AGENDA

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

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3. CALL TO THE PUBLIC

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

4. RESPONSE TO THE PUBLIC

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

5. CURRENT EVENT SUMMARIES AND REPORTS

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

a. Report regarding the July 6, 2015 Appointments Subcommittee meeting and the Council appointment process. (Vice-Mayor Croft; Councilmember Best; Councilmember Turner)
b. Status reports by Mayor and Council regarding current events.

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

6. CONSENT AGENDA

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

a. Consideration and possible action to approve the intergovernmental agreement between the Town of Chino Valley and Yavapai County authorizing payment for the Chino Meadows Units 2 and 5 Drainage Project. The project in the amount of $650,000 was budgeted for and will be accounted for in the Capital Improvement Fund. (Ron Grittman, Public Works Director/Town Engineer)

7. ACTION ITEMS

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

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

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

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

**Recommended Action:** Adopt Resolution No. 15-1064 to authorize staff to pursue the right-of-way acquisition for construction of Road 1 East between Road 3 South and Road 4 South.
c. Discussion and possible action to require Councilmembers to pay all costs associated with any records request generated by that Councilmember. (Mayor Chris Marley)

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

8. EXECUTIVE SESSION

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

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

9. ACTION ITEMS RESUMED

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

10. ADJOURNMENT

Dated this 8th day of July, 2015.

By: Jami C. Lewis, Town Clerk

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

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

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.
AGENDA ITEM TITLE:
Report regarding the July 6, 2015 Appointments Subcommittee meeting and the Council appointment process. (Vice-Mayor Croft; Councilmember Best; Councilmember Turner)

SITUATION & ANALYSIS:
On May 28, 2015, Council directed the Appointments Subcommittee to review the applications received for the vacant Council seat and make a recommendation for Council on the top five (5) candidates.

The subcommittee met on July 6, 2015 to review the appointment process. Please see the attached minutes from that meeting, which describe the recommended process.

Attachments
July 6, 2015 minutes
The Council Appointments Subcommittee of the Town of Chino Valley, Arizona, convened for a public meeting in the Council Chambers Conference Room, located at 202 N. State Route 89, Chino Valley, Arizona, on July 6, 2015.

Present: Vice-Mayor Darryl Croft (Chair); Councilmember Mike Best; Councilmember Lon Turner

Staff Present: Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER

Vice-Mayor Croft called the meeting to order at 4:33 p.m.

2) ROLL CALL

3) APPROVAL OF MINUTES

a) Consideration and possible action to approve February 23, 2015 minutes.

MOVED by Councilmember Mike Best, seconded by Councilmember Lon Turner to approve the minutes from the last meeting.

Vote: 3 - 0 PASSED - Unanimously

4) OLD BUSINESS

5) NEW BUSINESS

a) Consideration and possible action to review applications for appointment to the Council and select the top candidates to recommend for the Council to conduct interviews.

Town Clerk Lewis reported that by the June 18 deadline, staff received (11) eleven applications for the Council position. At the May 28, 2015 special meeting, Council instructed the Appointments Subcommittee to review the applications and select five (5) to recommend to Council to interview.

Members reviewed interview questions and ranking criteria and values drafted by Vice-Mayor
Croft. They agreed to review both documents and provide input to Vice-Mayor Croft.

Members discussed the process for interviewing the applicants, concluding that:

- The Appointments Subcommittee will interview and rank all 11 applicants, then make a recommendation to Council of the top five candidates.
- Subcommittee interviews will be scheduled in executive session on July 21 and 22 from 1:00-6:00 p.m. at one hour intervals. Applicants will be asked to arrive 15-30 minutes early to review the interview questions and position requirements ahead of time. Applicants unable to interview on the 21st or 22nd will be scheduled on either July 14th or 16th at 4:00 or 5:00 p.m.
- The Subcommittee will place two items on the Council's July 28 agenda that will preferably be held at the beginning of the meeting: (i) an executive session to meet and conduct a brief 15-minute interview of the top five candidates, if desired, and discuss the Subcommittee's recommendation; and (ii) an action item to appoint a candidate and have staff administer the Oath of Office, after which the appointee will take office. All five candidates will be informed that in order to be seated on the 28th, they must have read recommended Open Meeting Law materials at least 24-hours prior to appointment.
- Council will be provided with the applications of the Subcommittee's five recommended candidates, interview questions, ranking sheets, and comments in the July 28 packet.
- The appointed candidate will be asked to meet the same performance measures recently developed for Planning & Zoning Commission appointees related to background check, legal briefing, Town staff briefings, and Citizens' Academy attendance.

b) Consideration and possible action to set a date for Appointments Subcommittee review of public body applications.

Chair Croft desired to review the Council applications and public body applications during separate meetings. Members discussed holding their next meeting to review public body application during early August.

6) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Councilmember Lon Turner to adjourn the meeting at 5:11 p.m.

Vote: 3 - 0 PASSED - Unanimously

Dated this 7th day of July, 2015.

By: Jami C. Lewis

Approved: ______________
AGENDA ITEM TITLE:
Consideration and possible action to approve the intergovernmental agreement (IGA) between the Town of Chino Valley and Yavapai County authorizing payment for the Chino Meadows Units 2 and 5 Drainage Project.

RECOMMENDED ACTION:
Approve the intergovernmental agreement between the Town of Chino Valley and Yavapai County for the Chino Meadows Units 2 and 5 Drainage Project.

SITUATION AND ANALYSIS:
Issue Statement
This IGA is a formality. Yavapai County has asked that the Town execute a current IGA to cover the payment of $650,000.00 for the Chino Meadows Units 2 and 5 Drainage Project. The project is already under contract. Because the project has fallen into a new fiscal year, the County would like to execute a current IGA.

Applicable “Policy”

Satisfaction of “Policy”

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 05-90-5515
Available: $650,000

Funding Source:
The project was budgeted for and will be accounted for in the Capital Improvement Fund.

Attachments

IGA
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE YAVAPAII COUNTY FLOOD CONTROL DISTRICT AND
THE TOWN OF CHINO VALLEY
FOR THE FISCAL YEAR 2015/2016 FINANCIAL CONTRIBUTION
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL
IMPROVEMENTS

THIS INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE YAVAPAII COUNTY FLOOD CONTROL DISTRICT AND THE TOWN OF CHINO VALLEY, FOR THE FISCAL YEAR 2015/2016 FINANCIAL CONTRIBUTION TO THE TOWN FOR FLOOD CONTROL IMPROVEMENTS (the “Agreement”) is entered into, effective this ___ day of __________, 2015, between the Yavapai County Flood Control District, a political subdivision of the State of Arizona (the “DISTRICT”), and the Town of Chino Valley, Arizona, a municipal corporation of the State of Arizona (the “TOWN”). The District and the Town are sometimes collectively referred to as the “Parties” or individually as the “Party.”

RECITALS

WHEREAS:

A. The DISTRICT is a special taxing district legally created in the State of Arizona and organized by Yavapai County to include and govern its jurisdiction.

B. The DISTRICT administers the Federal Emergency Management Agency (“FEMA”) Regulations under the National Flood Insurance Program.

C. The Yavapai County Board of Supervisors is the Board of Directors of the DISTRICT.

D. A portion of the TOWN lies within the legal boundaries of the DISTRICT.

E. The DISTRICT, the TOWN, and the County are separate and distinct political subdivisions, but each can provide for the benefit of the other(s), for the benefit of public health, safety, and welfare, and other public purposes.

F. The DISTRICT and the TOWN have authority to enter into Intergovernmental Agreements pursuant to Arizona Revised Statutes (“A.R.S.”) §§11-952, 48-3603, and 9-240, and TOWN’s Code.

G. Among other things, the DISTRICT receives tax proceeds as general funding for the planning, construction, and maintenance of flood control improvements.
H. Under the budgeting process for the DISTRICT, a category of “Contributions” (hereinafter “Funds”) has been established, setting aside monies that may be utilized by the various political subdivisions located within the boundaries of Yavapai County.

I. The DISTRICT has approved and budgeted Funds to provide funding assistance for flood mitigation work and is authorized to expend such Funds for flood control projects (including storm water control) to political subdivisions for projects so long as the projects are flood or drainage related, cost-effective, a benefit to the County, the DISTRICT, and the political subdivision and are in accordance with FEMA regulations.

J. The TOWN has experienced storm water control and flooding problems for a number of years in various locations and seeks to mitigate such problems to increase safety and protect public and private property and persons within the TOWN.

K. The TOWN seeks to improve its storm water control, make drainage improvements, and/or mitigate flooding problems by constructing the Chino Meadows Drainage Improvement Project (hereinafter the “Project”).

L. The TOWN desires to receive DISTRICT Funds for the 2015/2016 fiscal year to be used for its Project.

M. The DISTRICT has budgeted Funds to support the Project in an amount not to exceed Six-Hundred Fifty Thousand Dollars ($650,000) for fiscal year 2015/2016 which begins on July 1, 2015.

AGREEMENTS

NOW THEREFORE, for good and valuable consideration, including consideration of the mutual promises, terms, and conditions hereinafter set forth, including the mutual promises and obligations to be performed by the Parties hereto, IT IS AGREED BETWEEN THE TOWN AND THE DISTRICT AS FOLLOWS:

I. PURPOSE

The purpose of this Agreement is to authorize the DISTRICT to pay and contribute to the TOWN Funds in support of the TOWN’s Project. Such funding for fiscal year 2015/2016 shall not exceed Six-Hundred Fifty Thousand Dollars ($650,000).

II. COMMENCEMENT, DURATION, AND TERMINATION

The effective date is as set forth on page one (1) of this Agreement. Performance under this Agreement shall commence following the effective date and shall terminate upon the earliest of:

A. The completion of the Project as determined by the TOWN;
B. The exhaustion of the Funds allocated to the TOWN for the Project;
C. The end of the fiscal year 2015/2016; or
D. The mutual agreement of the Parties.
III. RESPONSIBILITIES OF PARTIES

A. The TOWN shall:

1. Be solely responsible for the design, engineering, bidding, right-of-way acquisition, supervision, construction, inspection, administration, and project management of the Project and for contracting directly for all Project work.
2. If plans are used to bid, provide the DISTRICT a copy of the final Project plans.
4. Use the Funds exclusively for costs associated with the Project described above.
5. When requesting Funds from the DISTRICT, provide detailed invoices with supporting documentation for the request(s).
6. Request Funds from the DISTRICT on or before July 31, 2016 (for work completed in fiscal year 2015/2016).
7. Be responsible for the proper disbursement of the Funds provided by the DISTRICT.
8. Be responsible for maintaining the Project and the resulting improvements.

B. The DISTRICT shall:

1. Make Funds available to the TOWN for the Project as approved by the Board of Directors.
2. Provide funding as available and appropriate upon proper request(s) by the TOWN.
3. Pay properly invoiced requests monthly or on an alternate schedule as agreed to by the TOWN and DISTRICT.
4. Pay properly invoiced requests for work completed by the TOWN in fiscal year 2015/2016 so long as TOWN’s requests are received by the DISTRICT on or before July 31, 2016.

C. The DISTRICT and TOWN mutually agree:

1. That they recognize the Funds to be used by Parties pursuant to this Agreement are tax funds. The agreements herein for funding are based upon projected tax funds to be received. In the event the projected income is not received, there is the possibility that some or all of the Funds anticipated by this Agreement and set forth herein will not be available. All monetary obligations under this agreement shall be subject to annual budget approval of the respective governing bodies of the parties. A failure of either party’s governing body to approve funding for payment of any obligation hereunder shall constitute grounds for termination of this agreement.

2. The Project is the sole responsibility of the TOWN, and not of the DISTRICT or the County. All real property upon which the Project work will occur is within the TOWN limits and not owned or under the control of the DISTRICT or County.
VII. INDEMNIFICATION

The TOWN agrees to defend, indemnify, and hold harmless the DISTRICT, its Board of Directors, the County, its Board of Supervisors, officers, employees, agents, or other representatives from any and all claims for damages or otherwise arising under this Agreement and from any negligent acts of the Town, its officers, employees, agents, or other representatives. This Indemnification provision shall survive the termination of this Agreement.

VIII. OTHER PROVISIONS

A. NOTICE. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by certified mail, return receipt requested, addressed as follows:

TOWN OF CHINO VALLEY
Mayor
202 N. State Route 89
Chino Valley, AZ 86323

DISTRICT
Yavapai County Flood Control District Director
1120 Commerce Drive
Prescott, AZ 86305

B. ENTIRE AGREEMENT. This Agreement represents the entire understanding between the parties with respect to the subject matters herein, and may be amended, modified, or waived only by written instrument signed by both Parties.

C. CONFLICT OF INTEREST. This contract is subject to the cancellation provisions of A.R.S. §38-511.

D. SEVERABILITY. In case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.

E. NON-DISCRIMINATION. The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

F. EMPLOYMENT VERIFICATION. The Parties are required to comply with A.R.S. §41-4401, and hereby warrants that they will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the employment of their respective employees, the requirements of A.R.S. §41-4401, and with the e-verification requirements of A.R.S. §23-214(A) (together the “state and federal immigration laws”). The Parties further agree to ensure that each subcontractor that performs any work under
this Agreement likewise complies with the state and federal immigration laws. A breach of a warranty regarding compliance with the state and federal immigration laws shall be deemed a material breach of the Agreement and the party who breaches may be subject to penalties up to and including termination of the Agreement. The Parties retain the legal right to inspect the papers of any contractor or subcontract employee working under the terms of the Agreement to ensure that the other party is complying with the warranties regarding compliance with the state and federal immigration laws.

G. LAWS. The Parties shall each be fully responsible for compliance with all statutes ordinances, codes, regulations, rules, court decrees, or other laws (hereinafter “Laws”) applicable to it as part of fully performing the Project with regards to their respective roles. This Agreement shall not relieve either Party of any obligation or responsibility imposed upon it by Laws.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year specified below.

YAVAPAI COUNTY FLOOD CONTROL DISTRICT

____________________________________  ___________________________________
Craig L. Brown, Chairman                      Date  Chris Marley, Mayor                           Date
Board of Directors  
Yavapai County Flood Control District

TOWN OF CHINO VALLEY

ATTEST:

____________________________________  ___________________________________
Ana Wayman-Trujillo                             Date  Jami Lewis                                            Date
Clerk of the Board of Directors                  
Chino Valley Town Clerk
DETERMINATIONS OF COUNSEL

FOR THE

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND
THE TOWN OF CHINO VALLEY

FOR THE FISCAL YEAR 2015/2016 FINANCIAL CONTRIBUTION
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL IMPROVEMENT

Pursuant to A.R.S. §11-952, as amended, the foregoing Agreement has been submitted to the undersigned Attorney Town of Chino Valley. The undersigned 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 and the Town of Chino Valley.

____________________________________________
Attorney                                                                 Date
Town of Chino Valley

Pursuant to A.R.S. §11-952, as amended, the foregoing Agreement has been submitted to the undersigned Attorney for the Yavapai County Flood Control District, Prescott, Arizona. The undersigned 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 to the Yavapai County Flood Control District.

____________________________________________
Deputy County Attorney                                          Date
Flood Control District
AGENDA ITEM TITLE:
Consideration and possible action to adopt Resolution No. 15-1063, levying and assessing an ad valorem tax on the assessed value of all real and personal property within the boundaries of the Town of Chino Valley Street Lighting Improvement Districts (CVSLID) for fiscal year 2015/2016, pursuant to Section 48-616, Arizona Revised Statutes.

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

Fiscal Impact
Fiscal Impact?: Yes
If Yes, Budget Code: Available:
Funding Source:
Approval will create a levy to pay for street lighting within the CVSLID street lighting districts. The districts are accounted for in a separate fund by the Town.

Attachments
Resolution 15-1063
Exhibit A
RESOLUTION NO. 15-1063


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

WHEREAS, the Mayor and Council of the Town of Chino Valley, having adopted annual statements and estimates of expenses of the Chino Valley Street Lighting Improvement Districts as the final budgets for the districts for fiscal year 2015/2016, after a public hearing on the statements and estimates was held on June 23, 2015; and

WHEREAS, the County of Yavapai is the assessing and collecting authority for the Town of Chino Valley, the Town is required to transmit a certified copy of this Resolution to the Assessor and Board of Supervisors of Yavapai County, Arizona by the third Monday in August;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona, that for each street lighting improvement district listed on the Schedule of Estimated Assessments, attached hereto as Exhibit A and incorporated herein, a tax rate sufficient to provide funds for the annual expenses of each street lighting improvement district within the Town of Chino Valley, as listed in the attached Schedule, is hereby levied on all property, both real and personal, within the boundaries of said districts, except such property which is, by law, exempt from taxation. Said levy shall not exceed $1.20 per $100 assessed valuation as specified in the column labeled 2015/2016 Levy Request.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be delivered to the Yavapai County Board of Supervisors and to the Arizona Department of Revenue before the third Monday in August.

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 14th day of July, 2015.
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. 15-1063 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on July 14, 2015, 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:

A. Street Lighting Improvement Districts Statement of Estimates and Expenses – Fiscal Year 2015-2016
## Statement of Estimates and Expenses

**Fiscal Year - 2015-2016**

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EXHIBIT "A"

TOWN OF CHINO VALLEY, ARIZONA
Street Lighting Improvement Districts
Town Council Regular Meeting  

Meeting Date: 07/14/2015  
Contact Person: Ron Grittman, Town Engineer  
Phone: 928-636-2646 x-1223  
Department: Public Works  
Item Type: Action  
Estimated length of staff presentation: 5 minutes  
Physical location of item: Road 1 East between Road 3 South and Road 4 South

AGENDA ITEM TITLE:  
Consideration and possible action adopt Resolution No. 15-1064 authorizing acquisition of certain real property for right-of-way and easement purposes for construction of Road 1 East between Road 3 South and Road 4 South, authorizing the Mayor, Town Manager and Town Attorney to acquire title to such real property on behalf of the Town by donation, eminent domain or purchase for an amount not to exceed fair market value of the property, plus acquisition and closing costs.

RECOMMENDED ACTION:  
Adopt Resolution No. 15-1064 to authorize the acquisition of certain real property for right-of-way and easement purposes through donation, eminent domain or purchase for an amount not to exceed fair market value of the property, plus acquisition and closing costs and authorizing the Mayor, Town Manager and Town Attorney to acquire title to the property as stated in the resolution.

SITUATION AND ANALYSIS:  

Issue Statement  
The construction of Road 1 East between Road 3 South and Road 4 South is part of the agreement that the Town has with the Arizona Department of Transportation under the intergovernmental agreement that the authorized the construction of the roundabout located at Kalinich Road and Highway 89. This resolution will formally authorize staff to acquire, on behalf of the Town, the real property necessary for right-of-way (ROW) purposes for the project through purchase, dedication or condemnation of the property.

The attached map shows the overall ROW for the project. The map also shows that some ROW will be abandoned. A separate resolution will come before the Council at a later date that will vacate this property back to adjacent property owners once it is determined and such ROW is not required for the roadway project.

Applicable “Policy”  
This resolution is the formal authorization by the Council to direct staff to secure the necessary ROW
for the roadway project.

**Satisfaction of “Policy”**
N/A

**Summary of Issues and Staff Rationale**
The Town has prepared the necessary appraisals of properties where it has become apparent that we cannot agree as to the value. Every effort will be made to avoid exercising the Town's right of eminent domain. However, if the impasse is becoming a threat as to the project's viability, this avenue may be sought for the acquisition.

**Findings of Fact**
N/A

---

**Fiscal Impact**

**Fiscal Impact?**: Yes

If Yes, Budget Code: 15-78-5470

**Available:**

**Funding Source:**
Funds to come from Roads Impact Fees.

---

**Attachments**

Resolution 15-1064
Road 1 East Exhibit
RESOLUTION NO.15-1064

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY AND EASEMENT PURPOSES FOR THE ROAD 1 EAST FROM ROAD 3 SOUTH TO ROAD 4 SOUTH PROJECT, AUTHORIZING AND DIRECTING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO ACQUIRE TITLE TO SUCH REAL PROPERTY ON BEHALF OF THE TOWN BY DONATION, EMINENT DOMAIN OR PURCHASE FOR AN AMOUNT NOT TO EXCEED FAIR MARKET VALUE OF THE PROPERTY, PLUS ACQUISITION AND CLOSING COSTS.

WHEREAS, the continued growth and development of the Town of Chino Valley requires acquisition of certain real property for Road 1 East from Road 3 South to Road 4 South for roadway improvements to Road 1 East (the “Project”), which real property is generally described in Exhibit A and Exhibit B, attached hereto and made a part hereof; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley previously authorized the Project pursuant to the Intergovernmental Agreement with the Arizona Department of Transportation for construction of a round-a-bout at Kalinich Road; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley find that acquisition of the property described is necessary for public right-of-way and easement purposes for the Project, and it is in the public interest to acquire such property; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley have considered alternatives available to it, have balanced the public good and the private injury resulting from the acquisition of the property and have determined that locating the public improvements on the property results in the greatest public good and the least private injury;

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

1. That the Mayor, Town Manager and Town Attorney are hereby authorized and directed to acquire title to and possession of the real property generally described in Exhibit A, plus any additional real property required for completion of the Project as determined by the final engineering plans, by donation, eminent domain or purchase for an amount not to exceed fair market value, plus acquisition and closing costs; and
2. That the Mayor, Town Manager and Town Attorney are authorized to perform all acts necessary to acquire said property for the purposes described in this resolution on behalf of the Town.

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

AYES: ________________  ABSENT: ________________
NAYS: ________________  ABSTAINED: ________________

_____________________________
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. _____ was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on __________, 2014, 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 – Legal Description of Property/Easement to be acquired – Transland
2. Exhibit B – Legal Description of Property/Easement to be acquired – Glenarms
EXHIBIT A

Description of Property to be Acquired
Transland Dedication
EXHIBIT A
LAND DESCRIPTION
TRANSLAND, LLC.
MAY 5, 2014

THAT PORTION OF THE LAND DESCRIBED IN DEED TO TRANSLAND, LLC. AS
RECORDED IN BOOK 4844, PAGE 717 OF OFFICIAL RECORDS LOCATED IN
SECTION 34, TOWNSHIP 16 NORTH, RANGE 2 WEST IN THE TOWN OF CHINO
VALLEY, COUNTY OF YAVAPAI, STATE OF ARIZONA, GILA AND SALT RIVER
BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS........

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE ALONG THE EASTERLY LINE OF SAID SECTION 34 NORTH 01°16'46"
WEST A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTHERLY LINE OF
THE LAND DESCRIBED IN DEED TO THE TOWN OF CHINO VALLEY PER BOOK
3042, PAGE 451 OF OFFICIAL RECORDS OF SAID COUNTY, SAID POINT ALSO
BEING THE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY LINE SOUTH 89°37'38" WEST A DISTANCE
OF 50.00 FEET;

THENCE NORTH 00°52'11" EAST A DISTANCE OF 400.00 FEET TO A POINT ON A
LINE 35.00 FEET WESTERLY AND PARALLEL TO SAID EASTERLY LINE;

THENCE ALONG SAID PARALLEL LINE NORTH 01°16'46" WEST A DISTANCE OF
896.26 FEET TO THE NORTHERLY LINE OF THE SOUTH HALF OF THE
SOUTHEAST QUARTER OF SAID SECTION 34.

THENCE ALONG SAID NORTHERLY LINE NORTH 89°40'07" EAST A DISTANCE
OF 35.00 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE
SOUTHEAST QUARTER OF SAID SECTION 34.

THENCE ALONG SAID EASTERLY LINE OF SECTION 34 SOUTH 01°16'46" EAST A
DISTANCE OF 1296.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 48,359 SQUARE FEET, OR 1.110 ACRES, MORE OR LESS.

[Signature]
51524
KENNETH R.
DAVIDSON

EXPIRES 09/30/2016
EXHIBIT B

Description of Property to be Acquired
Glenarms Dedication
EXHIBIT A
LAND DESCRIPTION
MAY 20, 2014

THE EASTERLY 27.00 FEET OF LOTS 34 THROUGH 48, INCLUSIVE, OF YAVAPAI MOBILE HOME ESTATES, IN THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, STATE OF ARIZONA, AS SHOWN ON PLAT RECORDED IN BOOK 14, PAGE 3 OF MAPS AND PLATS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

CONTAINING 34,319 SQUARE FEET (0.788 ACRES), MORE OR LESS.
AGENDA ITEM TITLE:
Consideration and possible action to require Council members to pay allowable costs associated with records requests generated by that Council member.

RECOMMENDED ACTION:
Discussion and possible action as determined by Council.

SITUATION AND ANALYSIS:
Issue Statement
No formal policy exists to provide direction to Council and staff regarding records requests that are submitted by Council members.

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

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

Applicable “Policy”
None Exists.

Satisfaction of “Policy”

Summary of Issues and Staff Rationale
**Findings of Fact**
No Policy exists for Council or Staff to follow.

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**Fiscal Impact**

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

---

**Attachments**

processing costs
Reporting does not include 12 additional PRRs received from Linda Hatch on 5/28/15

### Records Requests Costs

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<thead>
<tr>
<th>Source</th>
<th>Sum of Legal Fees</th>
<th>Sum of Staff Cost</th>
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<td>Hatch (14)</td>
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### Ethics Complaint Costs

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### Council Direct Attorney Inquiry Costs

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</tr>
<tr>
<td>McKee</td>
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</tr>
<tr>
<td>Wojcik</td>
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Reporting does not include 12 additional PRRs received from Linda Hatch on 5/28/15

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<td>Wojcik</td>
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Reporting does not include 12 additional PRRs received from Linda Hatch on 5/28/15

Council Expenses --

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<tr>
<td>Records Requests</td>
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- Records Requests
- Ethics Complaints
- Direct Attorney Inquiry
- Meeting Reproductions
TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

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

AGENDA ITEM TITLE:

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

SITUATION & ANALYSIS:
N/A

Attachments