1. Town Council - Agenda

   Documents: 2016_01_12_CC_RG_AG.PDF

2. Town Council - Agenda Packet

   Documents: 2016_01_12_CC_RG_PK.PDF

Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
Tuesday, January 12, 2016
6:00 P.M.

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

AGENDA

1. CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a. Presentation of Leadership Award for Mr. Scott Bruner, Chino Valley's Library Director. (Cecilia Grittman, Assistant Town Manager)

3. CALL TO THE PUBLIC

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

4. RESPONSE TO THE PUBLIC

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

a. Comments regarding the Mayor's birth certificate.

b. Comments regarding invocation language possibly being offensive to non-Christians.

5. CURRENT EVENT SUMMARIES AND REPORTS

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

a. Status reports by Mayor and Council regarding current events.

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

c. Status report regarding the disposition of land in Old Home Manor Industrial Park. (Ruth Mayday, Development Services Director)

d. Status report regarding UDO amendments to provide relief to agri-businesses from certain development standards. (Ruth Mayday, Development Services Director)

6. CONSENT AGENDA

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

a. Consideration and possible action to approve intergovernmental agreement (IGA) template for other municipalities, county or other political subdivisions of the State of Arizona to use of the Chino Valley Shooting Facility Law Enforcement Range. (Chuck Wynn, Police Chief)

b. Consideration and possible action to approve Financial Report for the five months ending November 30, 2015. (Joe Duffy, Finance Director)

c. Consideration and possible action to accept the December 8, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)

d. Consideration and possible action to accept the December 10, 2015 study session minutes. (Jami Lewis, Town Clerk)

7. ACTION ITEMS

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

a. Consideration and possible action to adopt Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds. (James Gardner, Associate Planner)

Recommended Action: Approve Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds.

b. Consideration and possible action to accept changes to the Senior Center Advisory Board by-laws. (Cecilia Grittman, Assistant Town Manager)

Recommended Action: Adopt Resolution No. 16-1073, repealing Resolution 555 and adopting amended Senior Center Advisory Board by-laws incorporated within this resolution.

c. Consideration and possible action to adopt Ordinance No. 16-807, amending the Town Code, Title III Administration, Chapter 37 Elections, by amending § 37.021 Election of Mayor or Councilmember at Primary Election, to bring this section into alignment with recent amendments to Arizona Revised Statutes § 9-821.01. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Ordinance No. 16-807, amending § 37.021 Election of Mayor or Councilmember at Primary Election.

d. Consideration and possible action to change the Council's study session schedule and select a date for the next ensuing study session. (Mayor Marley, Vice-Mayor Croft)

Recommended Action: Direct staff to amend the Council's study session schedule and schedule the next study session per discussion.

8. EXECUTIVE SESSION

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

a. Recess into and hold an executive session pursuant to A.R.S. § 38?431.03(A)(1) for discussions or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Town Attorney. (Mayor Marley, Vice-Mayor Croft)

9. ACTION ITEMS RESUMED

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

a. Consideration and possible action to approve the assignment of the Contract for Legal Services with Curtis Goodwin Sullivan Udall and Schwab, PLC for Town Attorney services to Gust Rosenfeld, PLC. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve the assignment.

10. ADJOURNMENT

Dated this 7th day of January, 2016.

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

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

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

CERTIFICATION OF POSTING

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

Date:_____ Time:_____ By:_____

Jami C. Lewis, Town Clerk

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Recommended Action: Approve Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds.

b. Consideration and possible action to accept changes to the Senior Center Advisory Board by-laws. (Cecilia Grittman, Assistant Town Manager)

Recommended Action: Adopt Resolution No. 16-1073, repealing Resolution 555 and adopting amended Senior Center Advisory Board by-laws incorporated within this resolution.

c. Status report and discussion regarding the disposition of land in Old Home Manor Industrial Park. (Ruth Mayday, Development Services Director)

Recommended Action: N/A

d. Status report and discussion regarding UDO amendments to provide relief to agri-businesses from certain development standards. (Ruth Mayday, Development Services Director)

Recommended Action: N/A

e. Consideration and possible action to adopt Ordinance No. 16-807, amending the Town Code, Title III Administration, Chapter 37 Elections, by amending § 37.021 Election of Mayor or Councilmember at Primary Election, to bring this section into alignment with recent amendments to Arizona Revised Statutes § 9-821.01. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Ordinance No. 16-807, amending § 37.021 Election of Mayor or Councilmember at Primary Election.

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Recommended Action: Approve the assignment.

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Date:_____ Time:_____ By:_____

Jami C. Lewis, Town Clerk

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 2. a.**

Meeting Date:	01/12/2016
Contact Person:	Cecilia Grittman, Assistant Town Manager Phone: 928-636-2646 x-1202
Department:	General Services
Estimated length of Staff Presentation:	5 minutes
Physical location of item:	N/A

AGENDA ITEM TITLE:

Presentation of Leadership Award for Mr. Scott Bruner, Chino Valley's Library Director. (Cecilia Grittman, Assistant Town Manager)

SITUATION & ANALYSIS:

On November 20, 2015, State Representative Karen Fann presented Chino Valley Library Director, Scott Bruner, with the Arizona Library Leadership Award. The award was presented at the Arizona Library Association's Annual Conference in Flagstaff, Arizona. Over 65 people from the Chino Valley area were present to witness Mr. Bruner receive his award.

Mr. Scott Bruner earned his Master's in Library Science from the University of Arizona and has been the Library Director for Chino Valley for 16 years. He has doubled the size of the Library, remodeled the Library, and tripled circulation. He took the Library from physical card catalogs to online computers, the internet, and RFID scanning. He was the first to hire a Children's Librarian. He added the first Children's Room, Young Adult area, Children's Computer Room, Community Conference Room and Community Room.

The Library's free programs and services to the community have flourished under Scott's direction and are too numerous to mention. In addition, Scott built a public park next to the Library and named it after his predecessor. The Library is one of the hubs of the community, and Scott's leadership has made it an attractive and popular place to gather.

This is a prestigious award in which he was recognized by his peers.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 6. a.**

Meeting Date:	01/12/2016
Contact Person:	Chuck Wynn, Police Chief Phone: 928-636-2646 x-1258
Department:	Police
Item Type:	Consent
Estimated length of staff presentation:	None
Physical location of item:	N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve intergovernmental agreement (IGA) template for other municipalities, county or other political subdivisions of the State of Arizona to use of the Chino Valley Shooting Facility Law Enforcement Range.

RECOMMENDED ACTION:

Approve IGA template for use of the Chino Valley Shooting Facility Law Enforcement Range.

SITUATION AND ANALYSIS:

Issue Statement

Chino Valley Shooting Facility Law Enforcement Range is used by multiple agencies. Currently, we only have an IGA with Yavapai County Sheriff's Office (YCSO) due to them contributing financially to the creation of the facility. This new template would be used to create IGAs with all agencies utilizing the facility.

Applicable "Policy"

None

Satisfaction of "Policy"

None

Summary of Issues and Staff Rationale

Currently we only have an IGA for the range with YCSO. This would provide the template to create IGAs with all agencies utilizing the facility. This will be a legal contract between Chino Valley PD and other agencies, providing legal protection for the Town.

Findings of Fact

None

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Shooting Range IGA Template

INTERGOVERNMENTAL AGREEMENT BETWEEN _____ AND TOWN OF CHINO VALLEY FOR USE OF THE CHINO VALLEY SHOOTING FACILITY LAW ENFORCEMENT RANGE

This Intergovernmental Agreement ("Agreement") is made and entered into this _____day of _____, 20____, by and between the Town of Chino Valley, a municipal corporation ("Town"), and _____, by and through its _____[INSERT AGENCY NAME, IF APPROPRIATE] ("USER"). The Town and USER are, collectively, the "Parties."

RECITALS:

A. The Town owns the Proforce Tactical Law Enforcement Range (the "Range"), located at _____, in the Town of Chino Valley, Arizona, which is operated and maintained by the Chino Valley Police Department primarily for the purpose of training its officers and other peace officers, and

B. Because police officer training occurs primarily on weekdays, the Town intends to make the Range available to private groups on weekends for the purpose of private training and education; and

C. Users of property owned by the Town are required to enter into Use Agreements setting forth the terms and conditions of the use of the Town's property; and

D. User desires to use the Range pursuant to the terms and conditions set forth herein

AGREEMENTS:

In consideration of the mutual promises and undertakings of the Parties hereinafter set forth, it is hereby agreed as follows:

1.0 Purpose. The purpose of this Agreement is to establish terms and conditions whereby USER shall be permitted to use the Chino Valley Shooting Facility Law Enforcement Range (the "Facility") for training of personnel and related activities throughout the term of this Agreement.

2.0 Authority. Town and User have authority to enter into this Agreement pursuant to A.R.S. § 11-952.

3.0 Duration, Renewal and Termination.

3.1 Effective Date: The Effective Date of this Agreement shall be effective as of the ___ day of _____, 20__.

3.2 Term. This Agreement shall continue in full force and effect for an initial term of twenty (20) years and will automatically renew for an additional twenty (20) year term unless written notice of intent not to renew is provided by the non-renewing Party to the renewing Party no less than sixty (60) days prior to the date of expiration of the initial term.

3.3 Termination. The Parties may, by mutual written agreement, terminate this Agreement at any time by giving no less than sixty (60) days written notice to the other Party.

4.0 Responsibilities of User

4.1 User shall pay for any and all consumable product replacement, repair and/or replacement of property and/or loaned equipment at the Facility that is or may be damaged, destroyed or rendered inoperable as a result of User's use of the Facility and its equipment and supplies pursuant to this Agreement.

4.2 User shall ensure all persons using the Facility during its scheduled time or for User purposes follow all rules and regulations of the Facility, as provided and/or posted at the Facility by the Town.

4.3 User shall collect all expended brass casings and put them in marked containers. Prior to vacating the Facility after each use, User shall properly dispose of all used targets and return the Facility to its state of readiness.

4.4 User shall provide all equipment and supplies necessary for its use, including, but not limited to, targets, ammunition, weapons, and cleaning supplies.

4.5 User shall provide one AZPOST certified Firearms Instructor for each scheduled reservation.

4.6 User shall provide the Town with a schedule of its use of the Facilities on a monthly basis, at least one week before the beginning of the month. Scheduling may be done electronically upon mutual agreement by the Parties.

4.7 User shall not use the Range nor permit anything to be done in or about the Range which will, in any way, conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted or promulgated.

5.0 Responsibilities of the Town

5.1 The Town shall maintain the Facility and pay for the costs associated with maintenance of the Facility.

5.2 The Town shall waive any/all fees and other charges that would otherwise be owed by User for User's use of the Facility pursuant to this Agreement.

5.3 The Town shall provide User access to and use of the Facility during scheduled times for training and in-service practice.

5.4 The Town shall provide access to the basic amenities to include restrooms, non-potable water and trash receptacles.

5.5 The Town shall post Firearms Safety Rules which will be strictly adhered to by all User instructors and personnel.

6.0 Access and Use of the Facility. The Facility may be accessed and used by User only for the Permitted Uses, which shall include the following: use by recruits and in-service personnel, both sworn and civilian; use by User's volunteers; in-service use for any and all assigned personnel; or such other uses as deemed appropriate by mutual written agreement of the Parties.

7.0 Supervision and Control. The Town reserves the right to have a representative present to monitor User's use of the Facility and to close the Facility in the event of activities not authorized by the Agreement or violations of the posted Firearms Safety Rules or other rules and regulations of the Facility.

8.0 Employment Status and Compensation/Relation of the Parties

8.1 Each Party shall provide required workers compensation insurance, salary, benefits, and appropriate equipment for its employees.

8.2 Except as otherwise provided by law (specifically A.R.S. 23-1022(D)), in the performance of this Agreement, each Party is acting in its individual governmental capacity and not as an agent, employee, partner, joint venture, or associate of the other party. Employees, agents, or subcontractors of one Party shall not be deemed or construed to be employees or agents of the other Party.

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

10. Indemnification. User hereby agrees to indemnify and save harmless the Town against any and all claims arising from the User's use of the Facility or equipment or supplies provided by User pursuant to this Agreement due to the acts, omissions or negligence of the User's officers, employees, contractors, invitees or agents and against any and all claims arising from injuries or damages however caused, sustained by any person or persons or to the property of any person, persons or other entities, including the Town, during such period of use. In any such claim or action against the Town or in which the Town is named as a party, the User, upon notice and demand by the Town, shall defend such action on behalf of the Town. The Town hereby agrees to indemnify and save harmless the User against any and all claims arising out of the acts or omissions of the Town's officers, employees, contractors, invitees or agents. In any such claim or action in which User is named as a party, the Town, upon notice and demand by the User, shall defend such action on behalf of the User.

11. Insurance.

11.1 In addition to compliance with the indemnity provisions as set forth in Paragraph 10 of this Agreement, User shall keep in full force and effect for all times this Agreement is in effect, a policy of general liability insurance with respect to the Facilities and the operations of User and others participating in the Permitted Use with coverage in an amount and in such forms as necessary to protect the Town and User against any and all claims arising from the User's use of the Facility pursuant to this Agreement including, but not limited to, claims arising from the acts, omissions or negligence of its officers, employees, contractors, invitees or agents and against any and all claims arising from injuries or damages, however caused, sustained by any person or persons or to the property of any person, persons or other entities, including the Town, occurring during such use. All policies shall name the Town of Chino Valley as an additional insured and shall contain a clause that the insurance company will not cancel or materially change the insurance without giving the Town thirty (30) days prior written notice and a waiver of subrogation against the Town. All policy forms shall be subject to review and approval of the Town. Prior to the effective date of this Agreement, User shall provide the Town with certificates of insurance and such other documents as may be requested by the Town in order to confirm the existence and adequacy of the insurance coverage specified herein. The Parties understand and agree that the policy limits or other provisions of insurance coverage obtained and maintained pursuant to this Paragraph shall in no way limit User's indemnification obligations set forth in Paragraph 11 of this Agreement. The minimum General Liability Insurance policy limit shall be One Million Dollars ($1,000,000.00) per occurrence and Two Million Dollars ($2,000,000.00) in the general aggregate.

11.2 In addition to compliance with the indemnity provisions as set forth in Paragraph 11 of this Agreement, the Town shall obtain and maintain general liability insurance coverage in an amount and in such forms as necessary to protect the Town and User against any and all claims arising from the Town's maintenance of the Facility including, but not limited to claims arising from the acts, omissions or negligence of its officers, employees, contractors, invitees or agents and against any and all claims arising from injuries or damages, however caused, sustained by

any person or persons or to the property of any person, persons or other entities, including the Town.

12. Default. In the event User fails to fulfill or breaches any term, covenant, condition, provision or agreement contained in this Agreement, then User shall be in default. In the event of any such default by User, in addition to and not in lieu of any other remedies available to the Town at law or in equity, the Town shall have the option to immediately terminate this Agreement and all rights of User hereunder by giving written notice of such intention to terminate and the Town shall have the right to immediately take possession of the Property without further notice to User.

13. No Third-Party Beneficiaries. This Agreement is entered into by the Parties for their sole benefit and neither Party intends to benefit any other person or entity to assume any other duty beyond that expressly imposed by general law or this Agreement.

14. Assignment. User shall not assign or otherwise convey any right or obligation as set forth in this Agreement or any interest thereof without the express written consent of the Town. Any action by User which purports such assignment or conveyance shall be null and void and of no effect whatsoever.

15. Entire Agreement. This Agreement constitutes the entire understanding of the Parties with respect to the Facility. Any amendment or modification of this Agreement shall be made only by a written instrument executed by authorized representatives of the Parties.

16. Severability. If any part of this Agreement is held to be invalid or void, the remainder of the Agreement shall remain in full force and effect and shall be binding upon the Parties.

17. Notices. All notices and demands which may be, or are required to be, given by either party to the other hereunder shall be in writing and hand delivered with acknowledgement or sent by United States Certified or Registered Mail, postage prepaid, addressed to the parties as set forth below:

Town:
Town of Chino Valley
Attn: Town Manager
202 North SR 89
Chino Valley, AZ 86323

Copy to:
Chino Valley Police Department
Attn: Chief of Police
1950 Voss Dr. #301
Chino Valley, AZ 86323

User

_____
Attn:

Copy To:

_____
Attn:

Address Address

18. Governing Law. This Agreement shall be governed by and construed or enforced in accordance with the laws of the State of Arizona.

19. Conflict of Interest. This Agreement may be terminated pursuant to A.R.S. § 38-511.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates written below:

TOWN OF CHINO VALLEY,
an Arizona municipal corporation

By:_____
Its:_____

Date: _____

USER,
a _____

By:_____
Its:_____

Date: _____

ATTEST:

_____
Jami Lewis, Town Clerk

IGA ATTORNEY DETERMINATION

In accordance with the requirements of ARS Section 11-952(D), each of the undersigned attorneys acknowledge that: (1) he or she reviewed the above Agreement on behalf of his or her respective clients; and, (2) as to his or her respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

_____	_____
For the Town of Chino Valley	For _____[INSERT NAME OF USER]
_____	_____
Phyllis L. N. Smiley, Town Attorney	[CITY/COUNTY/AGENCY]Attorney
Date _____	Date _____

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 6. b.**

Meeting Date:	01/12/2016
Contact Person:	Joe Duffy, Finance Director Phone: 928-636-2646 x-1211
Department:	Finance
Item Type:	Consent
Estimated length of staff presentation:	None
Physical location of item:	N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Financial Report for the five months ending November 30, 2015.

RECOMMENDED ACTION:

Approve Financial Report for the five months ending November 30, 2015.

SITUATION AND ANALYSIS:

The Finance Department prepares Financial Reports for the Mayor, Council, Staff and Community.

Upon Council approval, the reports will be posted on the Town's website.

The report includes the following sections:

Revenue and Expense Summary - This section details the Revenues and Expenditures of each fund. Comparing the year to date figures to the current year's annual budget and the prior year's month to date figures.

Major Revenue Summary - This section details the year to date figures for the Town's eight major revenue sources that account for 60% of the Town's Revenue.

Other Information - This section details other pertinent financial and statistical information including the Impact Fee Fund balance and the amount of General Fund Contingencies that have been allocated this fiscal year and a debt summary.

The Finance Director will supplement these reports with periodic presentations and other information throughout the fiscal year.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

November 2015 Financial Report

Town of Chino Valley

Arizona

Financial Report

To The Town Council

For the Five Months Ending November 30, 2015 42% of the Fiscal Year

Town of Chino Valley

Revenue and Expense Summary

For the Five Months Ending November 30, 2015 42% of the Fiscal Year

	Actual Year to Date FY 2014-15	Actual Year to Date FY 2015-16		Actual vs Prior Year Amount	% FY 2015-16/ FY 2014-15	Annual Budget FY 2015-16	% of Budget YTD
GENERAL FUND							
General Fund Revenues by Category							
Franchise Taxes	$ 31,493	$ 30,440	*	$ (1,053)	-3%	$ 134,500	23%
Tax Revenues	$ 1,596,100	$ 1,658,249		$ 62,149	4%	$ 3,904,000	42%
Licenses & Permits	$ 67,662	$ 96,354		$ 28,692	42%	$ 260,000	37%
Intergovernmental	$ 1,221,593	$ 1,241,807		$ 20,214	2%	$ 3,189,500	39%
Charges for Services	$ 24,737	$ 41,210		$ 16,473	67%	$ 108,000	38%
Fines and Forfeitures	$ 42,755	$ 44,851		$ 2,096	5%	$ 140,000	32%
Other Revenues	$ 3,053	$ 1,736		$ (1,317)	-43%	$ 1,500	116%
Contributions and Donations	$ 998	$ 924		$ (74)	-7%	$ 3,500	26%
Investment Earnings	$ 245	$ 300		$ 55	22%	$ 500	60%
Transfers In	$ 41,667	$ 108,330		$ 66,663	160%	$ 310,000	35%
Total Revenues	**$ 3,030,303**	**$ 3,224,201**		**$ 193,898**	**6%**	**$ 8,051,500**	**40%**

*** Estimated final quarter accruals.**

Total Revenues for the General Fund are up $193,898 over the previous fiscal year. Licenses and Permits are up 42% due to an increase in Building Permits and Plan Check Fees this fiscal year. Transfers In were increased in the current years budget over the prior year. The total General Fund Revenues are up 6% compared to the last fiscal year.

Town of Chino Valley
Revenue and Expense Summary
For the Five Months Ending November 30, 2015 42% of the Fiscal Year

	Actual Year to Date FY 2014-15	Actual Year to Date FY 2015-16	Actual vs Prior Year Amount	% FY 2015-16/ FY 2014-15	Annual Budget FY 2015-16	% of Budget YTD
General Fund Expenditures by Department						
Prosecutor	$ 49,610	$ 48,894	$ (716)	-1%	$ 130,600	37%
Town Clerk	$ 89,372	$ 81,204	$ (8,168)	-9%	$ 197,600	41%
Town Manager	$ 159,949	$ 155,566	$ (4,383)	-3%	$ 392,500	40%
Human Recourses	$ 25,187	$ 82,902	$ 57,715	229%	$ 195,300	42%
Municipal Court	$ 121,802	$ 107,160	$ (14,642)	-12%	$ 261,900	41%
Finance	$ 138,346	$ 125,885	$ (12,461)	-9%	$ 329,200	38%
Management Information System	$ 77,318	$ 90,607	$ 13,289	17%	$ 273,600	33%
Mayor and Council	$ 9,933	$ 11,438	$ 1,505	15%	$ 33,000	35%
Planning	$ 68,441	$ 76,611	$ 8,170	12%	$ 186,300	41%
Building Inspection	$ 101,291	$ 112,680	$ 11,389	11%	$ 277,100	41%
Police	$ 1,086,514	$ 1,106,226	$ 19,712	2%	$ 2,651,800	42%
Animal Control	$ 47,858	$ 41,557	$ (6,301)	-13%	$ 123,300	34%
Recreation	$ 9,831	$ 25,440	$ 15,609	159%	$ 63,800	40%
Library	$ 113,792	$ 129,536	$ 15,744	14%	$ 309,600	42%
Senior Center	$ 87,768	$ 96,533	$ 8,765	10%	$ 242,400	40%
Parks Maintenance	$ 159,559	$ 217,115	$ 57,556	36%	$ 333,200	65%
Aquatic Center	$ 76,454	$ 89,679	$ 13,225	17%	$ 244,900	37%
Facilities Maintenance	$ 129,729	$ 142,944	$ 13,215	10%	$ 345,900	41%
Fleet Maintenance	$ 133,581	$ 93,245	$ (40,336)	-30%	$ 341,000	27%
Engineering	$ 32,008	$ 47,795	$ 15,787	49%	$ 122,000	39%
Non Departmental	$ 245,726	$ 299,226	$ 53,500	22%	$ 996,500	30%
Total Expenditures	**$ 2,964,069**	**$ 3,182,243**	**$ 218,174**	**7%**	**$ 8,051,500**	**40%**
Total Revenue Over (Under) Total Expenditures	**$ 66,234**	**$ 41,958**	**$ (24,276)**		**$ -**	

GENERAL FUND (Continued)

Total General Fund Expenditures are up $218,174 or 7% compared to last fiscal year. Through November each department should be less than 42%. In total the General Fund Departments are at 40%. Parks Maintenance is up due to increased watering cost over the prior fiscal year. All other departments appear to be on track so far this budget year.

Town of Chino Valley
Revenue and Expense Summary
For the Five Months Ending November 30, 2015 42% of the Fiscal Year

	Actual Year to Date FY 2014-15	Actual Year to Date FY 2015-16	Actual vs Prior Year Amount	% FY 2015-16/ FY 2014-15	Annual Budget FY 2015-16	% of Budget YTD
HIGHWAY USER REVENUE FUND						
Total Revenues	$ 327,877	$ 369,574	$ 41,697	13%	$ 1,014,000	36%
Expenditures						
Road Maintenance	$ 323,930	$ 352,062	$ 28,132	9%	$ 1,014,000	35%
Total Revenue Over (Under) Total Expenditures	$ 3,947	$ 17,512	$ 13,565		$ -	

Total Fund Revenues are up 13% over the prior fiscal year due to the budgeted increase in HURF fund distributions. Expenditures are up 9% primarily due to lease purchase payments being made on equipment purchased last fiscal year.

WATER ENTERPRISE FUND						
Water Revenues	$ 174,633	$ 211,966	$ 37,333		$ 5,038,000	
Transfers In	$ 116,958	$ 62,500	$ (54,458)		$ 150,000	
Total Revenues	$ 291,591	$ 274,466	$ (17,125)	-6%	$ 5,188,000	5%
Expenditures						
Water Utility Operations	$ 205,000	$ 219,282	$ 14,282		$ 484,200	
Debt Service/Reserve		$ -	$ -		$ 4,646,000	
Total Expenditures	$ 205,000	$ 219,282	$ 14,282	7%	$ 5,130,200	4%
Total Revenue Over (Under) Total Expenditures	$ 86,591	$ 55,184	$ (31,407)		$ 57,800	

Total Water Enterprise Fund Revenues are down 6% due to reduced budgeted transfers in from the Capital Improvement Fund. Water Service Fees are up 30% primarily due to an increase in active accounts and usage by the Parks Department. Expenditures are up slightly over last fiscal year.

SEWER ENTERPRISE FUND						
Total Revenue	$ 617,086	$ 639,690	$ 22,604	4%	$ 2,204,200	29%
Expenditures						
Sewer	$ 362,863	$ 469,198	$ 106,335		$ 751,200	
Debt Service/Reserve	$ 68,492	$ 146,996	$ 78,504		$ 1,453,000	
Total Expenditures	$ 431,355	$ 616,194	$ 184,839	43%	$ 2,204,200	28%
Total Revenue Over (Under) Total Expenditures	$ 185,731	$ 23,496	$ (162,235)		$ -	

Total Sewer Enterprise Fund Revenues are up 4% over last fiscal year. Sewer Buy In fees are down but offset by a 11% increases in Sewer Service Fees. Operating expenses are up due to additional personal costs and maintenace and repair expenses bringing the plant up to the Town's standards.

Town of Chino Valley
Revenue and Expense Summary
For the Five Months Ending November 30, 2015 42% of the Fiscal Year

	Actual Year to Date FY 2014-15	Actual Year to Date FY 2015-16	Actual vs Prior Year Amount	Actual vs Prior Year % FY 2015-16/ FY 2014-15	Annual Budget FY 2015-16	% of Budget YTD
CAPITAL IMPROVEMENT FUND * (excludes bond projects)						
Total Revenues	$ 523,033	$ 552,758	$ 29,725	6%	$ 4,060,500	14%
Lease Purchase Proceeds	$ 715,346		$ (715,346)			
Bond Proceeds			$ -			
Transfers In Road Impact Fees			$ -		$ 529,000	
Capital Improvements	$ 744,564	$ 727,214	$ (17,350)		$ 3,304,000	
Equipment Acquisition	$ -		$ -			
WWTP Acquisition			$ -			
Transfers	$ 531,721	$ 473,750	$ (57,971)		$ 1,137,000	
Total Expenditures	$ 1,276,285	$ 1,200,964	$ (75,321)	-6%	$ 4,441,000	27%
Total Revenue Over (Under) Total Expenditures	$ (37,906)	$ (648,206)	$ 105,046		$ 148,500	

Capital Improvement Fund Tax Revenues are up slightly by 6% over the prior fiscal year primarily due to an increase in Construction Sales Tax activity. Transfers are down due to the decreased amount budgeted this fiscal year. Capital Improvements include the Chino Meadows Unit 5 at Peavine drainage project being constructed this fiscal year. The Town will be receiving a reimbursement from the Yavapai County Drainage District for this project.

Town of Chino Valley
Revenue and Expense Summary
For the Five Months Ending November 30, 2015 42% of the Fiscal Year

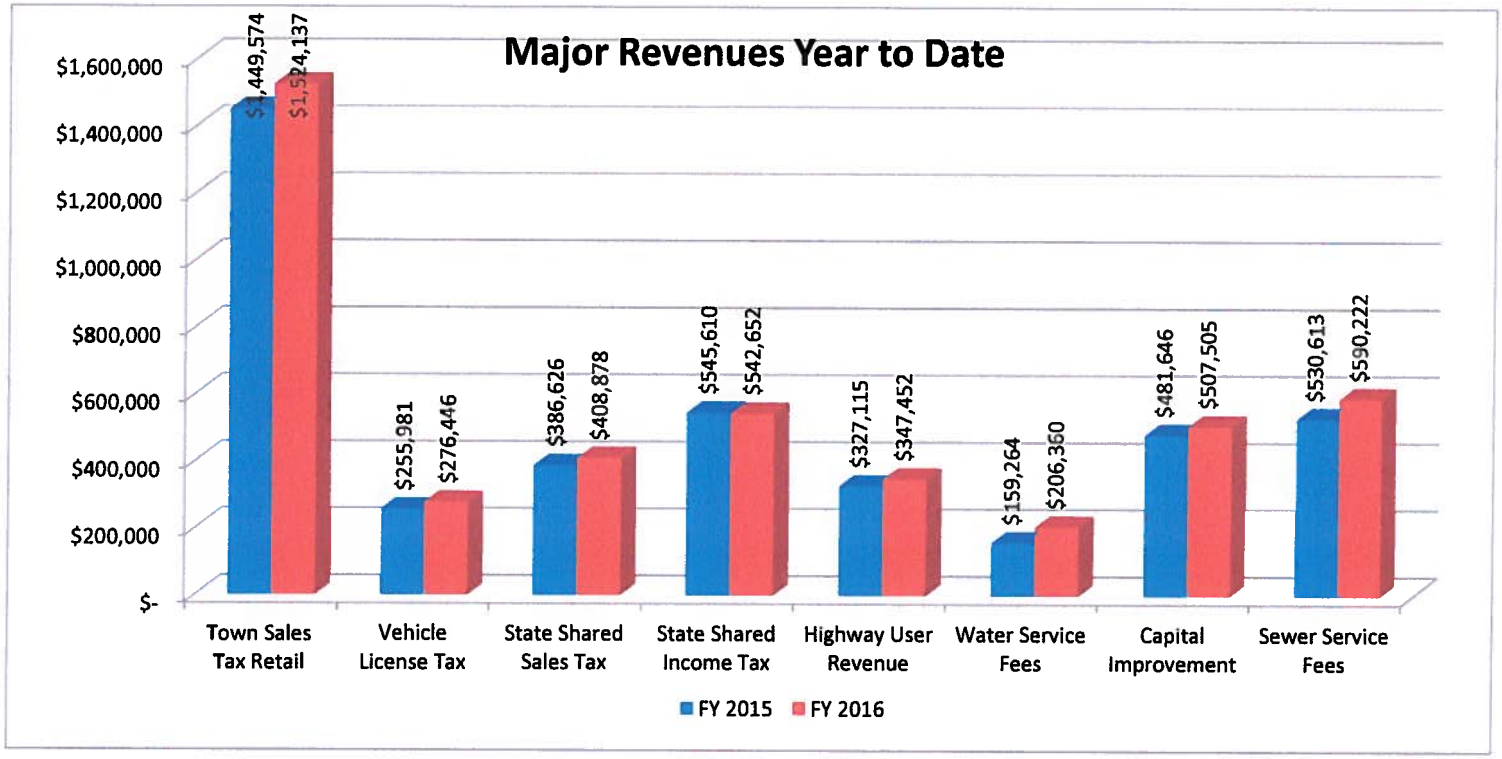
	Actual Year to Date FY 2014-15	Actual Year to Date FY 2015-16	Actual vs Prior Year Amount	% FY 2015-16/ FY 2014-15	Annual Budget FY 2015-16	% of Budget YTD
OTHER MINOR FUNDS						
Other Minor Funds -Revenues						
CDBG Grant			$ -			
Grants Fund	$ 111,888	$ 72,912	$ (38,976)		$ 3,385,000	
Special Revenue Fund Court	$ 3,282	$ 3,129	$ (153)		$ 38,500	
Capital Asset Replacement	$ 40	$ 397	$ 357		$ 10,000	
Police Impact Fee Funds	$ 398	$ 12,384	$ 11,986		$ 63,000	
Library Impact Fee Funds			$ -			
Parks/Rec Impact Fee Funds	$ 7	$ 9	$ 2		$ 16,000	
Roads Impact Fee Funds	$ 2,615	$ 300	$ (2,315)		$ 529,000	
Special Revenue Fund PD	$ 17,566	$ 18,596	$ 1,030		$ 45,000	
CVSLID Districts	$ 2,762	$ 1,814	$ (948)		$ 4,000	
Total Revenues	**$ 138,558**	**$ 109,541**	**$ (29,017)**	**-21%**	**$ 4,090,500**	**3%**
CDBG Grant			$ -			
Grants Funds	$ 53,061	$ 160,146	$ 107,085		$ 3,385,000	
Special Revenue Fund - Court	$ 3,090	$ 4,446	$ 1,356		$ 38,500	
Capital Replacement Fund		$ 14,785	$ 14,785		$ 10,000	
Police Impact Fee Funds	$ 444	$ 19,349	$ 18,905		$ 63,000	
Library Impact Fee Funds	$ 16,562		$ (16,562)			
Parks/Rec Impact Fee Funds	$ 18,474		$ (18,474)		$ 16,000	
Roads Impact Fee Funds			$ -		$ 529,000	
Special Revenue Fund PD	$ 9,665	$ 13,904	$ 4,239		$ 40,000	
CVSLID Districts	$ 1,629	$ 1,611	$ (18)		$ 4,000	
Total Expenditures	**$ 102,925**	**$ 214,241**	**$ 111,316**	**108%**	**$ 4,085,500**	**5%**
Total Revenue Over (Under) Total Expenditures	**$ 35,633**	**$ (104,700)**	**$ (140,333)**		**$ 5,000**	
TOTAL ALL FUNDS						
Total Revenue All Funds	$ 4,928,448	$ 5,170,230	$ 241,782	**5%**	$ 24,608,700	**21%**
Total Expenditures All Funds	$ 5,303,564	$ 5,784,986	$ 481,422	**9%**	$ 24,926,400	**23%**
Total Revenue Over (Under) Total Expenditures All Funds	**$ (375,116)**	**$ (614,756)**	**$ (239,640)**		**$ (317,700)**	

(1) Budget does not include Carryover Amounts from Prior Fiscal Years
(2) Year to date amounts include actual expenditures paid to date.

Town of Chino Valley
Major Revenue Summary
For the Five Months Ending November 30, 2015 42% of the Fiscal Year

	Actual Year to Date FY 2014-15	Annual Budget FY 2015-16	Actual Year to Date FY 2015-16	% of Budget YTD	Actual vs Prior Year Amount	%
Town Sales Tax Retail	$ 1,449,574	$ 3,550,000	$ 1,524,137	43%	$ 74,563	5%
Vehicle License Tax	$ 255,981	$ 641,000	$ 276,446	43%	$ 20,465	8%
State Shared Sales Tax	$ 386,626	$ 1,033,000	$ 408,878	40%	$ 22,252	6%
State Shared Income Tax	$ 545,610	$ 1,302,000	$ 542,652	42%	$ (2,958)	-1%
Highway User Revenue	$ 327,115	$ 843,000	$ 347,452	41%	$ 20,337	6%
Water Service Fees	$ 159,264	$ 365,000	$ 206,360	57%	$ 47,096	30%
Capital Improvement	$ 481,646	$ 1,304,000	$ 507,505	39%	$ 25,859	5%
Sewer Service Fees	$ 530,613	$ 1,450,000	$ 590,222	41%	$ 59,609	11%
Major Revenues Y.T.D.	**$ 4,136,429**	**$ 10,488,000**	**$ 4,403,652**	**42%**	**$ 267,223**	**6%**
Total Revenue All Funds	**$ 4,928,448**	**$ 24,608,700**	**$ 5,170,230**	**21%**	**$ 241,782**	**5%**
	84%	**43%**	**85%**			

The Major Revenues are up $267,233 or 6% over the prior fiscal year in line with the budget projections. Town Sales Tax Retail is up 5% so far this fiscal year. Water Service Fees are up 30% primarily due to an increase in active accounts and the Parks Department water usage. Sewer Service Fees reflect the rate increase that went into effect January 1, 2015 and new accounts added to the system. Total combined revenue for all funds is up 5%.



Impact Fee Fund Recaps

For the Five Months Ending November 30, 2015 42% of the Fiscal Year

	Police Impact Fees	Library Impact Fees	Parks/Rec Impact Fees	Roads Impact Fees
Beginning Fund Balance @ 6/30/15	$ 13,254	$ -	$ 18,281	$ 575,032
Impact Fees Revenue to Date	$ 12,384	$ -	$ 9	$ 299
Impact Fees Expenditures to Date	$ 19,349	$ -	$ -	$ -
Ending Fund Balance to Date	**$ 6,289**	**$ -**	**$ 18,290**	**$ 575,331**
Budgeted Expenditures FY 15/16	$ 63,000	$ -	$ 16,000	$ 529,000

Contingency Funds Budget

For the Five Months Ending November 30, 2015 42% of the Fiscal Year

	Actual Year to Date FY 2015-16	Annual Budget FY 2015-16
General Fund Budget		**$ 380,000**
General Fund Balance		**$ 380,000**
HURF Fund Budget		**$ 42,000**
Water Fund Budget		**$ 31,000**
Sewer Fund Budget		**$ 49,000**
Balance of Contingency Budget	**$ -**	**$ 502,000**

Annual Debt Service Summary By Fund

Fiscal Year Ended June 30, 2016

Debt Issue	Date Issued	Original Amount	Outstanding Amount as of June 30, 2015	FY 2016 Principal	FY 2016 Interest
General Government					
GADA Loan 2007A	7/1/2011	$ 3,825,000	$ 3,385,000	$ 240,000	$ 162,806
US Bank Series 2010	12/15/2010	$ 7,280,000	$ 7,280,000		$ 331,638
		$ 11,105,000	$ 10,665,000	$ 240,000	$ 494,444
Water Enterprise Fund					
US Bank Series 2010	12/15/2010	$ 745,000	$ 565,000	$ 45,000	$ 24,712
Sewer Enterprise Fund					
WIFA	1/10/2007	$ 1,580,000	$ 1,012,403	$ 80,034	$ 27,922
WIFA	1/11/2008	$ 4,853,000	$ 3,496,027	$ 248,952	$ 98,378
WIFA	1/1/2015	$ 2,963,671	$ 2,841,817	$ 124,303	$ 57,121
USDA	2/16/2007	$ 1,595,000	$ 1,374,323	$ 40,329	$ 55,947
USDA	4/10/2008	$ 1,505,000	$ 1,337,955	$ 36,343	$ 54,509
USDA	4/16/2008	$ 1,332,000	$ 1,185,137	$ 32,116	$ 48,284
		$ 13,828,671	$ 11,247,662	$ 562,077	$ 342,161
Total Town of Chino Valley Debt		**$ 25,678,671**	**$ 22,477,662**	**$ 847,077**	**$ 861,317**

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 6. c.**

Meeting Date: 01/12/2016

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the December 8, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the December 8, 2015 regular meeting minutes.

Attachments

December 8, 2015 minutes

D R A F T

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

TUESDAY, DECEMBER 8, 2015
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, December 8, 2015.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Town Engineer/Public Works Director Ron Grittman; Assistant Public Works Director/Town Engineer Michael Lopez; Utility/Parks and Recreation Supervisor Chris Bartels; Development Services Director Ruth Mayday; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Marley called the meeting to order at 6:00 p.m.

Vice-Mayor Croft gave the invocation; Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Presentation regarding the Aquatic Center's financial and operating results and related information. (Joe Duffy, Finance Director)

Mr. Duffy and Parks and Recreation Supervisor Bartels reported that staff prepared a detailed report of the financial and operating results for the Aquatic Center for the 2015 season with comparisons to prior years and other communities. The report included detailed attendance records and recommendations to improve usage and operating results next season. Key points were:

- *Three year average financials:* $70,000 in income and $208,458 in expenses, for a net loss of $137,619 per year.
- *Attendance:* Decreased 6% in 2015, possibly due to more wetter and colder weather; attendance by rental type should increase in 2016 based on new resources developed.
- *Staff goals:* Continue to explore partnership with the Yavapai Regional Transit; research reasons for decrease in total passes sold; focus on safe swim and lessons; beef up junior lifeguard program; and improve concession inventory and adjust costs closer to market range.
- *Pool enclosure:* Staff projected a cost of $2.7 million to acquire, plus $180,000 for annual maintenance and operations. Other regional facilities that stayed open year round noted a real decrease in attendance during the school year.

Mayor Marley stated that Council will continue to review this in the future.

b) Presentation of the recently completed Chino Meadows Units 2 and 5 Drainage Project. (Ron Grittman, Public Works Director/Town Engineer)

Mr. Grittman reported on the projects included in the Master Drainage Study and presented before and after photographs of the subject project, as well as how it functioned during a recent storm event.

3) CALL TO THE PUBLIC

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

Lee Paul, resident, spoke humorously about his investigation of the mayor's birth certificate.

Sherry Brown, resident, suggested that Council change invocation language that could be offensive to non-Christians.

4) RESPONSE TO THE PUBLIC

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

a) Comments regarding councilmembers' responsibility to obtain facts before making decisions.

Mayor Marley reported that the comments were duly noted.

b) Comments regarding Council setting a precedent if it approved the La Vacara Trust rezone.

Mayor Marley reported that the comments were duly noted.

5) CURRENT EVENT SUMMARIES AND REPORTS

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

a) Status reports by Mayor and Council regarding current events.

Mayor Marley read the monthly Mayor’s Report, which pertained to violence in the culture.

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

None.

c) Report on recently corrected scrivener's errors pursuant to Town Code § 10.20 Authority to Correct Scrivener's Errors. (Jami Lewis, Town Clerk)

Mrs. Lewis reported on scrivener's corrections made to Ordinance No. 15-803, Resolution No. 07-839, and Resolution No. 06-809.

6) CONSENT AGENDA

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

Mayor Marley requested the following correction to the October 27, 2015 minutes (item 6c) page 1, item #: "Mr. Arroyo spoke about Oath Keepers, which educated military, law enforcement, firefighters, and first responders on constitutional issues and community preparedness for major catastrophic events~~; and which had been asked to form a security team to assist the Police Department with emergency preparedness~~."

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve consent agenda items 6a, b, c and d with the amendment.

Vote: 7 - 0 PASSED - Unanimously

a) Consideration and possible action to adopt Resolution No. 15-1071, postponing the effective date of increased sewer fees approved by Resolution No. 13-1005 until July 1, 2016. (Susan Goodwin, Town Attorney)

b) Consideration and possible action to ratify the Mayor's nomination of Councilmember Jack Miller to serve on the Yavapai County Emergency Management Interagency Coordination Committee. (Mayor Marley)

c) Consideration and possible action to accept the October 27, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)

d) Consideration and possible action to accept the November 10, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

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

a) Consideration and possible action to accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2015, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)

Recommended Action**:** Accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2015, as prepared by Henry & Horne, LLP, Certified Public Accountants.

Mr. Duffy reported that Henry & Horne, LLP was retained by the Town to complete the audit for the fiscal year ended June 30, 2015. The audit was complete, and the Finance Subcommittee reviewed the final reports on December 2, 2015. This was the Town's first audit with Henry & Horne and he commented on its quality.

Marilyn Mays, Partner with Henry & Horne, stated that this was the smoothest first-year audit of her career and she reported on the audit findings. Key points were:

- *Auditors' Report on financial statements:* The Town's financial statements were fairly presented in accordance with generally accepted accounting principles; and there were no reported significant deficiencies, material weaknesses, or material non-compliance.
- *Significant accounting policies and issues:* There were no instances of difficulties, uncorrected misstatements, or disagreements with management; there was one accounting change pursuant to GASB 68, which pertained to ASRS liability; and the Expenditure Limitation Report was issued timely.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2015, as prepared by Henry & Horne, LLP, Certified Public Accountants.

Vote: 7 - 0 PASSED - Unanimously

b) Consideration, possible public hearing, and possible action to adopt Ordinance 15-805 to rezone approximately 16.44 acres from AR-5 (Agricultural/Residential, 5 acre minimum) to CL-PAD (Commercial Light - Planned Area Development Overlay) and MR-PAD (Multifamily Residential; Planned Area Development Overlay).

Recommended Action:
(i) Hold public hearing if required;
(ii) Adopt Ordinance No. 15-805 rezoning approximately 6.55 acres generally located within APS 306-05-031N from AR-5 (Agricultural/Residential, 5 acre minimum) to MR-PAD (Multi-family Residential, Planned Area Development) and approximately 9.7 acres from AR-5 to CL-PAD (Commercial Light; Planned Area Development) as stipulated.

Mayor Marley reviewed the public hearing procedure.

Ms. Mayday presented an overview of this item:

Proposal

Rezone 16.25 acres from Agricultural/Residential 5 Acre Minimum (AR-5) to: (i) 9.7 acres to Commercial Light Planned Area Development (CL-PAD), and (ii) 6.55 acres to Multifamily Housing, Planned Area Development (MR-PAD). Applicant LaVacara Trust ("the Trust") also proposed to restrict the number and

type of uses that would be allowed by right in the CL-PAD zoning district. The sewer system selected will determine how many units would be allowed. The subject application represented the second attempt by the Trust in as many years to change the zoning for the 16.25-acre parcel, where the Windmill House, a single casita, and a "Western Town" were located.

Background/Chronology

- *2003-2006* – The Town issued a five-year Conditional Use Permit for the Windmill House, which opened for business in 2006.
- *2009* – The Planning and Zoning Commission ("Commission") recommended denial and Council approved a rezone and minor General Plan amendment (mGPA) for Senior Living /JC Estates on 170 acres. The two-year deadline for related stipulations lapsed in 2011.
- *2011* – The Trust applied for an mGPA, zone change, and CUP on 28 acres. Council: (i) approved reversion of the 2009 zoning back to AR-5 and the mGPA back to Medium Density Residential, 2 acres or less; (ii) denied the 2011 rezone and mGPA request; and (iii) approved a new 15-year CUP to allow continued operation of the Windmill House.
- *2014-2015* – Council denied a rezone of the subject parcel by a supermajority vote of five in support, one in opposition, and one absent. The Trust filed a lawsuit against the Town based on several perceived issues with the 2014 application, and Commission and Council actions. The Court granted summary judgment in favor of the Town.
- *2015* – The applicant had contended that he should not be required to dedicate additional right-of-way, as he had dedicated 25 feet of right of way along West 4 North, North 1 West, and West 5 North in the 1990s, which was required for the project he proposed at that time. That project and dedication did not include the density and intensity of use now proposed by the Trust. However, Mr. Cordovana, acting as Trustee for the Trust, recently agreed to dedicate the additional 25 feet of right-of-way that had been the basis for the previous revocation of both PAD zoning and CUP requests.

Current Proposal and Public Process

- Ms. Mayday reviewed: (i) UDO 1.9.4 PAD Overlay District permitted uses, approval procedures, and requirements; (ii) the project's relation to the General Plan; and (iii) staff's proposed stipulations.
- *October 2015, Neighborhood meeting:* Public reaction to the proposal was mixed, but more favorable than previous meetings.
- *November 3, 2015, Commission public hearing:* Two members of the public spoke in opposition and one spoke in favor of the project. Commissioners (i) discussed the stipulations attached to the proposed rezoning; (ii) recommended additional stipulations related to traffic impact analysis, a second public hearing before Council, preliminary development plan, and buffering and screening; and (iii) voted to recommended approval by a 5-0 vote.
- *Staff recommendation:* Staff found that approving the proposed rezoning will: (i) be of benefit to the property owner and the Town; (ii) provide a means by which the Windmill House could be reopened; and (iii) expand the availability of a variety of housing choices in the Town in accordance with the General Plan.
- *Stipulations:* The Development Plan must be approved by Council, and a Town business license will not be issued unless and until a dedication of right-of-way was made by the applicant, accepted by Council, and recorded at the County. Of the five stipulation recommended by the Commission, only the one pertaining to screening and buffering was in the proposed ordinance.

- *Supermajority vote requirement:* The applicant created a new parcel, eliminating all but three property owners within 150 feet proximity, none of which filed a protest.

Town Attorney Smiley advised that she discovered just prior to the meeting that the ordinance in the agenda packet was not the correct version and some of the stipulations were in error; specifically, the applicant would need to submit a site plan, not a development plan.

Mark Sveda, attorney for the applicant, reported that:

- There was a scrivener's error in the packet and ordinance related to the subject property's acreage, which should be 16.25 acres, not 16.44 acres. This land included a lake, the Windmill House, and a new development.
- The applicant originally proposed 16 acres of commercial, but due to public opposition, developed the concept to add the multi-family housing as a buffer.
- The zone change would give the Trust the ability to develop the property, provide jobs, add to the tax base, and allow the Windmill House to reopen full-time. If Council approved the item, the Trust will need to determine sewer service specifications, which dictated that there would most likely be less than 95 units.
- The applicant: (i) did not believe a traffic impact study was appropriate, as the property density was as yet unknown; however, he will update the previous study once that was determined; (ii) did not agree to age restrictions at this point; and (iii) contended that previous ordinances approved by Council with time limits did not give him time to develop and violated his equal protection rights.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to open the public hearing.

Vote: 7 - 0 PASSED - Unanimously

Ron Maines, resident, opposed the proposal, citing lack of a development plan and apartments being an incompatible land use.

Robert McCaullay, resident, opposed the matter, citing lack of access and possibly triggering Prop 207 claims due to impacts on property values.

Lee Paul, resident, spoke in favor of the restaurant; opposed the rest, citing incompatibility with surrounding low density uses; and suggested that the applicant propose this project for his property on the highway at Road 3 North.

Holly Wolcott, resident, speaking also on behalf of Gary Grindstaff Trust, opposed the item due to probable increases in traffic, noise, crime, and complaints.

Mayor Marley recessed the meeting at 7:56 p.m. and reconvened the meeting at 8:09 p.m.

Chuck Ellsbury, resident, opposed the proposal, as it would detract from the area and there were too many unknowns.

Debbie Novelski, resident, opposed the request, as it would set a zoning precedence; the project would negate water conservation; and it was not reasonable.

Shamus Evans, resident, opposed apartments in a low-density neighborhood and using Road 4

North for alternative transportation due to safety reasons.

Mike Bacon, resident and Planning and Zoning Commissioner, spoke about the lack of a development agreement, a 55+ age restriction mitigating the negative impacts of apartments, and the commercial area lacking visibility in the community.

Frank Strassell, resident, supported the Windmill House, but opposed apartments and the western town due to noise, lack of specifics, and the lot line change.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to adjourn the public hearing and return to the regular meeting.

Vote: 7 - 0 PASSED - Unanimously

Council and the public asked about the following topics; staff's responses follow:

- *Apartments:* These would be located along the southern portion of the property. The UDO limited building height to 35 feet. The Town could not enforce a 55+ requirement—that had to come from the applicant.
- *Proposed commercial establishments:* These would be located near the western town and would be open to the public; and with a PAD, the Town could stipulate permitted uses.
- *Windmill House uses:* The applicant's desire to open the restaurant full-time would be discussed during the site plan review process.
- *Access:* The applicant could use a branch off the former entrance that was inside the new lot line, and this will be discussed during the site plan review process.
- *PAD:* The Trust did not need to break the proposed development into two separate issues, as a PAD allowed the property to be considered as a whole and how all proposed components will work together.
- *Wastewater:* Theoretically, there was no limit to a septic system's size. It was conceivable that a large septic could serve 95 apartments, and it will have to be determined if there was enough room on the property for that.
- *Legal issues:* Ms. Smiley did not believe the neighbors would have causative action with regard to Prop 207, nor would Council's approval of the rezone set a precedent.

Council discussion:

- *Reasons to support:* The Town could not stop change; most constituents appeared to support the Windmill House; Mr. Cordovana's projects were well done and could cause property values to increase; and the Town had a responsibility from past actions to allow the Windmill House to continue.
- *Reasons to oppose:* Most constituents did not appear to support the commercial portion; the project would be more conducive on the commercial corridor; Council setting a moral or ethical precedent; a general opposition to higher densities without the ability to recover effluent; and Council was responsible to the people who designed the General Plan and those who voted for it.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to adopt Ordinance No. 15-805 rezoning approximately 6.55 acres generally located within APS 306-05-031N from AR-5 (Agricultural/Residential, 5 acre minimum) to MR-PAD (Multi-family Residential, Planned Area Devt) and approximately 9.7 acres from AR-5 to CL-PAD (Commercial Light; Planned Area Development) as stipulated with any amendments or corrections to document.

Vote: 5 - 2 PASSED

NAY: Mayor Chris Marley
Councilmember Susie Cuka

c) Consideration and possible action to adopt Resolution 15-1069 for the purpose of applying for an Arizona Game and Fish Shooting Range Development Grant for the purpose of constructing and operating a trap shooting range. (James Gardner, Associate Planner)

Recommended Action: Adopt Resolution 15-1069, approving a grant application for an Arizona Game and Fish Shooting Range Development Grant for the purpose of constructing and operating a trap shooting range.

Ms. Mayday reported that staff desired to apply for a $50,000 grant, with an in-kind match, to develop a trap and skeet range. The Town had applied for and received such funding numerous times in the past.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to adopt Resolution 15-1069, approving a grant application for an Arizona Game and Fish Shooting Range Development Grant for the purpose of constructing and operating a trap shooting range.

Vote: 7 - 0 PASSED - Unanimously

d) Presentation, discussion, and possible action to direct staff to publish a Notice of Intention to Amend Municipal Wastewater Fees and Charges Related to Disposal of Septage at the Town of Chino Valley Wastewater Treatment Plant and set a public hearing date on the adoption of said fees; along with a brief presentation on the status of the plant. (Mayor Marley & Ron Grittman, Public Works Director/Town Engineer)

Recommended Action:
(i) Set a public hearing date for January 26, 2016 and to direct staff to publish the Notice of Intention to Amend Municipal Wastewater Fees and Charges Related to Disposal of Septage at the Town of Chino Valley Wastewater Treatment Plant not less than 20 days before January 26, 2016; and/or
(ii) Direct staff to further investigate the feasibility of receiving septage at the wastewater treatment plant.

Mr. Grittman stated that Mayor Marley requested a briefing on this matter and reported that:

- After February 2012, the company performing operation and maintenance (O&M) of the wastewater treatment plant ceased accepting septage due to what was believed to be the receipt of septage that caused a dire impact on the plant.
- Since the Town took over O&M of the plant in April 2015, staff had brought the plant up to industry standards and was proposing to accept septage again, as it was a source of income and local haulers had requested it. They proposed to update the new septage fee to $0.13 per gallon.

- Staff also believed that septage reception, projected at $550,000 in three years, will provide the necessary funding to support future plant O&M activities and equipment upgrades.
- Staff intended to modify the Town's previous septage regulations to provide protection to the plant, and develop an agreement that each septage hauler must execute prior to being permitted to dump at the plant.

Town Attorney Smiley advised that upon approval, staff would publish a notice of intent and set a public hearing date for January 26, after which Council could approve the new rate.

Council asked staff to:

- research other entities with a similar type of plant that accepted septage;
- provide price comparisons with other municipalities; and
- contact haulers to: (i) get letters of intent that they would agree to the new parameters; and (ii) obtain the estimated gallons to be dumped.

MOVED by Councilmember Susie Cuka, seconded by Vice-Mayor Darryl Croft to set a public hearing date for January 26, 2016 and to direct staff to publish the Notice of Intention to Amend Municipal Wastewater Fees and Charges Related to Disposal of Septage at the Town of Chino Valley Wastewater Treatment Plant not less than 20 days before January 26, 2016; and direct staff to further investigate the feasibility of receiving septage at the wastewater treatment plant.

Vote: 7 - 0 PASSED - Unanimously

e) Consideration and possible action to cancel the professional services agreement with Civil Tec Engineering, Inc., for the preparation of engineering construction plans for the Old Home Manor Industrial Park project, in the amount of $175,120.00. (Ron Grittman, Public Works Director/Town Engineer)

Recommended Action: Cancel the Professional Services Contract with Civiltec Engineering, Inc., for the preparation of engineering construction plans for the Old Home Manor Industrial Park project.

Mr. Grittman reported that:

- On August 11, 2015, the Town entered into a professional services agreement with CivilTec Engineering regarding engineering documents for the Road 4 North roadway extension and water and sewer lines extension to the Old Home Manor Industrial Park.
- The oversight professionals at the Economic Development Agency (EDA) would not accept this scope of work and agreement because of the age of the Town's statement of qualifications (SOQ).
- The agreement provided that the Town could terminate it with 10 days written notice at any time and was required to pay CivilTec for services rendered under the agreement up until the date of termination. As Town staff had not directed CivilTec to move forward with any billable activities, termination of the agreement will have no financial impact.
- Staff subsequently advertised a new SOQ for this project and will bring this item back on January 26 to start the project again.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to cancel the Professional Services Contract with Civiltec Engineering, Inc., for the preparation of engineering construction plans for the Old Home Manor Industrial Park project.

Vote: 7 - 0 PASSED - Unanimously

f) Consideration and possible action to appoint applicants to fill vacancies on the Planning and Zoning Commission. (Jami Lewis, Town Clerk)

Recommended Action: Appoint applicants to the Planning and Zoning Commission per the Appointments Subcommittee's recommendation.

Mrs. Lewis reported that:

- The Council Appointments Subcommittee met on November 9, 2015 to review applications for the Planning and Zoning Commission and Board of Adjustment.
- Council's appointment of Corey Mendoza to the Council left a vacancy on the Commission. Staff received five applications for the position, including one from the current Alternate Commissioner. These two positions, as well as two other Regular positions, will also be expiring on January 31, 2016.
- The current vacancy on the Board of Adjustment was for the Alternate position. Staff received two applications.

The subcommittee recommended the following:

Planning & Zoning Commission

- Appoint Claude Baker, the current Alternate Commissioner, to the Regular position with term ending January 31, 2016.
- Appoint Julie Van Wuffen to the Alternate position with term ending January 31, 2016.
- Extend four positions, whose terms will expire in January 2016 through their next terms if staff received no applications other than from the current incumbents.

Board of Adjustment

The Subcommittee made no recommendations at this time, preferring to appoint a more qualified candidate.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to appoint Claude Baker, the current Alternate Commissioner, to the Regular position with term ending January 31, 2016; and appoint Julie Van Wuffen to the Alternate position with term ending January 31, 2016.

Vote: 7 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

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

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to adjourn into executive session at 9:24 p.m.

Vote: 7 - 0 PASSED - Unanimously

a) Consideration and possible action to recess the public meeting and hold an executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position in pending litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Town v. JNJ Construction, Inc. (Phyllis Smiley, Town Attorney)

Recommended Action: Recess the public meeting and hold the executive session.

Mayor Marley reconvened the regular meeting at 9:34 p.m.

9) ACTION ITEMS RESUMED

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

None.

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Corey Mendoza to adjourn the meeting at 9:34 p.m.

Vote: 7 - 0 PASSED - Unanimously

_____
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 8th day of December, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of January, 2016.

_____
Jami C. Lewis, Town Clerk

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 6. d.**

Meeting Date: 01/12/2016

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the December 10, 2015 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the December 10, 2015 study session minutes.

Attachments

December 10, 2015 minutes

D R A F T

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

THURSDAY, DECEMBER 10, 2015
6:00 P.M.

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Thursday, December 10, 2015.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff Present: Town Manager Robert Smith; Town Attorney Phyllis Smiley; Police Sergeant Mike Pereda; Development Services Director Ruth Mayday; Associate Planner James Gardner; Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Marley called the meeting to order at 6:00 p.m.

(Councilmember Lon Turner arrived at 6:01 p.m.)

2) Consideration and discussion of proposed amendments to the UDO further regulating the manner and placement of Medical Marijuana uses in the Town of Chino Valley.

Mayor Marley reported that this topic related to the Town further restricting medical marijuana (MMJ) establishments as recently requested by a contingent of the public.

Ms. Mayday presented the following:

- *Overview of the Town's actions since Prop 2013—Arizona Medical Marijuana Act (AMMA)—was approved by Arizona voters in 2010:* In 2012, the Town determined to not impose any regulations other than the State's. In 2013, Council adopted Ordinance 13-799, regulating the maner and placement of MMJ uses. In 2015, Council took public comment and the Planning and Zoning Commission ("Commission") held several public hearings regarding further amendments to the Unified Development Ordinance (UDO).
- *Facts about the AMMA in A.R.S. § 36-2801 and State regulations Title 9 Health Services, Chapter 17 Medical Marijuana Program* as they related to separation requirements from schools, voter approval, statutory regulation, administrative rules, and federal government regulations.
- *Comparison of regional regulations* as they related to zoning for dispensaries and cultivation sites.
- *Facts about Town regulations* with regard to how UDO amendments will affect current MMJ operations (legal conforming v. non-conforming uses), possible repercussions from the Private Property Rights Protection Act (Prop 207), and the Town's regulatory authority pertaining to the manner and placement of land uses legal in the state of Arizona.

- *Overview of the Private Property Rights Protection Act (Prop 207).*
- *Citizens' stated objections to MMJ* and whether or not the Town had any authority over them.
- *MMJ cultivation facilities,* including current parcels where growing was allowed, currently permitted cultivation facilities in the Town, and water usage by type of use as regulated by the State and Active Management Area regulations.

Proposed Options by the Commission:

1. Allow cultivation facilities on-site only (attached to a dispensary).
2. Remove cultivation and infusion facilities from Conditional Uses in AR-36, AR-5, and AR-4 zoning districts.
3. Remove cultivation, infusion and dispensary facilities from permitted uses in CL, CH and I zoning districts; require a Conditional Use Permit (CUP).
   - 3A. Require a CUP for any MMJ facility in Industrial districts only.
   - 3B. Require a CUP for any MMJ facility in Commercial Heavy and Industrial districts only.
   - 3C. Require a CUP for any MMJ facility in Commercial Light, Commercial Heavy, and Industrial districts only.
4. Require 500 foot separation from churches (in addition to already specified uses).
5. Measure separation from property line to property line.
6. Exclude public right-of-way from measurement of separation.
7. Limit size of cultivation facilities to 3,000 square feet (or another specific size limit).

Council asked for clarification on the following:

- *Current dispensary and cultivation (grow) sites:* Only one dispensary was permitted per Community Health Assessment Area (CHAA). The dispensary in the Town had a non-profit structure, and the grow facility attached to it was in Prescott Valley. The Town currently had six grow sites.
- *Grow options:* Ordinance 13-779 eliminated outdoor grow facilities; Council could further restrict offsite grows.
- *Legal non-conforming uses and Prop 207:* Should new regulations render current grow facilities as legal non-conforming uses, they would not able to expand their use, which was where the Town might run into Prop 207 issues.
- *Separation Issues:* The existence of residential within 500 feet disqualified marijuana use, but residential could be established after the fact.

Mr. Paul Conant, attorney for Al Abrams, a local MMJ grower, reported that, in response to previous public comments and concerns, he had asked staff for permission to present a legal overview. Topics covered were:

- *Timeline* as to voter approval, effective date, Rules developed, and dispensaries approved.
- *Federal law* related to the Controlled Substances Act; the Cole Memo, 2016 federal budget Section 538 and MAMM v. USDOJ, all related to federal law enforcement priorities; and Internal Revenue Code taxing regulations.
- *State law and regulations* in A.R.S. 36-2801 et seq relating to user liabilities, possession and property use, and workplace rules; and Arizona Administrative Code (AAC) R9-17-201(F) et seq relating to Arizona Department of Health Services (ADHS) patient rules, not-for-profit officers, and MMJ security measures.
- *MMJ business requirements* related to financial statements, annual audits, and annual

renewal; and the three types of business functions: dispensary, cultivation (farm), and infusion (kitchen).

- *Statistics* regarding cardholders' locations, pounds sold, qualifying patients, patients in the local CHAA, and estimated amounts spent in 2014 in Arizona.
- *Summary*
  - *State:* By statute, MMJ was legal in Arizona and regulated by the ADHS.
  - *Federal:* Although federal law technically prohibited marijuana growing and sales, (i) MMJ was not a federal law enforcement priority (Cole Memo); (ii) Section 538 defunded any federal enforcement relating to state-legalized programs and could be enforced by a federal judge; (iii) the IRS received enormous tax payments from legal MMJ businesses.
  - *Local:* Municipalities could enact "reasonable zoning regulations" under the AMMA.

Council asked about employment and wages at his client's facility. Mr. Conant stated that it had 10 full-time employees and 10 part-timers occasionally during harvest. The temps earned $13 per hour, while their full-timers made up to $100,000 with benefits.

Ralph Pew, attorney, suggested the following:

- Rather than make a drastic change or continue with current regulations, find a middle ground. His client was willing to use the two tools described below.
- He could work with staff to draft a development agreement to govern uses and intensity of uses on property that would allow current growers to define expansion that could occur, as well as address potential Prop 207 claims.
- The second tool was to use site plans or development plans as a protected development right plan.

Mayor Marley recessed the meeting at 7:22 p.m. and reconvened it at 7: 36 p.m.

Mayor Marley opened the floor for public comment on zoning, not moral or legal, issues.

Public comments in favor:

Eric Culverson, head of cultivation and consultant, spoke about the scientific process, efficacy research, natural versus synthetic drugs, plant safety, and grow site restrictions being detrimental to youth and economic growth.

John Morgan, Chino Valley educator, spoke about abatement measures that could be taken and his belief that there was no difference between wine and marijuana industries.

Mike O'Connor, resident and farmer who rented his land to an active grow site, spoke in favor, as MMJ facilities were indistinguishable from any other plant growing facility, grow sites were tightly regulated, current sites were small, cannibus used less water than other plants, MMJ plant wages were higher, restrictions will reduce the economic benefit, and after determining that there was no increase in crime, other municipalities had allowed grow sites to expand.

Brian McClaren, sustainable development consultant for Mr. Abrams, spoke about Mr. Abrams bringing a lot of money into the local economy through paying taxes on the property and during development.

Kate O'Connor-Masse, resident, spoke about there being no zoning problem if people knew the science behind the matter, and she presented Council with a binder of scientific facts about cannibus.

Residents David Albus, Laura Flood, Glenda Wells (also speaking for Billy and Betty Wells), Carla Acosta, Cindy Lazzo, Chad Nanke, expressed concern about:

- moral issues;
- youth marijuana abuse;
- development agreements not being solid and not allowing current sites to be expanded;
- challenges being faced in Colorado and Washington;
- product transport security;
- health effects of marijuana use;
- water usage;
- Prop 207 claims;
- the Town's future in general;
- grow operations providing little benefit to the Town;
- problems in Denver.

Residents Lillian Morales, Glenda Wells, Cindy Lazzo, Andy Ericson, and Peggy Trout supported tighter restrictions on and/or limiting grow facilities, and Chad Nanke supported regulations similar to Prescott Valley's.

Residents Jim Runner, John Trout, and Marsha Hilborn asked about the following and staff responded:

- *The impact of marijuana being approved for recreational use:* Town Attorney Smiley stated that current regulations will only apply to MMJ per the AMMA, and if recreational use was approved, the Town might have to consider something new down the road.
- *Potential grow area off Center Street:* Ms. Mayday stated that that area was too close to residential for an allowable grow site. For example, on Road 4 South, only 10 acres could be used for cultivation due to proximity to residential.
- *Why the Town allowed marijuana growing right off the highway:* Mayor Marley stated that the property owner had the zoning and use by right.
- *Water usage:* Mayor Marley stated that, in Arizona water use went with the land.

Council comments:

- The Town was attractive to many types of growers, as it had good climate and was historically farm country; this discussion mainly concerned limiting growing.
- One hoped to hear from more farmers and growers about the farming aspect.
- The Council had same concerns and issues and had a responsibility to listen to both sides and make a decision based on the General Plan.
- Council could not represent all the citizens' opinions, as there were too many of them.

3) ADJOURNMENT

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to adjourn the meeting at 8:36 p.m.

Vote: 7 - 0 PASSED - Unanimously

_____
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 10th day of December, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of January, 2016.

_____
Jami C. Lewis, Town Clerk

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. a.**

Meeting Date:	01/12/2016
Contact Person:	James Gardner, Associate Planner Phone: 928-636-2646 x-1295
Department:	Development Services
Item Type:	Action Item
Estimated length of staff presentation:	5 minutes
Physical location of item:	N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds.

RECOMMENDED ACTION:

Approve Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds.

SITUATION AND ANALYSIS:

Issue Statement

Much of the housing stock in Chino Valley, especially manufactured and mobile homes, is aging. Arizona Department of Housing (ADOH) offers grant funding through the State Housing Fund (SHF) and the HOME Investments Partnership Program (HOME), which is available in the amount of up to $275,000 per fiscal year for the rehabilitation and replacement of Owner Occupied housing units. The Town of Chino Valley Development Services Department currently utilizes this program to rehabilitate and replace homes for homeowners in need.

Applicable "Policy"

Resolution 14-1034 authorized application for ADOH funds in 2014.

Satisfaction of "Policy"

Resolution 16-1072 aims to continue the Chino Valley Owner Occupied Housing Rehabilitation program by securing more funding through ADOH.

Summary of Issues and Staff Rationale

As many as 1,389 homes in Chino Valley have aged beyond their depreciable life of 30 years, the benchmark year being 1985, and these homes, unless properly maintained by their owners and licensed contractors, are in need of repair, either substantial or minimal. In addition, Chino Valley's housing stock is comprised of approximately 40.5% mobile homes, which far exceeds the state average of approximately 9.8%, and further exceeds the national average of 6.1%. Mobile homes are fully

depreciated at 20 years of age, as compared to the 30 years of a site built home, and therefore present a more significant demand for rehabilitation.

Other Pertinent Documents Available Upon Request:
Demand for Rehabilitation Services in Chino Valley.

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 07-30-6510
Available: 4/1/16
Funding Source:
ADOH HOME and SHF funds.

Attachments

Resolution 16-1072

RESOLUTION NO. 16-1072

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, A MUNICIPAL CORPORATION OF ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION(S) FOR STATE HOUSING FUNDS (WHICH MAY INCLUDE FEDERAL FUNDING THROUGH THE HOME INVESTMENT PARTNERSHIP PROGRAM OR STATE HOUSING FUNDS), CERTIFYING THAT SAID APPLICATION(S) WILL MEET THE COMMUNITY'S HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE HOUSING PROGRAMS, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION; PROVISIND FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Mayor and Common Council of the Town of Chino Valley desires to undertake affordable housing development activities and support the ongoing efforts to repair, rehabilitate, or replace substandard housing in the community; and

WHEREAS, the State of Arizona is administering the State Housing Fund Program; and

WHEREAS, the activity funded by the proposed application will address the community's low-income population housing needs; and

WHEREAS, recipients of State Housing Funds are required to comply with the program guidelines, State and Federal Statutes and regulations;

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

1. Authorizing application to be submitted to the State of Arizona for funding from the State Housing Fund; and

2. Authorizing Chris Marley, Mayor, to sign application or contract or grant documents for receipt and use of these funds; and

3. Authorizing Mayor Marley and James Gardner, Planner, to take all actions necessary to implement and complete the activities submitted in said application(s); and

4. THAT, the MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, shall comply with all State Housing Fund Program Guidelines and Policies, State and Federal statutes and regulations applicable to the State Housing Fund Program (HOME program and/or State Housing Trust Fund) and the certifications contained in the (these) application(s).

BE IT FURTHER RESOLVED all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this resolution 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 12th day of January, 2016.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Phyllis L. N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 16-1072 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on January 12, 2016, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

_____
Jami C. Lewis, Town Clerk

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. b.**

Meeting Date: 01/12/2016

Contact Person: Cecilia Grittman, Assistant Town Manager
Phone: 928-636-2646 x-1202

Department: General Services

Item Type: Action Item - Presentation

Estimated length of staff presentation: 5 minutes

Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to accept changes to the Senior Center Advisory Board by-laws.

RECOMMENDED ACTION:

Adopt Resolution No. 16-1073, repealing Resolution No. 555 and adopting amended Senior Center Advisory Board bylaws incorporated within this resolution.

SITUATION AND ANALYSIS:

The dynamics of the Senior Center functions and its Advisory Board have changed over the years. Some of the language within their bylaws was proving problematic. For instance, the previous bylaws had committees for Executive, Finance, Nutrition, Transportation, and Activities. These committees, being formally set, needed to notice their meetings and have formal agendas. In practice, only one person was in each functional area, and none of the areas were truly formal committees. The person working within Nutrition, for example, helps to create the monthly menu, based on cost, popularity of food items, attendance, and feedback from patrons. This person works with both the Head Cook and the Senior Center Manager, but it is more of an informal process.

The language contained within the new bylaws creates Community Liaisons, which more correctly defines the roles the Board Members are playing, as well as cleaning up some of the previous ambiguous language.

Fiscal Impact

Fiscal Impact?: N

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Resolution 555 - redlined
Resolution 16-1073 - bylaws with comments
Resolution 16-1073 - Final Version

RESOLUTION NO. 555

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI AND STATE OF ARIZONA, RESCINDING RESOLUTION NO. 507, CONTINUING THE TOWN OF CHINO VALLEY SENIOR CENTER ADVISORY BOARD, AND SETTING FORTH ITS DUTIES, RESPONSIBILITIES AND PROCEDURES.

WHEREAS, the Town of Chino Valley adopted Resolution No. 290 on February 14, 1991, adopting the Town of Chino Valley Senior Center Advisory Board By-laws; and

WHEREAS, the Council adopted Resolution No. 425 on October 27, 1994, creating the Town of Chino Valley Senior Center Advisory Board pursuant to Town Code 2-4-7 setting down the duties and Rules of Procedures; and

WHEREAS, the Council adopted Resolution No. 495 on April 28, 1998, amending the Town of Chino Valley Advisory Board duties and Rules of Procedures; and

WHEREAS, the Council adopted Resolution No. 507 on June 23, 1998, amending the Town of Chino Valley Advisory Board duties and Rules of Procedures; and

WHEREAS, the Town of Chino Valley Senior Center Advisory Board wishes to change its duties, responsibilities and procedures;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, in the County of Yavapai and State of Arizona as follows:

Section 1: RATIFICATION
The creation of the Senior Center Advisory Board is hereby ratified.

Section 2: MISSION STATEMENT FOR SENIOR CENTER Please see attached Advisory Board Minutes from June 9, 2010 approving new mission statement

The Mission of the Chino Valley Senior Center is:
"The mission of the Chino Valley Senior Services is to provide opportunities and participation for social interaction, education, recreation, nutrition, wellness and referral information to enhance the quality of life for the adult population of Chino Valley."

A. ~~To provide meals on wheels seven (7) days a week for home-bound seniors and congregate lunches Monday through Friday.~~

~~**B.** To provide a setting for social gatherings as desired by seniors~~

~~**C.** To provide a setting for instruction and learning via various classes as desired by seniors~~

~~**D.** To provide seasonal services as available and requested by seniors, i.e., tax preparation, health screening, etc.~~
~~**E.** To provide activities to meet the needs and interests of the Senior Citizens of the Town of Chino Valley.~~

~~**F**. To make social services referrals.~~

~~**Section 3:** PURPOSES OF SENIOR CENTER ADVISORY BOARD~~

~~The purposes of the Chino Valley Senior Center Advisory Board are as follows:~~
~~**A.** Through Center staff, to advise the Mayor and Common Council regarding Senior Center policy programs and services.~~

~~**B.** Through Center staff, to make recommendations to the Mayor and Common Council.~~

C. To present periodically or as necessary to the Mayor and Common Council during ~~a~~ regularly scheduled Town Council meetings ~~in June an Annual Report describing~~ the accomplishments of the ~~Advisory Board in the previous year and plans for the next year~~ Senior Services Department. .

Section 4: MEMBERSHIP

A. The Board shall consist of seven (7) members, a two-thirds majority of which shall be at least 55 years of age, appointed by the Mayor and Common Council ~~in June~~. Each member to serve for a term of two (2) years, with three (3) terms expiring in even-numbered years and four (4) terms expiring in odd-numbered years. Appointments to fill un-expired terms shall be for the remainder of the term.

B. The Advisory Board and/or staff shall make recommendations to the Mayor and Common Council for appointments to the board to fill expired terms or vacancies on the Board.

C. Members of the Board shall serve at the pleasure of the Council

D. Persons eligible to serve as Board members shall live within the Town limits, except three (3)members who may reside outside Town limits and in Yavapai County in the area served by the Senior Center.

E. Full and Part-time Town employees are not eligible to serve as Board members. An individual who works for the Town in the capacity of a Temporary employee is eligible to serve as a Board member.

Section 5: QUORUM

A majority of the Board, four (4) members, shall constitute a quorum.

Section 6: MEETINGS OF THE BOARD

A. The Board shall meet monthly; the day, time and place of such meetings to be determined by the members of the Board.

B. The Chairman may call special meetings at least forty-eight (48) hours in advance of such meeting or the meeting may be called at the request of four (4) members of the Board.

C. The Board shall adhere to all relevant provisions of Arizona Revised Statutes, the Chino Valley Town Code and this Resolution. For rules of procedure not otherwise set forth, *Robert's Rules of Order, Newly Revised* shall govern the proceedings of the Board.

Section 7: OFFICERS

A. Officers of the Board shall be a Chairman ~~, Vice~~ and Vice-Chairman ~~and Secretary~~. These Officers shall also serve as the Executive Committee. Delete Secretary unless the Board sees a need for this function. Generally the Chairperson has been fulfilling this function with the help of the staff member. I have put the germane duties with the Chairperson's functions, but we can move them back to Secretary if the Board so chooses.

B. When the term of a board member serving as an Officer expires, and said board member is reappointed to the board by the Mayor and Council, said board member shall not automatically resume their previous position and duties. All appointments to serve as an Officer of the board must be done by election at the annual July meeting. If an Officer position becomes vacant during the term, an election shall be conducted at the next regularly scheduled board meeting to fill the position for the remainder of the term.

C. The Chairman shall:

1. Set the agenda for meetings of the Board ~~and so advise the secretary~~ no less than one week prior to the regular meeting.

2. Preside at all meetings of the Board.

3. Call special meetings of the Board.

4. Mediate any problems arising among Board members.

5. Work with Staff member for preparation of meeting agendas.

6. Work with Staff member, in partnership with the Clerk's Office, to post copies of meeting agendas no less than twenty-four hours prior to a meeting of the Board, ensure that meeting minutes, agendas, and appropriate attachments are sent to all Board members prior to a regular meeting, and ensure accurate records are kept of the Board's proceedings. (Previous duties said the agenda and attachments were given to Board Members 5 days prior to a meeting,

and that hasn't consistently happened. I have deleted the 5 day requirement but the Board should weigh in on this).

D. In the absence of the Chairman, the Vice-Chairman shall assume the duties of the Chairman.

~~**E.** The Secretary, or designee, shall:~~

~~1. Post copies of meeting agendas no less than twenty-four hours prior to a meeting of the Board.~~

~~2. Mail meeting minutes, agenda, and appropriate attachments to all members of the Board no less than five days prior to the regular meeting.~~

~~3. Keep a true and accurate account of all proceedings of the Board.~~

~~4. Provide copies of the minutes of any regular or special meeting to all Board members and to the Senior Center Director and to the Community Services Manager, and after Board approval, to the Town Manager, Town Clerk, and upon request, to the public.~~

Section 8: ~~COMMITTEES~~ Board Liaisons

A. The Board ~~shall~~ may create ~~such special committees,~~ liaisons as it deems necessary; s~~tanding committees shall~~ Liaisons may include functional areas of: Executive, Finance, Nutrition, Transportation, and Activities.

B. At the annual July meeting, or when there is a vacancy or a need for a Liaison, the Chairman of the Board shall appoint a ~~Director~~Liaison for each of the ~~standing committees~~ functional areas and the Board must ratify such appointments. The term for all ~~Director~~ Liaisson positions shall be for one year. Liaisons~~Directors of standing Committees~~ may be appointed to serve for consecutive terms. If a ~~Director~~ Liaison position becomes vacant during the term the Chairman of the Board ~~shall~~may, at the next regularly scheduled Board meeting, appoint a new ~~Director~~Liaison and the Board must ratify such appointment. Appointments to fill un-expired ~~Director~~Liaison terms shall be for the remainder of the term.

C. ~~The Chairman shall be an ex-officio member of all Standing or Special Committees.~~

D. ~~Each committee Director shall appoint at least three (3) members selected from the seniors actively involved in the Senior Center.~~

E. ~~Any Special Committee may be disbanded after the committee has made a final report to the Board.~~

F. ~~The duties of the Finance Director shall include:~~ If the Board chooses to create a Finance/Fundraising Liaison, the primary duties will be:

1. Working with the Senior Center Director in planning, organizing, and carrying out fund raising activities

2. Giving a report each month at the Board Meeting on the status of fund raising activities

3. Working with the Activities Director to develop activities which will have a positive financial impact to the Senior Center, ~~and~~

4. With Senior Center Director, perform analysis / comparisons with other entities of fees for meals, programs, services, and activities at the direction of the Board.

4. other duties as assigned by the Chairman of the Board.

G. ~~The duties of the Nutrition Director shall include:~~ If the Board chooses to create a Nutrition Liaison, the primary duties will be:

1. Attending, at the recommendation of the Senior Center Director, workshops or conferences pertaining to the nutritional needs of senior citizens

2. Giving a report each month at the Board Meeting on any information at it relates to how well the Senior Center meals are meeting the nutritional needs of senior citizens

3. Making recommendations to the Senior Center Director on any proposed changes in the menus to better meet the nutritional needs of senior citizens, ~~and~~

4. With Senior Center Director and at the direction of the Board, performs cost analysis of meals and their feasibility relative to budget, and

4. other duties as assigned by the Chairman of the Board.

H. ~~The duties of the Transportation Director shall include:~~If the Board chooses to create a Transportation Liaison, the primary duties will be:

1. Working with the Senior Center Director in planning and creating a transportation program for the use of the Senior Center vans;

2. Making recommendations on what fees should be charged to individuals utilizing the services of the van;

3. Giving a report each month at the Board Meeting detailing how the vans have~~s~~ been used, and how the vans will be used in the coming month(s)

4. ~~Working closely with the Activities Director~~Liaison ~~to coordinate the scheduling of the vans for events sponsored by the Senior Center~~

5. Coordinating the effort to get volunteers to drive the vans

6. ~~Making recommendations on the requirements and restrictions of volunteer drivers operating the vans, and~~

7. other duties as assigned by the Chairman of the Board.

I. ~~The duties of the Activities Director shall include~~ If the Board chooses to create a Activities Liaison, the primary duties will be~~:~~

1. Working with the Senior Center Director in planning, organizing, and carrying out activities

2. Working with the Finance ~~Director~~ Liaison in planning activities for the purpose of fund raising

3. ~~Working with the Transportation DirectorLiaison to coordinate the scheduling of activities requiring the use of the vans~~

4. Assisting the Senior Center office staff in conducting surveys of the Seniors to determine what activities are wanted

5. Planning activities which will generate awareness in the community of the Senior Center

6. Planning activities designed to increase the participation of Town residents in Senior Center sponsored events, and

7. other duties as assigned by the Chairman of the Board.

Section 9: MEETING AGENDA

A. ~~Each a~~Agenda requests shall be presented to the Chairman or Senior Center Director~~Secretary~~ at least ~~onethree days week~~5 days prior to a Board meeting.

B. The Chairman shall determine the items to be placed on the agenda.

C. Meeting agendas shall be posted as required by state law.

D. The format of the agenda for Board meetings shall be as follows:
1. CALL TO ORDER
2. INVOCATION
3. ROLL CALL
4. APPROVAL OF MINUTES
5. REPORTS
6. SENIOR CENTER DIRECTOR'S REPORT

7. UNFINISHED BUSINESS
8. CALL TO THE PUBLIC
9. NEW BUSINESS
10. CORRESPONDANCE
11. SUGGESTION BOX
12. FUTURE AGENDA SUGGESTIONS
13. ADJOURNMENT

Section 10: STANDING RULES

The Board may draft Standing Rules to govern the Board procedures so long as they are not in conflict with the provisions of this resolution. Such Rules shall be adopted by an affirmative vote of two-thirds (5) of the members of the Board.

Section 11: ABSENCES; REMOVAL FOR UN-EXCUSED ABSENCES

A. Except in emergencies, a Board member shall notify the ~~Chairman or the Secretary~~ or the Senior Center Director of any intended absence from a Board meeting not less than twenty-four (24) hours prior to any scheduled meeting.

B. In the event that a Board member misses three (3) consecutive meetings without being excused by the Chairman ~~or Secretary~~, or in the event that the Board member misses (5) regular meetings without being excused by the Chairman ~~or Secretary~~ within a twelve (12) month period, the Board shall forward a recommendation to the ~~Town Manager~~ Town Clerk's Office or appropriate designee in the Town Manager's Office for consideration by the Council of removal of said Board member.

Section 12: RESIGNATIONS

A. A Board member who wishes to resign shall submit the resignation in writing to the Chairman, stating the effective date of the resignation.

B. The Chairman shall immediately forward the resignation to the ~~Town Manager~~ Town Clerk's Office or appropriate designee in the Town Manager's Office for Council action.

Section 13: BOARD MEMBERS SHALL COMPLY WITH THE LAW

Board members shall be bound by Town Code, Article 2-6, Code of Ethics, and by all other provisions of law.

Section 14: USE OF NAME OF SENIOR CENTER

The name, "Chino Valley Senior Center" shall not be used for solicitation or for any commercial or private purpose. Concerning any other proposed use of the name, the Board shall review the

request and shall make recommendation to the Town Manger for approval. The Town Manager may make final approval unless the Town Code requires Council action.

Section 15: REPEAL OF RESOLUTION NO.507

Resolution No. 507 and any resolution or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 8th day of June 2000.

Dan Main, Mayor

ATTEST: APPROVED AS TO FORM:
Delores Sliger, Town Clerk

Robert S. Pecharich, Esq.
Town Attorney

RESOLUTION NO. 16-1073

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING RESOLUTION NO. 555; APPROVING BYLAWS OF THE SENIOR CENTER ADVISORY BOARD; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Town Council established the Town of Chino Valley Senior Center Advisory Board and the Senior Center Advisory Board Bylaws (the "Bylaws") in 1991 pursuant to Resolution No. 290; and

WHEREAS, the Bylaws were amended thereafter by the adoption of Resolutions No. 425, 495, 507, and 555; and

WHEREAS, the Senior Center Advisory Board has reviewed the Bylaws and desires to amend them to change its duties, responsibilities and procedures; and

WHEREAS, the Town Council finds that it is in the best interests of the Town of Chino Valley and its residents served by the Senior Center to approve the amendments to the Bylaws,

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

1. Resolution 555 is hereby repealed.

2. The Town of Chino Valley Senior Advisory Board Bylaws, dated January 12, 2016, as set forth in Exhibit A, which attached hereto and incorporated herein by this reference, are hereby approved and adopted.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this Resolution 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 12th day of January, 2016.

_____

Chris Marley, Mayor

ATTEST:

_____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis Smiley

I hereby certify the above foregoing Resolution No. 16-1073 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on January 12, 2016, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

_____
Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:
1. Exhibit A, Senior Center Advisory Board Bylaws

Town of Chino Valley
Senior Center Advisory Board

Bylaws

January 12, 2016

Section I: Mission Statement: The mission of the Chino Valley Senior Center is to provide opportunities and participation for social interaction, education, recreation, nutrition, wellness and referral information to enhance the quality of life for the adult population of Chino Valley.

Section 2: Membership:

A. The Board shall consist of seven (7) members, a two-third majority of which shall be at least 55 years of age, appointed by the Mayor and Common Council in June. Each member shall serve for a term of two (2) years, with three (3) terms expiring in even-numbered years and four (4) terms expiring in odd-numbered years. An appointment to fill a vacant seat where there is an unexpired term shall be for the remainder of the term of the vacant seat to which the member is appointed.

B. The Board and/or staff may make recommendations to the Mayor and Common Council for appointments to the Board to fill expired terms or vacancies on the Board.

C. Members of the Board shall serve at the pleasure of the Council.

D. Persons eligible to serve as Board members shall live within the Town limits, except that up to three (3) members may reside outside Town limits only if they reside in Yavapai County in the area served by the Senior Center.

E. Full and part-time Town employees are not eligible to serve as Board members. An individual who works for the Town in the capacity of a temporary employee is eligible to serve as a Board member.

Section 3: Quorum:

A majority of the Board, four (4) members, shall constitute a quorum.

Section 4: Meetings of the Board.

A. The Board shall meet monthly; the day, time and place of such meetings to be determined by the members of the Board.

B. The Chairman may call special meetings at least forty-eight (48) hours in advance of such meeting or the meeting may be called at the request of three (3) members of the Board.

[Note: Four members constitutes a quorum and in requesting a meeting may discuss the reason for the meeting, thus violating the open meeting laws.]

C. The Board shall comply with all relevant provisions of the Arizona Revised Statutes (including Arizona Open Meeting Laws), the Chino Valley Town Code and these Bylaws. For rules of procedure not otherwise set forth, *Robert's Rules of Order, Newly Revised* shall govern the proceedings of the Board.

Section 5: Officers:

A. Officers of the Board shall be a Chair and a Vice-Chair. These Officers shall constitute the Executive Committee.

B. The Chair and Vice-Chair shall be elected by the Board at the regular July meeting each year and shall serve a one-year term or until the successor officers are duly elected. If an Officer position becomes vacant during the term, an election shall be conducted at the next regular Board meeting to fill the position for the remainder of the term.

C. If an Officer's term as a Board member expires during his term as an officer, and the Council reappoints the Board member to the Board, the Board member shall not automatically resume his term as an Officer. An election shall be held to fill the officer position at the next regular meeting of the Board..

C. The Chair shall:

1. Set the agenda for meetings of the Board no less than one week prior to the regular meeting.

2. Preside at all meetings of the Board.

3. Call special meetings of the Board.

4. Mediate any problems arising among Board members.

5. Work with Staff to prepare meeting agendas.

6. Work with Staff and the Clerk's Office, to post copies of meeting agendas in compliance with Arizona Open Meeting laws no less than twenty-four hours prior to a meeting of the Board, ensure that meeting minutes, agendas, and appropriate attachments are sent to all Board members prior to a regular meeting, and ensure accurate records are kept of the Board's proceedings.

D. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

E. The Chair shall represent the Board to the Council, providing reports on the activities of the Board and any recommendations for the Council that the Board may have from time to time.

Section 5: Board Community Liaisons

A. The Board may create Community Liaisons ("Liaisons") as it deems necessary; Liaisons may include functional areas of: Executive, Finance, Nutrition, Transportation, and Activities.

B. At the annual July meeting, or when there is a vacancy or a need for a Liaison, the Chair of the Board shall nominate a Liaison for each of the functional areas and the Boardshall vote on such nominations. The term for all Liaison positions shall be for one year. Liaisons may be appointed to serve for consecutive terms. If a Liaison position becomes vacant during the term the Chair may, at the next regularly scheduled Board meeting, nominate a new Liaison and the Board shall vote on such nominations. Appointments to fill unexpired Liaison terms shall be for the remainder of the term. *[If the Board MUST ratify the appointment: A. What happens if the Board refuses? and B. Why not just have the appointment be done by the full Board?]*

C. If the Board creates a Finance/Fundraising Liaison, the primary duties will be:

1. Working with the Senior Center Director in planning, organizing, and carrying out fundraising activities;

2. Giving a report each month at the Board Meeting on the status of fundraising activities;

3. Working with the Senior Center Activities Director to develop activities which will have a positive financial impact to the Senior Center;

4. With Senior Center Director, perform analysis/ comparisons with other entities of fees for meals, programs, services, and activities at the direction of the Board; and

5. Such other duties as assigned by the Chair.

D. If the Board creates a Transportation Liaison, the primary duties will be:

1. Working with the Senior Center Director to plan and create a transportation program for the use of the Senior Center vans;

2. Making recommendations to the Board on what fees should be charged to individuals utilizing the services of the van;

3. Giving a report each month at the Board meeting detailing how the vans have been used, and how the vans will be used in the coming month(s).

4. Coordinating the effort to get volunteers to drive the vans;

5. Such other duties as assigned by the Chair.

E. If the Board creates an Activities Liaison, the primary duties will be:

1. Working with the Senior Center Director to plan, organize and carry out activities;

2. Working with the Finance Liaison to plan activities for the purpose of fundraising;

3. Assisting the Senior Center office staff to conduct surveys of the seniors to determine what activities are wanted;

4. Planning activities which will generate awareness in the community of the Senior Center;

5. Planning activities designed to increase the participation of Town residents in Senior Center sponsored events; and

6. Such other duties as assigned by the Chair.

Section 7: Meeting Agenda

A. Agenda requests shall be presented to the Chair or Senior Center Director at least 5 days prior to a Board meeting.

B. The Chair shall determine the items to be placed on the agenda.

C. Meeting agendas shall be posted as required by state law.

D. The format of the agenda for Board meetings shall be as follows:

1. Call to Order
2. Invocation

3. Roll Call

4. Approval of Minutes

5. Reports from Senior Center Director, Chair, and Members of the Board/Liaisons

6. Call to the Public

7. Unfinished Business

8. New Business

9. Future Agenda Suggestions

10. Adjournment.

[Note: "Correspondence" and "Suggestion Box" items should be agendized as whatever their subject is under new business or unfinished business. If there is something in the suggestion box that the Board wants to consider, it should be agendized. Otherwise, it could be included in the Director's or the Chair's report. If the items are not agendized, it may be inviting members to violate the open meeting law by discussing an item mentioned in correspondence or suggestion box.]

Section 8: Standing Rules

The Board may approve Standing Rules to govern the Board procedures so long as they are not in conflict with the provisions of these Bylaws. Such Rules shall be adopted by an affirmative vote of two-thirds (5) of the members of the Board.

Section 9: Absences; Removal for Unexcused Absences

A. Except in an emergency, a Board member shall notify the Senior Center Director of any intended absence from a Board meeting not less than twenty-four (24) hours prior to any scheduled meeting.

B. If a Board member misses three (3) consecutive meetings or if a Board member misses five (5) regular meetings within a twelve (12) month period, the Chair shall forward a recommendation to the Town Council for consideration of removal of said Board member.*[Absences are not "excused" in any provisions of the bylaws and the Chair is not given authority or criteria to decide whether an absence is "excused" or not. It is more common practice to just count the absences, assuming that a Board member will be there unless there are circumstances such as illness, work travel, etc. that make it not possible. If the Board member misses that many meetings for whatever reason, the Town and the Senior Center would be better served by having a Board member who is able to attend on a more regular basis]*

Section 10: Resignations

A. A Board member who wishes to resign shall submit the resignation in writing to the Chair, stating the effective date of the resignation.

B. The Chair shall immediately forward the resignation to the Town Council for Council action to appoint a new Board member.

Section 11: Board Members Shall Comply with the Law

Board members shall be bound by Town Code, Title III, Chapter 35 Code of Ethics and by all other provisions of law.

Section 12: Use of Name of Senior Center

The name, "Chino Valley Senior Center" shall not be used for solicitation for any commercial or private purpose but may be used for solicitation and fundraising efforts for the benefit of the Senior Center. Concerning any other proposed use of the name, the Board shall review the request and shall make recommendation to the Town Manager for approval. The Town Manager may make final approval unless the Town Code requires Council action or the Town Manager, in his discretion, believes the decision should be made by the Town Council.

RESOLUTION NO. 16-1073

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING RESOLUTION NO. 555; APPROVING BYLAWS OF THE SENIOR CENTER ADVISORY BOARD; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Town Council established the Town of Chino Valley Senior Center Advisory Board and the Senior Center Advisory Board Bylaws (the "Bylaws") in 1991 pursuant to Resolution No. 290; and

WHEREAS, the Bylaws were amended thereafter by the adoption of Resolutions No. 425, 495, 507, and 555; and

WHEREAS, the Senior Center Advisory Board has reviewed the Bylaws and desires to amend them to change its duties, responsibilities and procedures; and

WHEREAS, the Town Council finds that it is in the best interests of the Town of Chino Valley and its residents served by the Senior Center to approve the amendments to the Bylaws;

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

1. Resolution 555 is hereby repealed.

2. The Town of Chino Valley Senior Advisory Board Bylaws, dated January 12, 2016, as set forth in Exhibit A, which attached hereto and incorporated herein by this reference, are hereby approved and adopted.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this Resolution 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 12th day of January, 2016.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Phyllis L. N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 16-1073 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on January 12, 2016, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

_____
Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:
1. Exhibit A Senior Center Advisory Board Bylaws

EXHIBIT A
Senior Center Advisory Board Bylaws

Town of Chino Valley
Senior Center Advisory Board

Bylaws

January 12, 2016

Section I: Mission Statement

The mission of the Chino Valley Senior Center is to provide opportunities and participation for social interaction, education, recreation, nutrition, wellness and referral information to enhance the quality of life for the adult population of Chino Valley.

Section 2: Membership

A. The Board shall consist of seven (7) members, a two-third majority of which shall be at least 55 years of age, appointed by the Mayor and Common Council in June. Each member shall serve for a term of two (2) years, with three (3) terms expiring in even-numbered years and four (4) terms expiring in odd-numbered years. An appointment to fill a vacant seat where there is an unexpired term shall be for the remainder of the term of the vacant seat to which the member is appointed.

B. The Board and/or staff may make recommendations to the Mayor and Common Council for appointments to the Board to fill expired terms or vacancies on the Board.

C. Members of the Board shall serve at the pleasure of the Council.

D. Persons eligible to serve as Board members shall live within the Town limits, except that up to three (3) members may reside outside Town limits only if they reside in Yavapai County in the area served by the Senior Center.

E. Full and part-time Town employees are not eligible to serve as Board members. An individual who works for the Town in the capacity of a temporary employee is eligible to serve as a Board member.

Section 3: Quorum

A majority of the Board, four (4) members, shall constitute a quorum.

Section 4: Meetings of the Board

A. The Board shall meet monthly; the day, time and place of such meetings to be determined by the members of the Board.

B. The Chairman may call special meetings at least forty-eight (48) hours in advance of such meeting or the meeting may be called at the request of three (3) members of the Board.

C. The Board shall comply with all relevant provisions of the Arizona Revised Statutes (including Arizona Open Meeting Laws), the Chino Valley Town Code and these Bylaws. For rules of procedure not otherwise set forth, *Robert's Rules of Order, Newly Revised* shall govern the proceedings of the Board.

Section 5: Officers

A. Officers of the Board shall be a Chair and a Vice-Chair. These Officers shall constitute the Executive Committee.

B. The Chair and Vice-Chair shall be elected by the Board at the regular July meeting each year and shall serve a one-year term or until the successor officers are duly elected. If an Officer position becomes vacant during the term, an election shall be conducted at the next regular Board meeting to fill the position for the remainder of the term.

C. If an Officer's term as a Board member expires during his term as an officer, and the Council reappoints the Board member to the Board, the Board member shall not automatically resume his term as an Officer. An election shall be held to fill the officer position at the next regular meeting of the Board.

C. The Chair shall

1. Set the agenda for meetings of the Board no less than one week prior to the regular meeting.

2. Preside at all meetings of the Board.

3. Call special meetings of the Board.

4. Mediate any problems arising among Board members.

5. Work with Staff to prepare meeting agendas.

6. Work with Staff and the Clerk's Office, to post copies of meeting agendas in compliance with Arizona Open Meeting laws no less than twenty-four hours prior to a meeting of the Board, ensure that meeting minutes, agendas, and appropriate attachments are sent to all Board members prior to a regular meeting, and ensure accurate records are kept of the Board's proceedings.

D. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

E. The Chair shall represent the Board to the Council, providing reports on the activities of the Board and any recommendations for the Council that the Board may have from time to time.

Section 5: Board Community Liaisons

A. The Board may create Community Liaisons ("Liaisons") as it deems necessary; Liaisons may include functional areas of: Executive, Finance, Nutrition, Transportation, and Activities.

B. At the annual July meeting, or when there is a vacancy or a need for a Liaison, the Chair of the Board shall nominate a Liaison for each of the functional areas and the Board shall vote on such nominations. The term for all Liaison positions shall be for one year. Liaisons may be appointed to serve for consecutive terms. If a Liaison position becomes vacant during the term the Chair may, at the next

regularly scheduled Board meeting, nominate a new Liaison and the Board shall vote on such nominations. Appointments to fill unexpired Liaison terms shall be for the remainder of the term.

C. If the Board creates a Finance/Fundraising Liaison, the primary duties will be:

1. Working with the Senior Center Director in planning, organizing, and carrying out fundraising activities;

2. Giving a report each month at the Board Meeting on the status of fundraising activities;

3. Working with the Senior Center Activities Director to develop activities which will have a positive financial impact to the Senior Center;

4. With Senior Center Director, perform analysis/ comparisons with other entities of fees for meals, programs, services, and activities at the direction of the Board; and

5. Such other duties as assigned by the Chair.

D. If the Board creates a Transportation Liaison, the primary duties will be:

1. Working with the Senior Center Director to plan and create a transportation program for the use of the Senior Center vans;

2. Making recommendations to the Board on what fees should be charged to individuals utilizing the services of the van;

3. Giving a report each month at the Board meeting detailing how the vans have been used, and how the vans will be used in the coming month(s).

4. Coordinating the effort to get volunteers to drive the vans;

5. Such other duties as assigned by the Chair.

E. If the Board creates an Activities Liaison, the primary duties will be:

1. Working with the Senior Center Director to plan, organize and carry out activities;

2. Working with the Finance Liaison to plan activities for the purpose of fundraising;

3. Assisting the Senior Center office staff to conduct surveys of the seniors to determine what activities are wanted;

4. Planning activities which will generate awareness in the community of the Senior Center;

5. Planning activities designed to increase the participation of Town residents in Senior Center sponsored events; and

6. Such other duties as assigned by the Chair.

Section 7: Meeting Agenda

A. Agenda requests shall be presented to the Chair or Senior Center Director at least 5 days prior to a Board meeting.

B. The Chair shall determine the items to be placed on the agenda.

C. Meeting agendas shall be posted as required by state law.

D. The format of the agenda for Board meetings shall be as follows:

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes
5. Reports from Senior Center Director, Chair, and Members of the Board/Liaisons
6. Call to the Public
7. Unfinished Business
8. New Business
9. Future Agenda Suggestions
10. Adjournment.

Section 8: Standing Rules

The Board may approve Standing Rules to govern the Board procedures so long as they are not in conflict with the provisions of these Bylaws. Such Rules shall be adopted by an affirmative vote of two-thirds (5) of the members of the Board.

Section 9: Absences; Removal for Unexcused Absences

A. Except in an emergency, a Board member shall notify the Senior Center Director of any intended absence from a Board meeting not less than twenty-four (24) hours prior to any scheduled meeting.

B. If a Board member misses three (3) consecutive meetings or if a Board member misses five (5) regular meetings within a twelve (12) month period, the Chair shall forward a recommendation to the Town Council for consideration of removal of said Board member.

Section 10: Resignations

A. A Board member who wishes to resign shall submit the resignation in writing to the Chair, stating the effective date of the resignation.

B. The Chair shall immediately forward the resignation to the Town Council for Council action to appoint a new Board member.

Section 11: Board Members Shall Comply with the Law

Board members shall be bound by Town Code, Title III, Chapter 35 Code of Ethics and by all other provisions of law.

Section 12: Use of Name of Senior Center

The name, "Chino Valley Senior Center" shall not be used for solicitation for any commercial or private purpose but may be used for solicitation and fundraising efforts for the benefit of the Senior Center. Concerning any other proposed use of the name, the Board shall review the request and shall make recommendation to the Town Manager for approval. The Town Manager may make final approval unless the Town Code requires Council action or the Town Manager, in his discretion, believes the decision should be made by the Town Council.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. c.**

Meeting Date:	01/12/2016
Contact Person:	Ruth Mayday, Development Services Director Phone: 928-636-4427 x-1217
Department:	Development Services
Item Type:	Report Only
Estimated length of staff presentation:	5 minutes
Physical location of item:	Old Home Manor

AGENDA ITEM TITLE:

Status report and discussion regarding the disposition of land in Old Home Manor Industrial Park.

RECOMMENDED ACTION:

N/A

SITUATION AND ANALYSIS:

Issue Statement

Having secured financing for extension of infrastructure improvements to serve properties on Tree Farm Lane/Jerome Junction, Council needs to consider its options for management of the Town-owned properties that receive benefit from the improvements.

Applicable "Policy"

Key Result Area 2: Sustainable Economic and Community Development; Goal 1: Complete the CV Industrial and Commercial Development Plan; Objective B: Initiate business attraction and retention efforts for OHM; Action: Develop plan for Commercial and Industrial Park

Satisfaction of "Policy"

There are benefits and costs associated with the Town retaining ownership of the land in OHMIP and leasing it to private parties; conversely, there are similar costs and benefits to the Town selling the real estate to the same. Resolving these issues is critical in determining the form and content of the legal documents related to both sale and lease of real estate, as well as the marketing of the property to the public.

Summary of Issues and Staff Rationale

There are a number of issues that will affect the Council's decision as to how staff proceeds with the planning and development of Old Home Manor Industrial Park. Inherent in the use of federal funding are certain restrictions and requirements for future users (beneficiaries) of the improvements; there are also tax advantages for municipally-owned property that are not available for privately-owned property. Conversely, sale of the real estate could provide periodic infusions of cash to the Town while

providing increased property tax revenue to the County.

Findings of Fact:
1) The Town has secured funds for extending infrastructure to the eastern portion of OHM;
2) ARS vests the authority to manage and transfer real estate with Town Council;
3) In order to properly draft legal documents related to the use of land within OHMIP, Council must determine what form of ownership provides the greatest benefit to the community.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. d.**

Meeting Date:	01/12/2016
Contact Person:	Ruth Mayday, Development Services Director Phone: 928-636-4427 x-1217
Department:	Development Services
Item Type:	Report Only
Estimated length of staff presentation:	5 minutes
Physical location of item:	N/A

AGENDA ITEM TITLE:
Status report and discussion regarding UDO amendments to provide relief to agribusinesses from certain development standards.

RECOMMENDED ACTION:
N/A

SITUATION AND ANALYSIS:
Issue Statement

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale
Based on feedback received from owners of Agri-businesses and citizens at large, staff considered drafting amendments to certain portions of Chapter 3, Zoning Districts and Chapter 4, General Regulations of the UDO. A roundtable meeting was held on October 26, 2015 at 6:00 pm. in the Council Chambers; one (1) member of the public appeared. Comments from the single participant were related to ADWR's water policy and not town regulation of agribusinesses.

Staff had planned to proceed with recommended amendments in November of 2015; the resurgence of the Medical Marijuana issue precluded staff from moving forward with the Agribusiness matter. At the regular meeting of the Planning & Zoning Commission on November 3, 2015, the commission voted unanimously to table the matter for consideration in the future.

In reviewing the UDO, staff has determined that there are some modifications that can be made for agribusinesses to grant relief from certain development requirements. The current paving standard for parking (double chip seal) is not conducive to to agricultural uses as it permanently removes land from ag production. Allowing an agribusiness to use an alternate dust free surface, or develop an

alternate dust control plan would remedy dust complaints without permanently impacting land. If an agribusiness is inviting the public in, the requirement for handicapped access would remain.

Given the lack of response by the Agribusiness community, staff can only surmise that the development standards as they currently exist are generally sufficient and do not represent a significant barrier to growth. There are some adjustments that can be made that do not logically apply to such businesses; staff intends to initiate a text amendment at the February 2, 2015 regular meeting of the Planning & Zoning Commission.

Findings of Fact

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. e.**

Meeting Date:	01/12/2016
Contact Person:	Jami Lewis, Town Clerk Phone: 928-636-2646 x-1208
Department:	Town Clerk
Item Type:	Action Item
Estimated length of staff presentation:	None
Physical location of item:	N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 16-807, amending the Town Code, Title III Administration, Chapter 37 Elections, by amending § 37.021 Election of Mayor or Councilmember at Primary Election, to bring this section into alignment with recent amendments to Arizona Revised Statutes § 9-821.01.

RECOMMENDED ACTION:

Adopt Ordinance No. 16-807, amending § 37.021 Election of Mayor or Councilmember at Primary Election.

SITUATION AND ANALYSIS:

Issue Statement

Ordinance No. 16-807 will bring Town Code § 37.021 into alignment with recent amendments to Arizona Revised Statutes § 9-821.01.

Applicable "Policy"

A.R.S. § 9-821.01
Town Code § 37.021

Satisfaction of "Policy"

Adoption of the proposed ordinance will bring the Town Code into alignment with recent changes to election law.

Summary of Issues and Staff Rationale

Town Code § 37.021 pertains to the election of a mayor or councilmember at the primary election. It provides that a candidate is deemed elected at the primary if he receives a majority of all votes cast at such election, and sets forth the basis of calculating whether a candidate for mayor or town council has received such majority. In order to accommodate the new consolidated election ballot and the fact that the number of people voting in a consolidated election may not accurately reflect the number of people voting for local issues, A.R.S. § 9-821.01 was amended to provide an alternate method to calculate the

number of votes to determine such majority. To avoid having to amend this Town Code section every time the statutes are changed, staff recommends changing the language to state that the majority of votes cast shall be as determined by state law. Current state law, ARS Section 9-821.01(D) provides that the "majority of votes cast" shall be calculated as follows: (1) Calculating the total number of actual votes case for all candidates for an office whose names were lawfully on the ballot for that office; (2) dividing that sum by the number of seats to be filled for the office; and (3) dividing that number by two and rounding that number to the highest whole number.

Findings of Fact

- The state legislature amended the state law provision related to this section of the Town Code, rendering the Town Code section out of alignment with the amendment to the statute.
- The proposed amendments to the Town Code will bring it back into alignment.
- The Town Attorney also updated language in the section to more closely reflect the statutes.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 16-807

Example of Primary Election Calculations Using Prior & Current Methods

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ORDINANCE NO. 16-807

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, TITLE III, ADMINISTRATION, CHAPTER 37 ELECTIONS, BY AMENDING § 37.021 ELECTION OF MAYOR OR COUNCILMEMBER AT PRIMARY ELECTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, Town Code § 37.021 provides for the election of candidates at the primary election, that a candidate is deemed elected at the primary if he receives a majority of all votes cast at such election, and for the basis of calculating whether a candidate for mayor or town council has received such majority; and

WHEREAS, Arizona Revised Statutes § 9-821.01 was amended to provide an alternative method for municipalities to calculate the number of votes cast at a municipal election for the purpose of determining whether a candidate for mayor or council received a majority of the votes cast at a primary election;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY, AS FOLLOWS:

Section I. In General.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 37 Elections, is hereby amended by amending Section 37.021 Election of Mayor or Councilmember at Primary Election to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 37: ELECTIONS

COUNCIL ELECTIONS

§ 37.021 ELECTION OF MAYOR OR COUNCILMEMBER AT PRIMARY ELECTION.

A. At the primary election, any candidate for the office of mayor or town council who receives a majority of all votes cast FOR THAT OFFICE at such election shall be declared elected to the office for which he or she is a candidate, effective as of the date of the general election, and no further election shall be held as to such candidate.

B. If more candidates receive a majority OF VOTES CAST than there are ~~offices~~SEATS to be filled FOR THE OFFICE, then ~~those~~THE CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES equal ~~in number~~ to the NUMBER OF ~~offices~~SEATS to be filled FOR THE OFFICE~~receiving the highest number of votes~~ shall be declared elected TO THAT OFFICE.

C. The ~~total~~MAJORITY of ~~all~~ votes cast ~~for the candidates for the office of mayor constitutes the total number of votes cast at the election and shall be the basis for calculating whether a candidate for mayor or town council has received a majority of all votes cast at the election.~~ SHALL BE AS DETERMINED BY STATE LAW.

Section II. Repeal of Conflicting Ordinances.

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

Section III. Providing for Severability.

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

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of January, 2016 by the following vote:

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

APPROVED this 12th day of January, 2016.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Phyllis L. N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-807, ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 12TH DAY OF JANUARY, 2016, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2016.

_____
Jami C. Lewis, Town Clerk

EXAMPLE OF PRIMARY ELECTION CALCULATIONS
USING PRIOR & CURRENT METHODS

Candidates (3 Open Seats)	# of Votes
Candidate 1	975
Candidate 2	826
Candidate 3	1,013
Candidate 4	830
Candidate 5	1,287
Candidate 6	736

	2013 Calculation Method:		2016 Calculation Method:	
Basis:	Votes (ballots) cast for the entire election		Total votes for all candidates	
Calc Method:	*Total Votes (Ballots) Cast:*	2,256	*Sum of all votes for all candidates:*	5,667
	Divided by 2:	1,128	*Divided by number of seats (3):*	1,889
	Plus 1 for 50% + 1:	1,129	*Divided by 2 (rounded up):*	945
	Number of votes to be elected:	1,129	*Number of votes to be elected:*	945
Result:	Candidates 1, 2, 3, and 4 moved forward to the run-off (general) election		Candidates 1, 3, and 5 would receive enough votes to be declared elected and no run-off would be necessary	

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. f.**

Meeting Date:	01/12/2016
Contact Person:	Jami Lewis, Town Clerk Phone: 928-636-2646 x-1208
Department:	Council
Item Type:	Action
Estimated length of staff presentation:	None
Physical location of item:	N/A

AGENDA ITEM TITLE:

Consideration and possible action to change the Council's study session schedule and select a date for the next ensuing study session.

RECOMMENDED ACTION:

Direct staff to amend the Council's study session schedule and schedule the next study session per discussion.

SITUATION AND ANALYSIS:

Issue Statement

Mayor Marley requests a discussion regarding the Council's study session schedule and scheduling its next study session.

Applicable "Policy"

N/A

Satisfaction of "Policy"

N/A

Summary of Issues and Staff Rationale

(i) Mayor Marley requests that Council consider moving study sessions from first and third Thursdays to third Tuesdays.

(ii) The Agenda Review Team ("AR Team") also recommends a study session to discuss: (i) sewer system connections (Center Street), (ii) the seven options regarding medical marijuana forwarded by the Planning and Zoning Commission, and (iii) staff's proposed Communications Plan and Policy. Should Council agree to the proposed study session schedule change above, the AR Team recommends scheduling these items for January 19, 2016. If Council makes no or other changes to the schedule, the AR Team requests that Council select a date for the next study session.

Findings of Fact
N/A

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 9. a.**

Meeting Date: 01/12/2016
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Action Item
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:
Consideration and possible action to approve the assignment of the Contract for Legal Services with Curtis Goodwin Sullivan Udall and Schwab, PLC for Town Attorney services to Gust Rosenfeld, PLC.

RECOMMENDED ACTION:
Approve the assignment.

SITUATION AND ANALYSIS:

Issue Statement

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale
The Town of Chino Valley has a contract for legal services with Curtis Goodwin Sullivan Udall & Schwab, PLC ("CGSUS") to serve as the Town Attorney. CGSUS has disbanded and Phyllis Smiley and Susan Goodwin, the attorneys who provide the actual Town Attorney services are now with Gust Rosenfeld, PLC. Ms. Smiley and Ms. Goodwin would like to continue to provide legal services as Town Attorney to the Town and have prepared an assignment letter for the Town. As explained in the attached letter from Susan Goodwin, Ms. Smiley will continue to serve as the primary responsible attorney for Chino Valley, with Ms. Goodwin continuing to assist. The terms of the Town's contract with CGSUS will continue in effect and the fees will not change. Gust Rosenfeld, similar to CGSUS, has a large public law practice and also provides legal services in the areas of municipal finance, litigation, real estate law, environmental law, labor law and business law.

Findings of Fact

Fiscal Impact

Fiscal Impact?: none

If Yes, Budget Code:
Available:
Funding Source:

Attachments

Assignment Letter

GUST ROSENFELD
ATTORNEYS SINCE 1921 P.L.C.

■ ONE E. WASHINGTON, SUITE 1600 ■ PHOENIX, ARIZONA 85004-2553 ■ TELEPHONE 602-257-7422 ■ FACSIMILE 602-254-4878 ■

Susan D. Goodwin
602.257.7671
sgoodwin@gustlaw.com

January 7, 2016

Mr. Robert E. Smith, Town Manager
Town of Chino Valley
202 N. State Route 89
Chino Valley, AZ 86323

Re: Assignment of Contract for Legal Services to Gust Rosenfeld, P.L.C.
Our File No. 006777

Dear Robert:

As we have previously discussed, Phyllis Smiley, Trish Stuhan and myself have joined the law firm of Gust Rosenfeld, P.L.C. ("Firm"), a well-established law firm in Arizona with a large public practice. In addition, the Firm provides legal services in the areas of municipal finance, litigation, real estate law, environmental law, labor law and business law. We are excited with this new opportunity and look forward to continuing to provide to the Town of Chino Valley the high quality legal services you have come to expect, enhanced by the additional resources available at Gust Rosenfeld. Phyllis Smiley will continue to serve as the attorney primarily responsible for the Firm's representation of the Town. I will continue to assist. Other professionals are available to provide services as appropriate.

Ethics rules governing attorneys in Arizona require that our fees be set forth in writing. Curtis, Goodwin, Sullivan, Udall & Schwab, PLC currently has a Contract for Legal Services with the Town of Chino Valley. We propose to assign that Contract to Gust Rosenfeld with no change in the existing fees. A copy of the current Contract for Legal Services is enclosed.

Because Gust Rosenfeld is a financial service provider, federal law requires that we provide you with the Firm's policy regarding protecting the privacy of client information. The Firm will protect its clients' confidential information.

Types of Nonpublic Personal Information That We Collect. We only collect nonpublic personal information about our clients that is provided to us by clients or obtained by us with their authorization.

SDG:mjw 2527743.1 1/7/2016

Mr. Robert E. Smith, Town Manager
January 7, 2016

Parties to Whom We Disclose Information. For current and former clients, we do not disclose any nonpublic personal information obtained in the course of our practice except as required by law or permitted by our clients.

Protecting the Confidentiality and Security of Current and Former Clients' Information. We retain records relating to professional services that we provide so that we are better able to assist our clients with their professional needs and, in some cases, to comply with professional guidelines. In order to guard clients' nonpublic personal information, we maintain physical and procedural safeguards that comply with professional standards for law firms.

We request that you place this on an upcoming agenda for the Town Council for approval. If approved by the Council, please sign at the signature line below indicating acceptance of the assignment of the existing Contract for Legal Services to Gust Rosenfeld, P.L.C.

Please do not hesitate to give us a call if you wish to discuss the enclosed.

Very truly yours,

Susan D. Goodwin
For the Firm

SDG/mjw

Enclosure: Existing Contract for Legal Services

ACCEPTANCE OF ASSIGNMENT

_____

Town of Chino Valley

CONTRACT FOR LEGAL SERVICES

AGREEMENT dated this 26 day of March, 2013, between the Town of Chino Valley, Arizona, a municipal corporation of the State of Arizona, acting by and through its duly authorized officers, hereinafter called the "Town," and CURTIS, GOODWIN, SULLIVAN, UDALL & SCHWAB, P.L.C., hereinafter called the "Firm."

RECITALS:

1. Town requires the services of a Town Attorney to provide legal services to it.

2. Firm desires to provide legal services to Town in the capacity of Town Attorney.

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is agreed as follows:

TERMS:

1. Appointment of Town Attorney: Town hereby appoints and retains Firm as its Town Attorney. As Town Attorney, Firm shall:

1.1 Act as general counsel for the Town through its offices and staff, including, but not limited to: preparation of ordinances and resolutions, advice on real estate matters, contract review, advice on election matters, preparation of legal opinions, attendance at regular and special meetings of the Town Council, representation of Town in civil litigation matters; and such other general legal services as the Town may require or request through its Town Council or Town Manager.

1.2 Act as special counsel to the Town, upon request of Town, in those areas of the law set forth in Paragraph 3.

2. Acceptance: The Firm hereby accepts the appointment and promises it will render to the best of its abilities the services and legal representation and advice described herein during the continuance of this Contract.

3. Compensation: The Town shall pay to Firm for the services agreed to be rendered by the Firm and its employees under this Agreement as follows:

For general counsel services

$ 175.00 per hour for attorneys
$ 125.00 per hour for paralegals

For special counsel services (Civil Litigation, Environmental Law, Telecommunications Law and Water, Utility, and Natural Resources Law):

$ 185.00 per hour for attorneys
$ 125.00 per hour for paralegals

4. Reimbursable Expense: The Town monthly shall reimburse Firm for out-of-pocket expenses incurred by it in the performance of Firm's duties under the provisions of this Agreement, or otherwise agreed by the Parties. Copy charges shall be $0.40 per page, fax charges shall be $1.00 per page, Westlaw research for research outside of the Firm's standard package and long distance and metered or measured telephone charges shall be charged at cost. Litigation expenses (investigative costs, expert witness fees, deposition charges, transcript costs, brief costs, court costs, and other charges) shall be charged at cost.

5. Payment: All compensation and reimbursable expenses shall be paid by the Town within thirty (30) days of mailing of statements or billings therefore, unless the parties agree otherwise. Unpaid invoices after thirty (30) days shall bear interest at one and one-half percent (1½%) per month.

6. Standard of Performance: Firm agrees to faithfully represent the interests of the Town as its general counsel and special counsel and to provide, furnish, and pay for all of Firm's non-reimbursable overhead expenses, and to make available personnel and equipment, necessary to accomplish those ends. Services shall be performed in accordance with all standard canons and practices approved by the Arizona Supreme Court and the State Bar of Arizona. Firm employees shall be available at all reasonable times to render the services required hereunder. A member of the Firm shall attend all regularly scheduled Town Council meetings. Additionally, upon request of the Town Manager, a member of the Firm shall attend special Council meetings and staff, Board or Commission meetings.

7. Working Facilities: Firm shall furnish assistance to the Town from the Firm's office, other attorneys' offices and such other facilities and services normally suitable and adequate for the performance of the duties as set forth in this Agreement.

8. Independent Contractor: In performing the services herein specified, Firm is acting as independent contractor.

9. Extent of Services: Firm shall devote the necessary time and attention to its obligations as specified in this Agreement. However, the Town recognizes that the Firm shall also be allowed to engage in the private practice of law which includes representation of clients other than the Town. The parties acknowledge that there will be situations where Town may contract with other persons to provide specialized legal services beyond the scope of the Firm's obligations under this Agreement. These situations may include but not be limited to (a) an insurance company's obligation to defend the Town pursuant to the terms of an insurance contract; and (b) the Town directly contracting with one or more attorneys for handling of specialized matters such as bonding and tax issues. The Firm shall not be required to handle or assist in the handling of such matters unless the Town Manager specifically requests otherwise.

10. Benefit: This Agreement shall inure to the benefit of and be binding upon Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C., and its successors and assigns. In the event any employee of Firm should withdraw from the Firm or be unable to act during the term hereof, the remaining member or members of the Firm shall perform all services required hereunder and, at Firm's option, additional qualified personnel may at any time be added to the Firm to perform said services.

11. Term; Termination: The term of this Agreement shall begin upon appointment and shall be automatically renewed for successive one-year terms unless sooner terminated by the parties. Either party may terminate this Agreement upon sixty (60) days written notice to the other party. Fees may be revised only with an amendment to this Agreement.

12. Notices: Any notice required or permitted to be given under this Agreement shall be sufficient if in writing and if sent by certified or registered mail to the other party at the respective offices listed below:

Susan D. Goodwin, Esq.
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
501 East Thomas Road
Phoenix, Arizona 85012-3205

Town Manager
Town of Chino Valley
P.O. Box 406
Chino Valley, Arizona 86323

13. Conflict of Interest: Under Section 38-511, Arizona Revised Statutes, as amended, the Town may cancel any contract it is a party to within three years after its execution and without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the Town is, at any time while the contract or any extension thereof is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party to the contract with respect to the subject matter of the contract. In the event the Town elects to exercise its rights under § 38-511, Arizona Revised Statutes, as amended, the Town agrees to immediately give notice thereof to Susan D. Goodwin at the address specified above.

14. Entire Agreement: This instrument contains the entire Agreement of the parties. This Agreement may be changed only by a written agreement signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement at the Town of Chino Valley, Arizona, the day and year first above written.

CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.

By: _____
Susan D. Goodwin, President

TOWN OF CHINO VALLEY

By: _____
Chris Marley, Mayor

ATTEST:

_____
Jami C. Lewis, Town Clerk