be removed from the property before the effective date of the rezoning Ordinance.

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2. That a right-of-way dedication of sufficient width to accommodate a forty (40) foot wide ½ street from the centerline shall be dedicated along the property's Sycamore Vista frontage shall be dedicated to the Town of Chino Valley for road widening, construction and other municipal infrastructure when the Ordinance approving the rezone goes to Council.
3. That the applicant shall provide a perpetual offer to dedicate (POD) of sufficient width to accommodate a fifty (50) foot wide ½ street from the centerline along the property's Road 2 North frontage. This POD shall be offered when the Ordinance approving the rezone goes to Council.

Attachments:

Rezoning/Planned Area Development Application
Exhibit "A" Location Map
Exhibit "B" The General Plan Future Land Use Map
Exhibit "C" Citizen Participation Responses
Exhibit "D" Future lot split site plan and barn location

ROSKOPF APN 306-21-165A
Rezone AR-5 to SR-2.5
RZ# 11-004

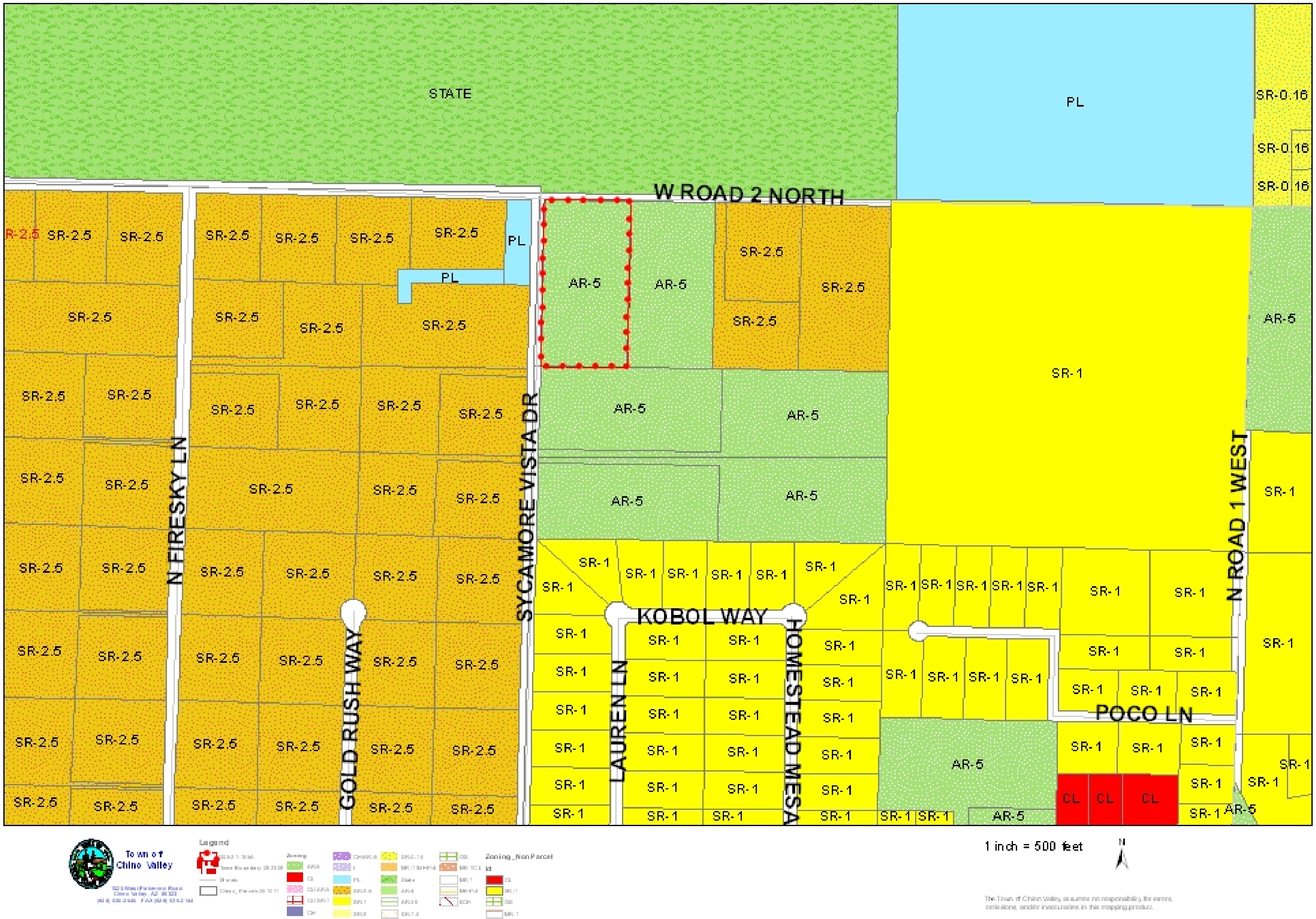

Exhibit A

1020 WEST PALOMINO ROAD
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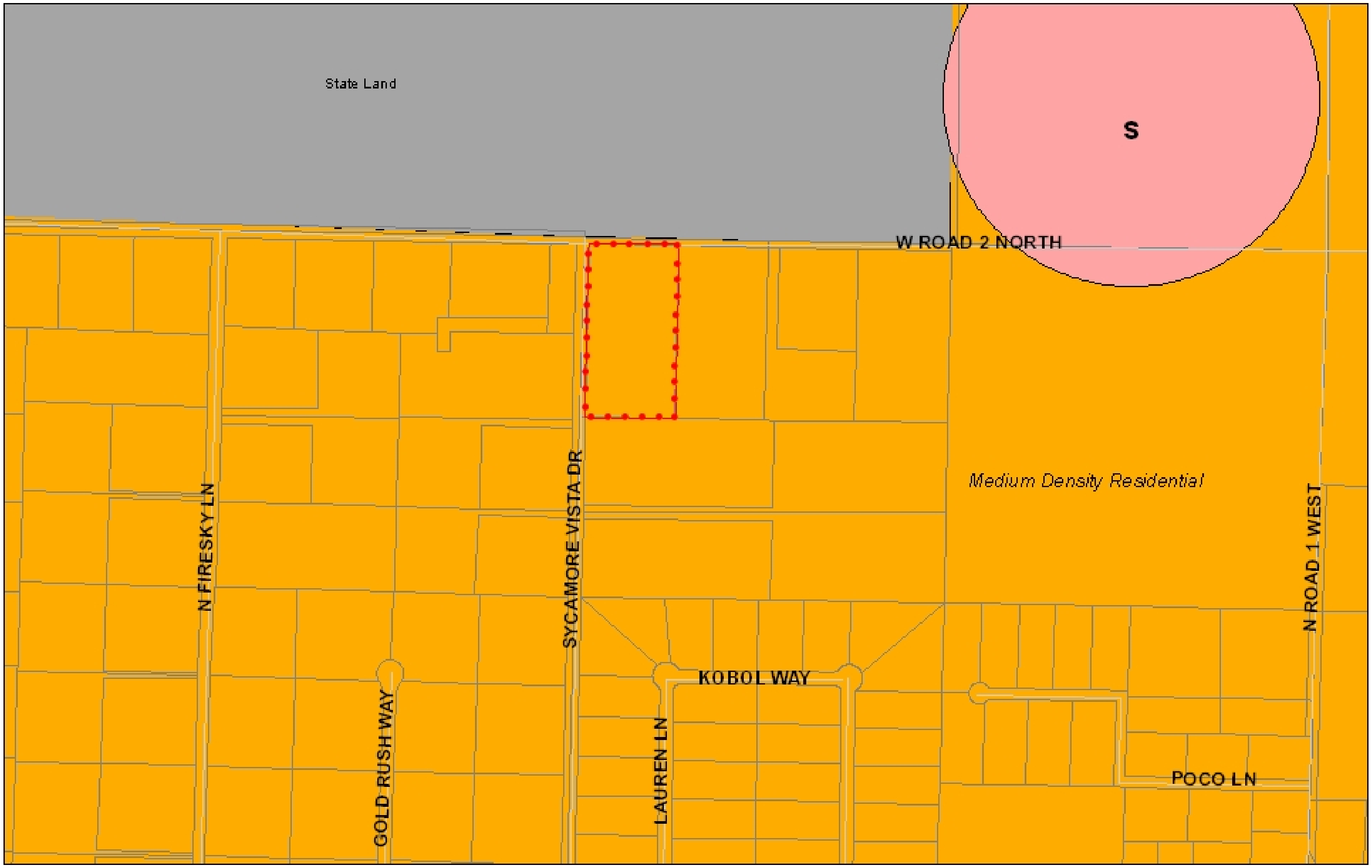
ROSKOPF APN 306-21-165A
Rezone AR-5 to SR-2.5
RZ# 11-004

GENERAL PLAN - AMENDED
FUTURE LAND USE MAP



1 inch = 500 feet

The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

Exhibit B

DEVELOPMENT SERVICES DEPARTMENT
1020 WEST PALOMINO ROAD
PO BOX 406
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-6937

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 12

[X] Regular Meeting [ ] Special Meeting [ ] Other ______

MEETING DATE: September 13, 2011 TIME: 6:00 P.M.

SUBMITTING DEPARTMENT: Development Services

CONTACT PERSON: Pat Clingman PHONE: (928) 636-4427

[ ] Presentation Only [ ] Report Only [ ] Consent

[X] Action-Presentation [ ] Action [ ] Executive

Estimated Length of Staff Presentation: 5 min.

ITEM LOCATION:

The southeast corner of State Route 89 and E. Center Street directly across from the Chino Valley High School.

PROPOSED AGENDA ITEM:

Site Plan Review (SPR)-11-002: Consideration and possible action to: (a) grant site plan approval to authorize construction of an approximately 7,000 sq. ft. O'Reilly auto parts store building on a 1.97 acre parcel in the "CL" Commercial Light zoning district, located at the southeast corner of State Route 89 and E. Center Street directly across from the Chino Valley High School; (b) modify the UDO requirements to allow an increase in the maximum allowed parking spaces from 28 to 43 spaces and, (c) for public safety reasons, allow the proposed lighting to be spread out to illuminate the entire 1.97 acre parcel, including a large portion of vacant land.

FISCAL IMPACT? No If Yes, Budget Code: ______ Available: $ ______

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Site Plan

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **12**

SITUATION AND ANALYSIS:

Site Plan Review (SPR)-11-002: Request by O'Reilly auto parts, represented by Esterly architects, for site plan approval to authorize construction of an approximately 7,000 sq. ft. commercial building on an 1.97 acre parcel in the Commercial Light "CL" zoning district. The town's Unified Development Ordinance (UDO) requires Commission and Council site plan review for commercial buildings over 5,000 sq. ft. (Section 1.7.4). This site plan review process is for the purpose of reviewing the overall site plan, drainage plan, landscaping, building elevations, lighting and screen plans.

Also, the applicant is requesting and the Commission is recommending that the Council modify the following UDO requirements to the site plan:

PARKING: O'Reilly Auto parts are asking that the Commission recommend and Council allow for more parking spaces than the UDO will allow (Exhibit B). O'Reilly is proposing 43 parking spaces and the UDO allows a maximum of 28 (See Section 4.22.8.B and the table in 4.22.8. M). Council is given authority through Section 1.7.4 to approve a site plan that exceeds The maximum allowed parking spaces; and

LIGHTING PLAN: The applicant has confirmed through a photometric plan that the lighting used for the site meets the Outdoor Lighting requirement set forth in the Section 4.24 of the UDO (SL 2). Per information from their electrical engineer, the total area of the site is 1.97 acres, which would allow 197,000 lumens. The total on the proposed Sheets SL1 and SL2 is 196,000 lumens. However, just over ½ of the lot area is being utilized by the O'Reilly development leaving a large portion of the site vacant. Yet, the lumen calculation is based on the entire site area creating a situation where no additional lighting will be allowed for the vacant portion of the site. The Commission recommended, for public safety reasons, that the lighting be spread out to illuminate the entire 1.97 acre site which includes the large portion of the site that is vacant.

Technical Review Committee: On May 16, 2011, the applicant appeared before the Technical Review Committee.

Commission meeting: At the August 16, 2011 Planning and Zoning Commission Public Hearing, the Commission elected by a 6-0 vote (Commissioner Rowitsch absent) to forward the application to the Town Council with a recommendation for approval with the following Stipulations:

1. That the maximum number of parking spaces allowed by the UDO be waived to allow for 43 spaces. The UDO will allow a maximum of 28 spaces.
2. That for public safety reasons, the lighting is spread out to illuminate the 1.97 acre site which includes the large portion of vacant land.

RECOMMENDED MOTION:

Move to grant site plan approval to authorize construction of an approximately 7,000 sq. ft. O'Reilly auto parts store building, to allow an increase in the maximum allowed parking spaces from 28 to 43 spaces and, for public safety reasons, allow the proposed lighting to be spread out to illuminate the 1.97 acre parcel.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 12

ATTACHMENTS:

A - Location Map
B - Technical Review Letter
C - Commission Staff Report
D - O'Reilly's site plan drawings
E - Revised lighting plan for the entire parcel

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

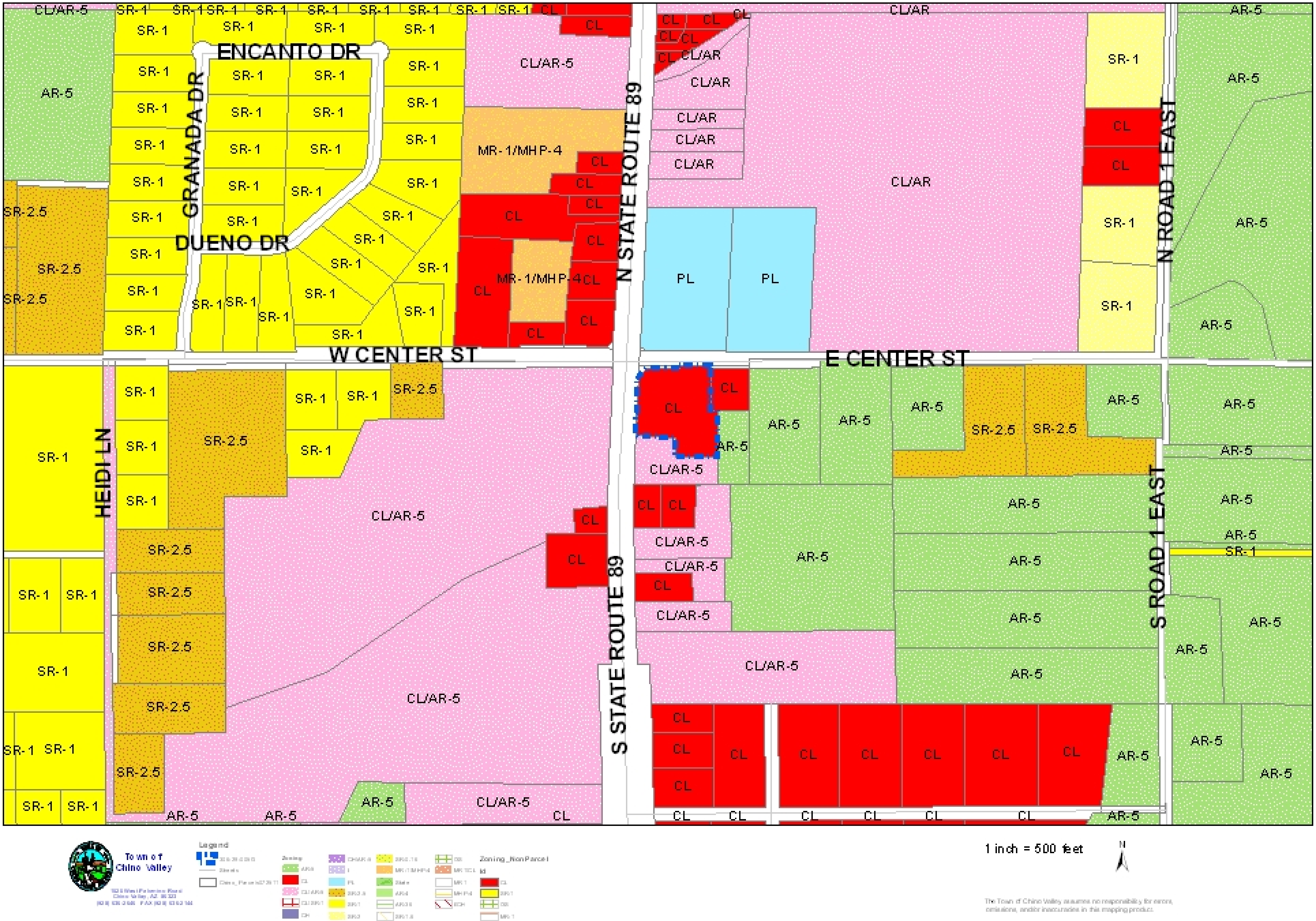
SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

David Nicolella	Pat Clingman	Vera J. Smith
Author	Department Head	Finance
		Sharon Sargent-Flack
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

ATTACHMENT "A"

Location Map

O'REILLY APN 306-29-005G
Site Plan Review
SPR 11-002



ATTACHMENT “B”

Technical Review Letter

DEVELOPMENT SERVICES
1020 WEST PALOMINO ROAD
CHINO VALLEY, AZ 86323

BUILDING DIVISION
TELEPHONE (928) 636-4427
FAX (928) 636-6937

May 16, 2011

Dear Esterly Schneider & Associates

This letter is written to summarize the discussion and comments from the Technical Review Meeting, held Tuesday, May 10, 2011 for your project, O'Reilly Auto Parts in Chino Valley, Arizona. APN: 306-29-005D, 005E, 006D

The following Town Staff was present at the Technical Review Meeting:

Pat Clingman, Development Services Director
Mike Bovee, (Acting) Assistant Zoning Administrator
Dan Trout, Senior Building Inspector
Ron Grittman, Town Engineer
Mary Brasher, Administrative Clerk

Also present: Dave Wharton, Fire Marshal
Duane Noggle, CV School District

The following may not be all-inclusive, but attempts to summarize Staff comments in an effort to assist you in moving your project forward:

Development Services – Pat Clingman/Mike Bovee (928) 636-4427:

- Required to have gates on the refuse disposal structure.
- Handicap parking areas must be 11 ft by 20 ft with a 5 ft walk aisle.
- Parking spaces are required to be a minimum of 10'x20'
- Comply with the parking calculations as depicted in the Unified Development Ordinance.
- A comprehensive sign packaged is required for any signage placed on the property.
- Comply with the current Lighting Ordinance which includes a Photo Metric Plan be submitted.
- Landscaping shall meet the standards as outlined in the UDO Section 4.26.

Engineering/Public Works – Ron Grittman (928) 636-7140:

- An engineered stamped grading report is required. The report is based on the predevelopment flows versus the post development flows in accordance with the engineering standards.
- All drive aisles and parking areas are required to have a dust free hard surface, chip seal is adequate.

TOWN OF CHINO VALLEY

DEVELOPMENT SERVICES
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BUILDING DIVISION
TELEPHONE (928) 636-4427
FAX (928) 636-6937

- Contact ADOT in regards to the closing off the driveway located on State Route 89 and Comply with any and all ADOT requirements.
- Required to construct a 12 ft wide right turn lane on Center St to access the property.
- Required to connect to the Town's sewer system.
- Required to construct a sidewalk along the property frontage to driveway.
- Offset driveway at a minimum of 200 ft or move driveway to align with the driveway into the CV High School.

Fire Department – Dave Wharton (928) 636-2442:

- The project meets the fire flow requirements for the proposed building of less than 7,500 sq. ft and is proposed to be constructed within 1,000 feet of the fire hydrant.
- Maintain 20 feet of width around the perimeter of the building for emergency vehicle access.
- Applicant is required to install a monitored fire alarm.

Building Department – Pat Clingman/Dan Trout (928) 636-4427:

- Required to use an Arizona registered design professional.
- Required to use a Commercially Licensed Contractor.
- Any metal structures will require stamped engineered plans.
- Finished Floor Elevation (FFE) certificate will be required before release of utilities.
- The site and structure must comply with all ADA requirements.

The comments from the Technical Review Committee are valid for one year from the date of this letter.

If you have any questions, please contact the appropriate Staff for information related to project requirements of that department, Monday – Thursday, from 7:30 A. M. to 5:00 P. M.

Respectfully,

Town of Chino Valley
Technical Review Committee

ATTACHMENT “C”

Commission Staff Report

DEVELOPMENT SERVICES DEPARTMENT
1020 WEST PALOMINO ROAD
PO BOX 406
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-2144

PLANNING COMMISSION
SITE PLAN REVIEW (SPR)
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
AUGUST 16, 2011

SRP-11-002: REQUEST BY O'REILLY AUTO PARTS, REPRESENTED BY ESTERLY ARCHITECTS, FOR SITE PLAN APPROVAL TO AUTHORIZE CONSTRUCTION OF AN APPROXIMATELY 7,000 SQ. FT.COMMERCIAL BUILDING. THE PROPOSED PROJECT IS LOCATED ON THE SOUTHEAST CORNER OF STATE ROUTE 89 AND E. CENTER STREET AND IS IN THE COMMERCIAL LIGHT "CL" ZONING DISTRICT. THE TOWN'S UNIFIED DEVELOPMENT ORDINANCES (UDO) REQUIRES COMMISSION AND COUNCIL SITE PLAN REVIEW FOR COMMERCIAL BUILDING OVER 5,000 SQ. FT.(SECTION 1.7.4).

A. LOCATION: Please see Exhibit "A" Location Maps

B. FACTS:

1. Owner: ....O'Reilly Auto Parts
2. Applicant: ....Esterly Schneider & Associates, Inc.
3. Engineer:................................Tracy J. Letzring, PE with TAIT
4. Architect:...............................Esterly Schneider & Associates, Inc.
5. Site Area:.................................Approximately 2 acres
6. Existing Zoning:..................Commercial Light (CL)
7. Water Source:........................Private Well
8. Waste Water:........................Town of Chino Valley's Sanitary Sewer System

C. ANALYSIS: The O'Reilly Automotive Stores Inc. has purchased an approximately two (2) acre parcel on the southeast corner of SR 89 and E. Center Street and has proposed to build a 7,022 sq. ft. O'Reilly Auto Parts commercial building. This site plan review process is required through Section 1.7.4 of the UDO and is for the purpose of reviewing the overall site plan, drainage plan, landscaping, building elevations, lighting and screen plans.

GRADING AND DRAINAGE: The engineering department has reviewed the site grading plan and determined that the project, as proposed, can be built without causing adverse drainage issues to the surrounding area (C1 of 7).

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FAX (928) 636-2144

SITE PLAN:

GENERAL: The site plan will accommodate the proposed use in a functional manner that addresses the needs of the O'Reilly Auto Parts store and meets the development standards that are specified by the UDO.

ACCESS AND CIRCULATION:
The site will be accessed by a 40 foot wide driveway off of E. Center Street and the driveway will continue around the site providing access to parking and circulation back to Center Street. The driveway will align with the driveway that is directly across Center Street which is utilized to access the High School offices. There will not be an access to the O'Reilly site from SR 89. All driving surfaces and the parking area will be paved. In addition, the developer will continue the sidewalk along the property's Center Street frontage (C2 of 7).

PARKING:
All proposed parking spaces and drive aisles will be paved and spaces will meet the 10 x 20 size requirement and the drive aisles will meet the 24 foot width requirement. In addition, O'Reilly Auto parts are asking that the Commission and Council allow for more parking spaces than the UDO will allow (Exhibit B). O'Reilly is proposing 43 parking spaces and the UDO allows a maximum of 28 (See Section 4.22.8.B and the table in 4.22.8.M). Council is given authority through Section 1.7.4 to approve a site plan that exceeds the maximum allowed parking spaces. *Section 1.7.4 Commission and Council Review and Approval: If the Site Plan Committee determines that the site plan does not meet the requirements of the Town's Ordinances, Codes, Policies and the Design Concepts set forth in Subsection 4.29, or has buildings over 5,000 sq. ft. in size (either singularly or in combination), then the developer shall appear before and present their case to the Com-mission. The Commission shall forward the case (with its recommendation for approval or denial) and any suggested stipulations and/or changes to the submission to Council. Council shall review the plans and the Council may disapprove of, approve of, modify or add stipulations to the site plan (Amended with Ord. 10-729/Res. 10-933).*

LANDSCAPE PLAN: The landscape plan consists of all drought tolerant trees and shrubs and meets the landscaping requirements of the UDO (Section 4.26). The landscape palette consists of a mixture of trees and shrubs that will dramatically enhance the appearance of the site as well as improve the look of the building and provide a visual and noise buffer against adjacent properties (L1 of 3).

SIGNAGE: Signage will not be considered for this project. All attached signage on the building elevations are conceptual and will require the approval of a sign

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FAX (928) 636-2144

permit through the Development Services Department. Town staff will assure that the monument sign elevation will have the same building materials and colors as the building.

BUILDING ELEVATIONS: The building is a typical O'Reilly brand auto parts building that you would find in any other community. It is constructed of split face CMU block, the massing of the building is reduced through the use of dark colors and cap stone blocks on the top of the building. A metal awning will hang over the front windows and entrance and the A/C units will be ground mounted and concealed by a block wall (CE 1 of 1).

LIGHTING PLAN: The applicant has confirmed through a photometric plan that the lighting used for the site meets the Outdoor Lighting requirement set forth in the Section 4.24 of the UDO (SL 2). Per information from our electrical engineer, the total area of the site is 1.97 acres, which would allow 197,000 lumens. The total on the proposed Sheets SL1 and SL2 is 196,000 lumens. However, just over ½ of the lot area is being utilized by the O'Reilly development leaving a large portion of the site vacant. Yet, the lumen calculation is based on the entire site area creating a situation where no addition lighting will be allowed for the vacant portion of the site. Consider reducing the number of lumen for the O'Reilly development or recognize that no additional lighting will be permitted. Reduce the number of lumen for the O'Reilly site to correspond with the area being developed.

Attachments:

Exhibit "A" Location Maps
Exhibit "B" O'Reilly Auto Parts letter regarding parking wavier
Exhibit "C" A packet submitted by the applicant which contains the following 11 x 17 drawings:

C1 of 7:	Site Grading Plan
C2 of 7:	Site Development Plan
L1 of 3:	Landscape Plan
L3 of 3:	Irrigation Coverage Plan
SL1 of 1:	Partial Site Utilities & Site Lighting Layout
SL2 of 2:	Site Lighting Photometrics
CE1 of 1:	Building Elevations

O'REILLY APN 306-29-005G
Site Plan Review
SPR 11-002

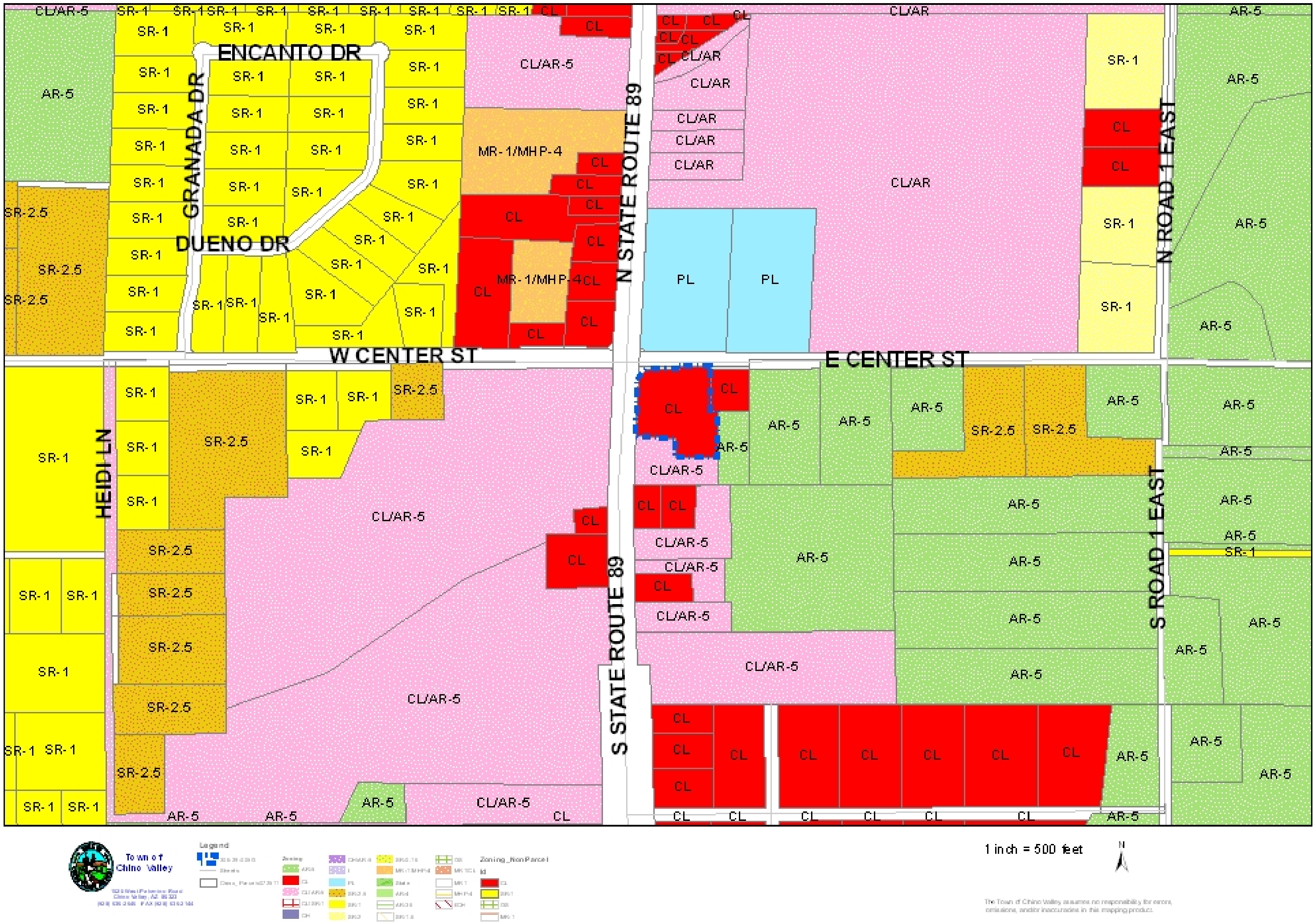

Exhibit A

DEVELOPMENT SERVICES DEPARTMENT
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PO BOX 406
CHINO VALLEY, AZ 86323

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DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-2144

ATTACHMENT “D”

O’Reilly’s Site Plan Drawings

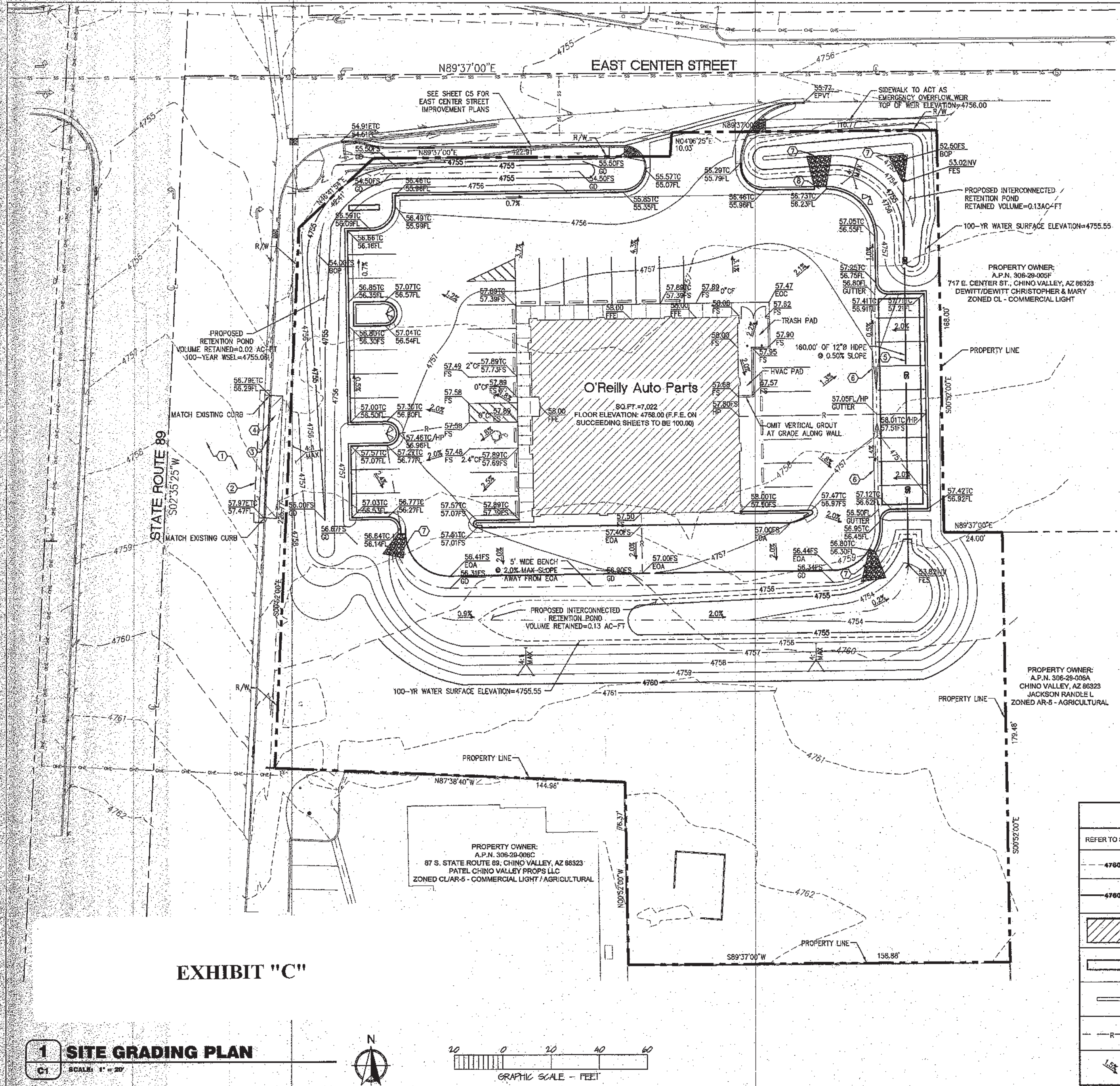
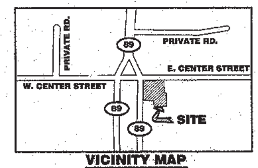


EXHIBIT "C"

1 SITE GRADING PLAN
C1 SCALE: 1" = 20'



VICINITY MAP
N.T.S.

GENERAL NOTES:

A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
B. ALL SITE DIMENSIONS TO THE GUTTER LINE OF CURB, CONCRETE OR PROPERTY LINE UNLESS OTHERWISE NOTED. CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS BY DETAILED INSPECTION PRIOR TO SUBMITTING BID AND STARTING CONSTRUCTION.
C. COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.
D. REFER TO STRUCTURAL PLANS FOR DEVELOPMENT OF SIDEWALKS ADJACENT TO FOUNDATIONS AND SCREEN BLOCK WALL.
E. SITE CONDITIONS BASED UPON SURVEY SUBMITTED BY OWNER. FIELD VERIFY EXISTING CONDITIONS BY DETAILED SITE INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION.

STORMWATER RUNOFF NOTES:

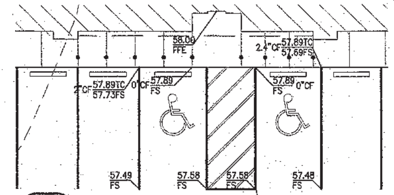
TOTAL LOT AREA: 1.97 ACRE
TOTAL DISTURBED AREA: 1.16
PRE-DEVELOPMENT C VALUE FOR 1.97 ACRE LOT: 0.45
POST-DEVELOPMENT C VALUE FOR 1.97 ACRE LOT: 0.75
PRE-DEVELOPMENT 100-YR STORM RUNOFF: 0.20 ACRE-FEET
POST-DEVELOPMENT 100-YR STORM RUNOFF: 0.33 ACRE-FEET
RETAINED STORM WATER RUNOFF: 0.13 ACRE-FEET

SITE GRADING KEY NOTES:

1. PROTECT EXISTING IMPROVEMENTS IN PLACE.
2. SAWCUT AND REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG SR 89 2.0' BEYOND LIP OF GUTTER. REPLACE ASPHALT WITH FULL DEPTH ASPHALT
3. CONSTRUCT NEW CURB AND GUTTER PER ADOT DRAWING NO. C-05.10. MATCH EXISTING CURB TYPE.
4. CONSTRUCT NEW SIDEWALK PER ADOT DRAWING NO. C-05.20 (SHEET 2).
5. INSTALL 12" HDPE WITH FLARED END SECTIONS AT ENTRANCE AND EXIT OF PIPE @ INVERTS SHOWN HEREON.
6. CONSTRUCT 3.0' WIDE VALLEY GUTTER PER MAG DTL NO. 240 SECTION A-A.
7. INSTALL RIP-RAP, MINIMUM 18" DEEP, 5' WIDE, 10' LONG WITH 6" MINIMUM ROCK SIZE.
8. CONSTRUCT 5' WIDE CURB CUT THROUGH VERTICAL CURB.
9. CONSTRUCT 6' WIDE SIDEWALK ADJACENT TO BUILDING. REFER TO STRUCTURAL PLANS.

CALL BEFORE YOU DIG! ARIZONA ONE CALL 1-800-782-5348

CONTRACTOR SHALL FIELD VERIFY PROPOSED GRADES MATCH EXISTING PAVEMENT AT DRIVEWAY ENTRANCES. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.



2 HANDICAP PARKING DETAIL
C1 SCALE: 1"=10'

SYMBOLS LEGEND

REFER TO SURVEY (SV1) FOR EXISTING CONDITION SYMBOLS LEGEND AND SITE CONTROL

- - 4760 - -	EXISTING CONTOURS
—4760—	PROPOSED CONTOURS
(hatched box)	NEW BUILDING CONSTRUCTION
(box)	NEW POLE SIGN LOCATION
(bar)	NEW CONCRETE PAVING BLOCK
- - R - -	PROPOSED RIDGE IN PAVING
1.5%	FLOW ARROW

+ 4760.00 FS

LIST	ABBREVATION
FINISHED SURFACE	FS
GRADE BREAK	GB
SIDEWALK	SW
TOP OF CURB	TC
TOP OF PAVEMENT	PVT
NEW GRADE	GD
EDGE OF ASPHALT	EOA
EDGE OF CONCRETE	EOC
EXISTING TOP OF CURB	ETC
EXISTING GRADE	EGD
EXISTING PAVEMENT	EPVT
EXISTING SIDEWALK	ESW
FLOW LINE	FL
TOP OF BERM	TOP
WATER SURFACE ELEVATION	WSEL
HIGH POINT	HP
RIDGE	R
BOTTOM OF POND	BOP
FLARED END SECTION	FES

BENCHMARK:
TOWN OF CHINO VALLEY CONTROL NETWORK POINT 101 (NAVD 1988)

ELEVATION=4832.11

ALL ABBREVIATED ELEVATIONS SHOWN ON THIS PLAN SHOULD BE ADDED TO 4700 FOR FINAL FINISHED ELEVATION

TAIT
Since 1964
6163 East County Road 16
Loveland, CO 80537
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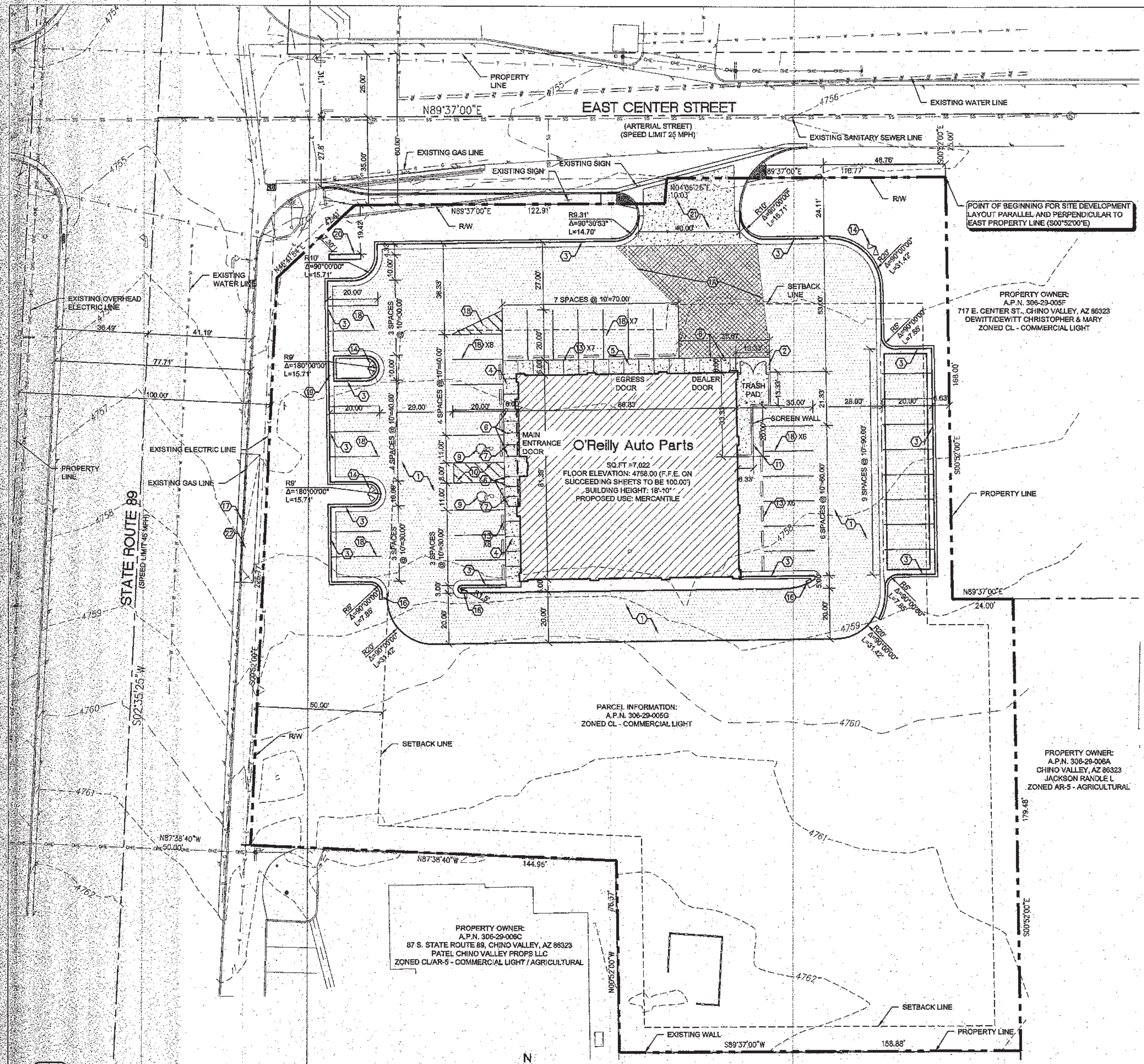
COMM # 3127

DATE: 6-15-11
REVISION DATE:



1 SITE DEVELOPMENT PLAN

C2 SCALE: 1" = 20'

20 0 20 40 60

GRAPHIC SCALE - FEET

SITE DATA TABLE:

OWNER:	O'REILLY AUTOMOTIVE STORES, INC. 233 S. PATTERSON SPRINGFIELD, MO 65802
PARCEL NUMBER:	306-29-005G
SITE AREA:	85,850.49 S.F. (1.97 ACRES)
PROPERTY ZONING:	COMMERCIAL LIGHT
BUILDING AREA:	7,022 S.F.
PERCENTAGE OF LOT COVERAGE:	7,022 S.F. (8.2%)
PARKING CALCULATIONS:	
*REQUIRED SIZE:	10' X 20'
*REQUIRED RATIO:	1 SPACE PER 300 S.F.
*SPACED REQUIRED:	24
*SPACES PROVIDED:	41
*H.C. SPACES PROVIDED:	2
OPEN SPACE ACREAGE PROVIDED:	N/A

PROPOSED DEVELOPMENT:
*THE CONSTRUCTION OF A NEW BUILDING FOR THE PURPOSE OF THE RETAIL SALE OF AUTO PARTS.

KEY NOTES:

(1) STANDARD PAVING:
CONCRETE PAVING: REFER TO DETAIL 1/C6 FOR STD. SECTION

ALTERNATE #1:
ASPHALT PAVING: REFER TO DETAIL 2/C6 FOR STD. SECTION.
REFER TO PROJECT MANUAL.

(1A) HEAVY DUTY PAVING:
CONCRETE PAVING: REFER TO DETAIL 1/C6 FOR H.D. SECTION

ASPHALT PAVING: REFER TO DETAIL 2.C6 FOR H.D. SECTION

(2) CONCRETE PAVING:
HEAVY DUTY ONLY REFER TO DETAIL 1/C6 FOR H.D. SECTION.

(3) CONCRETE CURB:
REFER TO DETAIL 3/C6.

(4) CONCRETE SIDEWALK:
REFER TO STRUCTURAL PLANS FOR DETAILS.

(5) CONCRETE DOOR LANDING:
REFER TO DETAIL 4/C6 AND STRUCTURAL DETAILS. RAMP PAVING AS INDICATED. LANDING CAN BE POURED MONOLITHIC IF CONCRETE PAVING IS USED.

(6) STEEL BOLLARD:
REFER TO DETAIL 6/C6. PROVIDE (2) AT TRASH PAD AND OVERHEAD DOOR; PROVIDE (9) AT SIDEWALK. REFER TO STRUCTURAL PLAN FOR LOCATION.

(7) HANDICAP PARKING SIGN:
REFER TO DETAIL 7/C6.

(8) NOT USED

(9) HANDICAP PARKING SYMBOL:
REFER TO DETAIL 5/C6.

(10) HANDICAP ACCESS UNLOADING ZONE:
SLOPE 2% MAX. EACH WAY (ADA COMPLIANT) AND STRIPE AS SHOWN.

(11) SCREEN FENCE:
REFER TO DETAIL 11/C6. 6.0' TALL BLOCK ENCLOSURE (METAL CAP FLASHING TO BE PROVIDED BY METAL BUILDING MANUFACTURER. REFER TO CAP FLASHING ON STRUCTURAL DETAILS-REFER TO ELEVATIONS FOR COLOR): REFER TO DETAIL 11/C6 AND STRUCTURAL.

(12) NOT USED

(13) CONCRETE BUMPER BLOCK:
8"w x 5"h x 6'-0" LONG CONCRETE. ANCHOR TO PAVING WITH (2) 1'-6" LONG #4 REBAR (TO SIT LEVEL WITH PAVING).

(14) PARKING LOT LIGHTING:
REFER TO SITE LIGHTING PLAN FOR LOCATION AND TYPE.

(15) LIMITS OF NEW PAVING:
MATCH EXISTING PER CITY AND OR STATE STANDARDS.

(16) ROLL DOWN CURB:
TERMINATE AND ROLL DOWN NEW CURB WHERE INDICATED. ROLL DOWN AT 12:1.

(17) CONCRETE CURB:
REFER TO ADOT DRAWING NO. C-05.30. MATCH EXISTING CURB.

(18) STRIPING:
PROVIDE 4" WIDE PARKING LOT STRIPING AS SHOWN. USE HIGHWAY MARKING PAINT - YELLOW (2 COATS)

(19) 2' CURB CHASE BEHIND LANDSCAPE ISLAND.

(20) SIGN LOCATION:
SIGN FURNISHED AND INSTALLED BY OWNER. REFER TO SITE LIGHTING PLAN & STRUCTURAL PLANS FOR DETAILS.

(21) CONCRETE DRIVE APRON:
TO BE INSTALLED PER CITY AND OR STATE DESIGN STANDARDS. IF NO STANDARDS PROVIDE CONCRETE PAVING CONSTRUCTION AS SHOWN ON DETAIL 1/C6.

(22) CONCRETE SIDEWALK:
REFER TO ADOT DRAWING NO. C-05.10 (SHEET 2). MATCH EXISTING.

GENERAL NOTES:

A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.

B. ALL SITE DIMENSIONS TO THE GUTTER LINE OF CURB, CONCRETE OR PROPERTY LINE UNLESS OTHERWISE NOTED. CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS BY DETAILED INSPECTION PRIOR TO SUBMITTING BID AND STARTING CONSTRUCTION.

C. COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.

D. REFER TO STRUCTURAL PLANS FOR DEVELOPMENT OF SIDEWALKS ADJACENT TO FOUNDATIONS.

E. THE EXISTING UTILITIES SHOWN HEREON WERE PROVIDED BY THE SURVEYOR. THE CONTRACTOR SHALL ASCERTAIN THE TRUE VERTICAL AND HORIZONTAL LOCATION OF THOSE UNDERGROUND UTILITIES TO BE USED AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY PUBLIC OR PRIVATE UTILITIES, SHOWN OR NOT SHOWN HEREON.

CALL BEFORE YOU DIG! ARIZONA ONE CALL 1-800-782-5348

SYMBOLS LEGEND

REFER TO SURVEY FOR EXISTING CONDITION SYMBOLS LEGEND

	NEW BUILDING CONSTRUCTION
	AREA OF CONCRETE
	AREA OF STANDARD PAVING
	AREA OF HEAVY DUTY PAVING
	MONUMENT SIGN LOCATION
	NEW CONCRETE PAVING BLOCK
	NEW LIGHT POLE LOCATION
	NEW FENCE CONSTRUCTION

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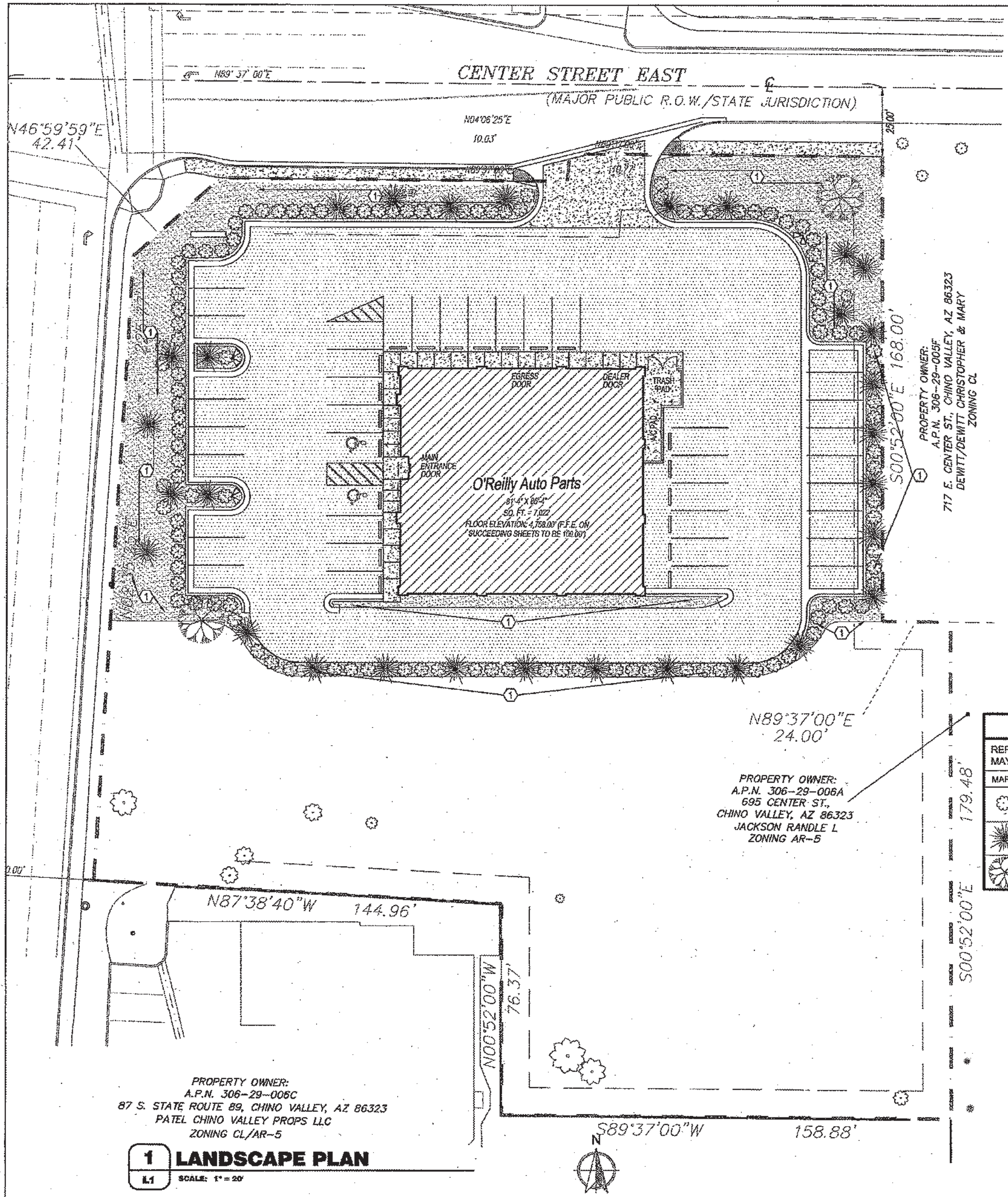
C2 of 7



1 LANDSCAPE PLAN

L1 SCALE: 1" = 20'

20 0 20 40 60
GRAPHIC SCALE - FEET

GENERAL NOTES:

A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.

B. SITE CONDITIONS BASED UPON SURVEY PROVIDED BY OWNER. CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS BY DETAILED INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION.

C. REFER TO CIVIL DRAWINGS FOR ADDITIONAL REQUIREMENTS.

D. ALL PLANTING TYPES SHALL COMPLY WITH LOCAL GOVERNING CODES AND REGULATIONS. CONFORM TO REQUIREMENTS OF PLANT LIST AND TO THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARD OF NURSERY STOCK" AND "HORTICULTURAL STANDARDS" AS TO SPECIES, AGE, SIZE, AND PLANTING RECOMMENDATIONS.

E. NO MATERIAL SUBSTITUTIONS SHALL BE MADE WITHOUT THE ARCHITECT'S PRIOR WRITTEN APPROVAL. ALTERNATE MATERIALS OF SIMILAR SIZE AND CHARACTER MAY BE CONSIDERED IF SPECIFIED PLANT MATERIALS CANNOT BE OBTAINED.

F. PLANT LOCATIONS ARE APPROXIMATE. ADJUST AS NECESSARY TO AVOID CONFLICTS.

G. QUANTITIES OF MATERIALS SHOWN ON LANDSCAPING PLAN TAKE PRECEDENCE OVER QUANTITIES SHOWN ON PLANTING SCHEDULE. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES ON LANDSCAPING PLAN.

H. PROVIDE 4" TOPSOIL AT ALL SOD, SEED AND PLANTING AREAS. GRADE SHALL BE ADJUSTED FOR SOD THICKNESS. REFER TO CIVIL SITE GRADING PLAN FOR SLOPE REQUIREMENTS.

I. WHEN CLAY SOIL IS ENCOUNTERED IN THE ESTABLISHMENT OF THE LAWN OR THE INSTALLATION OF PLANT MATERIAL IT SHALL BE IMPROVED IN ACCORDANCE WITH STANDARD TRADE PRACTICE.

J. REESTABLISH TURF IN AREAS DISTURBED BY GRADING OR UTILITY TRENCHING IN THE RIGHT-OF-WAY.

K. COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.

KEY NOTES:

1 PROVIDE AND INSTALL DECOMPOSED GRANITE/RIVER ROCK (OR EQUAL) TO BE A MINIMUM OF 2" IN DEPTH, OVER BLACK VISQUEEN VAPOR BARRIER. REFER TO DETAIL 2/L2.

PLANTING SCHEDULE

REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS. ALL PLANTINGS MAY BE SUBSTITUTED DUE TO REGION OR LOCAL REQUIREMENTS IF NECESSARY

MARK	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE @ PLANTING	DETAIL
	DESERT HONEYSUCKLE	ANISACANTHUS SPP.	70	3 GALLON MIX	4/L2
	PONDEROSA PINE	PINUS PONDEROSA	32	75% MUST BE 15 GAL. MIN. 25% MUST BE 24" BOX MIN.	5/L2
	ARIZONA ASH	FRAXINUS VELUTINA	2	24" BOX MIN.	3/L2

LANDSCAPE SYMBOLS LEGEND

REFER TO SURVEY FOR EXISTING CONDITION SYMBOLS LEGEND

	NEW BUILDING CONSTRUCTION
	AREA OF CONCRETE
	AREA OF PAVING
	AREA OF GRAVEL
	NEW MONUMENT SIGN LOCATION
	NEW CONCRETE PAVING BLOCK
	NEW LIGHT POLE LOCATION
	NEW FENCE CONSTRUCTION
	AREA OF NEW TREE REFER TO PLANTING LEGEND FOR SIZE AND TYPE
	AREA OF NEW SHRUB REFER TO PLANTING LEGEND FOR SIZE AND TYPE

THE ENTIRE SITE HAS BEEN UPDATED TO INCLUDE ADDITIONAL LANDSCAPING, A SIDEWALK ON THE EAST SIDE OF THE ENTRANCE DRIVE, AND A SIDEWALK ADJACENT TO THE NORTH SIDE OF THE BUILDING, PER THE CITY COMMENTS.

REGISTERED ARCHITECT
CERTIFICATE NO. 49747
CRAIG ALAN SCHNEIDER
ARIZONA U.S.A.
Ex 6-30-12

1736 East Sunshine, Suite 417
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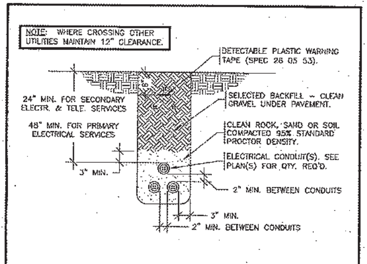
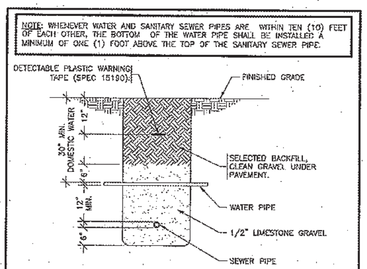
L1 of 3



UNDERGROUND ELECTRICAL CONDUITS (4/SU1)

N.T.S.



WATER/SEWER SEPARATION DETAIL (5/SU1)

N.T.S.

EXISTING CONDITIONS NOTES

1. THE CONTRACTOR IS OBLIGATED TO INSPECT FOR EXISTING CONDITIONS/INSTALLATIONS AND AVAILABLE INFORMATION PRIOR TO SUBMITTING A BID, REFER TO SPECIFICATIONS ALSO.
2. EXISTING INSTALLATIONS (SUCH AS WATER MAINS/LINES, GAS MAINS/LINES, SEWER MAINS/LINES, TELEPHONE LINES, POWER LINES, AND UTILITY STRUCTURES IN THE VICINITY OF THE WORK TO BE DONE) ARE INDICATED ON THE DRAWINGS ONLY TO THE EXTENT THAT SUCH INFORMATION HAS BEEN MADE AVAILABLE TO OR DISCOVERED BY THE ENGINEER IN PREPARING THE DRAWINGS. THERE IS NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION, AND ALL RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS THEREOF IS EXPRESSLY DISCLAIMED.
3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR LOCATING ALL EXISTING INSTALLATIONS.
4. ANY DELAY, ADDITIONAL WORK, FEES OR EXTRA COST TO THE CONTRACTOR CAUSED BY OR RESULTING FROM DAMAGE TO OR MODIFICATION OF EXISTING INSTALLATIONS BY THE CONTRACTOR OR AFFECTED UTILITY COMPANY SHALL NOT CONSTITUTE A CLAIM FOR EXTRA WORK, ADDITIONAL PAYMENT OR DAMAGES.
5. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONSTRUCTION PRIOR TO SUBMITTING HIS BID. NO EXTRAS WILL BE PAID DUE TO UNANTICIPATED EXISTING CONDITIONS/INSTALLATIONS.

UTILITIES CONTACTS:

ELECTRIC:	APS, LINDA GUMMER:928-443-6618
TELEPHONE:	QWEST, KAREN PORTER :928-776-2510

NEW UTILITIES

——WS——	WATER SERVICE	P.O.C. = POINT OF CONNECTION BETWEEN SITE PIPING (SPEC 02700) AND BUILDING PIPING (SPEC 21 13 13, 22 00 00). AS NECESSARY - SPEC 21 13 13 DENOTES LANDSCAPE IRRIGATION).
——UGE——	UNDERGROUND ELECTRIC	
——UGT——	UNDERGROUND PHONE	
——SAN——	SANITARY SEWER	
——OHE——	OVERHEAD ELECTRIC	
——OHT——	OVERHEAD PHONE	
——GS——	GAS SERVICE (BY GAS CO.)	
	SAW CUT	
	BORE	

UNDERGROUND UTILITY LOCATES

STOP-CALL BEFORE YOU DIG!

ALABAMA:	1-800-292-8525	MISSOURI:	1-800-344-7483
ARKANSAS:	1-800-482-8998	MONTANA:	1-877-668-4001
COLORADO:	1-800-922-1987	NEBRASKA:	1-800-331-5666
FLORIDA:	1-800-432-4770	NORTH CAROLINA:	1-800-632-4949
GEORGIA:	1-800-282-7411	OHIO:	1-800-362-2764
ILLINOIS:	1-800-892-0123	OKLAHOMA:	1-800-522-6543
INDIANA:	1-800-382-5544	SOUTH CAROLINA:	1-800-922-0983
IOWA:	1-800-292-8989	SOUTH DAKOTA:	1-800-781-7474
KANSAS:	1-800-344-7233	TENNESSEE:	1-800-351-1111
KENTUCKY:	1-800-752-6007	TEXAS:	1-800-344-8377
LOUISIANA:	1-800-272-3020	VIRGINIA:	1-800-552-7001
MINNESOTA:	1-800-252-1166	WISCONSIN:	1-800-242-8511
MISSISSIPPI:	1-800-227-6477	WYOMING:	1-800-849-2476

STATE OF ARIZONA LIMITATION

I HEREBY CERTIFY THAT THESE ENGINEERING DOCUMENTS WERE PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ARIZONA.

NORMAN E. GOTH — BRENT L. COURTER — (DATE) 8/3/11

LICENSE RENEWAL DATE IS SEPTEMBER 30, 2012 AND DECEMBER 31, 2013

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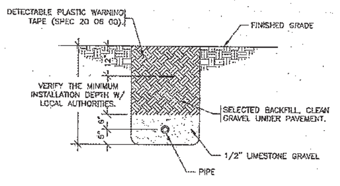


PIPE INSTALLATION DETAIL (3/SU1)

N.T.S.

(1) TELEPHONE SERVICE REQUIREMENTS

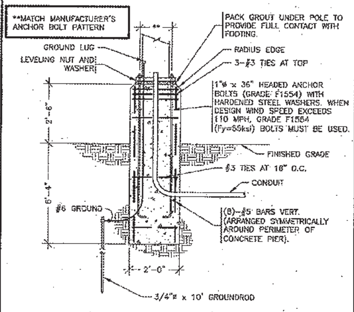
SPECIAL NOTE: NEW PHONE SERVICE TO BUILDING SHALL BE AN UNDERGROUND SERVICE. CONTRACTORS TO SCHEDULE INSTALLATION OF U/G TELEPHONE SERVICE CONDUIT WITH OWNER. CONTACT (417) 874-7288.

2" PVC SCHEDULE 40 CONDUIT WITH RIGID GALVANIZED STEEL LONG SWEEP BENDS @ 18-24" DEPTH FOR PHONE SERVICE. PROVIDE MINIMUM 1/4" POLYPROPYLENE PULL LINE. PLACE CONDUIT A MINIMUM OF 12" FROM U/G ELECTRIC CONDUIT IN SAME TRENCH.

CAP END OF CONDUIT AT PROPERTY LINE BELOW FINISHED GRADE AND INSTALL CABLE MARKER FOR PHONE COMPANY, IF NECESSARY. OTHERWISE, CONTINUE PHONE SERVICE CONDUIT TO A POLE AND INSTALL RIGID GALVANIZED STEEL CONDUIT A MINIMUM 10' (ft.) ABOVE FINISHED GRADE ATTACHED TO POLE.

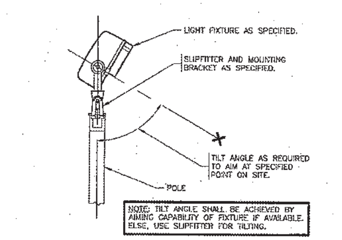
CONTRACTOR SHALL COORDINATE INSTALLATION AND VERIFY REQUIREMENTS WITH PHONE COMPANY, PLUS INCLUDE ALL FEES (IF ANY) BY PHONE COMPANY FOR INSTALLATION OF 25 PAIR CABLE, IN MENTIONED CONDUIT, TO CONTRACTOR INSTALLED 4' X 8' X 3/4" FIRE RETARDING BACKBOARD (IF PLYWOOD, PAINT BOARD W/FIRE RETARDING PAINT) WITHIN BUILDING. CONTRACTOR TO PROVIDE #6 AWG CU. GROUND TO TELEPHONE EQUIPMENT LOCATION FROM ELECTRICAL GROUNDING ELECTRODE SYSTEM. FINAL CONNECTIONS AND INSIDE PHONE WIRING BY OWNER.

ONLY IF UNDERGROUND PHONE SERVICE IS NOT AVAILABLE-THEN MAY CONTRACTOR INSTALL APPROPRIATE OVERHEAD PHONE SERVICE RISER, WEATHER HEAD, ETC. COORDINATE WITH OWNER & PHONE CO.



CONCRETE POLE BASE DETAIL (2/SU1)

N.T.S.



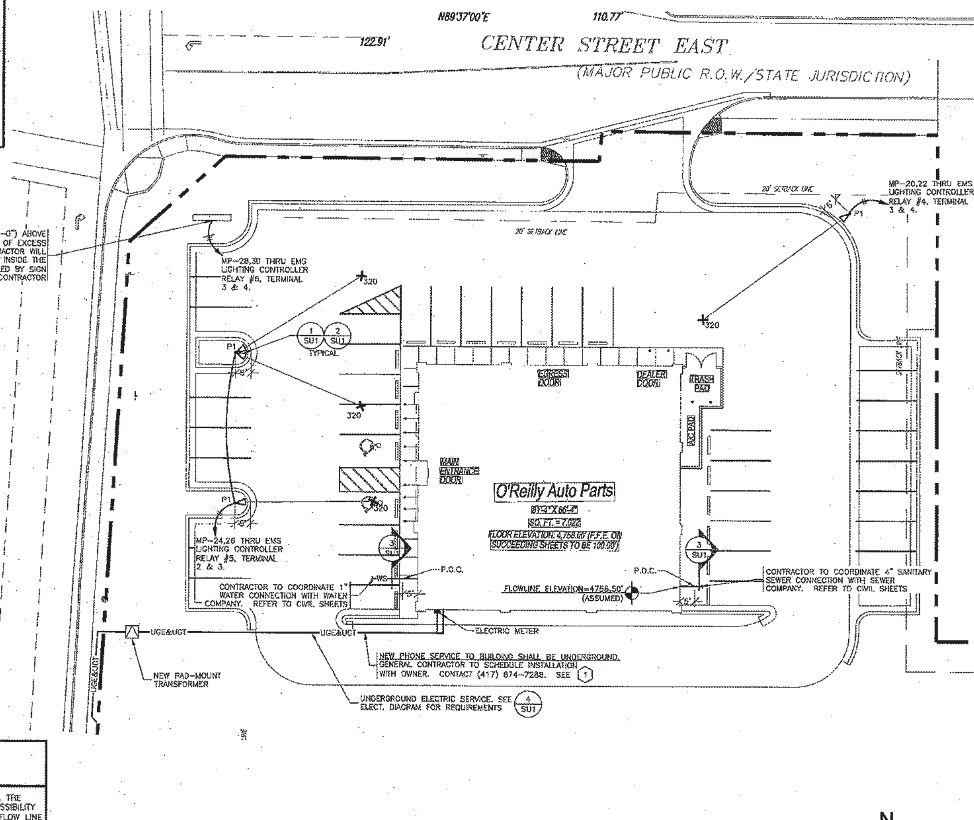
FLOODLIGHT MOUNTING DETAIL (1/SU1)

N.T.S.

CONTRACTOR CAUTION!!! VERIFY SEWER LINE ELEVATION

BEFORE STARTING ANY BUILDING PAD GRADING AND PLUMBING WORK, THE CONTRACTOR SHALL FIELD VERIFY LOCATION, MATERIAL, CONDITION, ACCESSIBILITY (INCLUDING STATE HIGHWAY OR OTHER RIGHTS-OF-WAY) AND WORKABLE FLOW LINE ELEVATION OF THE EXISTING SANITARY SEWER SERVICE LINE OR MAIN.

IF A WORKABLE FLOW LINE HAS NOT BEEN ESTABLISHED AT THE TIME OF FINAL SANITARY SEWER SERVICE CONNECTION, THEN THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXPENSES ASSOCIATED WITH THE INSTALLATION OF A NEW GRINDER PUMP SYSTEM TO MEET OWNER AND LOCAL REQUIREMENTS.



PARTIAL SITE UTILITIES & SITE LIGHTING LAYOUT

SCALE: 1" = 20'-0"

08-03-11

SHEET CHANGED IN ITS ENTIRETY.

SMITH-GOTH ENGINEERS, INC.
COMPREHENSIVE MECHANICAL AND ELECTRICAL ENGINEERING SERVICES
3855 South Jefferson Avenue, Springfield, MO 65807
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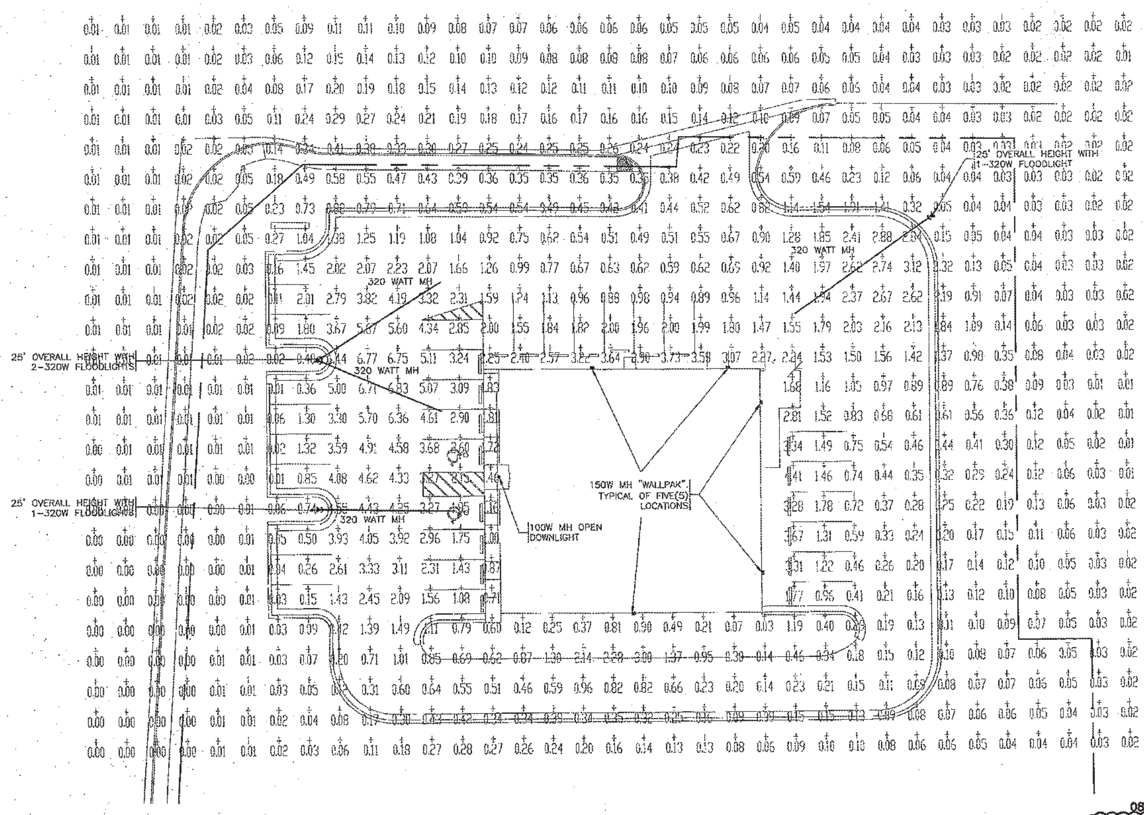
SL1 of 1



O'Reilly Auto Parts

SITE LIGHTING PHOTOMETRICS

SCALE: 1" = 20'-0"

NEW SHEET

08-03-11

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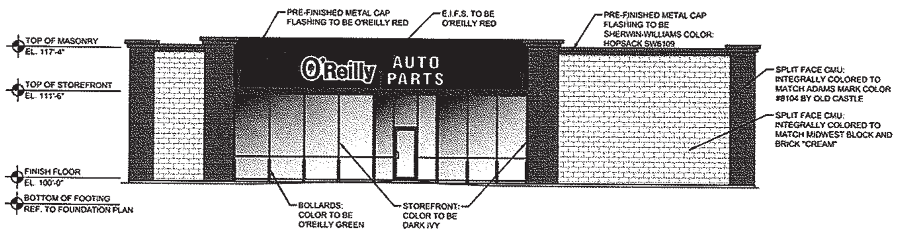
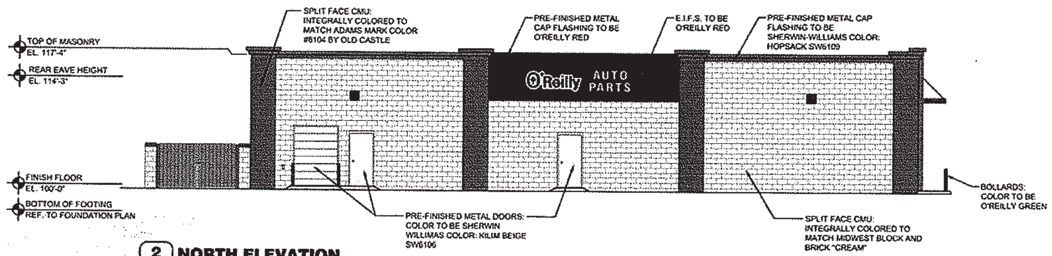
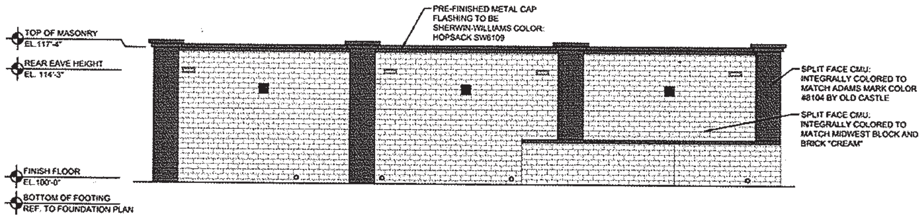


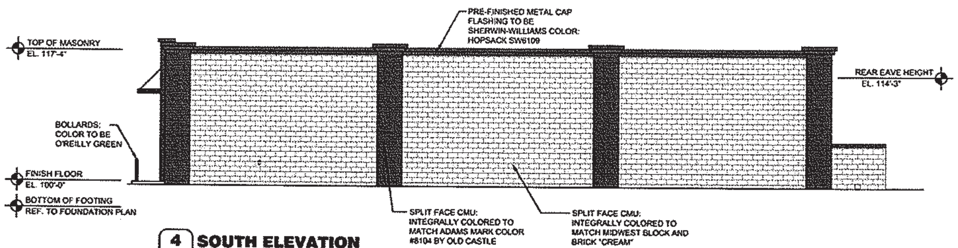
1 **WEST ELEVATION**
CE1 SCALE: 1/8" = 1'-0"



2 **NORTH ELEVATION**
CE1 SCALE: 1/8" = 1'-0"



3 **EAST ELEVATION**
CE1 SCALE: 1/8" = 1'-0"



4 **SOUTH ELEVATION**
CE1 SCALE: 1/8" = 1'-0"

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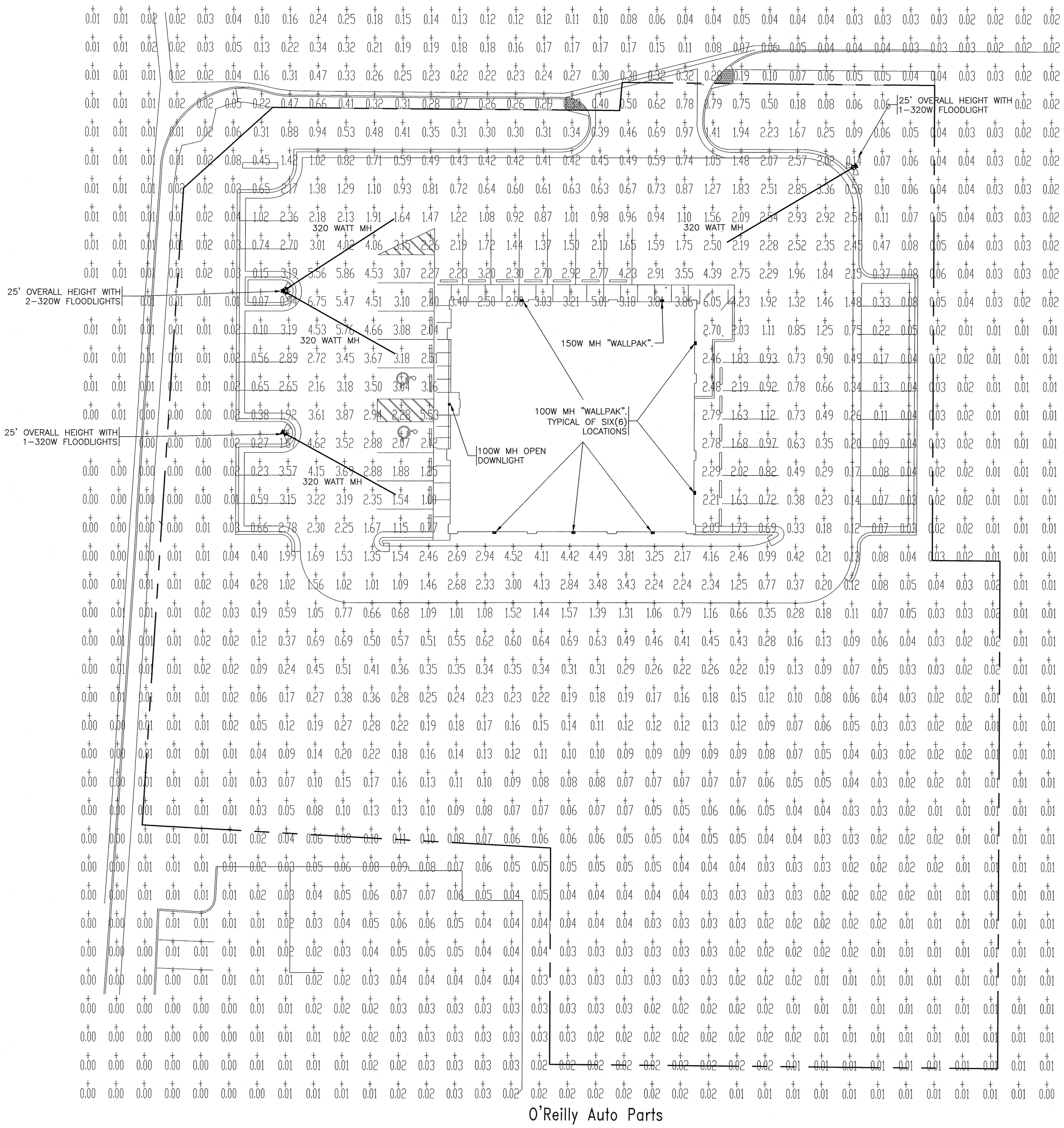
NOT FOR CONSTRUCTION

COMM # 3127
DATE: 8-3-11
REVISION DATE:

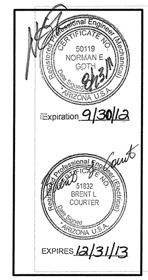
CE1 of 1

ATTACHMENT “E”

Revised Lighting Plan for Entire Parcel



O'Reilly Auto Parts



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417.862.0558
Fax: 417.862.3265
e-mail: architect@esterlyschneider.com

ESTERLY SCHNEIDER & ASSOCIATES, INC. AIA architects & planners

New O'Reilly Auto Parts Store:

STATE ROUTE 89
CHINO VALLEY, AZ

O'Reilly AUTO PARTS

Corporate Office:
233 South Patterson, Springfield, Mo 65802
Phone: (417) 862-3333 FAX: (417) 874-7112

COMM # 3127

DATE: 06-15-11

REVISION DATE: 08-23-11

08-23-11

SHEET CHANGED IN ITS ENTIRETY.

LUMENS CALCULATION:

320W FLOODS =	31,000 LUMENS EACH	x	4	=	124,000
150W WALLPAK =	13,300 LUMENS EACH	x	1	=	13,300
100W WALLPAK =	9,000 LUMENS EACH	x	6	=	54,000
100W ENTRY =	5,600 LUMENS EACH	x	1	=	5,600
			TOTAL LUMENS	=	196,900

Lighting Plan (1) LUMINAIRE SCHEDULE

TYP	SYMBOL	DESCRIPTION	LAMP	LUMENS	MOUNTING/BALLAST	LLF	QTY
3		Hubbell Lightin 1-320w flood (1) "320" MVM0320P-26x	(1) MS320U/PS	31000	26'-2" 2'-6"	0.80	2
32		Hubbell Lightin 2-320w flood (2) "320" MVM0320P-26x	(2) MS320U/PS	31000	26'-2" 2'-6"	0.80	1
E1F1		HUBBELL LIGHTIN PGM150S-x2x ARCHITECTURAL - PERIMALITER II	(1) C150S55	9000		0.80	6
EEE		HUBBELL LIGHTIN PGM150S-x2x ARCHITECTURAL - PERIMALITER II	(1) C150S55	13300		0.80	1
L		INFINITY LIGHTI CATALOG NO. : MHRL75-70-ED17-C/MED-WHITE VELTEX w/ C73 PRISMATIC GLASS LENS (PRIS	(1) LAMP CODE : M98 MH70	5600		1.00	1

CALCULATION SUMMARY

AREA NAME	DIMENSIONS	GRID / TYPE	# PTS	SPAC	GROUP	AVE	MAX	MIN	MAX/MIN	AVE/MIN
New Area	343.10x384.60Ft	New Grid / H-H	1365	10.00	(+)	0.48	6.75	0.00	N/A	N/A

SITE LIGHTING PHOTOMETRICS

SCALE: 1" = 20'-0"

SMITH-GOTH ENGINEERS, INC.
COMPREHENSIVE MECHANICAL AND ELECTRICAL ENGINEERING SERVICES
3855 South Jefferson Avenue Springfield, MO 65807
Phone: 417-882-2200 Fax: 417-882-1188

SL2 of 2

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 13

[X] Regular Meeting [ ] Special Meeting [ ] Other ______

MEETING DATE: September 13, 2011 TIME: 6:00 pm

SUBMITTING DEPARTMENT: Finance

CONTACT PERSON: Vera Smith PHONE: 636-2646 x173

[ ] Presentation Only [ ] Report Only [ ] Consent

[ ] Action-Presentation [X] Action [ ] Executive

Estimated Length of Staff Presentation: ______ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

PUBLIC HEARING and possible action to adopt Resolution No. 11-967 declaring “The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley” a public record and adopt Ordinance No. 11-751, adopting “The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley” by reference.

FISCAL IMPACT? No If Yes, Budget Code: ______ Available: ______

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Tax Code Amendments; Resolution; Ordinance

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **13**

SITUATION AND ANALYSIS:

In April 2011, The Municipal Tax Code Commission approved Tax Code amendments for 2010-2011, which were forwarded to the Town by the League of Arizona Cities and Towns. Per the publication requirement, a public hearing notice was advertised in the Prescott Courier August 26-29, 2011. Also, pursuant to new Arizona Revised Statute (A.R.S.) § 9-499.15, a notice was posted on the Town website 60 days prior to the subject public hearing.

RECOMMENDED MOTION:

Move to adopt Resolution No. 11-967 declaring "The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley" a public record and adopt Ordinance No. 11-751, adopting the same by reference.

ATTACHMENTS:

A – Outline of Changes to Model City Tax Code
B – Ordinance No. 11-851
C – Resolution No. 11-967 and Exhibit: Proposed Tax Code Amendments

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

Author	Department Head	Vera J. Smith Finance
Other:	Other:	Sharon-Sargent Flack Legal
Other:	Other:	Michael K. Scannell Town Manager/Designee

ATTACHMENT “A”

Outline of Changes to Model City Tax Code

The attached Model City Tax Code changes, summarized below, were approved by the Municipal Tax Code Commission in April 2011.

Section 1

This section adds language to the existing definitions of "Food" and "Prosthetic", and creates a new definition for the phrase "Medical marijuana". These changes were made for the purpose of specifically excluding medical marijuana from those definitions, and thus excluding sales of medical marijuana from the related exemptions available under the Retail classification of the Model City Tax Code (MCTC). The additional language makes it clear that medical marijuana sales are taxable at the regular Retail tax rate in all cities and towns. This section shall be effective from and after June 1, 2011.

Sections 2-4

The changes in these sections are to comply with the 2010 regular legislative session passage of HB 2700. HB2700 changed the sunset date under Contracting in A.R.S. 42-5075(B)(14) for installed solar energy devices, extending the deadline from January 1, 2011 to 2017. The three affected sections of the MCTC have the same language and these changes align the sunset date in the MCTC with the State statute. A technical correction adding reference to the Arizona Revised Statutes is also being added to the exemption for development fees in each section. These sections shall be effective from and after July 29, 2010.

Section 5

New subsection 445(s) is added to incorporate HB2510, passed during the 2010 regular legislative session, which prohibited cities and towns from taxing commercial rentals between two corporations when either the landlord or lessor corporation owns at least 80% of the voting stock of the other corporation. Also allows exemption if a third corporation owns 80% of both the landlord and the lessor corporations, and treats a “reciprocal insurer” as if it were a “corporation” for purposes of the exemption. This section shall be effective from and after July 29, 2010.

Section 6

The changes in this section were made based on cooperation and compromise between the Unified Audit committee and banking interests. The changes address the treatment of successor privilege tax liability in the event of a foreclosure. The new language allows for the deferral of payment of the delinquent privilege tax until after the creditor subsequently sells the property, aligning the cash flow related to the property with payment of the tax liability.

In addition, this amendment will allow for the creditor’s tax base to be based on their subsequent selling price, and also provides for tax credits in the event the debtor comes forward to pay their liability after the creditor’s payment. This section shall be effective from and after May 1, 2010.

Section 7

During the 2009 regular legislative session, SB1196 created a use tax exemption for school districts and charter schools which was not previously incorporated into the MCTC. This preemption in A.R.S. 42-6004(F) exempts the storage, use, or consumption of tangible personal property by a school district or charter school. This section shall be effective from and after September 30, 2009.

ATTACHMENT “B”

Ordinance No. 11-851

ORDINANCE NO. 11-751

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; ADOPTING “THE 2010-2011 AMENDMENTS TO THE TAX CODE OF THE TOWN OF CHINO VALLEY” BY REFERENCE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1: That certain document known as "The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley," three copies of which are on file in the office of the town clerk of the Town of Chino Valley, Arizona, which document was made a public record by Resolution No. 11-967 of the Town of Chino Valley, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2: Any person found guilty of violating any provision of these amendments to the tax code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the tax 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: The provisions of section 1 of this ordinance shall be effective from and after June 1, 2011. The provisions of section 2 through 5 of this ordinance shall be effective from and after July 29, 2010. The provisions of section 6 of this ordinance shall be effective from and after May 1, 2010. The provisions of section 7 of this ordinance shall be effective from and after September 30, 2009.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this __13th__ day of ____September____, 2011.

____
Chris Marley, Mayor

ATTEST:

____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

____
Musgrove Drutz & Kack, PC
Town Attorney

ATTACHMENT "C"

Resolution No. 11-967 and Exhibit: Proposed Tax Code Amendments

RESOLUTION NO. 11-967

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "THE 2010-2011 AMENDMENTS TO THE TAX CODE OF THE TOWN OF CHINO VALLEY"

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

THAT certain document entitled "THE 2010-2011 AMENDMENTS TO THE TAX CODE OF THE TOWN OF CHINO VALLEY," three copies of which are on file in the office of the town clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the town clerk.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of September, 2011.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Musgrove Drutz & Kack, PC
Town Attorney

2010-2011 AMENDMENTS TO THE
TAX CODE OF THE TOWN OF CHINO VALLEY

Section 1. Section 32.25-100 of the Tax Code of the Town of Chino Valley is amended to read:

Sec. 32.25-100. General definitions.

For the purposes of this Chapter, the following definitions apply:

"Assembler" means a person who unites or combines products, wares, or articles of manufacture so as to produce a change in form or substance of such items without changing or altering component parts.

"Broker" means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this Chapter, and who receives for his principal all or part of the gross income from the taxable activity.

"Business" means all activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit, or advantage, either direct or indirect, but not casual activities or sales.

"Business Day" means any day of the week when the Tax Collector's office is open for the public to conduct the Tax Collector's business.

"Casual Activity or Sale" means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this Chapter. However, no sale, rental, license for use, or lease transaction concerning real property nor any activity entered into by a business taxable by this Chapter shall be treated, or be exempt, as casual. This definition shall include sales of used capital assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

"Combined Taxes" means the sum of all applicable Arizona Transaction Privilege and Use Taxes; all applicable transportation taxes imposed upon gross income by this County as authorized by Article III, Chapter 6, Title 42, Arizona Revised Statutes; and all applicable taxes imposed by this Chapter.

"Commercial Property" is any real property, or portion of such property, used for any purpose other than lodging or lodging space, including structures built for lodging but used otherwise, such as model homes, apartments used as offices, etc.

"Communications Channel" means any line, wire, cable, microwave, radio signal, light beam, telephone, telegraph, or any other electromagnetic means of moving a message.

"Construction Contracting" refers to the activity of a construction contractor.

"Construction Contractor" means a person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation, or other structure, project, development, or improvement to real property, or to do any part thereof. "Construction contractor" includes subcontractors, specialty contractors, prime contractors, and any person receiving consideration for the general supervision and/or coordination of such a construction project except for remediation contracting. This definition shall govern without regard to whether or not the construction contractor is acting in fulfillment of a contract.

"Delivery (of Notice) by the Tax Collector" means "receipt (of notice) by the taxpayer".

"Delivery, Installation, or Other Direct Customer Services" means services or labor, excluding repair labor, provided by a taxpayer to or for his customer at the time of transfer of tangible personal property; provided further that the charge for such labor or service is separately billed to the customer and maintained separately in the taxpayer's books and records.

"Engaging", when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.

"Equivalent Excise Tax" means either:

(1) a Privilege or Use Tax levied by another Arizona municipality upon the transaction in question, and paid either to such Arizona municipality directly or to the vendor; or

(2) an excise tax levied by a political subdivision of a state other than Arizona upon the transaction in question, and paid either to such jurisdiction directly or to the vendor; or

(3) an excise tax levied by a Native American Government organized under the laws of the federal government upon the transaction in question, and paid either to such jurisdiction directly or to the vendor.

"Federal Government" means the United States Government, its departments and agencies; but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

"Food" means any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. Section 42-5106. Under no circumstances shall "food" include alcoholic beverages or tobacco, or food items purchased for use in conversion to any form of alcohol by distillation, fermentation, brewing, or other process. UNDER NO CIRCUMSTANCES SHALL “FOOD” INCLUDE AN EDIBLE PRODUCT, BEVERAGE, OR INGREDIENT INFUSED, MIXED, OR IN ANY WAY COMBINED WITH MEDICAL MARIJUANA OR AN ACTIVE INGREDIENT OF MEDICAL MARIJUANA.

"Hotel" means any public or private hotel, inn, hostelry, tourist home, house, motel, rooming house, apartment house, trailer, or other lodging place within the Town offering lodging, wherein the owner thereof, for compensation, furnishes lodging to any transient, except foster homes, rest homes, sheltered care homes, nursing homes, or primary health care facilities.

"Jet Fuel" means jet fuel as defined in A.R.S. Section 42-5351.

"Job Printing" means the activity of copying or reproducing an article by any means, process, or method. "Job printing" includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

"Lessee" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

"Lessor" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

"Licensing (for Use)" means any agreement between the user ("licensee") and the owner or the owner's agent ("licensor") for the use of the licensor's property whereby the licensor receives consideration, where such agreement does not qualify as a "sale" or "lease" or "rental" agreement.

"Lodging (Lodging Space)" means any room or apartment in a hotel or any other provider of rooms, trailer spaces, or other residential dwelling spaces; or the furnishings or services and accommodations accompanying the use and possession of said dwelling space, including storage or parking space for the property of said tenant.

"Manufactured Buildings" means a manufactured home, mobile home or factory built building, as defined in A.R.S. Section 41-2142.

"Manufacturer" means a person engaged or continuing in the business of fabricating, producing, or manufacturing products, wares, or articles for use from other forms of tangible personal property, imparting to such new forms, qualities, properties, and combinations.

“MEDICAL MARIJUANA” MEANS “MARIJUANA” USED FOR A “MEDICAL USE” AS THOSE TERMS ARE DEFINED IN A.R.S. SECTION 36-2801.

"Mining and Metallurgical Supplies" means all tangible personal property acquired by persons engaged in activities defined in Section 32.25-432 for such use. This definition shall not include:

(1) janitorial equipment and supplies.

(2) office equipment, office furniture, and office supplies.

(3) motor vehicles licensed for use upon the highways of the State.

"Modifier" means a person who reworks, changes, or adds to products, wares, or articles of manufacture.

"Nonprofit Entity" means any entity organized and operated exclusively for charitable purposes, or operated by the Federal Government, the State, or any political subdivision of the State.

"Occupancy (of Real Property)" means any occupancy or use, or any right to occupy or use, real property including any improvements, rights, or interests in such property.

"Out-of-Town Sale" means the sale of tangible personal property and job printing if all of the following occur:

(1) transference of title and possession occur without the Town; and

(2) the stock from which such personal property was taken was not within the corporate limits of the Town; and

(3) the order is received at a permanent business location of the seller located outside the Town; which location is used for the substantial and regular conduct of such business sales activity. In no event shall the place of business of the buyer be determinative of the situs of the receipt of the order.

For the purpose of this definition it does not matter that all other indicia of business occur within the Town, including, but not limited to, accounting, invoicing, payments, centralized purchasing, and supply to out-of-Town storehouses and out-of-Town retail branch outlets from a primary storehouse within the Town.

"Out-of-State Sale" means the sale of tangible personal property and job printing if all of the following occur:

(1) The order is placed from without the State of Arizona; and

(2) the property is delivered to the buyer at a location outside the State; and

(3) the property is purchased for use outside the State.

"Owner-Builder" means an owner or lessor of real property who, by himself or by or through others, constructs or has constructed or reconstructs or has reconstructed any improvement to real property.

"Person" means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the Federal Government, this State, or any political subdivision or agency of this State. For the purposes of this Chapter, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

"Prosthetic" means any of the following tangible personal property if such items are prescribed or recommended by a licensed podiatrist, chiropractor, dentist, physician or surgeon, naturopath, optometrist, osteopathic physician or surgeon, psychologist, hearing aid dispenser, physician assistant, nurse practitioner or veterinarian:

(1) any man-made device for support or replacement of a part of the body, or to increase acuity of one of the senses. Such items include: prescription eyeglasses; contact lenses; hearing aids; artificial limbs or teeth; neck, back, arm, leg, or similar braces.

(2) insulin, insulin syringes, and glucose test strips sold with or without a prescription.

(3) hospital beds, crutches, wheelchairs, similar home health aids, or corrective shoes.

(4) drugs or medicine, including oxygen.

(5) equipment used to generate, monitor, or provide health support systems, such as respiratory equipment, oxygen concentrator, dialysis machine.

(6) durable medical equipment which has a Federal Health Care Financing Administration common procedure code, is designated reimbursable by Medicare, can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of illness or injury and is appropriate for use in the home.

(7) UNDER NO CIRCUMSTANCES SHALL “PROSTHETIC” INCLUDE MEDICAL MARIJUANA REGARDLESS OF WHETHER IT IS SOLD OR DISPENSED PURSUANT TO A PRESCRIPTION, RECOMMENDATION, OR WRITTEN CERTIFICATION BY ANY AUTHORIZED PERSON.

"Qualifying Community Health Center"

(1) means an entity that is recognized as nonprofit under Section 501(c)(3) of the United States Internal Revenue Code, that is a community-based, primary care clinic that has a community-based board of directors and that is either:

(a) the sole provider of primary care in the community.

(b) a nonhospital affiliated clinic that is located in a federally designated medically underserved area in this State.

(2) includes clinics that are being constructed as qualifying community health centers.

"Qualifying Health Care Organization" means an entity that is recognized as nonprofit under Section 501(c) of the United States Internal Revenue Code and that uses, saves or invests at least eighty percent (80%) of all monies that it receives from all sources each year only for health and medical related educational and charitable services, as documented by annual financial audits prepared by an independent certified public accountant, performed according to generally accepted accounting standards and filed annually with the Arizona Department of Revenue. Monies that are used, saved or invested to lease, purchase or construct a facility for health and medical related education and charitable services are included in the eighty percent (80%) requirement.

"Qualifying Hospital" means any of the following:

(1) a licensed hospital which is organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(2) a licensed nursing care institution or a licensed residential care institution or a residential care facility operated in conjunction with a licensed nursing care institution or a licensed kidney dialysis center, which provides medical services, nursing services or health related services and is not used or held for profit.

(3) a hospital, nursing care institution or residential care institution which is operated by the federal government, this State or a political subdivision of this State.

(4) a facility that is under construction and that on completion will be a facility under subdivision (1), (2) or (3) of this paragraph.

"Receipt (of Notice) by the Taxpayer" means the earlier of actual receipt or the first attempted delivery by certified United States mail to the taxpayer's address of record with the Tax Collector.

"Remediation" means those actions that are reasonable, necessary, cost-effective and technically feasible in the event of the release or threat of release of hazardous substances into the environment such that the waters of the State are or may be affected, such actions as may be necessary to monitor, assess and evaluate such release or threat of release, actions of remediation, removal or disposal of hazardous substances or taking such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the waters of the State which may otherwise result from a release or threat of release of a hazardous substance that will or may affect the waters of the State. Remediation activities include the use of biostimulation with indigenous microbes and bioaugmentation using microbes that are nonpathogenic, nonopportunistic and that are naturally occurring. Remediation activities may include community information and participation costs and providing an alternative drinking water supply.

"Rental Equipment" means tangible personal property sold, rented, leased, or licensed to customers to the extent that the item is actually used by the customer for rental, lease, or license to others; provided that:

(1) the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and

(2) the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Rental Supply" means an expendable or nonexpendable repair or replacement part sold to become part of "rental equipment", provided that:

(1) the documentation relating to each purchased item so claimed specifically itemizes to the vendor the actual item of "rental equipment" to which the purchased item is intended to be attached as a repair or replacement part; and

(2) the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and

(3) the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Repairer" means a person who restores or renews products, wares, or articles of manufacture.

"Resides within the Town" means in cases other than individuals, whose legal addresses are determinative of residence, the engaging, continuing, or conducting of regular business activity within the Town.

"Restaurant" means any business activity where articles of food, drink, or condiment are customarily prepared or served to patrons for consumption on or off the premises, also including bars, cocktail lounges, the dining rooms of hotels, and all caterers. For the purposes of this Chapter, a "fast food" business, which includes street vendors and mobile vendors selling in public areas or at entertainment or sports or similar events, who prepares or sells food or drink for consumption on or off the premises is considered a "restaurant", and not a "retailer".

"Retail Sale (Sale at Retail)" means the sale of tangible personal property, except the sale of tangible personal property to a person regularly engaged in the business of selling such property.

"Retailer" means any person engaged or continuing in the business of sales of tangible personal property at retail.

"Sale" means any transfer of title or possession, or both, exchange, barter, conditional or otherwise, in any manner or by any means whatsoever, including consignment transactions and auctions, of property for a consideration. "Sale" includes any transaction whereby the possession of such property is transferred but the seller retains the title as security for the payment of the price. "Sale" also includes the fabrication of tangible personal property for consumers who, in whole or in part, furnish either directly or indirectly the materials used in such fabrication work.

"Solar Daylighting" means a device that is specifically designed to capture and redirect the visible portion of the solar beam, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

"Solar Energy Device" means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means, including wind generator systems that produce electricity. Solar energy systems may also have the capability of storing solar energy for future use. Passive systems shall clearly be designed as a solar energy device, such as a trombe wall, and not merely as a part of a normal structure, such as a window.

"Speculative Builder" means either:

(1) an owner-builder who sells or contracts to sell, at any time, improved real property (as provided in Section 32.25-416) consisting of:

~~A)~~(a) custom, model, or inventory homes, regardless of the stage of completion of such homes; or

~~B)~~(b) improved residential or commercial lots without a structure; or

(2) an owner-builder who sells or contracts to sell improved real property, other than improved real property specified in subsection (1) above:

~~A)~~(a) prior to completion; or

~~B)~~(b) before the expiration of twenty-four (24) months after the improvements of the real property sold are substantially complete.

"Substantially Complete" means the construction contracting or reconstruction contracting:

1. has passed final inspection or its equivalent; or
2. certificate of occupancy or its equivalent has been issued; or
3. is ready for immediate occupancy or use.

"Supplier" means any person who rents, leases, licenses, or makes sales of tangible personal property within the Town, either directly to the consumer or customer or to wholesalers, jobbers, fabricators, manufacturers, modifiers, assemblers, repairers, or those engaged in the business of providing services which involve the use, sale, rental, lease, or license of tangible personal property.

"Tax Collector" means the Mayor or his designee or agent for all purposes under this Chapter.

"Taxpayer" means any person liable for any tax under this Chapter.

"<u>Telecommunication Service</u>" means any service or activity connected with the transmission or relay of sound, visual image, data, information, images, or material over a communications channel or any combination of communications channels.

"<u>Transient</u>" means any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive days.

"<u>Utility Service</u>" means the producing, providing, or furnishing of electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers

Section 2. Section 32.25-415 of the Tax Code of the Town of Chino Valley is amended to read:

Sec. 32.25-415. Construction contracting: construction contractors.

(a) The tax rate shall be at an amount equal to three percent (3%) of the gross income from the business upon every construction contractor engaging or continuing in the business activity of construction contracting within the Town.

(1) However, gross income from construction contracting shall <u>not</u> include charges related to groundwater measuring devices required by A.R.S. Section 45-604.

(2) (Reserved)

(3) gross income from construction contracting shall not include gross income from the sale of manufactured buildings taxable under Section 32.25-427.

(4) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this Section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.

(b) <u>Deductions and exemptions</u>.

(1) Gross income derived from acting as a "subcontractor" shall be exempt from the tax imposed by this Section.

(2) All construction contracting gross income subject to the tax and not deductible herein shall be allowed a deduction of thirty-five percent (35%).

(3) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:

(A) Section 32.25-465, subsections (g) and (p)

(B) Section 32.25-660, subsections (g) and (p)

shall be exempt or deductible, respectively, from the tax imposed by this Section.

(4) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-

producing capital equipment, as defined in Section 32.25-110, that is deducted from the retail classification pursuant to Section 32.25-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:

(A) to be incorporated into real property.

(B) to become so affixed to real property that it becomes part of the real property.

(C) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.

(5) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.

(6) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to Section 32.25-465, subsection (g) shall be exempt from the tax imposed under this Section.

(7) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this State for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.

(8) The gross proceeds of sales or gross income received from a post construction contract to perform post-construction treatment of real property for termite and general pest control, including wood destroying organisms, shall be exempt from tax imposed under this section.

(9) Through December 31, 2009, the gross proceeds of sales or gross income received from a contract for constructing any lake facility development in a commercial enhancement reuse district that is designated pursuant to A.R.S. § 9-499.08 if the contractor maintains the following records in a form satisfactory to the Arizona Department of Revenue and to the Town:

(A) The certificate of qualification of the lake facility development issued by the Town pursuant to A.R.S. § 9-499.08, subsection D.

(B) All state and local transaction privilege tax returns for the period of time during which the contractor received gross proceeds of sales or gross income from a contract to construct a lake facility development in a designated commercial enhancement reuse district, showing the amount exempted from state and local taxation.

(C) Any other information considered to be necessary.

(10) Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer. For the purposes of this paragraph:

(A) the attributable amount shall not exceed the value of the development fees actually imposed.

(B) the attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.

(C) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

(11) For taxable periods beginning from and after July 1, 2008 and ending before January 1, ~~2011~~2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the Town, as applicable, for examination.

(c) "Subcontractor" means a construction contractor performing work for either:

(1) a construction contractor who has provided the subcontractor with a written declaration that he is liable for the tax for the project and has provided the subcontractor his Town Privilege License number.

(2) an owner-builder who has provided the subcontractor with a written declaration that:

(A) the owner-builder is improving the property for sale; and

(B) the owner-builder is liable for the tax for such construction contracting activity; and

(C) the owner-builder has provided the contractor his Town Privilege License number.

(3) a person selling new manufactured buildings who has provided the subcontractor with a written declaration that he is liable for the tax for the site preparation and set-up; and provided the subcontractor his Town Privilege License number.

Subcontractor also includes a construction contractor performing work for another subcontractor as defined above**.**

Section 3. Section 32.25-416 of the Tax Code of the Town of Chino Valley is amended to read:

Sec. 32.25-416. Construction contracting: speculative builders.

(a) The tax shall be equal to three percent (3%) of the gross income from the business activity upon every person engaging or continuing in business as a speculative builder within the Town.

(1) The gross income of a speculative builder considered taxable shall include the total selling price from the sale of improved real property at the time of closing of escrow or transfer of title.

(2) "Improved Real Property" means any real property:

(A) upon which a structure has been constructed; or

(B) where improvements have been made to land containing no structure (such as paving or landscaping); or

(C) which has been reconstructed as provided by Regulation; or

(D) where water, power, and streets have been constructed to the property line.

(3) "Sale of Improved Real Property" includes any form of transaction, whether characterized as a lease or otherwise, which in substance is a transfer of title of, or equitable ownership in, improved real property and includes any lease of the property for a term of thirty (30) years or more (with all options for renewal being included as a part of the term). In the case of multiple unit projects, "sale" refers to the sale of the entire project or to the sale of any individual parcel or unit.

(4) "Partially Improved Residential Real Property", as used in this Section, means any improved real property, as defined in subsection (a)(2) above, being developed for sale to individual homeowners, where the construction of the residence upon such property is not substantially complete at the time of the sale.

(b) Exclusions.

(1) In cases involving reconstruction contracting, the speculative builder may exclude from gross income the prior value allowed for reconstruction contracting in determining his taxable gross income, as provided by Regulation.

(2) Neither the cost nor the fair market value of the land which constitutes part of the improved real property sold may be excluded or deducted from gross income subject to the tax imposed by this Section.

(3) (Reserved)

(4) A speculative builder may exclude gross income from the sale of partially improved residential real property as defined in (a)(4) above to another speculative builder only if all of the following conditions are satisfied:

(A) The speculative builder purchasing the partially improved residential real property has a valid Town privilege license for construction contracting as a speculative builder; and

(B) At the time of the transaction, the purchaser provides the seller with a properly completed written declaration that the purchaser assumes liability for and will pay all privilege taxes which would otherwise be due the Town at the time of sale of the partially improved residential real property; <u>and</u>

(C) The seller also:

(i) maintains proper records of such transactions in a manner similar to the requirements provided in this chapter relating to sales for resale; <u>and</u>

(ii) retains a copy of the written declaration provided by the buyer for the transaction; <u>and</u>

(iii) is properly licensed with the Town as a speculative builder and provides the Town with the written declaration attached to the Town privilege tax return where he claims the exclusion.

(5) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.

(c) Tax liability for speculative builders occurs at close of escrow or transfer of title, whichever occurs earlier, and is subject to the following provisions, relating to exemptions, deductions and tax credits:

(1) <u>Exemptions</u>.

(A) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:

(i) Section 32.25-465, subsections (g) and (p)

(ii) Section 32.25-660, subsections (g) and (p)

shall be exempt or deductible, respectively, from the tax imposed by this Section.

(B) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.

(C) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to Section 32.25-465, subsection (g) shall be exempt from the tax imposed under this section.

(D) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.

(E) any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer shall be exempt from the tax imposed under this section. For the purposes of this paragraph:

(i) the attributable amount shall not exceed the value of the development fees actually imposed.

(ii) the attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.

(iii) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

(2) Deductions.

(A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).

(B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 32.25-110, that is deducted from the retail classification pursuant to Section 32.25-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:

(i) to be incorporated into real property.

(ii) to become so affixed to real property that it becomes part of the real property.

(iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.

(C) For taxable periods beginning from and after July 1, 2008 and ending before January 1, ~~2011~~2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the Town, as applicable, for examination.

(3) Tax credits.

The following tax credits are available to owner-builders or speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:

(A) A tax credit equal to the amount of Town privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.

(B) A tax credit equal to the amount of privilege taxes paid to this Town, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.

(C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported

Section 4. Section 32.25-417 of the Tax Code of the Town of Chino Valley is amended to read:

Sec. 32.25-417. Construction contracting: owner-builders who are not speculative builders.

(a) At the expiration of twenty-four (24) months after improvement to the property is substantially complete, the tax liability for an owner-builder who is not a speculative builder shall be at an amount equal to three percent (3%) of:

(1) the gross income from the activity of construction contracting upon the real property in question which was realized by those construction contractors to whom the owner-builder provided written declaration that they were not responsible for the taxes as prescribed in Subsection 32.25-415(c)(2); and

(2) the purchase of tangible personal property for incorporation into any improvement to real property, computed on the sales price.

(b) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.

(c) The tax liability of this Section is subject to the following provisions, relating to exemptions, deductions and tax credits:

(1) Exemptions.

(A) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:

(i) Section 32.25-465, subsections (g) and (p)

(ii) Section 32.25-660, subsections (g) and (p)

shall be exempt or deductible, respectively, from the tax imposed by this Section.

(B) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.

(C) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to Section 32.25-465, subsection (g) shall be exempt from the tax imposed under this Section.

(D) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.

(E) Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer shall be exempt from the tax imposed under this section. For the purposes of this paragraph:

(i) the attributable amount shall not exceed the value of the development fees actually imposed.

(ii) the attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.

(iii) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

(2) Deductions.

(A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).

(B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 32.25-110, that is deducted from the retail classification pursuant to Section 32.25-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:

(i) to be incorporated into real property.

(ii) to become so affixed to real property that it becomes part of the real property.

(iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.

(C) For taxable periods beginning from and after July 1, 2008 and ending before January 1, ~~2011~~2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the Town, as applicable, for examination.

(3) Tax credits.

The following tax credits are available to owner-builders and speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:

(A) A tax credit equal to the amount of Town privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.

(B) A tax credit equal to the amount of privilege taxes paid to this Town, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.

(C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.

(d) The limitation period for the assessment of taxes imposed by this Section is measured based upon when such liability is reportable, that is, in the reporting period that encompasses the twenty-fifth (25th) month after said unit or project was substantially complete. Interest and penalties, as provided in Section 32.25-540, will be based on reportable date.

(e) (Reserved)

Section 5. Section 32.25-445 of the Tax Code of the Town of Chino Valley is amended to read:

Sec. 32.25-445. Rental, leasing, and licensing for use of real property.

(a) The tax rate shall be at an amount equal to three percent (3%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing or renting real property located within the Town for a consideration, to the tenant in actual possession, or the licensing for use of real property to the final licensee located within the Town for a consideration including any improvements, rights, or interest in such property; provided further that:

(1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.

(2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.

(3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon actual usage, such activity is taxable under Section 32.25-470.

(b) If individual utility meters have been installed for each tenant and the lessor separately charges each single tenant for the exact billing from the utility company, such charges are exempt.

(c) Charges by a qualifying hospital, qualifying community health center or a qualifying health care organization to patients of such facilities for use of rooms or other real property during the course of their treatment by such facilities are exempt.

(d) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services are exempt from the tax imposed by this Section.

(e) (Reserved)

(f) A person who has less than three (3) apartments, houses, trailer spaces, or other lodging spaces rented, leased or licensed or available for rent, lease, or license within the State and no units of commercial property for rent, lease, or license within the State, is not deemed to be in the rental business, and is therefore exempt from the tax imposed by this Section on such income. However, a person who has one (1) or more units of commercial property is subject to the tax imposed by this Section on rental, lease and

license income from all such lodging spaces and commercial units of real estate even though said person may have fewer than three (3) lodging spaces.
(g) (Reserved)
(h) (Reserved)
(i) (Reserved)
(j) Exempt from the tax imposed by this Section is gross income derived from the activities taxable under Section 32.25-444 of this code.
(k) (Reserved)
(l) (Reserved)
(m) (Reserved)
(n) Notwithstanding the provisions of Section 32.25-200(b), the fair market value of one (1) apartment, in an apartment complex provided rent free to an employee of the apartment complex is not subject to the tax imposed by this Section. For an apartment complex with more than fifty (50) units, an additional apartment provided rent free to an employee for every additional fifty (50) units is not subject to the tax imposed by this Section.
(o) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this State or any other state or a political subdivision of this State or of any other state in a privately operated prison, jail or detention facility is exempt from the tax imposed by this Section.
(p) Charges by any hospital, any licensed nursing care institution, or any kidney dialysis facility to patients of such facilities for the use of rooms or other real property during the course of their treatment by such facilities are exempt.
(q) Charges to patients receiving "personal care" or "directed care", by any licensed assisted living facility, licensed assisted living center or licensed assisted living home as defined and licensed pursuant to Chapter 4 Title 36 Arizona Revised Statutes and Title 9 of the Arizona Administrative Code are exempt.
(r) Income received from the rental of any "low-income unit" as established under Section 42 of the Internal Revenue Code, including the low-income housing credit provided by IRC Section 42, to the extent that the collection of tax on rental income causes the "gross rent" defined by IRC Section 42 to exceed the income limitation for the low-income unit is exempt. This exemption also applies to income received from the rental of individual rental units subject to statutory or regulatory "low-income unit" rent restrictions similar to IRC Section 42 to the extent that the collection of tax from the tenant causes the rental receipts to exceed a rent restriction for the low-income unit. This subsection also applies to rent received by a person other than the owner or lessor of the low-income unit, including a broker. This subsection does not apply unless a taxpayer maintains the documentation to support the qualification of a unit as a low-income unit, the "gross rent" limitation for the unit and the rent received from that unit.
(S) THE GROSS PROCEEDS OF SALES OR GROSS INCOME DERIVED FROM A COMMERCIAL LEASE IN WHICH A RECIPROCAL INSURER OR A CORPORATION LEASES REAL PROPERTY TO AN AFFILIATED CORPORATION. FOR THE PURPOSES OF THIS PARAGRAPH:

(1) “AFFILIATED CORPORATION” MEANS A CORPORATION THAT MEETS ONE OF THE FOLLOWING CONDITIONS:

(A) THE CORPORATION OWNS OR CONTROLS AT LEAST EIGHTY PER CENT OF THE LESSOR.
(B) THE CORPORATION IS AT LEAST EIGHTY PER CENT OWNED OR CONTROLLED BY THE LESSOR.
(C) THE CORPORATION IS AT LEAST EIGHTY PER CENT OWNED OR CONTROLLED BY A CORPORATION THAT ALSO OWNS OR CONTROLS AT LEAST EIGHTY PER CENT OF THE LESSOR.
(D) THE CORPORATION IS AT LEAST EIGHTY PER CENT OWNED OR CONTROLLED BY A CORPORATION THAT IS AT LEAST EIGHTY PER CENT OWNED OR CONTROLLED BY A RECIPROCAL INSURER.

(2) FOR THE PURPOSES OF SUBSECTION (1), OWNERSHIP AND CONTROL ARE DETERMINED BY REFERENCE TO THE VOTING SHARES OF A CORPORATION.
(3) "RECIPROCAL INSURER" HAS THE SAME MEANING AS PRESCRIBED IN A.R.S. SECTION 20-762.

Section 6. Section 32.25-595 of the Tax Code of the Town of Chino Valley is amended to read:

Sec. 32.25-595. Collection of taxes when there is succession in and/or cessation of business.

(a) In addition to any remedy provided elsewhere in this Town Code that may apply, the Tax Collector may apply the provisions of subsections (b) through (d) below concerning the collection of taxes when there is succession in and/or cessation of business.
(b) The taxes imposed by this Chapter are a lien on the property of any person subject to this Chapter who sells his business or stock of goods, or quits his business, if the person fails to make a final return and payment of the tax within fifteen (15) days after selling or quitting his business.
(c) Any person who purchases, or who acquires by foreclosure, by sale under trust deed or warranty deed in lieu of foreclosure, or by any other method, improved real property or a portion of improved real property for which the Privilege Tax imposed by this Chapter has not been paid shall be responsible for payment of such tax as a speculative builder or owner builder, as provided in Sections 32.25-416 and 32.25-417.

(1) ANY PERSON WHO IS A CREDITOR OR AN AFFILIATE OF CREDITOR, WHO ACQUIRES IMPROVED REAL PROPERTY DIRECTLY OR INDIRECTLY FROM THE CREDITOR'S DEBTOR BY ANY MEANS SET FORTH IN THIS SUBSECTION, SHALL PAY THE TAX BASED ON THE AMOUNT RECEIVED BY THE CREDITOR OR ITS AFFILIATE IN A SUBSEQUENT SALE OF SUCH IMPROVED REAL PROPERTY TO A PARTY UNRELATED TO THE CREDITOR, REGARDLESS OF WHEN SUCH SUBSEQUENT SALE TAKES PLACE. SUCH TAX SHALL BE DUE IN THE MONTH FOLLOWING THE MONTH IN WHICH THE SALE OF THE IMPROVED REAL PROPERTY BY THE CREDITOR OR ITS AFFILIATE OCCURS. NOTWITHSTANDING THE FOREGOING, IF THE

REAL PROPERTY MEETS THE DEFINITION OF PARTIALLY IMPROVED RESIDENTIAL REAL PROPERTY IN SECTION 32.25-416(A)(4) AND ALL OF THE REQUIREMENTS OF SECTION 32.25-416(B)(4) ARE MET BY THE PARTIES TO THE SUBSEQUENT SALE TRANSACTION, THEN THE TAX SHALL NOT APPLY TO THE SUBSEQUENT SALE.

(2) IN THE EVENT A CREDITOR OR ITS AFFILIATE USES THE ACQUIRED IMPROVED REAL PROPERTY FOR ANY BUSINESS PURPOSE, OTHER THAN OPERATING THE PROPERTY IN THE MANNER IN WHICH IT WAS OPERATED, OR WAS INTENDED TO BE OPERATED, BEFORE THE ACQUISITION OR IN ANY OTHER MANNER UNRELATED TO SELLING THE PROPERTY, THE TAX SHALL BE DUE. THE GROSS INCOME UPON WHICH THE TAX SHALL BE DETERMINED PURSUANT TO SECTIONS 32.25-416 AND 32.25-417 SHALL BE THE FAIR MARKET VALUE OF THE IMPROVED REAL PROPERTY AS OF THE DATE OF ACQUISITION. THE TAX SHALL BE DUE IN THE MONTH FOLLOWING THE MONTH IN WHICH SUCH FIRST BUSINESS USE OCCURS. WHEN APPLICABLE, THE CREDIT BID SHALL BE DEEMED TO BE THE FAIR MARKET VALUE OF THE PROPERTY AS OF THE DATE OF ACQUISITION.

(3) ONCE THE SUBSEQUENT SALE BY THE CREDITOR OR ITS AFFILIATE HAS OCCURRED AND THE CREDITOR OR ITS AFFILIATE HAS PAID THE TAX DUE FROM IT PURSUANT TO THIS SUBSECTION, NEITHER THE CREDITOR NOR ITS AFFILIATE, NOR ANY FUTURE OWNER, SHALL BE LIABLE FOR ANY OUTSTANDING TAX, PENALTIES OR INTEREST THAT MAY CONTINUE TO BE DUE FROM THE DEBTOR BASED ON THE TRANSFER FROM THE DEBTOR TO THE CREDITOR OR ITS AFFILIATE.

(4) IF THE TAX LIABILITY IMPOSED BY EITHER SECTION 32.25-416 OR SECTION 32.25-417 ON THE TRANSFER OF THE IMPROVED REAL PROPERTY TO THE CREDITOR OR ITS AFFILIATE, OR ANY PART THEREOF, IS PAID TO THE TAX COLLECTOR BY THE DEBTOR SUBSEQUENT TO PAYMENT OF THE TAX BY THE CREDITOR OR ITS AFFILIATE, THE AMOUNT SO PAID MAY CONSTITUTE A CREDIT, AS EQUITABLY DETERMINED BY THE TAX COLLECTOR IN GOOD FAITH, AGAINST THE TAX IMPOSED ON THE CREDITOR OR ITS AFFILIATE BY EITHER PARAGRAPH 1 OR PARAGRAPH 2 OF THIS SUBSECTION.

(5) NOTWITHSTANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, IF A CREDITOR OR ITS AFFILIATE IS SUBJECT TO TAX AS DESCRIBED IN PARAGRAPH 1 OR PARAGRAPH 2 OF THIS SUBSECTION AND SUCH CREDITOR OR AFFILIATE HAS NOT PREVIOUSLY BEEN REQUIRED TO BE LICENSED, SUCH CREDITOR OR AFFILIATE SHALL BECOME LICENSED NO LATER THAN THE DATE ON WHICH THE TAX IS DUE.

(d) A person's successors or assignees shall withhold from the purchase money an amount sufficient to cover the taxes required to be paid, and interest or penalties due and payable, until the former owner produces a receipt from the Tax Collector showing that all Town tax has been paid or a certificate stating that no amount is due as then shown by the records of the Tax Collector. The Tax Collector shall respond to a request from the seller for a certificate within fifteen (15) days by either providing the certificate or a written notice stating why the certificate cannot be issued.

(1) If a subsequent audit shows a deficiency arising before the sale of the business, the deficiency is an obligation of the seller and does not constitute a liability against a buyer who has received a certificate from the Tax Collector.

(2) If the purchaser of a business or stock of goods fails to obtain a certificate as provided by this Section, he is personally liable for payment of the amount of taxes required to be paid by the former owner on account of the business so purchased, with interest and penalties accrued by the former owner or assignees.

Section 6. Section 32.25-660 of the Tax Code of the Town of Chino Valley is amended to read:

Sec. 32.25-660. Use tax: exemptions.

The storage or use in this Town of the following tangible personal property is exempt from the Use Tax imposed by this Article:

(a) tangible personal property brought into the Town by an individual who was not a resident of the Town at the time the property was acquired for his own use, if the first actual use of such property was outside the Town, unless such property is used in conducting a business in this Town.

(b) tangible personal property, the value of which does not exceed the amount of one thousand dollars ($1,000) per item, acquired by an individual outside the limits of the Town for his personal use and enjoyment.

(c) charges for delivery, installation, or other customer services, as prescribed by Regulation.

(d) charges for repair services, as prescribed by Regulation.

(e) separately itemized charges for warranty, maintenance, and service contracts.

(f) prosthetics.

(g) income-producing capital equipment.

(h) rental equipment and rental supplies.

(i) mining and metallurgical supplies.

(j) motor vehicle fuel and use fuel which are used upon the highways of this State and upon which a tax has been imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes.

(k) tangible personal property purchased by a construction contractor, but not an owner-builder, when such person holds a valid Privilege License for engaging or continuing in the business of construction contracting, and where the property acquired is incorporated into any structure or improvement to real property in fulfillment of a construction contract.

(l) sales of motor vehicles to nonresidents of this State for use outside this State if the vendor ships or delivers the motor vehicle to a destination outside this State.

(m) tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing,

manufacturing, or publication of newspapers, magazines or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.
(n) rental, leasing, or licensing for use of film, tape, or slides by a theater or other person taxed under Section 32.25-410, or by a radio station, television station, or subscription television system.
(o) food served to patrons for a consideration by any person engaged in a business properly licensed and taxed under Section 32.25-455, but not food consumed by owners, agents, or employees of such business.
(p) tangible personal property acquired by a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property is in fact used in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
(q) food purchased with food stamps provided through the food stamp program established by the Food Stamp Act of 1977 (P.L. 95-113; 91 Stat. 958.7 U.S.C. Section 2011 et seq.) or purchased with food instruments issued under Section 17 of the Child Nutrition Act (P.L. 95-627; 92 Stat. 3603; and P.L. 99-669; Section 4302; 42 United States Code Section 1786).
(r) the following tangible personal property purchased by persons engaging or continuing in the business of farming, ranching, or feeding livestock, poultry or ratites:

(1) seed, fertilizer, fungicides, seed treating chemicals, and other similar chemicals.
(2) feed for livestock, poultry or ratites, including salt, vitamins, and other additives to such feed.
(3) livestock, poultry or ratites purchased or raised for slaughter, but not including livestock purchased or raised for production or use, such as milch cows, breeding bulls, laying hens, riding or work horses.
(4) (Reserved)

(s) groundwater measuring devices required by A.R.S. Section 45-604.
(t) (Reserved)
(u) aircraft acquired for use outside the State, as prescribed by Regulation.
(v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.
(w) (Reserved)
(x) (Reserved)
(y) (Reserved)
(z) (Reserved)
(aa) tangible personal property used in remediation contracting as defined in Section 32.25-100 and Regulation 32.25-100.5.
(bb) materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:

(1) printed or photographic materials.
(2) electronic or digital media materials.

(cc) food, beverages, condiments and accessories used for serving food and beverages by a commercial airline, as defined in A.R.S. § 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
(dd) wireless telecommunication equipment that is held for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 32.25-470.
(ee) (Reserved)
(ff) alternative fuel as defined in A.R.S. § 1-215, by a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. § 49-426 or § 49-480.
(gg) food, beverages, condiments and accessories purchased by or for a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
(hh) personal hygiene items purchased by a person engaged in the business of and subject to tax under Section 32.25-444 of this code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.
(ii) the diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.
(jj) food, beverages, condiments and accessories purchased by or for a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
(kk) sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. § 1-215.
(LL) THE STORAGE, USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY IN THE CITY OR TOWN BY A SCHOOL DISTRICT OR CHARTER SCHOOL.

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 14

[X] Regular Meeting [ ] Special Meeting [ ] Other ____________

MEETING DATE: September 13, 2011 TIME: 6:00 pm

SUBMITTING DEPARTMENT: FINANCE

CONTACT PERSON: VERA SMITH PHONE: 636-2646 x173

[ ] Presentation Only [ ] Report Only [ ] Consent

[X] Action-Presentation [ ] Action [ ] Executive

Estimated Length of Staff Presentation: 5 min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to approve the Financial Report for one month ending July 31, 2011 for fiscal year 2011/2012.

FISCAL IMPACT? No If Yes, Budget Code: ____________ Available: ____________

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Financial Report

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **14**

SITUATION AND ANALYSIS:

RECOMMENDED MOTION:

Move to approve the Financial Report for one month ending July 31, 2011 for fiscal year 2011/2012.

ATTACHMENTS:

Financial Report

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

		Vera J. Smith
Author	Department Head	Finance
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

Town of Chino Valley, Arizona

Financial Report

PRESENTED TO THE TOWN COUNCIL

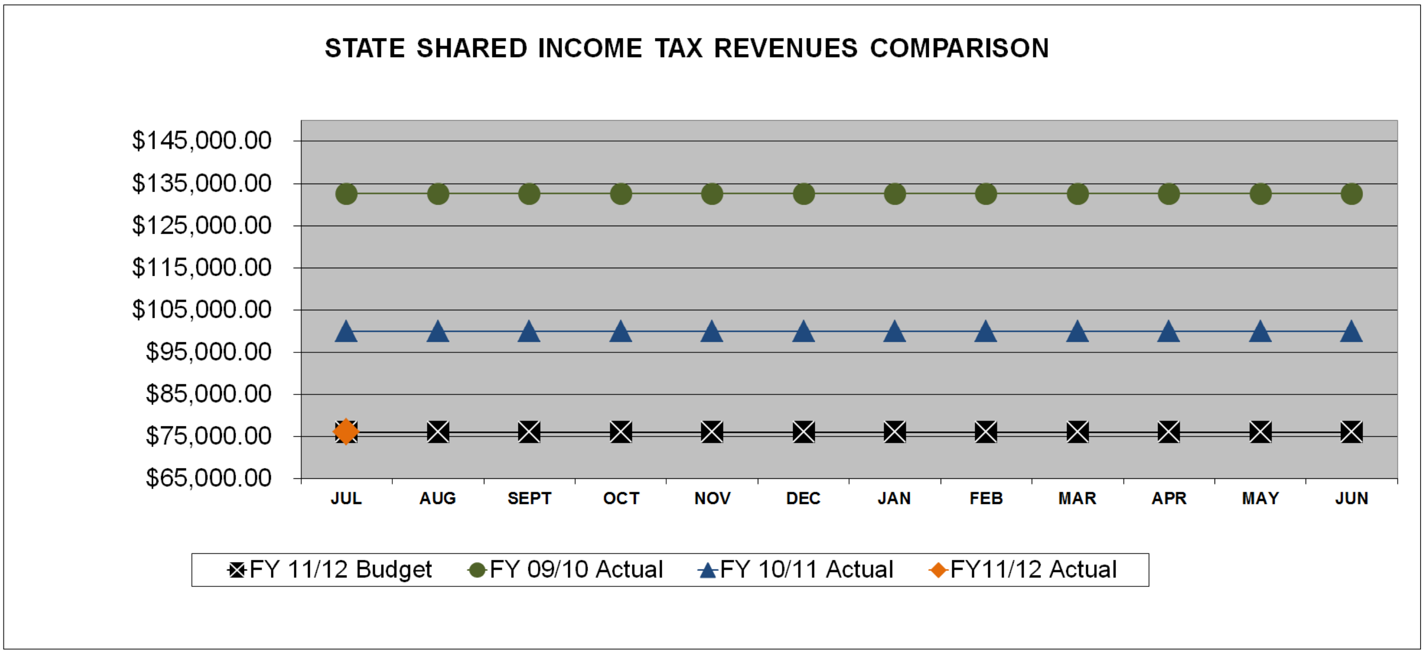
September 13, 2011

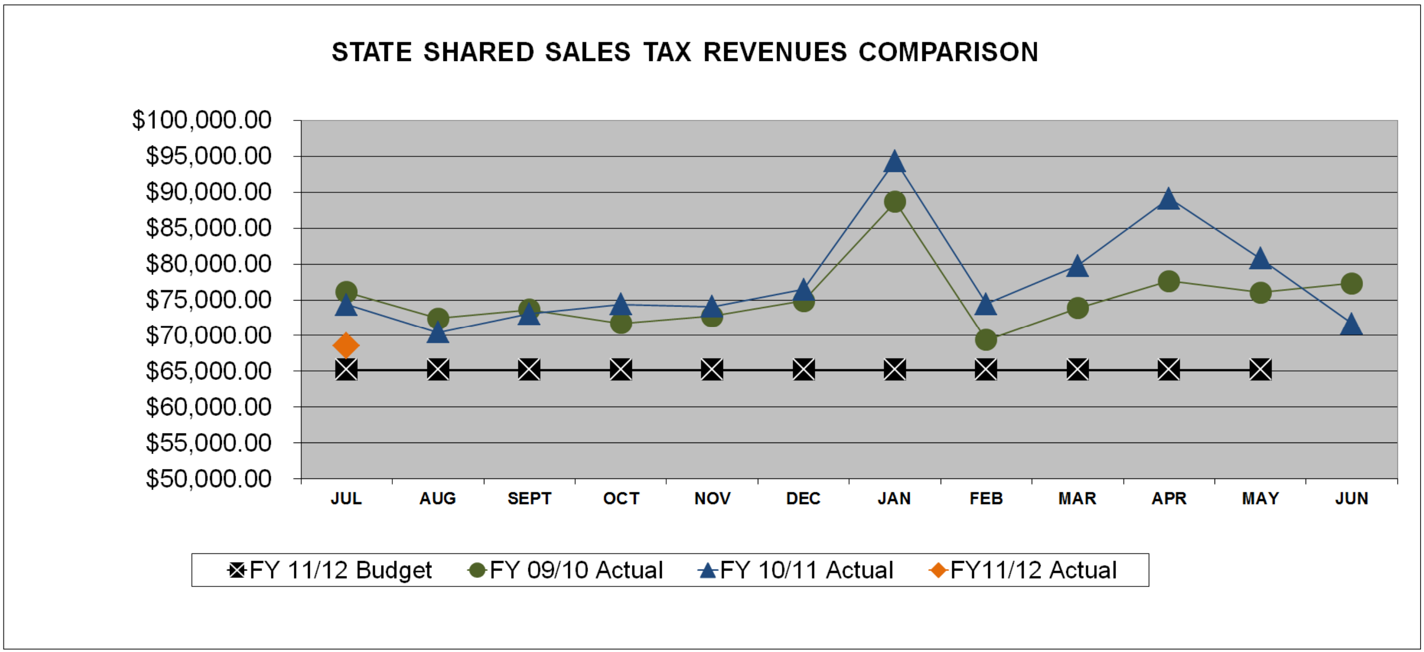
COVERING THE FINANCIAL ACTIVITIES OF THE TOWN GOVERNMENT
FROM JULY 1, 2011 TO JULY 31, 2011 FISCAL YEAR 2011/2012

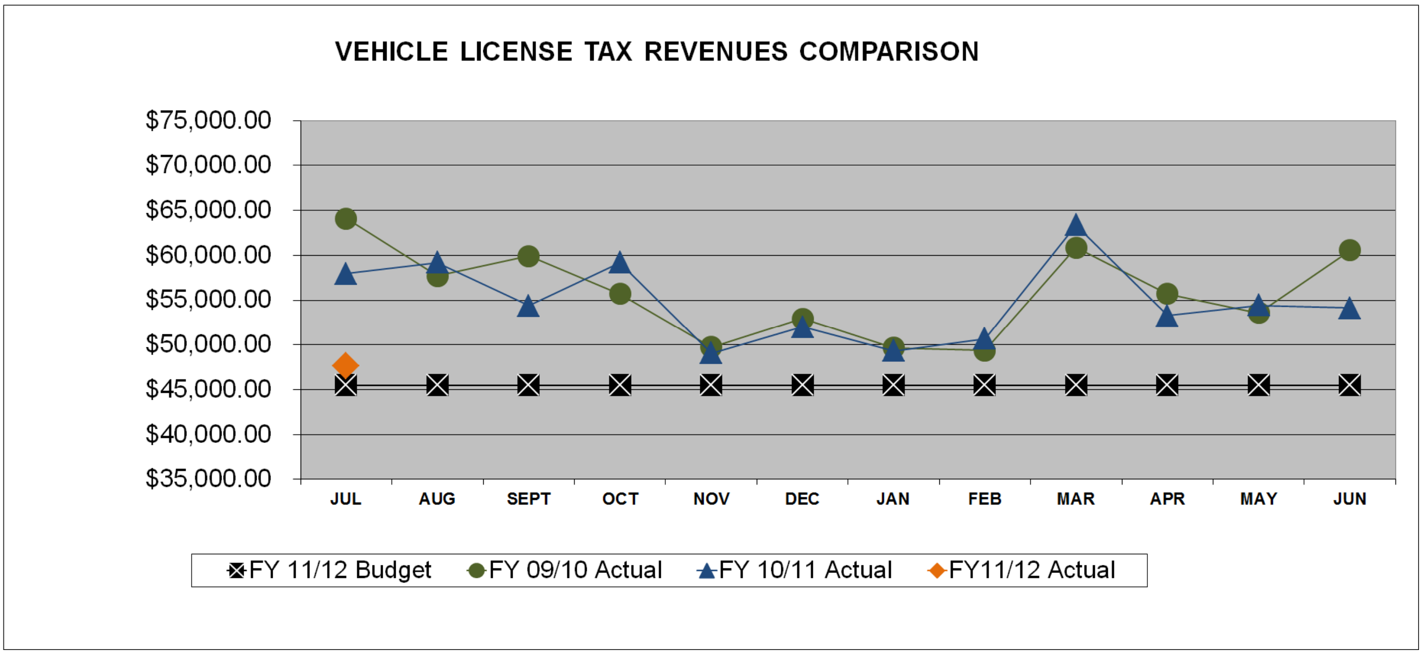
Prepared by the Town of Chino Valley Finance Department

This Financial Report presents the unaudited financial information for the one month ending July 31, 2011.

While General Fund Revenues have exceeded Expenses for July 2011 only 8.33% of the year has occurred. July 2011 State Shared Revenues are slightly above budget, and Town Sales Tax Revenues are above budget. On the expenditure side the majority of departments are under budget with the exception being those departments where higher expenditures occur at the beginning of the fiscal year. Even though the budget is set conservatively we must continue to monitor revenues and expenditures.






VEHICLE LICENSE TAX REVENUES COMPARISON
$75,000.00
$70,000.00
$65,000.00
$60,000.00
$55,000.00
$50,000.00
$45,000.00
$40,000.00
$35,000.00
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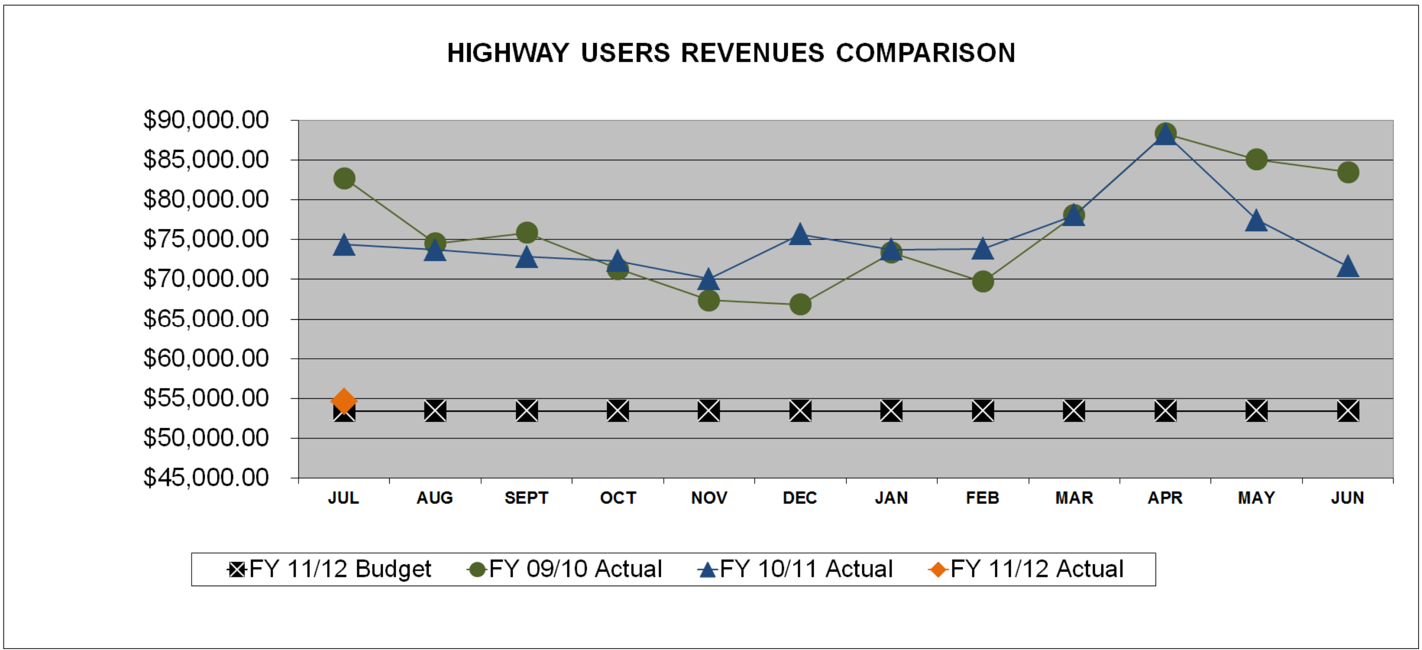
FY 10/11 Actual
FY11/12 Actual


HIGHWAY USERS REVENUES COMPARISON
$90,000.00
$85,000.00
$80,000.00
$75,000.00
$70,000.00
$65,000.00
$60,000.00
$55,000.00
$50,000.00
$45,000.00
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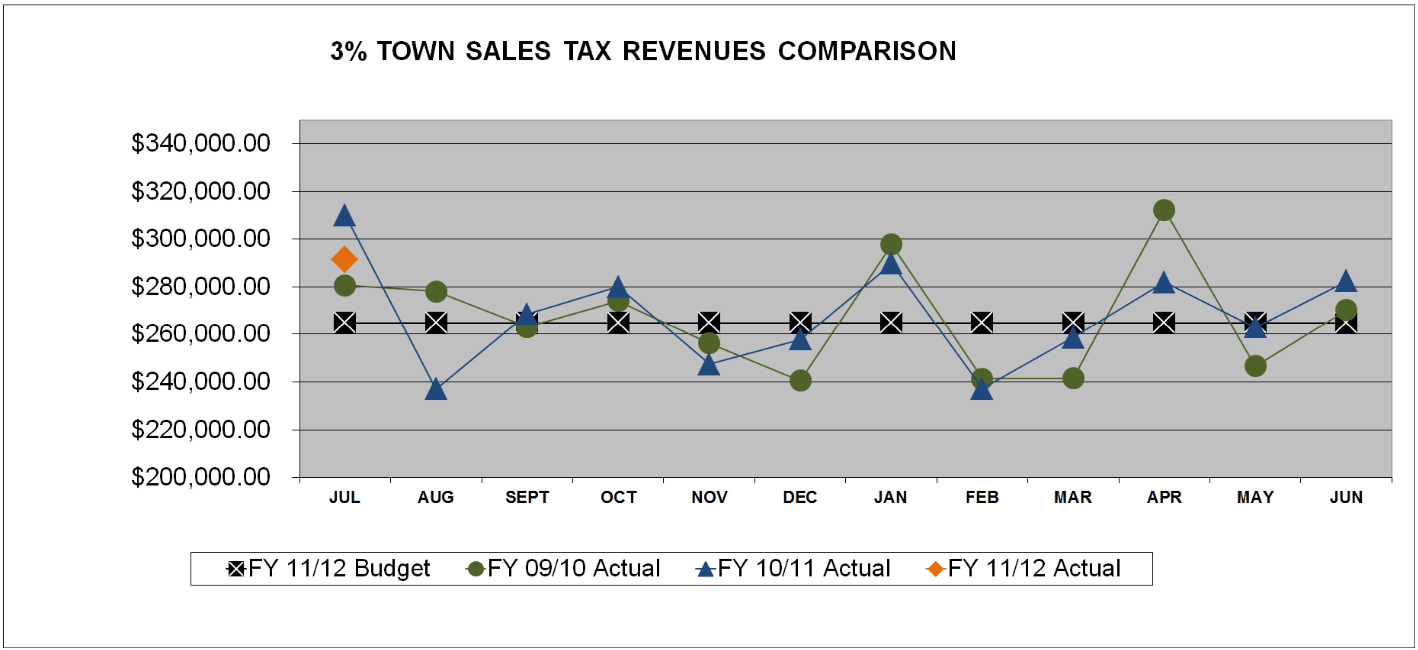
FY 10/11 Actual
FY 11/12 Actual


3% TOWN SALES TAX REVENUES COMPARISON
$340,000.00
$320,000.00
$300,000.00
$280,000.00
$260,000.00
$240,000.00
$220,000.00
$200,000.00
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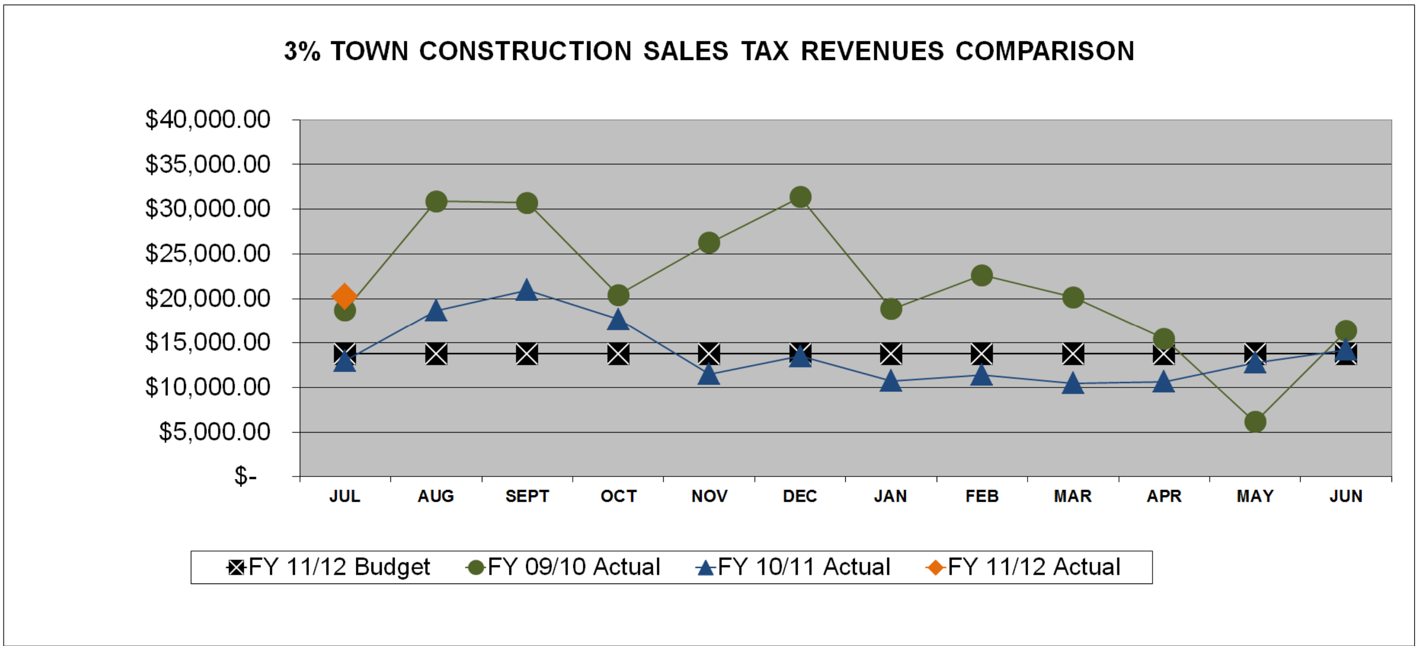
FY 11/12 Actual


3% TOWN CONSTRUCTION SALES TAX REVENUES COMPARISON
$40,000.00
$35,000.00
$30,000.00
$25,000.00
$20,000.00
$15,000.00
$10,000.00
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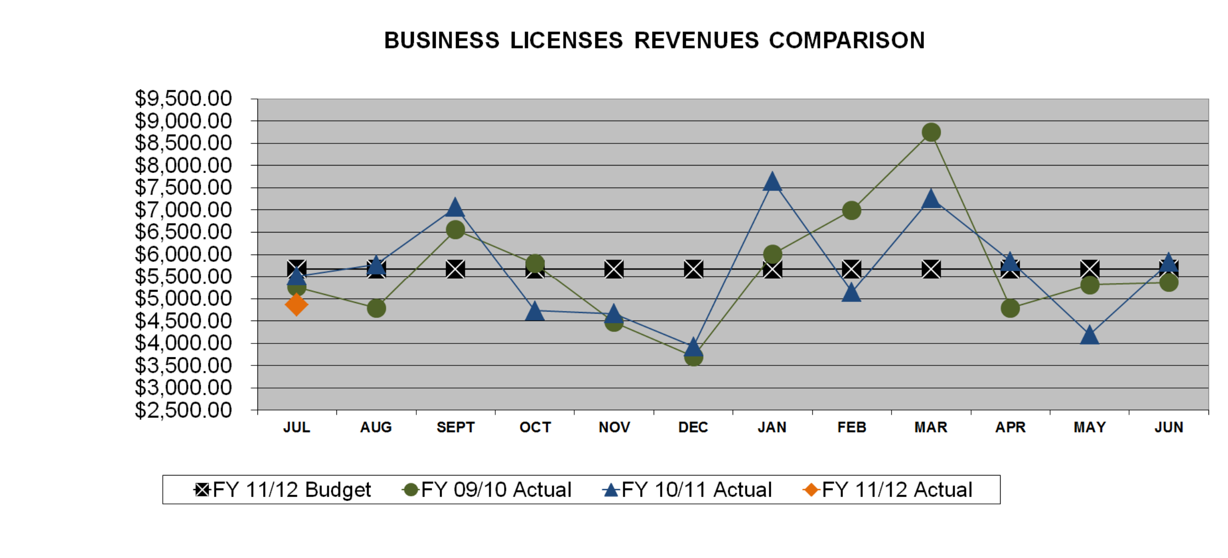
BUSINESS LICENSES REVENUES COMPARISON
$9,500.00
$9,000.00
$8,500.00
$8,000.00
$7,500.00
$7,000.00
$6,500.00
$6,000.00
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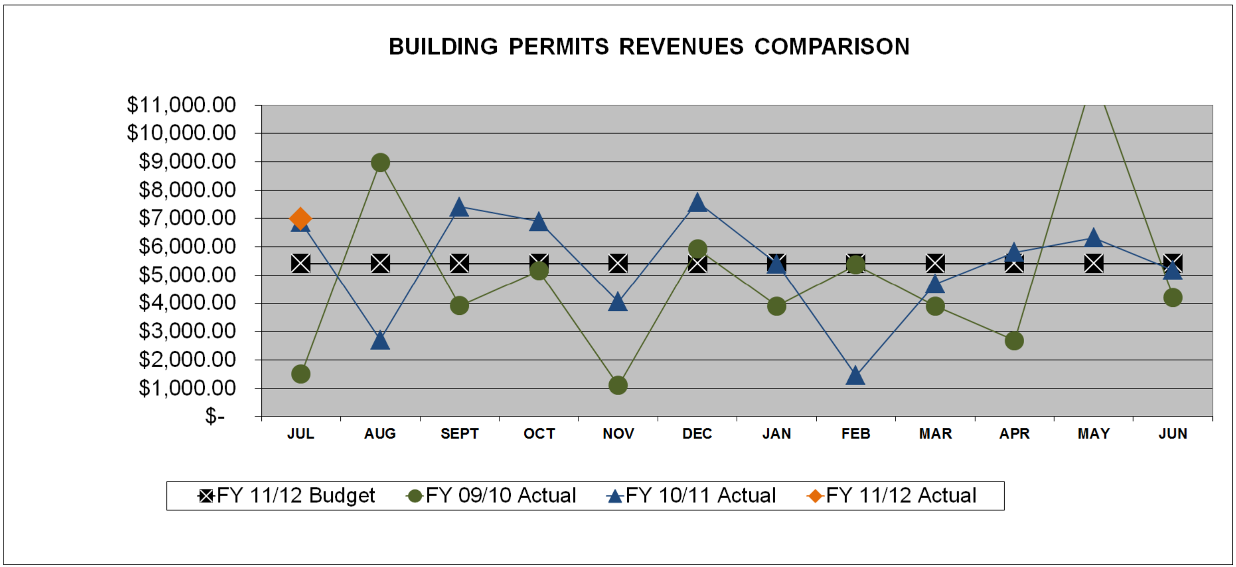
FY 09/10 Actual
FY 10/11 Actual
FY 11/12 Actual


BUILDING PERMITS REVENUES COMPARISON
$11,000.00
$10,000.00
$9,000.00
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$7,000.00
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$5,000.00
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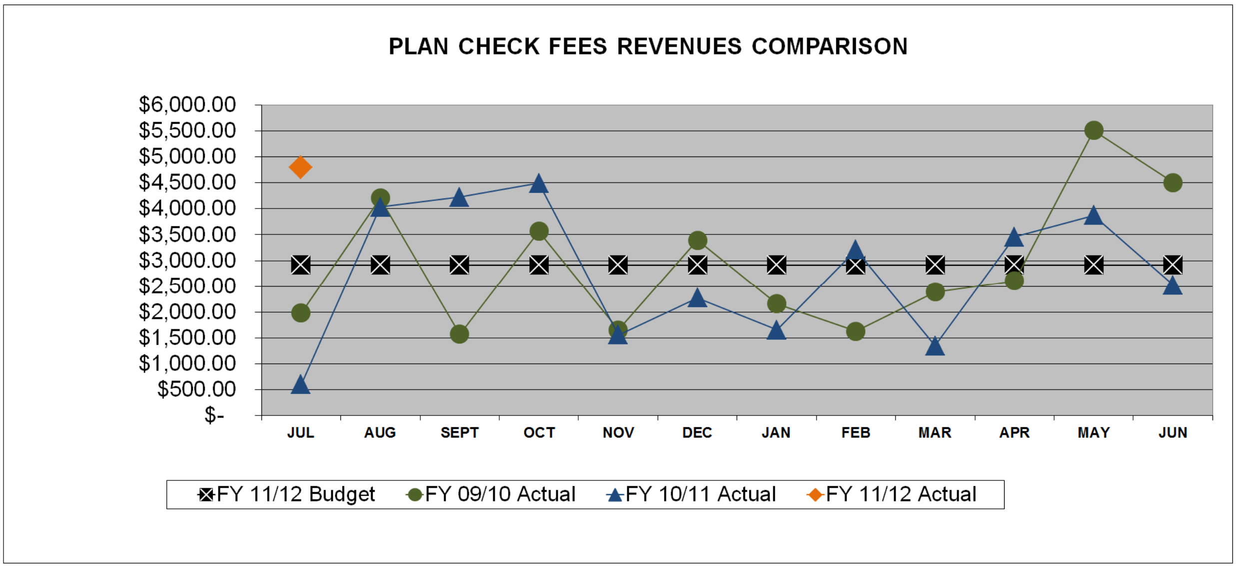
FY 09/10 Actual
FY 10/11 Actual
FY 11/12 Actual


PLAN CHECK FEES REVENUES COMPARISON
$6,000.00
$5,500.00
$5,000.00
$4,500.00
$4,000.00
$3,500.00
$3,000.00
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FY 11/12 Budget
FY 09/10 Actual
FY 10/11 Actual
FY 11/12 Actual

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

GENERAL FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
FRANCHISE TAXES	143,500	.00	.00	.00
TAX REVENUES	2,229,000	9.32	207,750.54	215,350.97
LICENSES & PERMITS REVENUES	179,200	9.71	17,405.63	13,332.94
INTERGOVERNMENTAL REVENUES	2,454,447	8.07	198,070.60	242,638.51
CHARGES FOR SERVICES	128,775	15.48	19,934.03	23,201.49
FINES AND FORFEITURES	182,450	5.15	9,401.63	11,369.87
OTHER REVENUES	9,850	42.40	4,176.38	4,384.00
CONTRIBUTIONS AND DONATIONS	17,500	11.86	2,075.00	.00
INVESTMENT EARNINGS	590	3.24	19.13	37.18
OTHER SOURCES	1,136,097	5.96	67,725.15	52,240.57
TOTAL FUND REVENUES	6,481,409	8.12	526,558.09	562,555.53
EXPENDITURES				
LEGAL SERVICES	105,724	6.99	7,390.02	8,188.94
TOWN CLERK	212,378	4.69	9,966.11	10,715.22
TOWN MANAGER	265,954	6.30	16,746.00	15,736.81
HUMAN RESOURCES	49,941	4.64	2,319.31	6,515.67
MUNICIPAL COURT	274,589	5.45	14,956.02	15,656.00
FINANCE	238,640	6.85	16,348.40	15,243.96
MGMT INFORMATION SYSTEMS	115,926	4.15	4,815.73	6,225.09
GEOGRAPHICAL INFO SYSTEMS	66,455	5.34	3,548.31	3,803.88
MAYOR & COUNCIL	25,996	4.64	1,205.69	3,388.38
PLANNING	200,461	5.72	11,467.61	12,597.85
BUILDING INSPECTION	79,687	5.32	4,237.93	4,722.40
CODE ENFORCEMENT	51,562	5.71	2,942.08	3,126.13
DISPATCH	145,881	6.23	9,095.00	20,961.99
POLICE	2,126,702	5.94	126,301.86	137,306.15
ANIMAL CONTROL	69,399	3.98	2,762.73	3,839.58
RECREATION	71,553	6.31	4,515.70	7,870.84
LIBRARY	268,856	5.27	14,181.65	14,591.59
SENIOR CENTER	145,971	4.82	7,040.85	9,767.05
PARKS MAINTENANCE	347,872	9.48	32,990.63	40,368.87
AQUATICS CENTER	184,956	27.02	49,976.40	26,904.77
PUBLIC WORKS ADMINISTRATION	19,192	5.34	1,024.31	1,110.54
FACILITIES MAINTENANCE	277,126	7.63	21,153.96	9,192.16
FLEET MAINTENANCE	309,897	6.27	19,428.79	19,829.11
ENGINEERING	39,487	3.17	1,250.06	3,073.30
DEBT, CONTINGENCIES,TRANSFERS	787,204	9.26	72,893.49	83,842.64
TOTAL FUND EXPENDITURES	6,481,409	7.07	458,558.64	484,578.92
NET REVENUES OVER EXPENDITURES			67,999.45	77,976.61

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

HIGHWAY USER REVENUE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
RIGHT OF WAY PERMITS	1,500	15.70	235.50	.00
DRIVEWAY PERMITS	250	24.00	60.00	30.00
INTEREST INCOME	11,800	.61	71.61	275.90
HIGHWAY USERS REVENUE	641,023	8.52	54,620.04	74,371.54
COURT FINES -- HURF	500	10.06	50.32	.00
TOTAL REVENUES	655,073	8.40	55,037.47	74,677.44
OTHER SOURCES				
CARRYOVER	89,440	.00	.00	.00
TOTAL OTHER SOURCES	89,440	.00	.00	.00
TOTAL FUND REVENUES	744,513	7.39	55,037.47	74,677.44
EXPENDITURES				
PERSONNEL COSTS	458,658	5.57	25,534.20	25,365.09
OPERATING COSTS	223,625	1.62	3,616.02	15,842.10
CHIPSEALING/ARMORING	0	.00	.00	51,631.91
CONTINGENCIES	17,107	.00	.00	.00
RESERVE FUND	11,281	.00	.00	.00
ON-LINE AUCTION EXPENSES	2,000	3.93	78.58	.00
TFRS TO DEBT SERVICE FUND	31,842	8.33	2,653.49	2,653.49
TOTAL FUND EXPENDITURES	744,513	4.28	31,882.29	95,492.59
NET REVENUES OVER EXPENDITURES			23,155.18	(20,815.15)

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

CDBG GRANTS

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
CDBG GRANTS	371,473	.00	.00	.00
TOTAL REVENUES	371,473	.00	.00	.00
TOTAL FUND REVENUES	371,473	.00	.00	.00
EXPENDITURES				
OPERATING COSTS	23,059	.00	.00	(2.18)
CONSTRUCTION COSTS	348,414	.00	.00	.00
TOTAL FUND EXPENDITURES	371,473	.00	.00	(2.18)
NET REVENUES OVER EXPENDITURES			.00	2.18

TOWN OF CHINO VALLEY FUND SUMMARY -- WATER ENTERPRISE FUND
FOR THE 1 MONTHS ENDING JULY 31, 2011

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
WATER SERVICE FEES	378,000	14.22	53,750.73	53,566.52
WATER SYSTEM BUY-IN FEES	5,000	.00	.00	.00
WTR SERVICE CONNECTION TAP FEE	800	.00	.00	.00
WATER METER FEES	2,000	.00	.00	.00
MISCELLANEOUS REVENUE	4,500	14.86	668.91	620.03
TOTAL REVENUES	390,300	13.94	54,419.64	54,186.55
OTHER SOURCES				
CARRYOVER	194,000	.00	.00	.00
TFRS FROM CAPITAL IMPROV. FUND	399,018	6.24	24,918.00	13,396.00
TOTAL OTHER SOURCES	593,018	4.20	24,918.00	13,396.00
TOTAL FUND REVENUES	983,318	8.07	79,337.64	67,582.55
EXPENDITURES				
WATER UTILITY OPERATIONS				
PERSONNEL COSTS	183,927	7.01	12,898.33	11,613.90
OPERATING COSTS	359,300	2.88	10,340.25	6,515.11
TOTAL WATER UTILITY OPERATIONS	543,227	4.28	23,238.58	18,129.01
WELLS	0	.00	.00	6,967.93
LEASE PURCHASE-CWMHP LOT	4,278	.00	.00	.00
WATER METERS	5,000	.00	.00	236.58
COUNTRY WEST WELL REHAB	45,000	.00	.00	.00
CONTINGENCIES	27,550	.00	.00	.00
RESERVE FUND	27,550	.00	.00	.00
WATER RESOURCES DIVISION				
PERSONNEL COSTS	6,356	6.83	434.22	392.19
OPERATING COSTS	149,225	7.46	11,136.22	35,828.29
TOTAL WATER RESOURCES DIVISION	155,581	7.44	11,570.44	36,220.48
CONTINGENCIES	22,358	.00	.00	.00
RESERVE FUND	22,358	.00	.00	.00
ON-LINE AUCTION EXPENSES	0	.00	994.36	.00
CAMERON PROPERTY OBLIGATIONS	0	.00	.00	4,566.98
2010 BONDS -- INTEREST	30,386	20.07	6,098.86	.00
DE LAGE LANDEN PUBLIC FINANCE	30	39.77	11.93	961.88
RESERVE	100,000	.00	.00	.00

TOWN OF CHINO VALLEY FUND SUMMARY -- WATER ENTERPRISE FUND
FOR THE 1 MONTHS ENDING JULY 31, 2011

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
TOTAL FUND EXPENDITURES	983,318	4.26	41,914.17	67,082.86
NET REVENUES OVER EXPENDITURES			37,423.47	499.69

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

CAPITAL IMPROVEMENT FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
1% TPT REVENUES-RETAIL/OTHER	1,050,000	9.24	97,051.30	102,154.32
1% CONSTRUCTION TPT REVENUES	55,000	12.24	6,732.57	4,330.88
1% BED TAX REVENUES	9,500	.96	91.40	1,190.28
MISC CAPITAL PROJECTS REVENUES	2,000,000	.00	.00	.00
TOTAL REVENUES	3,114,500	3.34	103,875.27	107,675.48
OTHER REVENUES				
MISC POOL CONTRIBUTIONS	400	.00	.00	.00
INTEREST INCOME LGIP	750	6.55	49.10	65.30
INTEREST INCOME -- GADA LGIP	0	.00	.00	213.40
TOTAL OTHER REVENUES	1,150	4.27	49.10	278.70
OTHER SOURCES				
CARRYOVER	65,409	.00	.00	.00
TOTAL OTHER SOURCES	65,409	.00	.00	.00
TOTAL FUND REVENUES	3,181,059	3.27	103,924.37	107,954.18
EXPENDITURES				
MISC CAPITAL PROJECTS	2,000,000	.00	.00	.00
CVUSD ADJACENT WAYS PROJECT	0	.00	.00	37,221.82
EECBG EXPS (SOLAR PANELS PJT)	0	.00	.00	28.57
CTY DRAINAGE MASTER PLAN	0	.00	.00	19,792.20
GADA FINANCED IMPROVEMENTS	0	.00	.00	976.28
TFRS TO GENERAL FUND	516,278	13.12	67,725.15	52,240.57
TFRS TO WATER ENTERPRISE FUND	399,018	6.24	24,918.00	13,396.00
TFRS TO DEBT SERVICE FUND	265,763	26.11	69,398.23	.00
TOTAL FUND EXPENDITURES	3,181,059	5.09	162,041.38	123,655.44
NET REVENUES OVER EXPENDITURES			(58,117.01)	(15,701.26)

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

SEWER ENTERPRISE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
SEWER SERVICE FEES	1,015,000	8.39	85,207.17	82,805.13
SEPTAGE RECOVERY FEES	52,000	5.88	3,055.68	.00
SEWER SYSTEM BUY-IN FEES	36,000	4.53	1,629.71	1,224.89
CHINO MEADOWS SEWER HOOKUPS	90,000	8.47	7,624.37	9,273.38
ANNUAL PERMIT FEE-SEPTAGE	420	.00	.00	.00
MISCELLANEOUS REVENUE	38,500	10.45	4,025.04	3,140.03
EECBG REVENUES (SOLAR PANELS)	250,000	.00	.00	.00
TOTAL REVENUES	1,481,920	6.85	101,541.97	96,443.43
OTHER REVENUES				
INVESTMENT EARNINGS	45,000	6.38	2,869.23	3,105.57
TOTAL OTHER REVENUES	45,000	6.38	2,869.23	3,105.57
OTHER SOURCES				
CARRYOVER	1,163,271	.00	.00	.00
TOTAL OTHER SOURCES	1,163,271	.00	.00	.00
TOTAL FUND REVENUES	2,690,191	3.88	104,411.20	99,549.00
EXPENDITURES				
PERSONNEL COSTS	221,612	5.73	12,705.68	11,404.02
OPERATING COSTS	1,662,171	3.00	49,880.92	11,773.11
EECBG EXPS (SOLAR PANELS PJT)	250,000	.00	.00	.00
WIFA CM LOAN PRINCIPAL	0	.00	.00	278,746.77
WIFA LOAN INTEREST/FEES	160,709	.00	.00	.00
USDA CM LOAN PRINCIPAL	0	.00	.00	7,240.59
USDA CM LOAN INTEREST/FEES	175,257	8.42	14,749.01	15,053.41
CONTINGENCIES	110,221	.00	.00	.00
RESERVE FUND	110,221	.00	.00	.00
TOTAL FUND EXPENDITURES	2,690,191	2.87	77,335.61	324,217.90
NET REVENUES OVER EXPENDITURES			27,075.59	(224,668.90)

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

GRANTS FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
MISC GRANTS- POLICE DEPARTMENT	150,000	.00	.00	.00
PARKS & REC GRANTS	50,000	.00	.00	.00
MISC GRANTS - LIBRARY	25,000	.00	.00	.00
PLANNING GRANT REVENUE	25,000	.00	.00	.00
SEN CNTR SPECIAL GRANTS	25,000	.00	.00	.00
ADOT TRANSPORTATION GRANT REV	55,387	.15	83.00	.00
MISC PUBLIC WORKS GRANTS	25,000	.00	.00	.00
MISC GRANT COURT	25,000	.00	.00	350.00
TOTAL REVENUES	380,387	.02	83.00	350.00
OTHER REVENUES				
INTEREST INCOME	75	3.63	2.72	7.40
TOTAL OTHER REVENUES	75	3.63	2.72	7.40
OTHER SOURCES				
CARRYOVER	117,332	.00	.00	.00
TFRS FROM GENERAL FUND	6,666	.00	.00	.00
TOTAL OTHER SOURCES	123,998	.00	.00	.00
TOTAL FUND REVENUES	504,460	.02	85.72	357.40
EXPENDITURES				
MUNICIPAL JUDGE	25,000	.00	.00	350.00
PLANNING	25,000	.00	.00	.00
POLICE	235,500	4.10	9,655.01	30.35
RECREATION	25,000	.00	.00	.00
LIBRARY	25,000	.00	.00	.00
TRANSIT PGM	88,215	1.65	1,455.43	.00
SR CTR	25,000	.00	.00	.00
PARKS MAINTENANCE	30,745	.00	.00	100.00
PUBLIC WORKS ADMINISTRATION	25,000	.00	.00	.00
TOTAL FUND EXPENDITURES	504,460	2.20	11,110.44	480.35
NET REVENUES OVER EXPENDITURES			(11,024.72)	(122.95)

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

DEBT SERVICE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
TFRS FROM GENERAL FUND	59,528	8.69	5,172.30	7,463.10
TFRS FROM CAPITAL IMPROVEMENTS	265,763	26.11	69,398.23	.00
TFRS FROM IMPACT FEES	0	.00	.00	2,290.80
TFRS FROM HIGHWAY USER FUND	31,842	8.33	2,653.49	2,653.49
TFRS FROM CAPITAL REPLAC FUND	80,000	.00	.00	.00
TOTAL REVENUES	437,133	17.67	77,224.02	12,407.39
TOTAL FUND REVENUES	437,133	17.67	77,224.02	12,407.39
EXPENDITURES				
SUNTRUST LEASING-VEHICLES	0	.00	.00	4,581.60
BANC AMERICA PUBLIC CAPITAL	88,869	8.33	7,405.79	7,405.79
DEBT SVC 2010 BONDS INTEREST	345,763	20.07	69,398.23	.00
FISCAL AGENT FEES	2,501	16.79	420.00	420.00
TOTAL FUND EXPENDITURES	437,133	17.67	77,224.02	12,407.39
NET REVENUES OVER EXPENDITURES			.00	.00

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

SPECIAL REVENUE FUND-COURT

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
FEE REVENUES				
COURT IMPROVEMENT FEES	18,000	5.46	983.59	1,301.88
COURT COLLECTION FEES	10,000	3.64	364.02	1,082.72
INTEREST INCOME	0	.00	.00	14.38
TOTAL FEE REVENUES	28,000	4.81	1,347.61	2,398.98
OTHER REVENUES				
INTEREST INCOME-LGIP	155	2.01	3.11	.00
TOTAL OTHER REVENUES	155	2.01	3.11	.00
FEE REVENUES				
CARRYOVER	80,000	.00	.00	.00
TOTAL FEE REVENUES	80,000	.00	.00	.00
TOTAL FUND REVENUES	108,155	1.25	1,350.72	2,398.98
EXPENDITURES				
PERSONNEL COSTS	0	.00	652.88	.00
OPERATING COSTS	46,077	.00	.00	.00
CAPITAL EXPENDITURES	62,078	4.23	2,625.00	6,366.56
TOTAL FUND EXPENDITURES	108,155	3.03	3,277.88	6,366.56
NET REVENUES OVER EXPENDITURES			(1,927.16)	(3,967.58)

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

CAPITAL ASSET REPLACEMENT FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
TAX REVENUES				
SALES TAX AUDIT REVENUES	39,600	.00	.00	.00
TOTAL TAX REVENUES	39,600	.00	.00	.00
OTHER REVENUES				
AMRRP DIVIDEND	42,386	.00	.00	34,506.00
INTEREST INCOME-LGIP	250	3.67	9.17	22.31
TOTAL OTHER REVENUES	42,636	.02	9.17	34,528.31
TAX REVENUES				
CARRYOVER	76,000	.00	.00	.00
TOTAL TAX REVENUES	76,000	.00	.00	.00
TOTAL FUND REVENUES	158,236	.01	9.17	34,528.31
EXPENDITURES				
OPERATING COSTS	13,200	6.73	888.25	.00
DEBT SERVICE/OTHER	145,036	.00	.00	.00
TOTAL FUND EXPENDITURES	158,236	.56	888.25	.00
NET REVENUES OVER EXPENDITURES			(879.08)	34,528.31

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

POLICE IMPACT FEE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
POLICE IMPACT FEES-RESIDENTIAL	5,454	.00	.00	.00
INTEREST INCOME POOL	180	1.97	3.55	14.86
TOTAL REVENUES	5,634	.06	3.55	14.86
OTHER SOURCES				
CARRYOVER	126,000	.00	.00	.00
TOTAL OTHER SOURCES	126,000	.00	.00	.00
TOTAL FUND REVENUES	131,634	.00	3.55	14.86
EXPENDITURES				
CAPITAL EXPENDITURES	131,634	3.24	4,269.10	.00
DEBT SERVICE/OTHER	0	.00	.00	2,290.80
TOTAL FUND EXPENDITURES	131,634	3.24	4,269.10	2,290.80
NET REVENUES OVER EXPENDITURES			(4,265.55)	(2,275.94)

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

LIBRARY IMPACT FEE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
LIBRARY IMPACT FEES-RESID	2,664	.00	.00	.00
INTEREST INCOME POOL	150	2.17	3.25	12.54
TOTAL REVENUES	2,814	.12	3.25	12.54
REVENUES				
CARRYOVER	125,000	.00	.00	.00
TOTAL REVENUES	125,000	.00	.00	.00
TOTAL FUND REVENUES	127,814	.00	3.25	12.54
EXPENDITURES				
CAPITAL EXPENDITURES	127,814	.00	.00	.00
TOTAL FUND EXPENDITURES	127,814	.00	.00	.00
NET REVENUES OVER EXPENDITURES			3.25	12.54

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

PARKS/REC IMPACT FEE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
PARKS/REC IMPACT FEES-RESID	9,828	.00	.00	.00
INTEREST INCOME POOL	150	2.11	3.17	12.75
TOTAL REVENUES	9,978	.03	3.17	12.75
REVENUES				
CARRYOVER	122,000	.00	.00	.00
TOTAL REVENUES	122,000	.00	.00	.00
TOTAL FUND REVENUES	131,978	.00	3.17	12.75
EXPENDITURES				
CAPITAL EXPENDITURES	131,978	.00	.00	.00
TOTAL FUND EXPENDITURES	131,978	.00	.00	.00
NET REVENUES OVER EXPENDITURES			3.17	12.75

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

GENL GOVT IMPACT FEE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
GENL GOV IMPACT FEES-RESID	2,790	.00	.00	.00
INTEREST INCOME POOL	50	4.04	2.02	21.10
TOTAL REVENUES	2,840	.07	2.02	21.10
REVENUES				
CARRYOVER	40,000	.00	.00	.00
TOTAL REVENUES	40,000	.00	.00	.00
TOTAL FUND REVENUES	42,840	.00	2.02	21.10
EXPENDITURES				
CAPITAL EXPENDITURES	42,840	5.81	2,487.81	5,770.94
TOTAL FUND EXPENDITURES	42,840	5.81	2,487.81	5,770.94
NET REVENUES OVER EXPENDITURES			(2,485.79)	(5,749.84)

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

ROADS IMPACT FEE FUND

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
REVENUES				
ROADS IMPACT FEES-RESIDENTIAL	54,504	.00	.00	.00
INTEREST INCOME POOL	2,500	2.18	54.44	203.47
TOTAL REVENUES	57,004	.10	54.44	203.47
REVENUES				
CARRYOVER	377,996	.00	.00	.00
TOTAL REVENUES	377,996	.00	.00	.00
TOTAL FUND REVENUES	435,000	.01	54.44	203.47
EXPENDITURES				
CAPITAL EXPENDITURES	435,000	1.15	5,000.00	.00
TOTAL FUND EXPENDITURES	435,000	1.15	5,000.00	.00
NET REVENUES OVER EXPENDITURES			(4,945.56)	203.47

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

SPECIAL REVENUE FUND -- PD

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
OTHER REVENUES				
INTEREST INCOME - LGIP	5	1.20	.06	.01
TOTAL OTHER REVENUES	5	1.20	.06	.01
FEE REVENUES				
VEHICLE IMPOUND FEE REVENUE	56,595	1.06	600.00	450.00
TOTAL FEE REVENUES	56,595	1.06	600.00	450.00
TOTAL FUND REVENUES	56,600	1.06	600.06	450.01
EXPENDITURES				
DEBT SERVICE/OTHER	56,600	.00	.00	.00
TOTAL FUND EXPENDITURES	56,600	.00	.00	.00
NET REVENUES OVER EXPENDITURES			600.06	450.01

TOWN OF CHINO VALLEY
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2011

LIGHTING IMPROVEMENT DISTRICTS

	FY 11/12 BUDGET	FY 11/12 %	FY 11/12 YTD ACTUAL	FY 10/11 YTD ACTUAL
SECONDARY PROPERTY TAX REVS				
CVSLID #1 TAX REVENUES	2,031	.00	.00	.00
CVSLID #2 TAX REVENUES	1,050	.00	.00	.00
CVSLID #3A TAX REVENUES	951	.00	.00	.00
TOTAL SECONDARY PROPERTY TAX REVS	4,032	.00	.00	.00
TOTAL FUND REVENUES	4,032	.00	.00	.00
EXPENDITURES				
CVSLID #1 UTILITIES-ELECTRIC	1,862	.00	.00	.00
CVSLID #2 UTILITIES-ELECTRIC	957	.00	.00	.00
CVSLID #3A UTILITIES-ELECTRIC	869	.00	.00	.00
RESERVE	344	.00	.00	.00
TOTAL FUND EXPENDITURES	4,032	.00	.00	.00
NET REVENUES OVER EXPENDITURES			.00	.00

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **15**

[x] Regular Meeting [ ] Special Meeting [ ] Other

MEETING DATE: September 13, 2011 TIME: 6:00 p.m.

SUBMITTING DEPARTMENT: Town Clerk

CONTACT PERSON: Jami Lewis PHONE: 636-2646, ext. 119

[ ] Presentation Only [ ] Report Only [ ] Consent

[ ] Action-Presentation [X] Action [ ] Executive

Estimated Length of Staff Presentation: ______ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to authorize staff to implement one or more of the recommendations listed below, which were set forth in the *Development Services Department* ***Organizational Assessment*** prepared by PW Consulting Services, LLC (Paul Wenbert), dated July 12, 2011, and which require Council approval:

a) **Item 2–Water Resources:** Continue to have Public Works Director serve as Water Resources Director representing the Town with NAMWUA and WAC; and eliminate membership in the Upper Verde River Watershed Protection Coalition. Fiscal Impact: Savings of $26,667 in Water Enterprise Fund budget due to eliminating membership in Upper Verde River Watershed Protection Coalition.

b) **Item 3–Capital Improvements Program:** Fill Public Works Department's part-time Civil Engineer position to assist in implementing CIP projects. Fiscal Impact: Cost of this position is already included in the proposed 2011/2012 budget and is funded by the General Fund, Highway User Revenue Fund (HURF), Water Enterprise Fund, and Sewer Enterprise Fund.

c) **Item 4–Code Enforcement:** Move Code Enforcement from Development Services to Police Department and change title of current Code Enforcement Officer to Utilities/Zoning Technician. Fiscal Impact: Annual cost savings to General Fund of $41,000 which represents 80 percent of Code Enforcement Officer costs that will be transferred to the Sewer Enterprise Fund; annual cost addition to General Fund of

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 15

$17,000 due to restoring half-time Civilian Officer in Police Department; and no additional net cost to Sewer Enterprise Fund.

d) **Item 5–GIS/Webmaster Services:** Have GIS/CAD Technician report to General Services Director; and explore IGA with Yavapai County and/or other municipalities to provide GIS services and explore possibility of contracting with private company for webmaster services.

e) **Item 6–Reorganization/Staffing Levels/Realignment of Duties:** Merge Development Services into Public Works Department thereby eliminating Development Services Director position; reclassify Associate Planner to Community Development Supervisor, Utilities Supervisor to Utilities/Streets Supervisor, Engineering Inspector to Streets Supervisor/Engineering Inspector, Public Works Director to Public Works/Community Development Director, and change title of Senior Building Inspector to Building Official. Fiscal Impact: Reduces General Fund expenses by $84,000 annually by eliminating Development Services Director position. There will likely be some additional costs due to salary increase for some or all of the four aforementioned positions whose responsibilities will increase as a result of this recommendation.

FISCAL IMPACT? Yes If Yes, Budget Code: ______ Available: $ ______

FUNDING:

Positive impact in savings of funds.

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Organizational Assessment

SITUATION AND ANALYSIS:

At the May 5, 2011 Council Meeting, the Town Council approved contracting with PW Consulting Services, LLC to perform an Assessment of the Development Services Department and the potential need for an additional Engineer in the Public Works Department.

On July 26, 2011, Mr. Wenbert presented the recommendations of his report to Council. At that time, Council elected to continue discussion of this item at a future study session.

A study session has been scheduled for September 8, at which time, staff anticipates that Council's discussion will result in some decision(s) for action to be taken on September 13.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **15**

RECOMMENDED MOTIONS:

a) Move to have the Public Works Director serve as Water Resources Director representing Town with NAMWUA and WAC, and eliminate membership in the Upper Verde River Watershed Protection Coalition.

b) Move to fill Public Works Department's part-time Civil Engineer position to assist in implementing CIP projects.

c) Move to move Code Enforcement from Development Services to Police Department and change title of current Code Enforcement Officer to Utilities/Zoning Technician.

d) Move to have GIS/CAD Technician report to General Services Director; and explore IGA with Yavapai County and/or other municipalities to provide GIS services and explore possibility of contracting with private company for webmaster services.

e) Move to merge Development Services into Public Works Department thereby eliminating Development Services Director position; reclassify Associate Planner to Community Development Supervisor, Utilities Supervisor to Utilities/Streets Supervisor, Engineering Inspector to Streets Supervisor/Engineering Inspector, Public Works Director to Public Works/Community Development Director, and change title of Senior Building Inspector to Building Official.

ATTACHMENTS:

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

- PW Consulting Services, LLC, "*Development Services Department Organizational Assessment*," dated July 12, 2011. (See Council agenda packet for September 8, 2011 at http://www.chinoaz.net/clerk/townagenda.shtml)
- See also September 8, 2011 study session agenda packet (http://www.chinoaz.net/clerk/townagenda.shtml)

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. 15

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

	Jami C. Lewis	Vera J. Smith
Author	Department Head	Finance
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **16**

[X] Regular Meeting [ ] Special Meeting [ ] Other ______

MEETING DATE: September 13, 2011 TIME: 6:00 p.m.

SUBMITTING DEPARTMENT: Town Clerk

CONTACT PERSON: Jami C. Lewis PHONE: 636-2646, ext. 119

[ ] Presentation Only [ ] Report Only [ ] Consent

[ ] Action-Presentation [X] Action [ ] Executive

Estimated Length of Staff Presentation: ______ min.

ITEM LOCATION:

PROPOSED AGENDA ITEM:

Consideration and possible action to revise the Council agenda format pursuant to Section 10, Council Rules of Procedure, dated May 13, 2010.

FISCAL IMPACT? ______ If Yes, Budget Code: ______ Available: $ ______

FUNDING:

TYPE OF DOCUMENT(S) FOR CONSIDERATION:

Council agenda form

SITUATION AND ANALYSIS:

Per Section 10 “Meeting Agendas and Preparation” in the Council Rules of Procedure, the agenda format for council meetings shall be in accordance with the most recent format adopted by the Council for the particular meeting(s) in question. Due to some some new legal issues pertaining to public meetings that have come to staff’s attention, a request by the Mayor to

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **16**

modify the agenda form, and the addition of an agenda management program in the Clerk's budget, staff has been researching other municipalities' agenda formats and associated material provided to the public.

Staff reviewed the Open Meeting Laws (ARS 38-431), Arizona Agency Handbook Chapter 7 ("AAH"), agendas and associated forms from 19 other municipalities. Staff compared several elements associated with agenda forms, as well as various notices and statements intended for the public that are or may be incorporated on the agenda form. These elements, notices, and statements, along with the legal authority or recommendation for them, staff findings with the comparison review, and staff's recommendations are listed on the chart below.

	Agenda Element or Notice/Statement	**Authority for Element/ Statement**	**Research findings on 19 municipal agenda forms**	**Staff recommendation for Town agenda form**
1.	Municipal logo	Municipal discretion	Most municipalities include logo	ADD Town logo
2.	Meeting Notice	Required per ARS 38-431.02	Most used more simplified language than the Town's more formal language	CHANGE: simplify heading language
3.	Rules for the public (turning off cell phones, civil decorum, etc.)	Partially provided in Council Rules of Procedure, Section 13	Only a few include any statements on the agenda, none to the extent of the Town's; and several placed it on a separate information sheet provided at meetings or attached to the agenda	CHANGE: Remove "Rules for Addressing the Council" from agenda form; ADD on separate information sheet, and ADD 2 new rules per current practices
4.	Council members attending meetings by conference phone, video-conferencing, etc.	Allowed per ARS 38-431(4)	Only a few include statement	CHANGE: Remove from agenda form and ADD to information sheet per 3 above
5.	Parents consenting to have their children videotaped in meetings	Provided in ARS 1-602(A)(9) "Parents' Bill of Rights"	Only a few include statement	ADD to information sheet per 3 above
6.	Call to the Public	Allowed per ARS 38-431.01(H)	Most include	CHANGE language to follow the AAH to make it

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **16**

				more simple and succinct; and CHANGE number to 3a)
7.	Response to the Public	Requested by Mayor Marley	None include this, but the law should not preclude its use as long as it remains informational only	ADD new element, numbered as 3b)
8	Mayor/Council/ Manager Report	Allowed per ARS 38-431.02(K)	All include, but with differing titles	CHANGE: rename to “Current Event Summaries and Reports” to reflect ARS
9.	Consent Agenda	Allowed per AAH 7.7.5	All include	CHANGE language to reflect AAH and simplify “Staff Recommended Motion” to “Recommended Action”
10.	Action Items		All include	CHANGE: simplify “Staff Recommended Motion” to “Recommended Action”
11.	The agenda item author’s name with the item language	Recommended by Town Manager	A little less than half included	ADD name of resource person authoring applicable items
12.	Council going into executive session on any agenda item for legal advice	Attorny General Opinion 190-19 per ARS 38-431.03(A)(3)	Most included the option	ADD new heading and statement
13.	Location(s) where packet materials are available (Town Clerk's Office, website, etc.)	Recommended per AAH	Half included	NO CHANGE to agenda form; ADD to information sheet per 3 above
14.	Requests for ADA accommodations	Recommended by ADA (42 USC 12101-12213)	Half included	NO CHANGE to agenda form; ADD to information sheet per 3 above

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Item No. **16**

15.	Certificate of posting	Recommended by AAH 7.6.9 to keep posting record	A little less than half included	ADD certificate to agenda for ease of record-keeping

RECOMMENDED MOTION:

To be determined per Council discussion.

ATTACHMENTS:

A – Current Town agenda format, with proposed changes
B – Sample of proposed new Town agenda format
C – Sample agenda information sheet (with changes to Rules in red)

PERTINENT DOCUMENTS AVAILABLE UPON REQUEST:

SIGNATURES OF SUBMITTING AND/OR AFFECTED OFFICERS:

	Jami C. Lewis	Vera J. Smith
Author	Department Head	Finance
		Sharon Sargent-Flack
Other:	Other:	Legal
		Michael K. Scannell
Other:	Other:	Town Manager/Designee

ATTACHMENT "A"

Current Town Agenda Format, with Proposed Changes

Logo

Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING	**Council Chambers**
TUESDAY, AUGUST 23, 2011	**202 N. State Route 89**
6:00 P.M.	**Chino Valley, Arizona**

~~NOTICE OF THE REGULAR AND POSSIBLE EXECUTIVE SESSION OF THE CHINO VALLEY TOWN COUNCIL~~

~~DATE, 2011~~
~~6:00 P.M.~~

~~Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Chino Valley Town Council and to the general public that the Chino Valley Town Council will hold a Regular Meeting open to the public on~~ **~~Tuesday, DATE, 2011~~** ~~at~~ **~~6:00 p.m.~~** ~~in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona. Members of the Town Council will attend either in person or by telephone conference call. As indicated in the agenda, the Chino Valley Town Council may vote to go into Executive Session, which will not be open to the public, to discuss certain matters.~~

~~RULES FOR ADDRESSING THE COUNCIL – AMENDED MAY 13, 2010~~

~~It is the Council's desire to hear public comment on agenda items.~~ ~~Because it is important to maintain order during the meeting, please adhere to the following rules of order if you wish to speak:~~

1) ~~Members of the public wishing to speak must be first recognized by the Chairman.~~
2) ~~Please state your name and whether or not you are a Town resident in an audible tone for the record.~~
3) ~~TIME LIMIT: 3 MINUTES PER PERSON.~~
4) ~~Remarks shall be limited to the agenda item under consideration.~~
5) ~~All remarks shall be directed to the Mayor and to any or all members of the Council.~~
6) ~~A person wishing to make a presentation that exceeds the three-minute time limit should make such a request of the Town Clerk prior to the meeting.~~
7) ~~Members of the public are expected to observe rules of propriety and decorum.~~
8) ~~Speakers shall not discuss employee performance, employee evaluations, or employee health, family or personal matters.~~

~~The **Agenda** for the meeting is as follows:~~

AGENDA

1) Call to Order, Invocation; Pledge of Allegiance; Roll Call.

2) Introductions, Presentations and Proclamations

3) Call to the Public

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.~~At the conclusion of an open call to the public, individual members of the Council may respond to those who have addressed the Council, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take legal action on matters raised during an open Call to the Public unless the matters are properly noticed for discussion and legal action.~~

~~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.~~

3b) 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.

4) CURRENT EVENT SUMMARIES AND REPORTS~~Mayor/Council/Manager Report~~

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 ~~Town~~ Council will be made and questions answered. No action will be taken.

Consent Agenda

All those items listed below are considered to be routine and may be enacted by one motion~~ and approved as consent agenda items~~. Any Councilmember may request to remove an item ~~may be removed~~ from the consent agenda ~~and~~ to be considered and discussed separately~~ if a member of the Council so requests~~.

#)

~~**Staff**~~ **Recommended action~~motion~~:** ~~Move to~~ Accept Consent Agenda items #.

Action Items

#)

Staff recommended motion: Move to

EXECUTIVE SESSION

Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).

#) **Adjournment.**

Dated this _____ day of ______, 2011.

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 636-1787 (TDD) 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 OF NOTICE

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

Date: ______________________ Time: ______________ By: __________________________________
Jami C. Lewis, Town Clerk

ATTACHMENT “B”

Sample of Proposed New Town Agenda Format

Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
TUESDAY, AUGUST 23, 2011
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

2a) Proclamation by the Chino Valley Elks declaring September 5-11, 2011 National Patriotism Week.

3a) 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, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

3b) 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.

4) 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.

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.

5) **Consideration and possible action to waive Park Rental Fees of $90.00 for Memory Park rental on September 16, 17, and 18, 2011 for a Geocaching event planned around Arizona's Centennial Theme, and in conjunction with the County's Centennial celebration**.

(Cecilia Watts, General Services Director)

Recommended Action: Accept Consent Agenda item 5.

ACTION ITEMS

6) **Consideration and possible action regarding the Town of Chino Valley Transit program.** (Vera Smith, Finance Director)

Recommended Action: To be determined per Town Council discussion.

7) ***Continued from August 9, 2011:*** **Consideration and possible action to authorize the Police Department to expend approximately $11,500 to expand the current fenced impound yard at the Police Department to accommodate additional vehicles impounded under A.R.S.§ 28-3511.**

(Chuck Wynn, Police Commander)

Recommended Action: To be determined per Town Council discussion.

EXECUTIVE SESSION

Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).

8) **Council may vote to hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) to obtain legal advice and consider its position and instruct its attorneys regarding issues on water transportation/pipeline taxes due to the Town from the City of Prescott and negotiations to settle issues regarding the same.**

9) **ADJOURNMENT**

Dated this 18th day of August, 2011.

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 636-1787 (TDD) 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 OF NOTICE

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

Date: ____________ Time: ________ By: ____________________

Jami C. Lewis, Town Clerk

ATTACHMENT “C”

Sample Agenda Information Sheet (with changes to Rules in red)

Town of Chino Valley
COUNCIL MEETING PUBLIC INFORMATION

Chino Valley Council Meetings

REGULAR MEETINGS are held on the second and fourth Tuesdays of each month at 6:00 p.m. Unless otherwise noted, all Council meetings are held in the Town Council Chambers, located at 202 N. State Route 89.

SPECIAL MEETINGS may be called as needed for Council to consider, discuss, and possibly take action on an item or items that need immediate attention or that may not be as appropriate to have on a regular meeting agenda (i.e. anticipated lengthy presentation and discussion; interviews for a Council-appointed position, etc.).

STUDY SESSIONS are scheduled on the first and third Thursdays of each month, if needed. They are public meetings, at which no formal vote is taken. Their primary purpose is for the exchange of information between Council, staff and/or designated persons and detailed discussion of specific topics. Members of the public may be permitted to speak and/or discuss an agenda item with the Mayor's permission or at a Councilmember's request.

EXECUTIVE SESSIONS are closed meetings not open to the public that are held for the purpose of discussing certain limited matters with regard to legal, real estate, and personnel issues as defined in A.R.S. § 38-431.03. Council takes no formal action at these sessions. Any formal action resulting from an executive session must be taken during a regular or special meeting open to the public. As indicated on the Council agenda, the Council may vote to go into executive session for legal advice and discussion with the Town's attorneys on any agenda item pursuant to A.R.S. § 38-431.03(A)(3). Any executive session held for purposes other than legal advice will be specified on the agenda.

PLEASE TURN OFF ALL SOUND DEVICES (SUCH AS CELL PHONES AND COMPUTERS) DURING THE MEETING.

QUORUM: Pursuant to A.R.S. § 38-431(4), members of the Town Council will attend either in person or by telephone conference call.

SUPPORTING DOCUMENTATION and staff reports furnished to the Council with meeting agendas 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.

VIDEOTAPING: Council meetings are videotaped and may be viewed on the Town website at http://www.chinoaz.net/ gov tv/ index.shtml. *NOTICE TO PARENTS:* Pursuant to A.R.S. § 1-602.A.9, "Parents' bill of rights," parents and legal guardians have the right to consent before the Town of Chino Valley makes a video or audio recording of a minor child. If you permit your child to participate in a Council Meeting while a recording is being made, it is with the understanding that you have waived your rights pursuant to this statute. You may exercise your right to not consent by ensuring your child is not present when a recording is made or by submitting your request to the Town Clerk that your child be seated in a designated area to avoid recording. Please submit your request to the Town Clerk at (928) 636-2646.

ADA ACCOMMODATION: The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 636-1787 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Public Participation

CALL TO THE PUBLIC, item 3 on the regular meeting agenda, is an opportunity for citizens to address the Council about items that are *not* on the agenda. Citizens may also address the Council on items that *are* on the agenda. Public participation rules pursuant to the Council Rules of Procedure are as follows:

GENERAL RULES: It is the Council's desire to hear public comment on regular and special meeting agenda items. Because it is important to maintain order during the meeting, members of the public are expected to observe the same rules of propriety and decorum applicable to members of the Council. Personal, impertinent or slanderous remarks are not acceptable. Persons not conducting themselves in an acceptable manner will be warned by the chairperson.

- Persons addressing the Council will first state their name and will indicate whether or not they are a resident of Chino Valley.
- Persons who wish to address the Council concerning items on the agenda may be heard following the staff report and must first be recognized by the chairperson.
- The person representing citizen groups shall so identify himself and the name of the group or the number of persons he represents.
- Cumulative or redundant speeches to the Council may be terminated by the chairperson or at the request of a council member.
- Members of the public shall limit their remarks to the agenda item under consideration.
- If you have material to hand out, please give it to the recording clerk for distribution to the Council and staff. Ten copies of each document are needed to ensure a sufficient number of handouts.
- Political campaigning is prohibited.

RULES FOR ADDRESSING THE COUNCIL:

- Members of the public wishing to speak must be first recognized by the Chairman.
- Please state your name and whether or not you are a Town resident in an audible tone for the record.
- TIME LIMIT: 3 MINUTES PER PERSON.
- Remarks shall be limited to the agenda item under consideration.
- All remarks shall be directed to the Mayor and to any or all members of the Council.
- A person wishing to make a presentation that exceeds the three-minute time limit should make such a request of the Town Clerk prior to the meeting.
- Members of the public are expected to observe rules of propriety and decorum.
- Speakers shall not discuss employee performance, employee evaluations, or employee health, family or personal matters.