1. Town Council - Agenda

   Documents: 2016_01_19_CC_SS_AG.PDF

2. Council - Study Session Packet

   Documents: 2016_01_19_CC_SS_PK.PDF

Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

STUDY SESSION
TUESDAY, JANUARY 19, 2016
6:00 P.M.

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

AGENDA

1) CALL TO ORDER; ROLL CALL

2) Discussion regarding proposed amendments to the UDO further regulating the manner and placement of Medical Marijuana uses in the Town of Chino Valley. (Mayor Marley; Vice-Mayor Croft)

3) Discussion regarding the Administrative Policy, "Communications Policy / Social Media Policy" for the Town of Chino Valley. (Cecilia Grittman, Assistant Town Manager)

4) Discussion regarding use of USDA WIFA refinance savings/proceeds to fund Center Street sewer extension; and the Town's water and sewer extension, buy-in fee, and connection policies. (Mayor Marley)

5) ADJOURNMENT

Dated this 14th 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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Jami C. Lewis, Town Clerk

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session **Item No. 2)**

Meeting Date:	01/19/2016
Contact Person:	Ruth Mayday, Development Services Director Phone: 928-636-4427 x-1217
Department:	Development Services
Estimated length of Staff Presentation:	None
Physical location of item:	N/A

Information

AGENDA ITEM TITLE:

Discussion regarding proposed amendments to the UDO further regulating the manner and placement of Medical Marijuana uses in the Town of Chino Valley. (Mayor Marley; Vice-Mayor Croft)

SITUATION & ANALYSIS:

The voters in the state of Arizona approved Proposition 203 in November of 2010, effectively legalizing the use of medical marijuana (MMJ) in Arizona. Since then, the Town of Chino Valley has twice considered instituting regulations regarding the manner and placement of MMJ dispensaries, infusion facilities, and cultivation facilities. After a series of public hearings in 2011 and 2012, Town Council decided to abide by only the Arizona Department of Health Services (AzDHS) separation requirement of 500' from any school, public or private.

Shortly thereafter, two (2) properties were acquired for the purpose of cultivating MMJ, and an existing greenhouse was converted from cultivation of vegetables to MMJ, all of which were located within the boundaries of the town and within relatively close proximity to each other. This prompted Town Council to direct staff to again research the means by which the Town could regulate the manner and placement of facilities for the cultivation, infusion, and dispensing of MMJ. Council then directed staff to prepare draft amendments to the UDO for the purpose of regulation the manner and placement of said uses within the community. After a series of meetings and public hearings (noticed in accordance with ARS 9-4620.4 and the UDO) and an affirmative recommendation by the Planning and Zoning Commission, the Town Council approved Ordinance No. 13-779 on December 10, 2013.

Ordinance 13-779 set forth zoning districts in which MMJ could be cultivated, dispensed, or infused. It also banned outdoor cultivation of MMJ, established separations from conflicting uses, and required a Conditional Use Permit in certain circumstances. The purpose of the text amendments was to establish reasonable regulations for MMJ uses without using zoning as a means of banning the use outright, yet limit the impact that the industry could have on the community.

In July of 2015, Az Organics acquired approximately 53 acres located at the Northeast corner of the intersection of State Route 89 and Road 4 South. Staff met with the developer's agent shortly

thereafter; the agent stated that his involvement would be limited and likely end prior to submitting a building permit, and informed staff that approximately 10-12 acres would be used for MMJ cultivation and the balance would be developed as mixed-use Commercial Light and Multi-family residential. After obtaining approval from Public Works, the applicant's agent began earthwork to construct the necessary drainage improvements. This prompted numerous calls from the public to town staff; when they were told that the ultimate use would be MMJ, many citizens objected to the use and requested Council consider additional restrictions on manner and placement of said facilities within Town.

Council took public comment regarding MMJ during the October 27, 2015 regular meeting. After discussion, Council directed staff to research additional regulation of MMJ uses in Chino Valley. Subsequently, the Planning and Zoning Commission took public comment and conducted citizen review during its November 3, 2015 regular meeting. The Commission also took public comment during a special meeting on November 17, 2015 during which a public hearing was held. Staff then synthesized comments into seven (7) proposed text amendments and presented those options to the Commission during the December 1, 2015 regular meeting. After taking public comment and discussing the matter amongst themselves, the Commission voted unanimously to forward the seven (7) options to Town Council for further consideration and possible action with an affirmative recommendation.

During the public hearing on December 1, 2015, attorney Ralph Pew suggested that the Town consider either a development agreement (DA) or a Protected Development Rights Plan (PDR Plan) as a vehicle(s) to ensure the rights of existing growers. The Commission also recommended that Council consider these options separate from the seven (7) options proposed by staff. Because both the DA and PDR Plan are established in ARS; there would be no need to include those in text amendments to the UDO.

Council held a study session on December 10, 2015 in Council Chambers to review the proposed text amendments and provide opportunity for the public to comment on the proposed language. In addition to a presentation given by staff, Attorneys Paul Conant and Ralph Pew, representing Al Abrams, gave presentations related to the proposed amendments. A number of community members spoke both in support of and opposition to further amendments to the UDO.

Staff's direction has been to bring forward a number of options for Council to consider and possibly adopt. An Ordinance has been drafted, but specific amendments have not yet been approved by Council.

Staff recommends Council direct staff in a regular meeting to prepare a final version Ordinance 15-806 that includes specific text amendments further regulating the manner and placement of medical marijuana facilities in the Town of Chino Valley, and place it on a future agenda for consideration and possible action.

Attachments

Dec. 1, 2015 P&Z presentation

Medical Marijuana

Development Services

December 1, 2015

Actions by Town of Chino Valley:

Proposition 203 : approved by voters in November of 2010.

- 4/5/11: Public hearing at P & Z to make recommendation to TC
- 5/10/11: TC refers matter back to staff to include 500' separation from churches
- 3/20/12: P & Z holds public hearing; recommends no separation between church and MMJ uses
- 4/24/12 TC decides to abide by state regulations
- 9/10/13 TC directs staff to research and draft MMJ regulations
- 11/19/13: Public Hearing at P & Z; forward amendments to TC with recommendation for approval
- 12/10/13: Town Council adopts Ordinance 13-779, regulating the manner and placement of MMJ uses.
- 3/11/14: Town Council adopts Resolution 14-1025 Opposing the Legalization of Recreational Marijuana
- 4/22/14: Town Council adopts Resolution 14-1030 Supporting a Tax on Marijuana Growing Facilities

Actions by Town of Chino Valley:

- Discussed proposed changes and took public comment at October 27, 2015 Town Council Meeting
- Conducted Citizen Review at Planning & Zoning Commission meeting on November 3, 2015
- Held Public Hearing at Planning & Zoning Commission meeting on November 17, 2015
- Public Hearing and recommendation to Town Council on December 1, 2015
- Town Council Study Session December 10, 2015
- Public Hearing and possible action at Town Council January 12, 2015

FACTS:

Whether we like it or not, the following are *facts:*

As to the use of Medical Marijuana in Arizona:

1) The voters of the state of Arizona approved Proposition 203 50.1**:**49.9 in 2010

1) Arizona Revised Statutes Title 36, Public Health and Safety, Chapter 28, Controlled Substances Prescription Monitoring Program, Article 1, General Provisions, Chapter 28.1, Arizona Medical Marijuana Act sets forth statutory regulation of Medical Marijuana in the state of Arizona.

2) §§ 2803 directs the Arizona Department of Health Services to adopt rules further regulating Medical Marijuana in Arizona.

MEDICAL MARIJUANA IS A LEGAL USE IN ARIZONA

FACTS:

Whether we like it or not, the following are *facts:*

As to the regulation of manner and placement in Chino Valley:

1) The Town Council sitting in 2010 discussed amendments to the UDO and declined to amend the UDO, deciding instead to impose the state's lone separation requirement of 500' from public and/or private schools

2) In 2013, Town Council directed staff to research and make recommendations to Council regarding the manner and placement of medical marijuana uses

3) In December of 2013, after notification in accordance with ARS 9-462.04, Town Council adopted Ordinance 13-779, regulating the manner and placement of Medical Marijuana uses within the Town of Chino Valley

FACTS:

Whether we like it or not, the following are *facts:*

As to the regulation of Marijuana by the Federal Government:

1) Possession and use of marijuana in the US has been illegal since 1937. Marijuana was classified as a Schedule 1 drug (no medical use/high probability of addiction) in the 70's

2) The Department of Justice is precluded by the 2014 Appropriations Bill from using its funds to enforce federal laws regarding marijuana in states that have legalized it (Rohrabacher-Farr Amendment; MAMM v. USDOJ)

3) The US Attorney General's office has reprioritized enforcement, focusing its efforts on keeping it out of the hands of minors, stopping resulting cash flow to gangs, cartels, etc., among other things, and not on those in compliance with state MMJ programs

THE DEA IS LIMITED IN THEIR ABILITY TO PROSECUTE IN STATES WHERE MMJ IS LEGAL

FACTS:

Whether we like it or not, the following are *facts:*

1) Non-conforming use is defined in UDO Chapter 2, Definitions, §§ 2.1 Meanings of Words and Terms as follows: "A structure or land which was lawfully established and maintained prior to the adoption of this Ordinance, *or any amendment thereto* or annexation to the Town which does not conform to the use regulations for the district in which it is located." (emphasis added)

2) A text amendment to the UDO can change the legal status of a structure or property from a legal, conforming use to a legal, non-conforming use.

3) UDO Chapter 4, General Regulations, §§ 4.20.4 Expansion of a Non-conforming Use states: "No non-conforming building, use of building or use of land shall be expanded on (sic) in any way that enlarges or reinforces the non-conformity."

FACTS:

Whether we like it or not, the following are *facts:*

As to the Private Property Rights Protection Act:

1) The Private Property Rights Protection Act (Proposition 207) was overwhelmingly approved by the voters in Arizona in 2006.

2) Arizona Revised Statute Title 12, Courts and Civil Proceedings, Chapter 8, Special Actions and Proceedings Relating to Private Property sets forth the legal framework for protections under this Act

3) The Act requires just compensation for diminution of value resulting from "enactment or applicability of any land use law after the date the property was transferred to the owner…"

PROP 207 REQUIRES RELIEF TO PROPERTY OWNERS WHOSE PROPERTY VALUES ARE DIMINISHED BY LAND USE LAWS ADOPTED AFTER THEY HAVE ACQUIRED REAL PROPERTY

FACTS:

Whether we like it or not, the following are *facts:*

MEDICAL MARIJUANA IS A LEGAL USE IN ARIZONA

ARS 9-462.01 ENABLES THE TOWN TO REGULATE LAND USES IN WITHIN THE CORPORATE BOUNDARY OF THE TOWN

PROP 207/ARS §§36-2803 REQUIRES RELIEF TO PROPERTY OWNERS WHOSE PROPERTY VALUES HAVE BEEN DIMINISHED BY LAND USE LAWS ADOPTED AFTER THEY HAVE ACQUIRED REAL PROPERTY

FACTS:

Whether we like it or not, the following are *facts:*

Federal Policy: Regulation of *interstate* commerce, regulation of drugs via FDA, enforcement of federal law

State Policy: Regulation of *intrastate* commerce, enforcement of state laws

Voter Mandates: Private Property Protection Act; Legalization of Medical Marijuana

Local Policy: Manner and placement of land uses deemed legal in the state of Arizona.

This is what the Town can regulate.

Manner and placement of land uses legal in the state of Arizona.

This is what the Town can regulate.

Objections

1) High School kids are getting pot from young adults that have Medical Marijuana Cards/People with cards are selling it on the side.

   This is an enforcement issue – notify police

2) Violation of Federal Law

   This is a federal enforcement issue – contact Congressman Gosar, Senator Flake, or Senator McCain; Drug Enforcement Agency

3) Yavapai County did not vote for this – it was approved by the voters of Maricopa County. Because the majority of voters in this county did not support it, we should not have to abide by it.

   The Arizona Medical Marijuana Act was approved as a statewide initiative. Yavapai County (and its political subdivisions) cannot exempt themselves from state law simply because they didn't vote for it/don't like it.

4) No evidence of medical efficacy

   FDA determines medical efficacy, not the Town

Proposed Options:

1) Allow cultivation facilities on-site only (attached to a dispensary)

- Current AZDHS regulations restrict distribution of dispensaries to one (1) dispensary per Community Health Assessment Area (CHAA).
- The Town already has one (1) dispensary; unless AZDHS changed the regulations, no additional cultivation facilities could be constructed in the Town.

Proposed Options:

2) Remove cultivation and infusion facilities from Conditional Uses in AR-36, AR-5, and AR-4 zoning districts

- Larger parcels of land near electrical utilities are generally zoned AR-5 and AR-4
- Medical Marijuana uses are conditional uses in these zoning districts. Conditional Use permits require the same public hearing process as any zoning change.

Proposed Options:

3) Remove cultivation, infusion and dispensary facilities from permitted uses in CL, CH, and I zoning districts; require a Conditional Use Permit

- Permitted uses undergo no additional public review; only building & site plan review for construction and engineering purposes.
- Allowing these uses with the issuance of a Conditional Use Permit will require additional public hearings and review identical to the rezoning process

Proposed Options:

A. Require a Conditional Use Permit for any medical marijuana facility in **Industrial** districts only

- New facilities can only be constructed in INDUSTRIAL ZONING DISTRICTS *with a Conditional Use Permit*
- Process is identical to rezoning – requires posting, publication, mailing, public hearings

Proposed Options:

B. Require a Conditional Use Permit for any medical marijuana facility in **Commercial Heavy and Industrial** districts only

- New facilities can only be constructed in INDUSTRIAL and COMMERCIAL HEAVY ZONING DISTRICTS *with a Conditional Use Permit*
- Process is identical to rezoning – requires posting, publication, mailing, public hearings

Proposed Options:

C. Require a Conditional Use Permit for any medical marijuana facility in **Commercial Light, Commercial Heavy, and Industrial** districts only

- New facilities can only be constructed in INDUSTRIAL COMMERCIAL HEAVY, AND COMMERCIAL LIGHT ZONING DISTRICTS *with a Conditional Use Permit*
- Process is identical to rezoning – requires posting, publication, mailing, public hearings

Proposed Options:

4) Require 500’ separation from churches (in addition to already specified uses)

- Further restricts land available for development as cultivation site.
- Practically speaking, most churches are located in close proximity to residential zoning districts.
- Statutory separation for Liquor Licenses is 300’ horizontal feet from churches and K-12

Proposed Options:

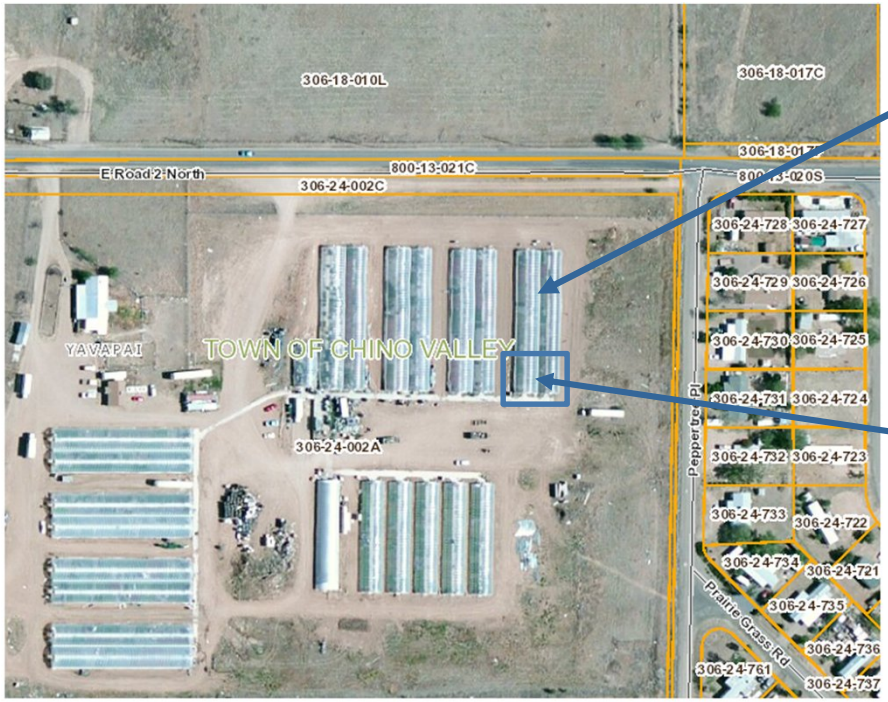
5) Measure separation from property line to property line

6) Exclude public right-of-way from measurement of separation

- If Council decides to eliminate Medical Marijuana uses from AR zoning, language can be truncated
- Excluding public rights-of-way will further increase separation, adding anywhere from 25’ to 200+’

Proposed Options:

7) Limit size of cultivation facilities to 3,000 square feet (or another specific size limit)



Each greenhouse is approximately 12,000 square feet

Approximately 3,000 sf

RECOMMENDATION:

Staff recommends forwarding all seven (7) options, including 3 A, B, and C for consideration and possible action by Town Council.

This will afford Council an opportunity to review all options at the Study Session on December 10, 2015, and hold an additional public hearing at the regular meeting scheduled for January 12, 2016.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session **Item No. 3)**

Meeting Date:	01/19/2016
Contact Person:	Cecilia Grittman, Assistant Town Manager Phone: 928-636-2646 x-1202
Department:	General Services
Item Type:	
Estimated length of staff presentation:	10 minutes
Physical location of item:	N/A

Information

AGENDA ITEM TITLE:

Discussion regarding the Administrative Policy, "Communications Policy / Social Media Policy" for the Town of Chino Valley.

RECOMMENDED ACTION:

N/A

SITUATION AND ANALYSIS:

The Town has a desire to enhance its communications in the Community, and want to use our resources in a responsible fashion.

This is the first draft of a Communications Policy for the Council to discuss and vet.

Fiscal Impact

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

Attachments

Draft 1 01/19/2016

COMMUNICATIONS POLICY / SOCIAL MEDIA POLICY

I. Purposes

a. Enhance a culture of trust and transparency between the residents of Chino Valley and the Town.
b. Assist the community in understanding the breadth of Town services available.
c. Provide information on how to access Town services.
d. Communicate Town events.
e. Communicate Town business (Council Meetings, Planning & Zoning, etc.)
f. Provide an opportunity for a Council Member to have a dialogue with the public.
g. Provide a limited public forum whereby the Town can inform its citizens and businesses of Town operations and citizens can comment on specific topics only at the Town's request and sole discretion.

II. Definitions

a. "Comments" means information, articles, photos, videos or other form of communicative content posted on a social media site by a person other than the owner or operator of the site.
b. "Communications" means information distributed by the Town via the Town's Communications Channels.
c. "Communications Manager" means the Town Manager or his or her appointee.
d. "Communications Channels" means the methods used by the Town to distribute Town Communications, which includes "Official Town Information Sources" and "Town Social Media Sites".
e. "Official Town Information Sources" are the Town's website, Access TV, official press releases, or other sources the Town may utilize, such as a newsletter.
f. "Official Town Website" means that website maintained by the Town at web address: http://www.chinoaz.net/.
g. "Social Networking" means the practice of expanding the number of one's business or personal contacts by making connections through web-based applications and using those applications to promote the sharing of information.
h. "Town Social Media Sites" are those unofficial Town internet sites that are maintained by the Town as additional outlets of information. These may include, but are not limited to, the following: the Town's Facebook page, Twitter, YouTube, LinkedIn, Flickr, and other resources which may become available to the Town.
i. "Public Officer" means any member of the Town Council, Town Boards, or Commissions.
j. "Town Website" means any website maintained by or for the benefit of the Town.

III. First Amendment Considerations and Limitations

a. The Official Town Information Sources are a means for the Town to provide information on matters related to Town business and events to Town residents, businesses and

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visitors. The Official Town Information Sources are not public fora and are not open to receiving public Comments.

b. Town Social Media Sites are non-public fora except as may become limited public fora where the Town may, at its sole discretion, open the site for public comments limited by topic, time or location on the site. Any comments received that do not meet the Town's criteria or are deemed by the Town to be profane or obscene are subject to removal.

IV. Responsibilities and Administration

a. Authority: The Town Manager is responsible for Town Communications and may appoint a Communications Manager, who will report directly to the Town Manager or his/her designee. The Town Manager or, if appointed, the Communications Manager shall oversee and administer the Town Communications operations, including Official Town Information Sources and Town Social Media Sites and shall be responsible for formatting and disseminating information broadcast by the Town. The Communications Manager shall decide the appropriate vehicle for the information being disseminated. If Comments are received, the Communications Manager or his/her designee shall review them and shall promptly remove any Comment that is not in compliance with this Policy.

b. The Town Manager or Communications Manager shall review and may approve:
    a. Requests for using third-party websites and services to advertise Town business, events, or services;
    b. Town-related content being posted on third-party websites;
    c. Town Video posted on outside sources (such as YouTube);
    d. Town content posted on any third-party website, which shall include a clear statement that any reuse, reproduction or alteration of the content is prohibited.

c. Message: The Communications Manager shall ensure that all Town Communications further the Town's or Town department's mission, provide information about Town services, showcase Town or Community events, or provide content that is beneficial or educational to the Town, the community or the region in general.

d. Development of Multiple or Additional Town Sites: If a public official or Town department desires to create an additional social media or Facebook site, the department head or public official shall first consult the Town Manager. No social media or facebook site shall be created by any Town department or public official without the written permission of the Town Manager. Prior to granting permission, the Town Manager shall consult with and obtain input from the Town IT Department and Communications Manager. If permission is granted, the Department's Director or designee, or public official shall be responsible for the content and upkeep of any site other than the Town's official sites. *[*

The Communications Manager, or designee, shall have the ability to edit the site, offer suggestions for content, purge data to keep information timely, and provide expertise regarding media and public communications.

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Council Members may wish to communicate to the public via podcast or some other method his or her personal opinion or platform.

Considerations regarding podcasts and using Town platforms:

- Personal opinions are essentially *politicking*, and the Council should decide if Town platforms are where personal opinions are to be vetted.
- Items or opinions discussed in a podcast which are of a personal opinion might potentially be items that come before the entire Council for discussion. If more than 3 Council Members have expressed their opinions via podcasts, this could potentially be a violation of the open meeting law.
- Should Town resources be spent on communicating the opinion of one or more Council Member?
- When Council speaks in a formal interview (newspaper, radio, etc), should their communication contain the following disclaimer (Stolen from City of Sedona): "Any expression of opinion that may be read into this article can only be attributed to me as the author and does not represent the position or opinion of the Town Council or Town Staff."

It should be noted that in doing so, the Council Member is speaking for himself or herself only, and does not represent the Council as a body. Therefore, should a member of the Council choose to communicate, via a podcast or any other method, his or her personal opinion or platform, this communication will be on the individual Council Member's page, with the Town only providing a link on the Town website or facebook page to the Council Member's page.

V. No Expectation of Privacy; Public Records

a. The Town reserves the right to use software and other available tools to monitor verbal and written communication or discussions about the Town or its employees anywhere on the Internet, including blogs, other public social networking sites and open communications.
b. Postings on the Town's Communications Channels are not protected from disclosure and the public should be cautioned before posting that their posting is neither private nor confidential.
c. Any information included in comments, including name and email address, may be released through a formal public records request to the media, a business, or any other person or entity making the request.
d. Information posted on the Town's Communications Channels is subject to the Town's public records retention policies and state and federal laws related to retention and maintenance of public records.

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e. Public events or meetings that are chronicled on the Town's website, Town's facebook page, or other Town communication medium are considered to be a public record and therefore there is no expectation of privacy on the public's part. Pictures of people at events or meetings may be contained therein, without explicit permission being granted from the person attending the public event or meeting. No videoclips containing children will be present on any Town communication channel without the express written persmission of the minor's parent or guardian.

VI. Town Employee and Town Public Officer Media and Social Media Guidelines

a. Town employees have First Amendment rights of freedom of speech. The Town may, however, impose certain restraints on job-related speech by an employee and on workplace speech. Employees shall not disclose, through social media, social networking or the Town's website, confidential information of the Town or other information obtained as part of their job duties.

b. If an employee believes that information is a matter of public concern, the employee shall consult with the Town Manager prior to disclosure.

c. All communications with the media by Town employees in their official capacity will be coordinated with the Communications Manager or his/her designee. The Communications Manager shall work with staff on techniques for proper communications, help coordinate appropriate training, and provide constructive feedback to staff/the Town on communication efforts and published media.

d. Contributions to social media sites by Town employees and public officers (including Board and Commission members) may be considered to be government speech rather than private speech and may be governed by state and federal laws such as the Arizona Open Meeting Law or federal elections and campaign laws. Use of private email address or other non-Town identifier alone will not change a Town employee's or public official's speech from government to private. Even posting a disclaimer in the contribution, such as stating "these comments reflect my own private opinion and do not, in any way, reflect the opinion of the Town of Chino Valley," may not be sufficient to transform a Town employee's or public officer's speech from government speech to private speech. Therefore, to the extent the social media contribution is government speech, all Town employees and public officers shall follow the same rules, regulations and policies that apply to other forms of government/Town expression.

e. Town employees who wish to contribute comments to social media sites shall do so on their own time, on their own equipment, and shall not identify themselves as Town employees or claim to be speaking on behalf of the Town. Blogging or personal use of social media shall not disrupt or distract from the work environment. Excessive or disruptive use of employee blogging or personal use of social media or social networking sites may result in disciplinary action, up to and including termination.

f. Employees shall not use Town logos, trademarks, photographs or ideas in their personal use of social media or social networking.

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g. Employees assume all risks relating to the use of social media and social networking. The Town may require immediate removal of, and impose discipline for, material that is disruptive to the workplace or impairs the mission of the Town.
h. Employees are prohibited from disclosing confidential information or information that could breach the security of the Town or the Town's computer network.
i. Use of social media for business purposes, such as LinkedIn or members-only sites maintained by professional organizations may be permitted by the Town Manager for professional use by Town employees or Departments.
j. Town public officers (members of the Council, boards and commissions) shall not engage in serial meetings via the internet or social media. In that regard, such officers shall not respond to "like", "share", retweet or otherwise participate in any published postings or use Town sites or other form of electronic communication to respond to, blog or otherwise engage in serial meetings or discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body of which the public officer is a member.

VII. Public Input

a. It is the intent of the Town of Chino Valley to use Town Communications Sources *primarily* as a one-way communication tool. Comments from the public will not be posted directly onto any of the Town's sites except as may be permitted from time to time by the Town.
b. Members of the public who wish to share information or have concerns, questions, or comments about the content of a Town site or service, may contact the Town via other forms of communication. The Town reserves the right to re-post questions, comments, or other information provided by users; for example, by the creation of a frequently asked questions (FAQs) list or any other method. Use of information or questions submitted shall be at the sole discretion of the Town and shall be considered to be the sharing of relevant information by the Town rather than by an individual who submits information or questions.

   Any information or comments posted to the Town's Communications Sources are the property of the Town and users of the Town's sites do not retain any rights to their postings. Postings are intended for public view and any personal information posted constitutes a waiver of any rights to privacy or confidentiality.

VIII. Prohibited Uses and Content. Communications posted on the Town's sites are monitored and the Town reserves the right to remove inappropriate postings including, but not limited to, the following, which are prohibited postings:

a. Postings that do not meet one of the Town's purposes as set forth in Section 1;
b. Postings that contain profane or obscene language or sexual content or links to obscene or sexual content;

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c. Posting that promote, foster, or perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or any other basis protected by state or federal law.;
d. Postings that support or oppose political candidates or ballot propositions;
e. Postings that contain spam or link to other sites Inaccurate or false statements;
f. Postings that serve a commercial purpose or promote commercial services or productsPostings that contain photographs, videos or other content to which the Town has not obtained full permission or rights to its use or otherwise violate the legal ownership interest of another party or infringe on copyrights, trademarks, or other intellectual property
g. Postings that digress from the topic being discussed;
h. Postings that encourage or promote illegal activity;
i. Postings of information that may compromise the safety or security of the public or public systems or employees.

IX. Official Town Website. All content posted to the Official Town Website shall receive prior approval from the Town Manager, his or her designees, or Communications Manager and shall be posted in compliance with the following policies:

a. The Town of Chino Valley shall maintain only one Official Town Website. Its web address is http://www.chinoaz.net/. Town departments and Council Members may have pages on the Town website.
b. The purpose of the Official Town Website is to provide the residents of the Town and the general public with information about the Town, its governance, and public events.
c. All official notices of the Town, including public meeting agendas, minutes, and supporting documentation, public hearing notices, and all other information required by law to be posted by the Town on its website shall be posted on the Official Town Website.
d. The Town is not responsible for the reliability, accuracy or functionality of links to third-party websites that it posts on the Official Town Website.
e. In the event of discovery of an error in a posting, the Town shall promptly provide a correction, noting the error and providing the correct information.

X. Suspension of Services. The Town reserves the right to temporarily or permanently suspend access to Town Communication Channels at any time.

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session **Item No. 4)**

Meeting Date:	01/19/2016
Contact Person:	Jami Lewis, Town Clerk Phone: 928-636-2646 x-1208
Department:	Council
Estimated length of Staff Presentation:	None
Physical location of item:	N/A

Information

AGENDA ITEM TITLE:

Discussion regarding use of USDA WIFA refinance savings/proceeds to fund Center Street sewer extension; and the Town's water and sewer extension, buy-in fee, and connection policies. (Mayor Marley)

SITUATION & ANALYSIS:

On October 15, 2015, Council discussed (i) the USDA WIFA refinancing project and Center Street sewer extension; and (ii) the Town's water and sewer extension, buy-in fee, and connection policies. On October 27, 2015, Council continued the above discussion, but made no decisions. Mayor Marley desires to continue this discussion.

Attached are excerpts from the October 15, 2015 and October 27, 2015 Council minutes related to this discussion.

Attachments

October 15, 2015 minutes excerpt

October 27, 2015 minutes excerpt

OCTOBER 15, 2015
STUDY SESSION MINUTES
EXCERPT - ITEM 2

2) Presentation and discussion regarding USDA WIFA refinance, Center Street sewer extension, Town's water and sewer extension, buy-in fee and connection policies. (Robert Smith, Town Manager)

Mayor Marley reported that this discussion would include guidelines for the proposed Center Street/Mollie Rae project, as well as a more comprehensive town wide policy before starting work on Mollie Rae.

Town Manager Smith explained that staff was proposing to refinance some debt through WIFA to eliminate some interest. To accomplish this, WIFA required that the Town borrow new money toward a specific project. Staff had proposed to extend sewer to the Mollie Rae subdivision since it was already plumbed for gravity sewer.

Finance Director Duffy reviewed a presentation originally given on July 14, 2015 pertaining to:

- an overview of WIFA and funding it provided to municipalities;
- benefits of and savings from obtaining funding from WJFA;
- current Town loans with WIFA, and USDA loan summary;
- proposed new WIFA loan and new USDA loan summary;
- Center Street/Mollie Rae Subdivision sewer project; and
- proposed refinance schedule.

Staff and Council repo1ted that:

- *Loan Funding:* The loan funding was specific to the subject project. Once the loan closed, the Town had up to two years to spend the money and complete the project. If interest rates went up too high by closing time, Council could decline the loan. No interest would be paid until the Town starting drawing down the funds. If Council decided not to fund the project after approvals, WIFA could defund it, but they might not lend to the Town in the future.
- *Project Details:* Under current development standards, one-acre lot subdivisions, such as Mollie Rae, were not required to have sewer; however, the developer had chosen to plumb for it. Staff anticipated starting engineering work in March; the Town's engineering cost estimates were at least 10% high for budgeting purposes. The Town would be required to use standard bidding processes for the work.
- *Sewer Connection Policy:* Current policy would mandate service connections on 28 existing residential units on Center Street between the current sewer location and Mollie Rae. Town officials had expressed concern about the mandate and possibly amending the policy.
- *Options Regarding Existing Residential Hook Ups:* Council could (i) offer a discount or waiver, a delayed requirement, or some sort of incentive; (ii) use Town general sales tax dollars, rather than that of system users, to subsidize a portion of the connection costs; and (iii) make a one-time determination for Center Street or develop a policy that strove for social equity as much as possible in the present and future. As the project was estimated to take nine months, Council had about 15 months from now to make a decision.

Staff and Council discussed:

- design details, trench requirements, and lift stations versus a gravity system;
- the project's relationship with the pending Prescott water system acquisition;
- the Chino Meadows sewer project compared to this one;
- the funding source to pay back the loan;
- costs for property owners to connect to sewer compared to installing a new septic system or replacing a leach line; connection fee amortization options; and related ADEQ regulations; and
- development of the Town's original bifurcated connection fee.

Council comments:

- Connection fees needed to be consistent.
- Council needed to develop scenarios, then get numbers from staff.
- Council should review Town Code Chapter 51 before November.
- Council needed to outline a plan for sewer extensions.
- Council should consider requiring all new developments to connect to sewer.

Council discussion summary:

- No one objected to the proposed refinance or Mollie Rae project.
- No one expressed support for mandatory hook ups to existing homes between an existing sewer line and a new development.
- No one expressed support for the Town paying wholly for such connections.
- Several supported a one-time discounted cost of $3,000 for those who voluntarily hooked up while the trench was open; thereafter any such volunteer connections would be at the current $6,000 fee. As a policy, said discount could be offered to those between connection points any time a sewer project was being paid for by a developer, grant, refinancing, or other such funding.
- They were not ready for public input on October 28, as they preferred to have a plan with options for the Center Street residents before taking it to them and before trenching began. They did not object to an October 28 study session to continue their discussion.
- Council members should forward any further thoughts and questions that occurred after this meeting to the town manager for inclusion on the October 28 agenda.

OCTOBER 27, 2015
REGULAR MEETING MINUTES
EXCERPT - ITEM 7b

b) Discussion and possible action regarding (i) the USDA WIFA refinance, and use of savings/proceeds to fund Center Street sewer extension, and (ii) the Town 's water and sewer extension, buy-in fee and connection policies. (Robert Smith, Town Manager)

Recommended Action: Consider, discuss and possibly direct staff to take action relative to (i) the USDA WIFA refinancing project and/or the sewer extension project and (ii) code requirements relative to sewer extension, fees and connection policies.

Mr. Smith and Finance Director Duffy reported that:

- Council discussed this matter on October 15, 2015.
- There were two parts to the WIFA matter: (i) Refinance $3.9 million in USDA loans related to the Chino Meadows sewer project, which will nearly cut the interest rate in half, and provide an overall cash savings of $775,000; and (2) Designate a new $560,000 project component to extend sewer along Center Street to the existing Mollie Rae subdivision.
- WIFA approved the new loan last week and granted the Town $250,000 in forgivable principle.
- The loan documents will be before Council for approval on November 10.

Mayor Marley added that:

- The Council hoped to protect the aquifer, while forestalling future rate increases and reducing the burden on existing wastewater customers without increasing the burden to existing homeowners who might need to hook up. Council desired to frame a comprehensive sewer policy that was fair to new and existing residences.
- Reasons to hook up were: effluent, environmental responsibility, and increased home resale value.
- Topics to be discussed were: mandatory versus voluntary hook ups; 400 foot distance requiring hook up; reduced rates to hook up while trench was open; trigger points requiring hookup, such as major remodel or septic system failure; regulations for new homes and developments; street side requirements for septic systems; dry yard line requirements for new homes; gravity system requirements for all new developments; incentives to new developers; and large septic systems for commercial developments.

Public comment:

David Albus opposed forcing people on sewer, but believed the Town would not have to force it if the cost of sewer was less than septic. Council and staff stated that it cost about $7,000-$9,000 to install a conventional septic system, while the Town's cost to connect to sewer was $6,000.

Jim Briody asked staff to research how this would affect those property owners on Perkinsville that had pre-paid to hook up.

Council discussion:

- They supported hook ups being voluntary for any existing home as the pipe went by, but any homes built after that must hook up.
- They preferred that the 400-foot requirement be from the sewer line to the septic, not the property line.
- They favored a discounted price of $3,000 to hook up which the trench was open, and $6,000 after that.
- They opposed trigger points of a major remodel or home sale for mandatory hook up. Septic system failure as a trigger was governed by ADEQ and Yavapai County, and needed to be reviewed further.
- They supported requiring a dry service connection near a home's foundation, flowing to the lowest point on the property's frontage, and expressed valid reasons not to require street side septic.