



Agenda
Work Study and Possible Executive Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
April 17, 2013
5:30pm

1. **Call to Order**

2. **Roll Call** (one or more members of the Council may participate by telephone)

3. **Motion to adjourn to Executive Session (to be held in the Saguaro Conference Room of the Municipal Services Building) for the following purposes:**

A. Discussion and consultation with the Town's attorneys for legal advice regarding a Maricopa County Air Quality Non-Compliant Inspection and Notice to Respond for dust control and stabilization measures for Town-owned vacant lots at Appleby Road & 196th St. (A.R.S. 38-431.03(A)(3)).

ITEMS FOR DISCUSSION These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

4. Presentation by the Pinal Partnership.

5. Update on the 2013 Roots N' Boots event.

6. Discussion on use of the budget contingency fund.

7. **Adjournment**



Agenda
Regular and Possible Executive Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
April 17, 2013
7:00 p.m.

1. Call to Order

2. Roll Call (one or more members of the Council may participate by telephone)

3. Pledge of Allegiance:

4. Invocation: Mary Gloria, Pan De Vida

5. Ceremonial Matters: Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. Proclamation – Week of the Young Child April 14-20

6. Committee Reports

A. Council summary reports on meetings and/or conferences attended. This may include but is not limited to Phoenix-Mesa Gateway Airport; MAG; East Valley Partnership; CAG. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

B. Partner agencies quarterly or periodic updates to Council. This may include but is not limited to Queen Creek Chamber of Commerce; Queen Creek Performing Arts Center; Boys & Girls Club of East Valley; and Maricopa or Pinal County Board of Supervisors or other governmental agencies. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

C. Town Center Committee – April 17, 2013

7. Public Comment: Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please complete a “Request to Speak Card”, located on the table at the rear of the Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

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8. Consent Calendar: Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the March 20, 2013 Work Study and Regular Session Minutes. **TAB A**

B. Consideration and possible approval of **Resolution 937-13** amending the Standard Form By-laws for Town Committees, Boards, and/or Commissions, Section II, Membership, Roster, Council Liaison, Residency Requirement and Terms of Office (a), (b), (e) and (f); Section IV – Powers and Duties (A) and (G); Section VII – Member Appointment Process (C) and (E); and Section VIII – Inactive Committees. **TAB B**

C. Consideration and possible approval of **Resolution 938-13** amending the Town Council Policies and Procedures Section XVI Committees. **TAB C**

D. Consideration and possible approval of **Resolution 939-13** amending the By-laws for the Town Center Committee and the Economic Development Commission Section 2 Composition, Section 10 Election of Officers, and adding a Section 19 Expression of Personal Opinion in Conjunction with Majority Position. **TAB D**

E. Consideration and possible approval of **Resolution 940-13** adopting a Committee, Board and Commission Handbook. **TAB E**

F. Consideration and possible approval of a 5 (five) – Year electronic patient care records system contract with Sansio in the initial amount of \$4,970 for installation and implementation of the software system and \$6,600 per year for system support. **TAB F**

G. Consideration and possible approval of **Resolution 942-13** approving an Intergovernmental Agreement with the Queen Creek County Island Fire District for Fire and Emergency Medical Services, effective May 1, 2013 and declaring an emergency. **TAB G**

H. Consideration and possible approval of the Final Plat for Victoria Parcels 11 & 11A, a request by Meritage Homes of Arizona, Inc. **TAB H**

PUBLIC HEARINGS: If you wish to speak to the Council on an item listed as a Public Hearing, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

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9. Public Hearing and possible action on **RZ13-004/SD13-005/DR13-006 – ORDINANCE 532-13 “Quail Creek”** a request by K. Hovnanian Homes for rezoning from R1-18 PAD to R1-9 PAD, preliminary plat approval for 47 lots on 37.3 acres and design approval of five (5) floor plans with three (3) elevations each. The property is located south of Queen Creek Road, on the east side of Sossaman Road. (Continued from the April 3, 2013 Council Meeting) **TAB I**

FINAL ACTION: If you wish to speak to the Council on an item listed under Final Action, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

10. Discussion and possible action on options to address the budget shortfall due to unexpected expenditures at Horseshoe Park & Equestrian Centre (HPEC) for FY2013. **TAB J**

11. Discussion and possible approval of **Resolution 941-13** endorsing and supporting the “TEAL and “YELLOW” route alternatives developed as part of the Arizona Department of Transportation Passenger Rail Corridor Study. **TAB K**

ITEMS FOR DISCUSSION: These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

None.

12. **Motion to adjourn to Executive Session:** The Council may reconvene the Executive Session for any of the items listed on the Work Study Executive Session Agenda.

13. **Adjournment**



Minutes
Work Study Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
March 20, 2013
5:30pm

1. Call to Order

The meeting was called to order at 5:30pm.

2. Roll Call (one or more members of the Council may participate by telephone)

Council Members present: Barnes; Brown; Gad; Wheatley (arrived at 5:40pm); Vice Mayor Benning and Mayor Barney.

Council Member Oliphant was absent.

3. Motion to adjourn to Executive Session (to be held in the Saguaro Conference Room of the Municipal Services Building) for the following purposes:

A. Discussion and consultation with the Town's staff regarding possible acquisition of real property from Sossaman Estates Phase 1-A Association, for future fire station, drainage and public use. A.R.S. § 38-431.03(A)(7).

B. Discussion and consideration of Town Manager: performance evaluation (A.R.S. §38-431.03(A)(1).

Motion to adjourn to Executive Session at 5:31pm

1st: Brown

2nd: Barnes

VOTE: Unanimous

The Work Study Session reconvened at 6:20pm.

ITEMS FOR DISCUSSION These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

4. Discussion on amendments to the Standard Form By-laws for Committees, Council Polices & Procedures and development of a Boards, Commissions and Committees handbook.

Management Assistant Tracy Corman reviewed the proposed minor amendments: clarification on when staggered terms begin and end; deletion of reference to 11-member committee and adds that an odd number of committee members must be maintained.

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Ms. Corman then reviewed the proposed major amendments: appointment of chairman and vice chairman by Council; prohibiting serving on multiple committees (Ms. Corman explained that this would be phased in with new and expiring appointments).

Council discussed the Council appointment of chairman and vice chairman and whether the Committee members should nominate those positions and have Council ratify the nominations. The discussion was in regard to the Committee members knowing each other whereby Council may not.

Council also discussed possible conflicts from serving on multiple committees and those committee members serving on multiple committees choosing which one they would prefer to be reappointed to.

Ms. Corman continued with reviewing proposed major amendments in regard to Powers & Duties – Representation of recommendations of the committee/expression of personal opinions. She presented two options: 1) allowing only the majority position to be presented unless authorized; and 2) when representing the members shall express the official policies or positions and if personal opinions are added, the committee member shall explicitly state the opinion is their own.

Council discussed the preference for Option 2 and how the Council could follow up with committee members who may vote against an issue, in order to get more background on their concerns.

Ms. Corman also presented program improvements including a Code of Ethics; Committee Member Handbook and training that would include committee members and liaison staff members. Ms. Corman stated that a third party consultant would be used for this training.

Council had a brief discussion on the importance of having the chairman or vice chairman of a committee provide reports to the Council as part of their leadership role.

5. Adjournment

Motion to adjourn the Work Study Session at 6:55pm

1st: Brown

2nd: Gad

VOTE: Unanimous



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
March 20, 2013
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:03pm.

2. Roll Call (one or more members of the Council may participate by telephone)

Council Members present: Barnes; Brown; Gad; Wheatley; Vice Mayor Benning and Mayor Barney.

Council Member Oliphant was absent.

3. Pledge of Allegiance: Led by Jason Sillanpaa of Troop #486

4. Invocation: A moment of silence was observed.

5. Ceremonial Matters: Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. 5-year Service Award – Wayne Balmer: Mayor Barney and Town Manager John Kross presented Mr. Balmer, Planning Administrator, with a Certificate of 5 – Year Service.

6. Committee Reports

A. Council summary reports on meetings and/or conferences attended. This may include but is not limited to Phoenix-Mesa Gateway Airport; MAG; East Valley Partnership; CAG. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

Mayor Barney reported on the following meetings and events:

Press Conference held at the Arizona League of Cities & Towns on March 20, 2013 regarding sales tax reform.

Tour of the Pozos de Sonoqui archaeological site on Riggs Road – March 20, 2013.

Retirement celebration for Lynn Kusy, former Executive Director for Phoenix-Mesa Gateway Airport – March 20, 2013.

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Senior Program – March 13, 2013 – discussed the sales tax reform and other legislation.

MAG Executive Committee – March 18, 2013 – The Committee discussed a status report from EPA regarding the MAG 2012 Five Percent Plan; the revised draft Municipal Planning Area boundary area that includes the Town of Florence and City of Maricopa; and the status of the FY2014 work plan. The next meeting is April 15, 2013.

East Valley Mayors' Prayer Breakfast – March 19, 2013 held in Gilbert. The Master of Ceremonies was Meadowlark Lemon and the program included several speakers on the theme of *Healing Human Hearts*.

Council Member Barnes reported on the National League of Cities Conference in Washington D.C., and sessions on evaluating and hiring a CEO or Manager and the opportunity to meet with Arizona Congressmen regarding marketplace fairness and sales tax on internet sales.

B. Partner agencies quarterly or periodic updates to Council. This may include but is not limited to Queen Creek Chamber of Commerce; Queen Creek Performing Arts Center; Boys & Girls Club of East Valley; and Maricopa or Pinal County Board of Supervisors or other governmental agencies. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

None.

C. Parks and Recreation Advisory Committee – March 12, 2013: Council Member Wheatley reported on presentations on HB2657 – Transaction Privilege Tax; upcoming election for the acquisition of H2O Water Utility Company; Adopt-a-Park program and recreation services update. The next meeting is June 11, 2013.

D. Town Center Committee – March 13, 2013 – Council Member Barnes reported on the committee's discussion on the Façade Improvement Program. The next meeting is April 10, 2013.

7. Public Comment: Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please complete a "Request to Speak Card", located on the table at the rear of the Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

None.

8. Consent Calendar: Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for

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separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the March 6, 2013 Work Study and Regular Session Minutes.

B. Consideration and possible approval of a Professional Services Contract with AMEC in an amount not to exceed \$92,070 for the design of Ocotillo Road – UPRR Crossing Widening (Project A0103). (not budgeted in FY12/13 but authorized at 1/16/13 Council meeting).

C. Consideration and possible approval of the Final Plat for Cielo Noche, a request by K. Hovnanian Homes of Arizona , LLC.

D. Consideration and possible approval of the appointment of Alan Turley to the Planning and Zoning Commission.

E. Consideration and possible approval of **Resolution 936-13** authorizing the acceptance of real property (two portions of Tract J/APN 304-93-395) from Sossaman Estates Phase 1-A Association for a future fire station, drainage and public use.

F. Consideration and possible approval of **Resolution 913-12** Intention to Order the Purchase of Electricity for a Streetlight Improvement District for Hastings Farms Parcel C – SLID #66, No. 2012-002.

G. Consideration and possible approval of **Resolution 914-12** Ordering the improvements for the purpose of purchasing electricity for a Streetlight Improvement District for Hastings Farms Parcel C – SLID #66, No. 2012-002.

H. Consideration and possible approval of **Resolution 915-12** Intention to Order the Purchase of Electricity for a Streetlight Improvement District for Hastings Farms Parcel E – SLID #67, No. 2012-003.

I. Consideration and possible approval of **Resolution 916-12** Ordering the improvements for the purpose of purchasing electricity for a Streetlight Improvement District for Hastings Farms Parcel E – SLID #67, No. 2012-003.

J. Consideration and possible approval of an Extension of Premises/Patio Permit submitted by Rebecca Ella Dettler, on behalf of Trophy's Steakhouse, 7215 S. Power Road, Ste 108 (Power Marketplace), for a one day special event on Saturday April 6, 2013. The business has a current Series 6 Bar license.

Staff requested Item A be continued to April 3, 2013 and Council requested Item D pulled for discussion.

Motion to approve the remainder of the Consent Calendar as presented (B, C & E-J) and continuance of Item A to April 3, 2013.

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**1st: Brown
2nd: Barnes
VOTE: Unanimous**

Item D: Council discussed the importance of serving on the Planning and Zoning Commission and other Town Committees.

Motion to approve Item D – appointing Alan Turley to the Planning and Zoning Commission.

**1st: Gad
2nd: Benning
VOTE: Unanimous**

PUBLIC HEARINGS: If you wish to speak to the Council on an item listed as a Public Hearing, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

None.

FINAL ACTION: If you wish to speak to the Council on an item listed under Final Action, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

9. Discussion and possible action on frequently asked questions (FAQ) on the Town's Residential Architectural Design Standards.

Planning Administrator Wayne Balmer, as a follow-up to the November 7, 2012 and January 16, 2013 Council Meetings, presented and reviewed the most frequently asked questions from applicants regarding residential architectural design standards:

- Q1.** Are there any alternatives to how the 40% garage requirement is calculated?
- Can a “standard” return width be set, such as 2 feet on either side?
 - If the return is proposed to be larger to accommodate additional space in the garage, can that be done if it has a window or other design element?
 - Can the width of the garage be “masked” by being behind a design element such as a column for the front porch?

A1. Variations to the design standards need to be requested by an applicant as part of their submittal for a Planned Area Development (PAD) and will be evaluated by

the Council as part of their request. Variations can be approved by the Council as part of their package if they determine the intent of the Design Standards has been met.

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Page 2 of the Design Standards states: "The only means for deviating from these regulations is to incorporate the request into an applicant for Planned Area Development or an amendment to an existing PAD approval."

Q2. Can other design options or alternatives be offered which are focused on producing a more attractive and varied streetscape, rather than focusing on individual homes, as a "tradeoff" to address the 40% garage requirement?

A2. As described in A1 above, variations from the design standards can be requested by an applicant as part of their submittal for a Planned Area Development (PAD) and will be evaluated by the Council as part of their request. Variations can be approved by the Council as part of their package if they determine the intent of the Design Standards has been met.

Q3. Do the Design Standards apply in the R1-4 and R1-5 zoning districts?

A3. Yes. Although the R1-4 and R1-5 districts are not identified at the top of Table 5.11-1, the Design Standards are included in the PAD review requirements described on Table 4.10-4

Q4. How many design elements are required to constitute "four sided architecture"?

A4. There is no specific number of design elements that constitute "four sided architecture". Each elevation is reviewed by staff individually. Items staff is looking for include:

- The number of architectural embellishments from the front elevation that are used on the other three elevations. The home should reflect a theme on all sides.
- The number and placement of doors and windows on the side and rear elevations. At least one window or door should be provided on each elevation.
- Architectural treatment at each door and window that matches the front elevation.
- How the rear porch incorporated into the home as a design element.
- Additional window treatments, colors, etc. to be provided on homes with gables, particularly two story homes.

Q5. How many design differences should there be between model homes?

A5. The Design Standards contain a list of the "defining characteristics" (pages 14-21) for 8 of the more common architectural styles used in our area. These characteristics should be incorporated into the proposed home designs where possible when using these styles. If the proposed style is not described, it should demonstrate the equivalent characteristics for the new style

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Q6. If a model offers “flex space” which the new owner can have finished as a storage room, a den, a casita or a single bay garage, will it be considered to be a garage or living space in the approval of the design for the model home?

A6. If the design of the “flex space” incorporates windows or other exterior treatments that would identify it as being part of the livable area, the developer has an exterior option which provides a solid wall as well as a door and the design of the space reflects the potential to be used as livable area, staff will consider the space to be buildable area for the determination of front yard setback and the 5 foot offset between the garage and the livable area of the home.

Q7. Can a builder receive a “design credit” in some other area if they have more than the minimum number of floor plans and elevations required by the Town? (The Town requires a minimum of 4 floor plans, 3 of which must have 2 distinct elevations)

A7. No. Having additional floor plans and elevations demonstrate a commitment to quality and diversity that will encourage both staff and Council support the request.

Q8. How much design emphasis should be placed on the design and size of the subdivision entry monument?

A8. The entry monument is the “front door” to the subdivision and should provide a distinctive entry statement for the project. The sign should convey both stability and permanence, reflecting positively on the character of the subdivision and the Town. Staff reviews the design of the entry monument sign as part of the Design Review submittal for a project.

- The design standards for entry monument signs are as follows:
- The sign text area is not to exceed 32 square feet in area or 5 feet in height
- Monument signs can be placed on both sides of a street that serves as an entry to the subdivision. More than one street can be designated as an entry.
- Sign letters and materials must be durable and reflect the architectural character for the project. Wood or plastic signs are not allowed.
- The sign must have at least a 2’ base or landscaped planter.
- Additional landscaped materials to accentuate the sign and additional design elements incorporated into the sign which reflect the character of the project are encouraged. Examples might include lighting of trees, adding boulders, varied height of wall elements and masonry types, providing supporting architectural elements such as arches, columns, fountains, etc.
- Sign designs which reflect the Town’s southwestern character and agricultural heritage are encouraged.
- Lighting of the sign is encouraged.

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Q9. Can the front porch be less than 120 square feet on some models that have other design elements and still encroach in the front yard setback?

A9. No. Unless Council approves the change as part of a PAD approval.

Q10. Are there additional design requirements for approval of a gated neighborhood with private streets?

A10. No. Requests for gated communities are presented and evaluated as part of a PAD application. Items staff looks for in the evaluation of PAD requests include:

Is there anything unique about the property that may limit the ability to provide public streets and make private streets more advantageous?

What will be the interior and exterior appearance of the project?

Subdivision design features such as long cul-de-sacs serving hillside lots, narrower streets with no parking, overall density of lots per street, long term viability of private streets given the projected use and replacement costs, proposed unique subdivision design features

Q11. Do we need to include turf in our landscape plan or can we use entirely xerascaping and no sod?

A11. A mixture of turf and xerascaping can be provided. Turf should be used in highly visible areas, storm water retention areas and adjacent to recreational amenities. Xerascaping can be provided in smaller locations that would be more difficult to maintain such as landscaped islands, narrow strips behind sidewalks, adjacent to walls also occupied by trees, and other areas where turf would be impractical.

Q12. Do we need to provide the landscaped strips between the curb and the sidewalk area and plant trees in this area? Can we move the sidewalk behind the curb and plant the trees behind it nearer the homes? As the trees grow that are planted in the strip they tend to buckle the sidewalk.

A12. The Council has a policy of encouraging tree lined streets and with the sidewalks separated from the street by a landscaped area. If your subdivision was approved with a landscaped area between the street and the curb it needs to be constructed that way. To relocate the sidewalk and delete the landscaping would require the applicant to file a request for an amendment to the PAD to make the change, which would need to be approved by the Town Council.

Council discussed that the Town's codes and standards allow flexibility and encourages unique and different subdivisions and developments with high standards and builders have the option to build in Queen Creek or elsewhere. Mr. Balmer added that each project is approved on its' own merits.

Council requested that staff keep Council informed on any other issues or questions regarding the design standards that come from the development community.

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10. Discussion and possible action on amendments to the Standard Form By-laws for Committees, Council Policies & Procedures and development of a Boards, Commissions and Committees handbook.

Discussion was held at Work Study.

ITEMS FOR DISCUSSION: These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

None.

11. Motion to adjourn to Executive Session: The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

None.

12. Adjournment

Motion to adjourn at 7:50pm

1st: Brown

2nd: Gad

VOTE: Unanimous

Requesting Department:

Town Manager



TAB B

TO: HONORABLE MAYOR AND TOWN COUNCIL

**THROUGH: JOHN KROSS, AICP
TOWN MANAGER**

**FROM: TRACY CORMAN, SENIOR MANAGEMENT ASSISTANT
DEBBIE GOMEZ, PARKS SPECIAL PROJECTS COORDINATOR**

**RE: CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION # 937-13
AMENDING THE STANDARD FORM BYLAWS FOR TOWN COMMITTEES,
BOARDS AND/OR COMMISSIONS SECTION II – MEMBERSHIP, ROSTER,
COUNCIL LIAISON, RESIDENCY REQUIREMENT AND TERMS OF OFFICE (A),
(B), (E), AND (F); SECTION V – POWERS AND DUTIES (A) AND (G); SECTION
VII – MEMBER APPOINTMENT PROCESS (C) AND (E); AND SECTION VIII –
INACTIVE COMMITTEES**

DATE: APRIL 17, 2013

Staff Recommendation:

Staff recommends approval of Resolution 937-13 amending the Standard Form By-laws for Town Committees, Boards, and/or Commissions Section II – Membership, Roster, Council Liaison, Residency Requirement and Terms of Office (a), (b), (e), AND (f); Section V – Powers and Duties (a) AND (g); Section VII – Member Appointment Process (c) AND (e); AND Section VIII – Inactive Committees.

Relevant Council Goal(s):

KRA 2 Community Involvement

Proposed Motion:

Move to approve Resolution 937-13 amending the Standard Form By-laws for Town Committees, Boards, and/or Commissions Section II – Membership, Roster, Council Liaison, Residency Requirement and Terms of Office (a), (b), (e), AND (f); Section V – Powers and Duties (a) AND (g); Section VII – Member Appointment Process (c) AND (e); AND Section VIII – Inactive Committees.

Discussion:

This item has been placed on the agenda at the Council's request. The Bylaws document, with the proposed changes identified, is attached to Resolution 937-13 as Exhibit "A". Following is a brief summary of the proposed changes.

The proposed changes focus on two areas described as minor and major amendments. Minor amendments are intended to clarify the intent of the provision in the policy (housekeeping items). Major amendments are considered key changes that add, delete, or alter the intent of the policy.

MINOR AMENDMENTS

Minor housekeeping items were presented at the March 20, 2013 Council meeting to make changes to clarify or correct grammar, without altering the intent of the policy, to the following sections:

- Section II – Membership, Roster, Council Liaison, Residency Requirement and Terms of Office; Items (a), (b), (e)

After further legal review, additional housekeeping changes are also being recommended to correct grammar and provide clarity, while maintaining the intent of the policy, to the following sections:

- a) Section V – Powers and Duties (a)
- b) Section VII – Member Appointment Process (c), (e), and corrected lettering.
- c) Section VIII – Inactive Committees

MAJOR AMENDMENTS

There were three major amendments discussed at the March 20 Town Council meeting that altered the intent of the policy. These amendments are presented below.

Section II – Membership, Roster, Council Liaison, Residency Requirement and Terms of Office; Items (b) and (f)

Currently item (b) reads:

- b) *The Town Council may appoint up to two members from the Town Council to serve as non-voting liaison members of the eleven member committee. The Committee shall select a chair and vice chair from the existing voting members on the committee.*

Proposed amendment

The proposed amendment would add that once the committee chairs and vice chairs are selected by the committee they shall be ratified by the Town Council.

Currently item (f) reads:

- f) *Although multiple Committee membership is discouraged, the Town Council may appoint the same member to one or more committees as they deem appropriate to serve the needs of the town.*

Proposed amendment

The proposed language would limit committee members to only serving on one committee at a time, and add that members serving on multiple committees at the time of the adoption of these amendments shall be allowed to continue to serve on those committees until their earliest term expiration date. At that time, the member must choose one committee on which to serve and resign from all other Town committees.

Section V: Powers and Duties

The proposed amendment would add new language to Section V: Powers and Duties as Item g):

- g) Representation of recommendations of the committee/Expression of personal opinions; Communicating personal opinion in conjunction with majority position of a committee, commission or board:

When speaking or writing regarding a matter within the jurisdiction of a committee, members of the committee shall represent the official policies or positions of the board, commission or committee on which they serve to the best of their ability. When presenting their individual opinions and positions, members shall explicitly state that the opinions they are expressing are their own, do not represent the view or opinion of the Town of Queen Creek or a committee, board or commission of the Town, and will not infer or suggest that the opinion they are expressing is the opinion of the Town.

Fiscal Impact:

There is no fiscal impact for the amendments proposed within this staff report.

Alternatives:

1. The Council may decide to direct staff to include a combination of the major or minor amendments summarized in this staff report, or none of them at all.

Attachments:

1. Resolution # 937-13
2. Exhibit "A" Amendments to Standard Form Bylaws for Designated Town Committees, Boards and/or Commissions

RESOLUTION 937-13

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE STANDARD FORM BYLAWS FOR TOWN COMMITTEES, BOARDS AND/OR COMMISSIONS AS APPLICABLE.

WHEREAS, the Town of Queen Creek desires to maximize public involvement of its residents and area community to the greatest extent possible;

WHEREAS, the amendments to the procedures for Town Committees, Boards and/or Commissions are necessary for the implementation of broad-based public policy goals of the community as a whole;

WHEREAS, the Town of Queen Creek intends to remain a progressive, citizen driven community of quality and that promoting this value requires establishing the appropriate procedural guidance for citizen and community involvement at all levels of government; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: That the Queen Creek Town Council hereby adopts these amendments to the Standard Form Bylaws attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2: That the Town Manager is hereby authorized to distribute and begin the implementation of the amendments to the bylaws to all Town Committees from this point forward.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 17th day of April, 2013.

FOR THE TOWN OF QUEEN CREEK:

ATTEST TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Town Attorney

Exhibit "A"
**Amendments to Standard Form Bylaws for Designated Town Committees, BOARDS
AND/OR COMMISSIONS**

REVISED APRIL 17, 2013

Section I: Purpose and Applicability

The purpose of establishing bylaws for citizen advisory committees is to maximize public involvement in the public policy-making process at all levels possible. The Queen Creek Town Council desires to include as many people as possible on Town committees and has adopted annual goals establishing citizen involvement and general public outreach as a priority for Queen Creek.

These bylaws for governance of Town Committees are applicable to the following Town Committees and all future committees so designated by the Town Council: AIR Group, Community Policing Advisory Committee, Development Fee Working, Group, Finance Review Task Force, Fire/EMS Service Committee, Housing Rehab Committee, Library Advisory Committee, Parks and Recreation Advisory Committee, Police Services Task Force, Redevelopment Advisory Steering Committee, San Tan Foothills Specific Area Plan TAC, SRP Task Force, Transportation Advisory Committee.

Section II: Membership, Roster, Council Liaison, Residency Requirement and Terms of Office

- a) Member terms are staggered ~~such~~ **SO** that the entire committee ~~would~~ **WILL** not need to be appointed or reappointed at the same time. At the time ~~members~~ **A COMMITTEE IS FIRST ESTABLISHED** ~~are first appointed to any committee~~, six members of an eleven-member committee shall be appointed for one-year terms **AND THE REMAINDER OF THE COMMITTEE SHALL BE APPOINTED TO TWO-YEAR TERMS**. Successive appointments shall be for two-year terms. (in the event that a committee, at the time it is first appointed, has fewer than eleven members, members shall be divided evenly between one-year and two-year terms to the greatest extent possible). **WHEN A SEAT BECOMES VACANT IN THE MIDDLE OF A TERM, THE COUNCIL SHALL APPOINT A MEMBER TO SERVE THE REMAINING TERM.**
- b) The Town Council may appoint up to two members from the Town Council to serve as non-voting liaison members of ~~A the eleven member~~ committee. The committee shall select a chair and vice chair from the ~~existing~~ voting members of the committee. **THE COMMITTEE'S SELECTION FOR CHAIR AND VICE CHAIR SHALL BE RATIFIED BY THE TOWN COUNCIL.**
- c) All Committee members serve at the pleasure of the Town Council and may be removed without cause at any time by a majority vote of the Council. Any committee created or appointed by the Town Council may, by appropriate rules and regulations, provide additional grounds for the removal of members, but in any event, the Town Council shall have the complete authority to remove members from the committee.

- d) Every town committee shall have a minimum of seven (7) members and up to a maximum of eleven (11) members. Council Members serving as non-voting liaison members shall not be counted towards the minimum or maximum committee membership.
- e) ~~Of the Eleven (11) members on each committee, at least nine (9) shall be residents of the Town of Queen Creek.~~ A maximum of two (2) non-residents may be appointed to ~~A~~ committee.s of less than eleven (11) members. **AN ODD NUMBER OF VOTING MEMBERS MUST BE MAINTAINED ON COMMITTEES.**
- f) ~~Although multiple Committee membership is discouraged, the Town Council may appoint the same member to one or more committees as they deem appropriate to serve the needs of the town.~~ **COMMITTEE MEMBERS MAY SERVE ON NO MORE THAN ONE COMMITTEE AT A TIME. COMMITTEE MEMBERS SERVING ON MULTIPLE COMMITTEES AT THE TIME THIS AMENDMENT TO THE BYLAWS IS ADOPTED MAY CONTINUE TO SERVE ON THOSE COMMITTEES UNTIL THEIR EARLIEST TERM EXPIRATION DATE. AT THAT TIME, THE MEMBER MUST CHOOSE ONE COMMITTEE ON WHICH TO SERVE AND RESIGN FROM ALL OTHER TOWN COMMITTEES.**
-
- g) Employment with the town disqualifies a citizen from sitting on a committee.

Section III. Staff Assistance.

The Town Manager shall have the responsibility to appoint the necessary staff to serve in a support role to the advisory committee. The staff role is advisory and shall not have voting privileges.

Staff assigned to a committee shall be referred to as support staff. The staff person taking the lead role in supporting the committee shall be the committee manager.

Section IV. Meeting Quorum, Voting Procedures and Privileges

- a) The committee shall not conduct any business without the presence of a quorum consisting of a simple majority of the total number of voting members appointed by the Town Council. For example, if there is an eleven member committee, at least six must be present in order to conduct a meeting.
- b) Only town resident members shall have voting privileges for each action item on each agenda; may make a motion on any posted agenda item; and may second the motion for discussion and full committee voting.

Section V: Powers and Duties.

Town Committees shall have the following powers and duties:

- a) At the start of each new fiscal year, ~~every Town Committee shall receive annual-~~ **TOWN COUNCIL** approval of its 12-month work program by the ~~Town Council.~~

- b) Keep and submit meeting summaries or minutes to the Council for information following an official meeting of the committee.
- c) Advise the Council on matters pertaining to the designated committees and work program approved by the Town Council.
- d) Advise the Council on the status of its annual work program and achievement of various initiatives set forth by the Council for implementation.
- e) Advise the Council on matters of public policy affecting the community at-large as it relates to the function and mission of the designated committee and its work program.
- f) Advise the Town Manager on issues pertaining to operations and administration of the town organization.
- g) REPRESENTATION OF RECOMMENDATIONS OF THE COMMITTEE/EXPRESSION OF PERSONAL OPINIONS; COMMUNICATING PERSONAL OPINION IN CONJUNCTION WITH MAJORITY POSITION OF A COMMITTEE, COMMISSION OR BOARD:**

WHEN SPEAKING OR WRITING REGARDING A MATTER WITHIN THE JURISDICTION OF A COMMITTEE, MEMBERS OF THE COMMITTEE SHALL REPRESENT THE OFFICIAL POLICIES OR POSITIONS OF THE BOARD, COMMISSION OR COMMITTEE ON WHICH THEY SERVE TO THE BEST OF THEIR ABILITY. WHEN PRESENTING THEIR INDIVIDUAL OPINIONS AND POSITIONS, MEMBERS SHALL EXPLICITLY STATE THAT THE OPINIONS THEY ARE EXPRESSING ARE THEIR OWN, DO NOT REPRESENT THE VIEWS OR OPINIONS OF THE TOWN OF QUEEN CREEK OR A COMMITTEE, BOARD OR COMMISSION OF THE TOWN, AND WILL NOT INFER OR SUGGEST THAT THE OPINION THEY ARE EXPRESSING IS THE OPINION OF THE TOWN.

Section VI. Committees – General Qualifications of Members.

Attendance Required. Any member of a committee created and appointed by the Town Council may be replaced by the Council if s/he:

- a) Is absent for twenty-five (25) percent or more of the regular meetings within any consecutive 12-month period. The Town Council shall consider removal of the individual from the committee at the next available council meeting. Replacement of an individual who has been removed from a committee shall be considered as soon as reasonably possible.

Section VII. MEMBER APPOINTMENT PROCESS

Any citizen interested in joining a town committee must complete a notice of interest form and submit it to the town clerk’s office.

- a) Citizens completing the interest form must rank order (prioritize) their preference for a specific committee (only active committees shall be listed with an option to check 'other' as well)
- b) Upon receipt of a notice of interest form, the Town Clerk's office shall generate a letter notice of acknowledgement.
- c) The Town Clerk's office shall keep, maintain, and update all master lists. Master lists include: 1. Committee members; and 2. Interested residents. Notice of interest forms shall be kept on file at the clerk's office for a period of twelve (12) months. At the end of twelve (12) months notice of interest forms will expire. Once a notice of interest form has expired, it will be removed from the master list and shredded. ~~At this time,~~ In order to remain in consideration for ~~active committees~~ **COMMITTEE APPOINTMENTS**, applicants must fill out an updated notice of interest form and submit it to the Town Clerk's office **EVERY TWELVE (12) MONTHS**.

When there is a vacancy on a town committee, the following appointment process will be followed to fill that vacancy:

- a) **D)** The committee manager shall notify their department director of any committee vacancies immediately. The department director shall in turn notify the Town Manager and Town Clerk of the vacancies, and request Notice of Interest Forms from the Town Clerk.
- b) **E)** Upon notice of the vacancy, the Town Clerk shall forward Notice of Interest Forms to the committee manager. If no Notice of Interest Forms are on file, advertisements for committee vacancies shall be posted on sites that include, but **ARE** not limited to, the town web site, *About Town Newsletter*, **AND** the weekly update, ~~and Channel 14.~~ **NEWS** releases shall also be issued. Depending on the time needed to fill a committee vacancy, alternatives to ~~this list~~ **THE MASTER LISTS** may be considered by the department director. Advertising will be done until the vacancy is filled. Please note: other forms of advertisement may be used to adequately reach the intended audience.
- c) **F)** The committee manager shall review notice of interest forms to determine whether the residency requirement has been met for that committee. The committee manager shall forward eligible Notice of Interest Forms to the Mayor or designee, and committee chair, for review.
- d) **G)** The Mayor or designee shall make contact with applicants to discuss the committee meeting schedule and commitments in order to determine the interest and availability of the applicants.
- e) **H)** Interviews shall be conducted by the Mayor or if delegated by the Mayor, the committee chair (please note: the department director shall be used as the backup, if necessary). The purpose of the interview will be to determine the applicant's background, the individual's availability to serve, and their knowledge

and areas of interest in relation to the committee's work program.

- f) **I)** The department director and committee chair shall decide which applicant(s) to recommend to the Mayor for membership. The department director shall meet with the Mayor to discuss the recommendation, if the Mayor approves, the committee chair shall contact the applicant(s) to confirm their acceptance of the recommendation. Upon confirmation, the committee chair shall notify the committee manager of the recommendation.
- g) **J)** The committee manager shall submit the recommendation as an item for an upcoming council agenda through their department director. The agenda language should be formatted as follows: "consideration and possible approval of the appointment of _____ to the _____ committee."
- h) **K)** The committee manager shall develop and submit a staff report through their department director requesting the official committee appointment. Included with the staff report will be a copy of all the Notice of Interest Forms received.
- i) **L)** If the Mayor and Council approve the recommended appointment, the department director shall prepare a congratulatory letter of appointment with the Mayor's signature to the new committee member within one week of the official appointment. The department director shall also send notices to those applicants who were interviewed but not appointed.
- j) **M)** If the recommended applicant is not appointed by Mayor and council, the Mayor, or if delegated by the Mayor the committee chair, must make a new recommendation based on the remaining notice of interest forms. If there are no remaining notice of interest forms, the committee vacancy shall be advertised as specified in (b) above.
- k) **N)** Upon the appointment of a new committee member, the committee manager shall conduct an orientation. The orientation may vary depending on the committee's work plan, but must include at a minimum the following:
 - a. An overview of the role and authority of committees in the council-manager form of government.
 - b. An introduction to the purpose and mission of the committee, including a summary of the committee's bylaws, work plan and actions over the last six (6) months.
 - c. Hard copies of the Committee Bylaws, Work Plan, and any additional support materials including budgets and approved plans and maps.
 - d. A written schedule of meetings and other commitments.
 - e. Contact information for the committee manager and support staff.

- ↳ O) When the orientation has been completed, the committee manager shall notify their department director and provide the date of the first meeting the new member will be attending.

Section VIII. INACTIVE COMMITTEES

Town committees which have not met for more than twelve (12) consecutive months are automatically disbanded. ~~A need~~ **IN ORDER** to re-establish a committee ~~after a twelve (12)-month idle period shall require appointment of citizens~~ **THAT HAS BEEN DISBANDED, MEMBERS MUST BE APPOINTED** to the committee through the appointment process detailed in section VII.

DRAFT

Requesting Department:
Town Manager

TAB C



TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, AICP
TOWN MANAGER

FROM: TRACY CORMAN, SENIOR MANAGEMENT ASSISTANT
DEBBIE GOMEZ, PARKS SPECIAL PROJECTS COORDINATOR

RE: CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION # 938-13
AMENDING THE TOWN COUNCIL POLICIES AND PROCEDURES SECTION XVI
COMMITTEES

DATE: APRIL 17, 2013

Staff Recommendation:

Staff recommends approval of Resolution 938-13 amending the Town Council Policies and Procedures Section XVI Committees.

Relevant Council Goal(s):

KRA 2 Community Involvement

Proposed Motion:

Move to approve Resolution 938-13 amending the Town Council Policies and Procedures Section XVI Committees.

Discussion:

This item has been placed on the agenda at the Council's request. The Town Council Policies and Procedures document, with the proposed changes identified, is attached to Resolution 938-13 as Exhibit "A". Following is a brief summary of the proposed changes.

At the March 20 Town Council meeting three major amendments to the Standard Form Bylaws for Designated Town Committees, Boards and/or Commissions were discussed. These amendments are also proposed to be added to the Town Council Policies and Procedures under Section XVI Committees. These amendments are presented below.

Section XVI Committees

Proposed Amendment #1

Currently, Section XVI begins with "Committees are formed on an as-needed basis with a clearly defined purpose. The Town Council may appoint up to two members from the Town Council to serve as non-voting liaison members. The committee shall select a chair and vice chair from the voting members on the committee."

The proposed amendment would add the following statement at the end of the paragraph:

The committee's selection for chair and vice chair shall be ratified by the Town Council.

Proposed Amendment #2

The second proposed amendment would add a number seven to the list of Town committee powers and duties.

7. Committee members may serve on no more than one committee at a time. Committee members serving on multiple committees at the time this amendment is adopted may continue to serve on those committees until their earliest term expiration date. At that time, the member must choose one committee on which to serve and resign from all other Town committees.

Proposed Amendment #3

The last proposed amendment would add a number eight to the list of Town committee powers and duties.

8. Representation of recommendations of the committee/Expression of personal opinions; Communicating personal opinion in conjunction with majority position of a committee, commission or board:

When speaking or writing regarding a matter within the jurisdiction of a committee, members of the committee shall represent the official policies or positions of the board, commission or committee on which they serve to the best of their ability. When presenting their individual opinions and positions, members shall explicitly state that the opinions they are expressing are their own, do not represent the view or opinion of the Town of Queen Creek or a committee, board or commission of the Town, and will not infer or suggest that the opinion they are expressing is the opinion of the Town.

Fiscal Impact:

There is no fiscal impact for the amendments proposed within this staff report.

Alternatives:

1. The Council may decide to direct staff to include a combination of the amendments summarized in this staff report, or none of them at all.

Attachments:

1. Resolution # 938-13
2. Exhibit "A" Amendments to the Town Council Policies and Procedures

RESOLUTION 938-13

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING
THE TOWN COUNCIL POLICIES AND PROCEDURES AS
APPLICABLE.**

WHEREAS, the Town of Queen Creek desires to maximize public involvement of its residents and area community to the greatest extent possible;

WHEREAS, the amendments to the Town Council Policies and Procedures for Town Committees, Boards and/or Commissions are necessary for the implementation of broad-based public policy goals of the community as a whole;

WHEREAS, the Town of Queen Creek intends to remain a progressive, citizen driven community of quality and that promoting this value requires establishing the appropriate procedural guidance for citizen and community involvement at all levels of government; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: That the Queen Creek Town Council hereby adopts these amendments to the Town Council Policies and Procedures attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2: That the Town Manager is hereby authorized to distribute and begin the implementation of the amendments to the Town Council Policies and Procedures to all Town Committees from this point forward.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 17th day of April, 2013.

FOR THE TOWN OF QUEEN CREEK:

ATTEST TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Town Attorney



TOWN OF
QUEEN CREEK
ARIZONA

Town Council Policies and Procedures

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C. Committee Reports

This is the time that a Council Member or Committee Chair will make reports on conferences, committee meetings, events or other items that the Council may submit.

D. Public Comment

Members of the public may address the Town Council on items not on the printed agenda during this time; however, these items must be within the Council's jurisdiction. There is a three-minute time limit.

E. Consent Calendar

Items on the Consent Calendar are considered routine and are enacted by one motion and one vote. If Council or staff removes an item from the Consent Calendar, discussion on that item will take place after the vote on the remaining items on the Consent Calendar. A member of the public may ask that a Public Hearing item listed on the Consent Calendar be removed for comment. A motion and vote will be required on any item pulled from the Consent Calendar.

F. Items for Public Hearing, Final Action or Discussion

In accordance with the Arizona Revised Statutes, the Council may not discuss or take action on any item not posted on the agenda 24 hours prior to the meeting.

G. Adjournment

After all items on the agenda are discussed and acted upon, the Mayor (Chair) will adjourn the meeting.

XV. AGENDA SETTING PROCESS

1. The Mayor or two Council Members may through the Town Manager request specific items/issues placed on the agenda for discussion/action.
2. On the Tuesday prior to the week of the Council Meeting, an agenda setting meeting is held for the purpose of placing items on the agenda. The Town Manager, Department Heads and Town Clerk attend this meeting. If possible, the Mayor may participate via the telephone or in person. The Town Attorney attends this meeting and reviews the agenda prior to printing.

XVI. COMMITTEES

Committees are formed on an as-needed basis with a clearly defined purpose. The Town Council may appoint up to two members from the Town Council to serve as non-voting liaison members. The committee shall select a chair and vice chair from the voting members on the committee. **THE COMMITTEE'S SELECTION FOR CHAIR AND VICE CHAIR SHALL BE RATIFIED BY THE TOWN COUNCIL.**



Town Committees shall have the following powers and duties:

1. At the start of each new fiscal year, every Town Committee shall receive annual approval of its 12-month work program by the Town Council.
2. Keep and submit meeting summaries or minutes to the Council for information following an official meeting of the committee;
3. Advise the Council on matters pertaining to the designated committees and work program approved by the Town Council.
4. Advise the Council on the status of its annual work program and achievement of various initiatives set forth by the Council for implementation.
5. Advise the Council on matters of public policy affecting the community at-large as it relates to the function and mission of the designated committee and its work program.
6. Advise the Town Manager on issues pertaining to operations and administration of the town organization
7. **COMMITTEE MEMBERS MAY SERVE ON NO MORE THAN ONE COMMITTEE AT A TIME. COMMITTEE MEMBERS SERVING ON MULTIPLE COMMITTEES AT THE TIME THIS AMENDMENT TO THE BYLAWS IS ADOPTED MAY CONTINUE TO SERVE ON THOSE COMMITTEES UNTIL THEIR EARLIEST TERM EXPIRATION DATE. AT THAT TIME, THE MEMBER MUST CHOOSE ONE COMMITTEE ON WHICH TO SERVE AND RESIGN FROM ALL OTHER TOWN COMMITTEES.**
8. **REPRESENTATION OF RECOMMENDATIONS OF THE COMMITTEE/EXPRESSION OF PERSONAL OPINIONS; COMMUNICATING PERSONAL OPINION IN CONJUNCTION WITH MAJORITY POSITION OF A COMMITTEE, COMMISSION OR BOARD:**

WHEN SPEAKING OR WRITING REGARDING A MATTER WITHIN THE JURISDICTION OF A COMMITTEE, MEMBERS OF THE COMMITTEE SHALL REPRESENT THE OFFICIAL POLICIES OR POSITIONS OF THE BOARD, COMMISSION OR COMMITTEE ON WHICH THEY SERVE TO THE BEST OF THEIR ABILITY. WHEN PRESENTING THEIR INDIVIDUAL OPINIONS AND POSITIONS, MEMBERS SHALL EXPLICITLY STATE THAT THE OPINIONS THEY ARE EXPRESSING ARE THEIR OWN, DO NOT REPRESENT THE VIEWS OR OPINIONS OF THE TOWN OF QUEEN CREEK OR A COMMITTEE, BOARD OR COMMISSION



OF THE TOWN, AND WILL NOT INFER OR SUGGEST THAT THE OPINION THEY ARE EXPRESSING IS THE OPINION OF THE TOWN.

A. Council Member Appointments and Assignments

The Mayor appoints and the Council confirms Council Member assignments to outside agencies, committees, task forces and liaison roles.

B. Council Member participation in community activities

From time to time, Council Members may choose to participate in community activities, committees, events and task forces. When a Council Member participates in these types of activities, the Council Member is acting as an interested party rather than acting on behalf of the Town Council. Acting or participating on behalf of the Town Council is limited to those instances when the Council has formally designated that Council Member as its representative for the matter.

XVII. CEREMONIAL REPRESENTATIVE

Mayor to act as Council Ceremonial Representative — The Mayor has been delegated the responsibility to act as the Council's ceremonial representative at public events and functions. In the Mayor's absence, the Vice Mayor will assume this responsibility. In both the Mayor and Vice Mayor's absence, the Mayor will appoint another Council Member to assume the responsibility.

XVIII. ADMINISTRATIVE SUPPORT FOR COUNCIL

A. Mail

All mail addressed to Council Members, whether business related or personal, is delivered to the Executive Administrative Assistant in the Town Managers Office and distributed to their mailbox.

B. Mail addressed to the Mayor

All mail addressed to the Mayor, whether business related or personal, is delivered to the Executive Administrative Assistant in the Town Managers Office. All mail addressed to the Mayor will distributed to the Mayor's mailbox.

C. Council Correspondence

All correspondence to other government agencies or political subdivisions from Council Members written with Town resources (letterhead, staff support, postage, etc.) should reflect the position of the majority of the Council and not the individual Council Members position. All correspondence using Town resources will be copied to the full Council and a copy will be made to the Town Clerk for records. Personal recommendations or thank you notes do not need to be copied.



Requesting Department:

Town Manager

TAB D



TO: HONORABLE MAYOR AND TOWN COUNCIL

**THROUGH: JOHN KROSS, AICP
TOWN MANAGER**

**FROM: TRACY CORMAN, SENIOR MANAGEMENT ASSISTANT
DEBBIE GOMEZ, PARKS SPECIAL PROJECTS COORDINATOR**

**RE: CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION # 939-13
AMENDING THE BYLAWS FOR THE TOWN CENTER COMMITTEE AND THE
ECONOMIC DEVELOPMENT COMMISSION SECTION 2 COMPOSITION,
SECTION 10 ELECTION OF OFFICERS, AND ADDING A SECTION 19
EXPRESSION OF PERSONAL OPINION IN CONJUNCTION WITH MAJORITY
POSITION**

DATE: APRIL 17, 2013

Staff Recommendation:

Staff recommends approval of Resolution 939-13 amending bylaws for the Town Center Committee and the Economic Development Commission Section 2 Composition, Section 10 Election of Officers, and adding a Section 19 Expression of Personal Opinion in Conjunction with Majority Position.

Relevant Council Goal(s):

KRA 2 Community Involvement

Proposed Motion:

Move to approve Resolution 939-13 amending bylaws for the Town Center Committee and the Economic Development Commission Section 2 Composition, Section 10 Election of Officers, and adding a Section 19 Expression of Personal Opinion in Conjunction with Majority Position.

Discussion:

This item has been placed on the agenda at the Council's request and is related to the proposed amendments to the Standard Form Bylaws for Town Committees, Boards and/or Commissions. The bylaws documents for both the Town Center Committee and Economic Development Commission, with the proposed changes identified, are attached to Resolution 939-13 as Exhibits "A" and "B" respectively.

Because the Town Center Committee and Economic Development Commission have separate bylaws, approval of this resolution would include the major amendments made to the Standard Form Bylaws for Town Committees, Boards and/or Commissions in the Town Center Committee and Economic Development Commission Bylaws.

The three amendments being proposed would be added to both bylaws as follows.

Amendment #1:

Section 2: Composition

The proposed amendment would add a paragraph at the end of this section stating:

Committee members may serve on no more than one Town committee at a time. Committee members serving on multiple committees at the time this amendment to the Bylaws is adopted may continue to serve on those committees until their earliest term expiration date. At that time, the member must choose one committee on which to serve and resign from all other Town committees.

Amendment #2:

Section 10: Election of Officers

The proposed amendment would add the following statement to the first paragraph of this section:

The Committee's selection for chair and vice chair shall be ratified by the Town Council.

Amendment #3:

The last amendment being proposed would add a Section 19 to the Bylaws.

Section 19: Representation of recommendations of the committee/Expression of personal opinions; Communicating personal opinion in conjunction with majority position of a committee, commission or board:

When speaking or writing regarding a matter within the jurisdiction of a committee, members of the committee shall represent the official policies or positions of the board, commission or committee on which they serve to the best of their ability. When presenting their individual opinions and positions, members shall explicitly state that the opinions they are expressing are their own, do not represent the view or opinion of the Town of Queen Creek or a committee, board or commission of the Town, and will not infer or suggest that the opinion they are expressing is the opinion of the Town.

Fiscal Impact:

There is no fiscal impact for the amendments proposed within this staff report.

Alternatives:

1. The Council may decide to direct staff to include a combination of the amendments summarized in this staff report, or none of them at all.

Attachments:

1. Resolution # 939-13
2. Exhibit "A" By-Laws of the Queen Creek Town Center Committee
3. Exhibit "B" By-Laws of the Queen Creek Economic Development Commission

RESOLUTION 939-13

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE BYLAWS FOR THE TOWN CENTER COMMITTEE AND ECONOMIC DEVELOPMENT COMMISSION.

WHEREAS, the Town of Queen Creek desires to maximize public involvement of its residents and area community to the greatest extent possible;

WHEREAS, the amendments to the procedures for the Town Center Committee and Economic Development Commission are necessary for the implementation of broad-based public policy goals of the community as a whole;

WHEREAS, the Town of Queen Creek intends to remain a progressive, citizen and business driven community of quality and that promoting this value requires establishing the appropriate procedural guidance for citizen and community involvement at all levels of government; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: That the Queen Creek Town Council hereby adopts these amendments to the Town Center Committee Bylaws attached hereto as Exhibit "A" and the amendments to the Economic Development Commission Bylaws attached hereto as Exhibit "B" and incorporated herein by reference.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 17th day of April 2013.

FOR THE TOWN OF QUEEN CREEK:

ATTEST TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Town Attorney

Exhibit "A"

**BY-LAWS
OF
THE QUEEN CREEK
TOWN CENTER COMMITTEE**

ARTICLE I

NAME

The name of the Committee shall be THE QUEEN CREEK TOWN CENTER COMMITTEE, hereinafter referred to as the "TCC." The TCC is an advisory Committee to the Queen Creek Town Council, organized under the laws of the State of Arizona and the Town of Queen Creek.

ARTICLE II

OFFICES

The principal office of the Queen Creek Town Center Committee in the State of Arizona shall be located at the Queen Creek Town Hall or at such other place as shall be lawfully designated by the Queen Creek Town Council.

ARTICLE III

PURPOSES

The Town Center is intended to be a vital economic core for the community in addition to being the Town's heart and gathering place. The approximately 900 acres contained in the Town Center designated area can accommodate a multitude of economic uses and activities. The TCC shall develop a work plan derived from the Implementation Matrix included in the Town Center Plan adopted by the Town Council on _____, 20___. The Work Plan shall include, but not be limited to, components [or elements or policies] that ensure economic investment from the public and private sector, encourage small business growth, and bring additional amenities and character elements forward.

ARTICLE IV

TOWN CENTER COMMITTEE

Section 1: Number - The TCC shall consist of at least eleven (11) persons, and shall not exceed seventeen (17) persons. All members of the TCC shall be residents of the State of Arizona.

Section 2: Composition – TCC membership shall represent a broad cross section of the community, which can include, but not be limited to:

Private & Public Sector Members

- Professionals
- Town Center Businesses
- Small Business Owners
- Bankers
- Utility Service Representatives
- President, Queen Creek Chamber of Commerce
- Public School Offices (University, Community College, K-12)
- Queen Creek residents at large

Ex-Officio/Liaison Members (non-voting)

- Town Staff
- Town Council (up to two members)

Commission membership shall include a minimum of eight (8) “designated seats” (voting members) from the following entities:

- Town Center small business owners (retail, service, office) representatives
- Town Center resident representative
- Town Center bank representative
- Chamber of Commerce member representative
- Representative from the Community @ Queen Creek
- Marketing director/manager representative

Members of the Commission selected from the private and public sector, with exception of the Ex-Officio and Liaison Member, shall be classified as “non-designated” (voting members).

COMMITTEE MEMBERS MAY SERVE ON NO MORE THAN ONE TOWN COMMITTEE AT A TIME. COMMITTEE MEMBERS SERVING ON MULTIPLE COMMITTEES AT THE TIME THIS AMENDMENT TO THE BYLAWS IS ADOPTED MAY CONTINUE TO SERVE ON THOSE COMMITTEES UNTIL THEIR EARLIEST TERM EXPIRATION DATE. AT THAT TIME, THE MEMBER MUST CHOOSE ONE COMMITTEE ON WHICH TO SERVE AND RESIGN FROM ALL OTHER TOWN COMMITTEES.

Section 3: Selection - Public notification for all “non-designated” TCC openings will be given following policies and procedures established by the Town’s Committee Appointment process. Candidates for all “non-designated seats” only shall submit a completed application to the Town Clerk’s Office in order to be considered for appointment. Qualified candidates will submit a notice of interest and will be interviewed by the TCC Chair. All “non-designated” members shall be appointed by the Mayor, with the consent of the Town Council, and shall serve at the pleasure of the Council.

Section 4: Term of Office - All voting TCC members shall be appointed to two (2) year terms. TCC members shall serve until their successors are duly appointed. TCC members shall serve staggered terms, where no more than seven (7) voting members’ terms expire in any one (1) year.

Section 5: Vacancies - In the event of the death, resignation, or removal of any “non-designated” member of the Town Center Committee the Council shall appoint a new member, to serve

for the unexpired portion of the term vacated. In the event of the death, resignation, or removal of any “designated” or Liaison Member of the TCC the unexpired portion of the vacated term will be filled by a new representative appointed by the entity represented.

Section 6: Attendance Policy – Any member of any committee created and appointed by the Town Council shall forfeit their office if he/she fails to attend 75 percent of the regular meetings within any 12-month fiscal year. The Town Council shall consider removal of the individual from the committee at the next available Council meeting. Replacement of that individual shall be considered by the Town Council as soon as reasonably possible.

Section 7: Removal - Any member of the Town Center Committee shall be removed with or without cause by the favorable vote of a majority of all members of the Council, and the action of the Council shall be final.

Section 8: Powers, Duties, and Responsibilities – TCC members are to make recommendations on Town Center issues in light of economic impacts, Town policy, and what would serve the long term good of all the people of Queen Creek. TCC members are expected to study the agenda packet before each meeting and to educate themselves on Town Center issues. Other powers, duties and responsibilities include, but are not limited to:

- A) Elect the Chair and Vice-Chair.
- B) Develop Annual Work Program
- C) At the start of each new fiscal year receive annual approval of its 12-month work program by Town Council.
- D) To keep and submit minutes to the Council for the information at the first regular Council meeting following an official meeting of the TCC.
- E) Advise the Council on the status of its annual work program and achievement of various initiatives set forth by the Council for implementation.
- F) Advise the Council on matters pertaining to the designated committees and work program approved by the Town Council.
- G) Provide advice and direction for the Town’s Economic Development staff.
- H) Appoint any committee as deemed necessary to carry out the goals of the TCC.
- I) Make recommendations and/or reports to Town Council on Town Center related projects.

Section 9: Advisory Nature of Recommendations - All studies, reviews, recommendations and specific plans formulated or submitted by the QUEEN CREEK TOWN CENTER COMMITTEE shall be advisory only and shall not be binding upon the final actions of the Economic Development Department, or the Queen Creek Town Council.

Section 10: Election of Officers - The Commission shall elect, by majority vote, a Chair and Vice Chair annually from among the voting commission members at the first meeting held in July, or if said meeting is not held, at the first meeting thereafter. **THE COMMITTEE’S SELECTION FOR CHAIR AND VICE CHAIR SHALL BE RATIFIED BY THE TOWN COUNCIL.**

- A) The term of Chair and Vice Chair shall be one (1) year and any member serving as Chair and Vice Chair shall be eligible for re-election.

- B) The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the Town Council representative and then the Director of Economic Development shall act as Chair.
- C) Any vacancy for Chair or Vice Chair as may occur for any reason shall be filled for the remainder of the term from the TCC membership by majority vote of the TCC at the next meeting where a majority of the TCC is present.
- D) The Chair or Vice Chair may be removed from their positions as Chair or Vice Chair at any time by a three fourths (3/4) majority vote of the full TCC membership.
- E) The Chair shall preside at all meetings of the TCC, decide all points of order and procedure, perform any duties required by law, ordinance or by these bylaws.
- F) The Chair shall have the right to vote on all matters before the TCC, and shall also have the right to make or second motions in the absence of a motion, or a second, made by a member.
- G) The Director of Economic Development, or his/her designated representative, shall serve the TCC as Secretary. The Economic Development staff shall furnish professional and technical advice to the TCC.

Section 11: Regular Meetings - Regular meetings shall be held on the second Wednesday of every other month at 8:00 a.m. Whenever a legal holiday is the same day as a meeting, such meeting shall either be canceled or rescheduled by motion and majority vote of the TCC. If a regularly scheduled meeting is to be canceled, twenty four (24) hours notice shall be given to all members. Regular meetings of the TCC shall be open to the public and the minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be filed in the Town Clerk's Office as a public record. For any matter under consideration, any person may speak to the issue upon being recognized by the Chair and stating their name and the names of persons on whose behalf they are appearing. Regular meetings of the TCC shall be held at the Queen Creek Town Hall or at such other place as shall be lawfully designated by the TCC.

Section 12: Special Meetings - Special meetings of the TCC may be called by, or at, the request of the Chair or Director of Economic Development at a time and place they may designate.

Section 13: Notice of Meetings - Written notice of all meetings to TCC members shall be delivered by mail or in person at least 24 hours before the date of the meeting; except that where required by an actual emergency, members may be notified by telephone by the Secretary. Written notice may also be given by e-mail or other electronic means, consistent with the requirements of the open meeting law.

Section 14: Quorum - A majority of the voting members of the TCC shall constitute a quorum for transacting business at any regular or special meeting. No action shall be taken at any regular or special meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.

Section 15: Agenda - An agenda shall be prepared by the Secretary for each regular and/or special meeting of the TCC. The agenda shall include the various matters of business as scheduled for consideration by the TCC.

Section 16: Order of Business (Parliamentary Procedure)

- A) The Chair shall call the TCC to order and the Secretary shall record the members present or absent. The Chair may call each matter of business in order filed.

Section 17: Voting

- A) By majority vote, the TCC may defer action on any matter when it concludes that additional time for further study or input is necessary.
- B) A majority vote of those TCC members present and voting shall be required to take official action including, but not limited to, the adopting of policy or submitting recommendations. When a motion in favor of any matter fails to receive an affirmative majority vote, i.e., a tie vote, it shall be entered into the minutes as a vote to deny the matter being considered. In the event that there is no motion, or the motion dies for lack of a second, it shall be entered into the minutes as a denial of the matter being considered. Nothing herein shall prevent any member from making a subsequent motion on any matter where a prior motion is not approved by a majority vote of members present.
- C) TCC members shall disqualify themselves and abstain from voting whenever they may have a conflict of interest in the item under consideration, as described and provided by A.R.S. 38-501 to 38-511.
- D) Each member attending shall be entitled to one vote, exclusive of the Ex-Officio and Liaison TCC members. The minutes of the proceedings shall indicate the vote of the TCC on every matter acted upon, and shall indicate any absence or failure to vote. No member shall be excused from voting except on matters involving the consideration of their own official conduct, or such matters as referred to in Article IV, Section 17 (C) of these bylaws.
- E) A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

Section 18: Recommendation to Town Council - The TCC shall forward a recommendation to Town Council of its findings and/or actions in writing with respect to the merits of the item under consideration within 30 days of the conclusion of the TCC meeting.

SECTION 19: REPRESENTATION OF RECOMMENDATIONS OF THE COMMITTEE/EXPRESSION OF PERSONAL OPINIONS; COMMUNICATING PERSONAL OPINION IN CONJUNCTION WITH MAJORITY POSITION OF THE COMMITTEE - WHEN SPEAKING OR WRITING REGARDING A MATTER WITHIN THE JURISDICTION OF A COMMITTEE, MEMBERS OF THE COMMITTEE SHALL REPRESENT THE OFFICIAL POLICIES OR POSITIONS OF THE BOARD, COMMISSION OR COMMITTEE ON WHICH THEY SERVE TO THE BEST OF THEIR ABILITY. WHEN PRESENTING THEIR INDIVIDUAL OPINIONS AND POSITIONS, MEMBERS SHALL EXPLICITLY STATE THAT THE OPINIONS THEY ARE EXPRESSING ARE THEIR OWN, DO NOT REPRESENT THE VIEWS OR OPINIONS OF THE TOWN OF QUEEN CREEK OR A COMMITTEE, BOARD OR COMMISSION OF THE TOWN, AND WILL NOT INFER OR SUGGEST THAT THE OPINION THEY ARE EXPRESSING IS THE OPINION OF THE TOWN.

ARTICLE V

OFFICIAL RECORDS

Section 1: Retention of Files - The official records of the TCC shall include these rules and regulations, minutes of meetings and its adopted reports, which shall be deposited with the Town Clerk's Office and which shall be available for public inspection during regular office hours. All matters

coming before the TCC shall be filed in the Economic Development Department in accordance with that Department's general file system. Original papers of all matters shall be retained as per the state approved retention schedule.

Section 2: Recordings of Meetings - All public meetings of the TCC will be recorded in written form and as required by the Arizona open meeting law. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, at their own expense, may do so, provided that they consult the TCC's Secretary to arrange facilities for such recording prior to the commencement of the meeting, and do not otherwise disrupt the proceedings.

ARTICLE VI

AMENDMENTS

These bylaws may be amended by a three fourths ($\frac{3}{4}$) majority vote at any meeting of the TCC provided that notice of said proposed amendment(s) is given to each member in writing at least five (5) days prior to said meeting. Such amendment(s) shall be subject to ratification by the Town Council and, if so approved, shall become effective at the next regular meeting of the TCC after ratification.

Exhibit "B"

**BY-LAWS
OF
THE QUEEN CREEK
ECONOMIC DEVELOPMENT COMMISSION**

ARTICLE I

NAME

The name of the Commission shall be THE QUEEN CREEK ECONOMIC DEVELOPMENT COMMISSION, hereinafter referred to as the "Commission." The Commission is an advisory Commission to the Queen Creek Town Council, organized under the laws of the State of Arizona and the Town of Queen Creek.

ARTICLE II

OFFICES

The principal office of the Queen Creek Economic Development Commission in the State of Arizona shall be located at the Queen Creek Town Hall or at such other place as shall be lawfully designated by the Queen Creek Town Council.

ARTICLE III

PURPOSES

The purpose of the Commission is to make recommendations on ways to diversify Queen Creek's economic base; stimulate and encourage job growth by making recommendations on economic development issues in light of economic impacts and Town policy and assist in identifying assets and resources appropriate for implementation of Queen Creek's economic development strategy; all of which shall be accomplished in a manner consistent with sustained, prudent and reasonable growth.

ARTICLE IV

ECONOMIC DEVELOPMENT COMMISSION

Section 1: Number - The Commission shall consist of at least eleven (11) persons, and shall not exceed seventeen (17) persons. All members of the Commission shall be residents of the State of Arizona.

Section 2: Composition – Commission membership shall represent a broad cross section of the community, which can include, but not be limited to:

Private & Public Sector Members

- Professionals
- Real Estate Brokers and Developers
- Corporate Leaders (Commercial, Retail and Industrial Sectors)

- Small Business Owners
- Bankers
- Utility Service Representatives
- President, Queen Creek Chamber of Commerce
- Greater Phoenix Economic Council Liaison
- Public School Officials (University, Community College, K-12)
- Queen Creek citizens at large

Members of the Commission selected from the private and public sector, with exception of the Ex-Officio and Liaison Member, shall be classified as “non-designated” (voting members).

COMMISSION MEMBERS MAY SERVE ON NO MORE THAN ONE TOWN COMMITTEE AT A TIME. COMMITTEE MEMBERS SERVING ON MULTIPLE COMMITTEES AT THE TIME THIS AMENDMENT TO THE BYLAWS IS ADOPTED MAY CONTINUE TO SERVE ON THOSE COMMITTEES UNTIL THEIR EARLIEST TERM EXPIRATION DATE. AT THAT TIME, THE MEMBER MUST CHOOSE ONE COMMITTEE ON WHICH TO SERVE AND RESIGN FROM ALL OTHER TOWN COMMITTEES.

Liaison Member (non-voting)

- Planning & Zoning Commission Member (as needed)

Ex-Officio Members (non-voting)

- Town Manager, Queen Creek
- Director of Economic Development, Queen Creek
- Town Council (up to two members from the Town Council to serve as non-voting members)

Commission membership shall also include a minimum of eight (8) “designated seats” (voting members) filled by representatives that have been consulted with and are willing to serve, from the following specified positions:

- A representative(s) from the electric utilities and/or the gas utility serving Queen Creek.
- A representative from the Queen Creek Unified School District.
- A representative from Arizona State University.
- A representative from area community college.
- A representative from Phoenix-Mesa Gateway Airport.
- Queen Creek’s Board representative from the Greater Phoenix Economic Council.
- The President of the Queen Creek Chamber of Commerce

Section 3: Selection - Public notification for all “non-designated” Commission openings will be given following policies and procedures established by the Town’s Committee Appointment process. Candidates for all “non-designated seats” only shall submit a completed application to the Town Clerk’s Office in order to be considered for appointment. Qualified candidates will submit a notice of interest and will be interviewed by the Commission Chair. All “non-designated” members shall be appointed by the Mayor, with the consent of the Town Council, and shall serve at the pleasure of the Council.

In addition, the Ex-Officio “designated seats” will include:

- Town Manager, Town of Queen Creek
- Director of Economic Development, Town of Queen Creek
-

Section 4: Term of Office - All voting Commission members shall be appointed to two (2) year terms. Commission members shall serve until their successors are duly appointed. Commission members shall serve staggered terms, where no more than seven (7) voting members’ terms expire in any one (1) year.

Section 5: Vacancies - In the event of the death, resignation, or removal of any “non-designated” member of the Economic Development Commission the Council shall appoint a new member, to serve for the unexpired portion of the term vacated. In the event of the death, resignation, or removal of any “designated” or Liaison Member of the Commission the unexpired portion of the vacated term will be filled by a new representative appointed by the entity represented.

Section 6: Attendance Policy – Any member of any committee created and appointed by the Town Council shall forfeit their office if he/she fails to attend 75 percent of the regular meetings within any 12-month fiscal year. The Town Council shall consider removal of the individual from the committee at the next available Council meeting. Replacement of that individual shall be considered by the Town Council as soon as reasonably possible.

Section 7: Removal - Any member of the Economic Development Commission shall be removed with or without cause by the favorable vote of a majority of all members of the Council, and the action of the Council shall be final.

Section 8: Powers, Duties, and Responsibilities – Commission members are to make recommendations on economic development issues in light of economic impacts, Town policy, and what would serve the long term good of all the people of Queen Creek. Commission members are expected to study the agenda packet before each meeting and to educate themselves on economic development issues. Other powers, duties and responsibilities include, but are not limited to:

- A)** Elect the Chair and Vice-Chair.
- B)** Develop Annual Work Program
- C)** At the start of each new fiscal year receive annual approval of its 12-month work program by Town Council.
- D)** To keep and submit minutes to the Council for the information at the first regular Council meeting following an official meeting of the commission.
- E)** Advise the Council on the status of its annual work program and achievement of various initiatives set forth by the Council for implementation.
- F)** Advise the Council on matters pertaining to the designated committees and work program approved by the Town Council.
- G)** Provide advice and direction for the Town’s Economic Development staff.
- H)** Provide expertise to Director of Economic Development in working with prospects, as appropriate.
- I)** Assist in the development of the Economic Development Department’s Annual Action Plan and in updates to the Strategic Plan.

- J) Appoint any committee as deemed necessary to carry out the goals of the Commission.
- K) Make recommendations and/or reports to Town Council on Economic Development related projects.

Section 9: Advisory Nature of Recommendations - All studies, reviews, recommendations and specific plans formulated or submitted by the QUEEN CREEK ECONOMIC DEVELOPMENT COMMISSION shall be advisory only and shall not be binding upon the final actions of the Economic Development Department, or the Queen Creek Town Council.

Section 10: Election of Officers - The Commission shall elect, by majority vote, a Chair and Vice Chair annually from among the voting commission members at the first meeting held in July, or if said meeting is not held, at the first meeting thereafter. **THE COMMISSION'S SELECTION FOR CHAIR AND VICE CHAIR SHALL BE RATIFIED BY THE TOWN COUNCIL.**

- A) The term of Chair and Vice Chair shall be one (1) year and any member serving as Chair and Vice Chair shall be eligible for re-election.
- B) The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the Town Council representative and then the Director of Economic Development shall act as Chair.
- C) Any vacancy for Chair or Vice Chair as may occur for any reason shall be filled for the remainder of the term from the Commission membership by majority vote of the Commission at the next meeting where a majority of the Commission is present.
- D) The Chair or Vice Chair may be removed from their positions as Chair or Vice Chair at any time by a three fourths (3/4) majority vote of the full Commission membership.
- E) The Chair shall preside at all meetings of the Commission, decide all points of order and procedure, perform any duties required by law, ordinance or by these bylaws.
- F) The Chair shall have the right to vote on all matters before the Commission, and shall also have the right to make or second motions in the absence of a motion, or a second, made by a member.
- G) The Director of Economic Development, or his/her designated representative, shall serve the Commission as Secretary. The Economic Development staff shall furnish professional and technical advice to the Commission.

Section 11: Regular Meetings - Regular meetings shall be held on the fourth Wednesday of every other month at 7:30 a.m. Whenever a legal holiday is the same day as a meeting, such meeting shall either be canceled or rescheduled by motion and majority vote of the Commission. If a regularly scheduled meeting is to be canceled, twenty four (24) hours notice shall be given to all members. Regular meetings of the Commission shall be open to the public and the minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be filed in the Town Clerk's Office as a public record. For any matter under consideration, any person may speak to the issue upon being recognized by the Chair and stating their name and the names of persons on whose behalf they are appearing. Regular meetings of the Commission shall be held at the Queen Creek Town Hall or at such other place as shall be lawfully designated by the Commission.

Section 12: Special Meetings - Special meetings of the Commission may be called by, or at, the request of the Chair or Director of Economic Development at a time and place they may designate.

Section 13: Notice of Meetings - Written notice of all meetings to Commission members shall be delivered by mail or in person at least 24 hours before the date of the meeting; except that where required by an actual emergency, members may be notified by telephone by the Secretary. Written notice may also be given by e-mail or other electronic means, consistent with the requirements of the open meeting law.

Section 14: Quorum - A majority of the voting members of the Commission shall constitute a quorum for transacting business at any regular or special meeting. No action shall be taken at any regular or special meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.

Section 15: Agenda - An agenda shall be prepared by the Secretary for each regular and/or special meeting of the Commission. The agenda shall include the various matters of business as scheduled for consideration by the Commission.

Section 16: Order of Business (Parliamentary Procedure)

A) The Chair shall call the Commission to order and the Secretary shall record the members present or absent. The Chair may call each matter of business in order filed.

Section 17: Voting

A) By majority vote, the Commission may defer action on any matter when it concludes that additional time for further study or input is necessary.

B) A majority vote of those Commission members present and voting shall be required to take official action including, but not limited to, the adopting of policy or submitting recommendations. When a motion in favor of any matter fails to receive an affirmative majority vote, i.e., a tie vote, it shall be entered into the minutes as a vote to deny the matter being considered. In the event that there is no motion, or the motion dies for lack of a second, it shall be entered into the minutes as a denial of the matter being considered. Nothing herein shall prevent any member from making a subsequent motion on any matter where a prior motion is not approved by a majority vote of members present.

C) Commission members shall disqualify themselves and abstain from voting whenever they may have a conflict of interest in the item under consideration, as described and provided by A.R.S. 38-501 to 38-511.

D) Each member attending shall be entitled to one vote, exclusive of the Ex-Officio and Liaison Commission members. The minutes of the proceedings shall indicate the vote of the Commission on every matter acted upon, and shall indicate any absence or failure to vote. No member shall be excused from voting except on matters involving the consideration of their own official conduct, or such matters as referred to in Article IV, Section 17 (C) of these bylaws.

E) A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

Section 18: Recommendation to Town Council - The Commission shall forward a recommendation to Town Council of its findings and/or actions in writing with respect to the merits of the item under consideration within 30 days of the conclusion of the Commission meeting.

SECTION 19: REPRESENTATION OF RECOMMENDATIONS OF THE COMMITTEE/EXPRESSION OF PERSONAL OPINIONS; COMMUNICATING PERSONAL OPINION IN CONJUNCTION WITH MAJORITY POSITION OF A COMMITTEE, COMMISSION OR BOARD - WHEN SPEAKING OR WRITING REGARDING A MATTER WITHIN THE JURISDICTION OF A COMMITTEE, MEMBERS OF THE COMMITTEE SHALL REPRESENT THE OFFICIAL POLICIES OR POSITIONS OF THE BOARD, COMMISSION OR COMMITTEE ON WHICH THEY SERVE TO THE BEST OF THEIR ABILITY. WHEN PRESENTING THEIR INDIVIDUAL OPINIONS AND POSITIONS, MEMBERS SHALL EXPLICITLY STATE THAT THE OPINIONS THEY ARE EXPRESSING ARE THEIR OWN, DO NOT REPRESENT THE VIEWS OR OPINIONS OF THE TOWN OF QUEEN CREEK OR A COMMITTEE, BOARD OR COMMISSION OF THE TOWN, AND WILL NOT INFER OR SUGGEST THAT THE OPINION THEY ARE EXPRESSING IS THE OPINION OF THE TOWN.

ARTICLE V

OFFICIAL RECORDS

Section 1: Retention of Files - The official records of the Commission shall include these rules and regulations, minutes of meetings and its adopted reports, which shall be deposited with the Town Clerk's Office and which shall be available for public inspection during regular office hours. All matters coming before the Commission shall be filed in the Economic Development Department in accordance with that Department's general file system. Original papers of all matters shall be retained as per the state approved retention schedule.

Section 2: Recordings of Meetings - All public meetings of the Commission will be recorded in written form and as required by the Arizona open meeting law. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, at their own expense, may do so, provided that they consult the Commission's Secretary to arrange facilities for such recording prior to the commencement of the meeting, and do not otherwise disrupt the proceedings.

ARTICLE VI

AMENDMENTS

These bylaws may be amended by a three fourths ($\frac{3}{4}$) majority vote at any meeting of the Commission provided that notice of said proposed amendment(s) is given to each member in writing at least five (5) days prior to said meeting. Such amendment(s) shall be subject to ratification by the Town Council and, if so approved, shall become effective at the next regular meeting of the Commission after ratification.

Adopted July 2008

Requesting Department:

Town Manager



TAB E

TO: HONORABLE MAYOR AND TOWN COUNCIL

**THROUGH: JOHN KROSS, AICP
TOWN MANAGER**

**FROM: TRACY CORMAN, SENIOR MANAGEMENT ASSISTANT
DEBBIE GOMEZ, PARKS SPECIAL PROJECTS COORDINATOR**

**RE: CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 940-13
ADOPTING A COMMITTEE, BOARD AND COMMISSION HANDBOOK**

DATE: April 17, 2013

Staff Recommendation:

Staff recommends approval of Resolution 940-13 adopting a Committee, Board and Commission Handbook.

Relevant Council Goal(s):

KRA 2 Community Involvement

Proposed Motion:

Move to approve Resolution 940-13 adopting a Committee, Board and Commission Handbook.

Discussion:

In addition to Council's request to review and possibly amend the Standard Form Bylaws to better address the needs of the Town, staff is proposing improving the overall committee, board and commission program to include a member handbook and training for committee members, chairs/vice chairs and committee liaison staff members. The training would be an opportunity to educate committee members on the public process, public meeting laws, member roles and responsibilities and committee etiquette. This training would be equally important for staff members in supporting their assigned citizen committees.

Staff worked with consultant Gretchen Maynard to develop the attached Town of Queen Creek Committee, Board and Commission Handbook. The handbook covers an overview of the history and culture of the Town, board and commission guiding principles, conflict of interest laws, Arizona Open Meeting Law, entertainment and gift laws, and the basics of parliamentary procedure.

If the handbook is adopted, it would be used to form the basis for three hour training sessions provided by the consultant with committee members and staff. Training is proposed to be scheduled for late May, and would be offered at multiple times to accommodate the largest number of members. Video taping these sessions may be possible, and this option is currently being explored as another alternative for anyone who is unable to attend in person.

Fiscal Impact:

There is no fiscal impact for approving the handbook. The proposed training for committee members and staff would be covered under the current contract with Gretchen Maynard.

Alternatives:

1. The Council may decide to direct staff to adopt the handbook with amendments.
2. The Council may decide not to adopt the handbook.

Attachments:

1. Resolution 940-13
2. Exhibit "A" DRAFT Committee, Board and Commission Handbook

RESOLUTION 940-13

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF QUEEN CREEK, ARIZONA, ADOPTING A
COMMITTEE, BOARD AND COMMISSION HANDBOOK.**

WHEREAS, the Town of Queen Creek desires to maximize public involvement of its residents and area community to the greatest extent possible;

WHEREAS, the adoption of a Committee, Board and Commission Handbook is necessary for the implementation of broad-based public policy goals of the community as a whole;

WHEREAS, the Town of Queen Creek intends to remain a progressive, citizen driven community of quality and that promoting this value requires establishing the appropriate procedural guidance for citizen and community involvement at all levels of government; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: That the Queen Creek Town Council hereby adopts the Committee, Board and Commission Handbook attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2: That the Town Manager is hereby authorized to distribute and begin the implementation of the handbook to all Town Committees from this point forward.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 17th day of April, 2013.

FOR THE TOWN OF QUEEN CREEK:

ATTEST TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Town Attorney



Committee, Board and Commission Handbook



Committee, Board and Commission Handbook

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Town Boards & Commissions

Board of Adjustment

The Board of Adjustment hears and decides on appeals for variances from the term of the Zoning Ordinance. Meetings are scheduled as needed.

Budget Committee (3 Council Member Committee)

The Budget committee is made up of three Town Council Members, the Town Manager and his assistants, and Town Finance staff. Its purpose is to review, analyze and edit the budget for tentative approval of the full Town Council each fiscal year (July 1 – June 30).

Economic Development Commission

The Economic Development Commission assists staff on updating and revising the Queen Creek Strategic Plan for Economic Development. Commission members are appointed by the Town Council to help define an updated vision for the Town and develop a series of new strategies and action items.

Parks & Recreation Advisory Committee

The purpose of the Parks & Recreation Advisory Committee is to assist and advise Queen Creek Parks & Recreation staff. This committee also acts in an advisory capacity to the Town Council in the development and continuing review of goals and objectives for Queen Creek's parks, trails and open spaces as well as recreational programs and events.

Planning & Zoning Commission

The Planning & Zoning Commission advises the Town Council in decisions pertaining to amendments to the General Plan, the Zoning Ordinance and applications for development. The commission reviews and makes recommendations regarding changes to the General Plan land use map, hears, reviews and makes recommendations regarding all applications for subdivision site plans, specific plans and phased and conditional use permit applications.

Transportation Advisory Committee

The Transportation Advisory Committee discusses transportation-related projects and programs, and makes recommendations to the Town Council on those matters. It reviews the Town's transportation planning efforts and act as ambassadors to our residents on all things related to transportation.

Town Center Committee

The Town Center Committee updates the Town Center and Redevelopment Area Plans, which help to guide development in the Town Center.

SECTION 1:

Overview of Queen Creek's History & Culture

Town History

Queen Creek, intersecting Maricopa and Pinal counties, has a population of 26,805 (2011).



This sprawling, fertile farm community below the San Tan Mountains was originally named Rittenhouse after the railroad spur located near Rittenhouse and Ellsworth roads.

A creek called "Picket Post" runs through the eastern mountains through Queen Creek Canyon and continues its journey into the area surrounding Rittenhouse.



In 1912 Picket Post Creek was eventually renamed Queen Creek when the Silver Queen mine opened for production. As the community grew, and the railroad was used less for travel to and from Phoenix, the community changed its name to Queen Creek.

Agriculture



By the time Arizona became a state in 1912, an authentic community had been formed in Queen Creek. Homesteaders farmed and ranched along Queen Creek Wash harvesting bountiful crops including citrus, cotton, pecans, and vegetables.

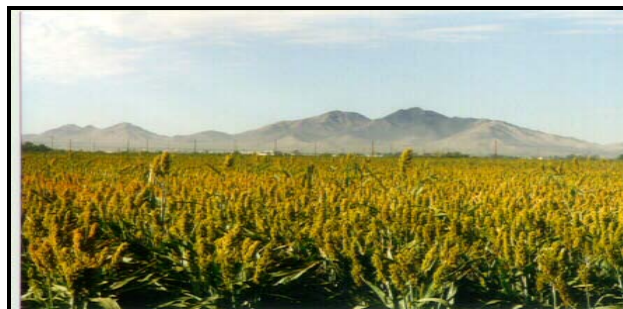


The general store, church, and post office served as community gathering places . . . a practice still alive today.



Rapid Expansion . . .

Queen Creek and nearby cities began to rapidly expand in the 1980's and this growth continues today. In 1989 the Town of Queen Creek incorporated to preserve the benefits of rural life while providing an avenue for managed change.



CULTURE: *Past, Present, Future*

Queen Creek continues to be well-known for its rural town feel and friendly, family-oriented atmosphere -- where residents take pride in a “first name” community. The Town Mayor, Council, staff and citizen volunteers support these strong values by providing responsive public services in a caring, ethical, innovative and accountable manner.

Residents and Visitors Enjoy

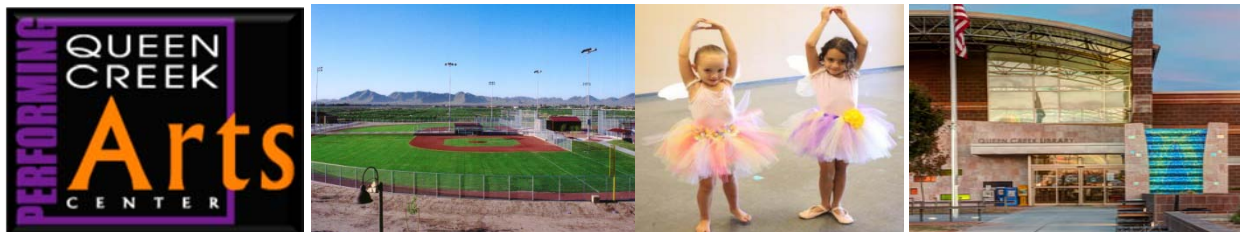
Hiking, Horseback Riding, Parks & Open Spaces



Shopping



Entertainment, Arts & Recreation Activities



Organizational Roles and Responsibilities:

The price of greatness is responsibility.

- Winston Churchill

The opportunity to serve on a municipal board or commission comes with certain obligations that include thoroughly understanding your role, and the role of other key members within the Queen Creek organization.

Queen Creek Mayor & Council

The Queen Creek Town Council consists of a mayor and six other council members elected at large by the qualified voters of the town.

Eligibility & Terms of Office

Only qualified voters of the Town are eligible to hold the office of Mayor or Council members. Each council candidate must be a resident of the town (or annexed area) for at least one year immediately preceding their election. The term of office for Mayor and Council members is four years or until their successors are elected and qualified.

Role of Mayor

The Mayor is the Town Council's presiding officer and serves as Queen Creek's government representative at all ceremonial events. The Mayor is chair of the Council and presides over its meetings. The Mayor may make and second motions and have a voice and vote in all its proceedings. The Mayor also has the authority to preserve order at all Council meetings, to remove any person from any meeting for disorderly conduct, to enforce the rules of the Council and to determine the order of business. The Mayor also has the power to administer oaths and affirmations.

Absence of Mayor

The Vice Mayor shall act as Mayor in the absence or disability of the Mayor.

Absence of Mayor and Vice Mayor

In the absence or disability of both the Mayor and Vice Mayor, the council may designate another of its members to serve as acting Mayor with all the powers, duties and responsibilities of the Mayor during such absence or disability.

Role of Town Council

The members of the Town Council are the elected representatives of the citizens of Queen Creek. The council's sole responsibility is to exercise authority for all matters relating to the establishment of the policies that guide the operation and governance of the Town of Queen Creek.

Council-Manager Form of Government

The council-manager form of government is established in the Queen Creek Town Code. This model is used widely throughout the United States and by virtually every local government in the state of Arizona. It is closely aligned to private industry where the Chief Executive Officer (the mayor) and the Executive Board (the council) appoints a Chief Executive Officer (town manager) that manages the day-to-day operations of the company (town organization).

Role of Town Manager

The Town Manager is appointed by and reports directly to the Town Council. This executive position works closely with the Mayor to ensure the policies of the Town Council as a whole are implemented. Responsibilities include preparing a budget for the Town Council's consideration, recruiting, hiring and supervising Town staff, serving as the Town Council's chief advisor, and carrying out the Town Council's policies.

Role of Town Clerk

The Town Clerk is appointed by and reports directly to the Town Council. The Clerk is responsible for giving notice of council meetings to council members and the public, administering local elections, recording and storing minutes of official meetings, and maintaining municipal ordinances and resolutions. The clerk issues municipal business licenses, manages public record requests and answers public inquiries.

Departments & Divisions

The Town Departments are headed by department directors that report to the Town Manager:

Development Services

The Development Services Department provides current and long-range planning programs, building and code enforcement, engineering and construction services, and infrastructure and facilities maintenance. This is accomplished by implementing the Town's General Plan, Zoning and Subdivision Ordinances, building codes and the Capital Improvement Program. All services fall into two broad categories: 1) Construction and Regulatory Compliance, which includes: Building Safety, Planning and Zoning, Engineering and Construction Services, and Neighborhood Preservation/Code Enforcement; and 2) Public Works/Operations and Maintenance, which includes: Facility Maintenance, Fleet Maintenance, Street Maintenance, Park and Grounds Maintenance, Traffic, and Solid Waste.

Economic Development

The Economic Development Department consists of three divisions. The Economic Development Division is responsible for business attraction, retention and expansion as well as the promotion of opportunities available for private investment in the community. The Communications and Marketing Division is responsible for community outreach including the Town's electronic newsletter, website, social media and Town Council community outreach programs. Communication and Marketing coordinates media and community relations, manages the Town's brand, and produces publications, special events and publicity campaigns in partnership with the Town Council, Town Manager and all departments. The Horseshoe Park and Equestrian Centre Division is responsible for the management of Horseshoe park and Equestrian Centre, including event planning and coordination, promoter relations and facility maintenance.

Fire & Emergency Services

The Emergency Services Department provides programs and services that fall into two broad categories: 1) Emergency Services, and 2) Non-Emergency Services. Emergency services are provided to the citizens of Queen Creek by the Operation, Medical and Public Safety Divisions. These divisions are responsible for 911 responses to fire4s, medical emergencies, hazardous materials emergencies and technical rescue as well as disaster response to a major or widespread incident in the Town. Queen Creek's contract for police services with the Maricopa County Sheriff's Office also is administered by the department. Non-emergency services that support the response capabilities for the department's paramedic engine companies include the Administration, Training, and Resource Management Divisions. The Operation Division also conducts code enforcement, public safety education and safety preparations for special events.

Management Services

Management Services includes three divisions: Controller, Budget and Recreation. The Budget Division prepares, monitors and presents the Town's annual budget and Capital Improvement Program. It researches and prepares long-range revenue forecasts, and it assists in developing and monitoring organization performance measures. The Controller conducts all accounting, purchasing, payroll and asset tracking functions of the Town. Recreation Services provides recreation, leisure programs and Town-hosted events year-round. Recreation programs include Youth and Teen Programs, Youth and Adult Sports, Special Interest Classes, the Senior Program, and Special Events.

Utilities

The Utility Services Department provides water and sewer services to Town residents. The department is charged with the operation and maintenance of the Town's water and sewer facilities and infrastructure, and works to satisfy all federal, state, county and local agency permits to ensure regulatory compliance through regular sample collection, laboratory testing and backflow prevention.

Workforce & Technology

The Workforce and Technology Department is a core support unit for the Town and staff. The Human Resources Division is responsible for workforce planning and employment; compensation, classification and benefits; employee relations; training and development; policy and procedure development; and, worker's compensation. The Technology Division administers all technology-related services, including local area computer networks; voice, data and network infrastructure and security; desktop support, Geographic Information Systems (GIS); backups and data retention; and, telecommunications.

SECTION 2:

Board and Commission Guiding Principles

Purpose of Boards and Commissions

Boards and Commissions were established within municipal government to assist the Mayor and Council in an advisory capacity. Board and Commission members research various issues related to the town and make recommendations to the Mayor and Council based on their expertise.

Boards, Commissions, Committees - Your Role

The Queen Creek Town Council forms committees on an as-needed basis with a clearly defined purpose. The Town Council may appoint up to two members from the Council to serve as non-voting liaison members. The committee selects a chair and vice chair from the voting members. The chair and vice are then ratified by the Town Council.

Because Board and Commission members are appointed by the Town Council (versus elected), your role is exclusively advisory to the Mayor and Council. Major duties include making recommendations to the Town Council based on expertise and study of specific issues. These actions and recommendations are subject to review and approval of the Town Council.

Responsibilities include acting lawfully within the spirit of the law; conducting the public's business in public; placing the public welfare ahead of your own personal interest; understanding the process and procedures of governance; being informed about issues and listening to others, including those with whom you disagree.

Ordinances/Resolutions and Bylaws:

Ordinances, resolutions, and formal actions are enacted by the Town Council.. When there is a conflict between the ordinance, resolution or formal action and the board's bylaw, the ordinance, resolution, or formal action is the controlling law that must be followed by the board or commission. If there is a conflict, the bylaws should be revised to be in agreement with the ordinance, resolution, or formal action.

Your Powers and Duties:

Town Committees have the following powers and duties:

1. At the start of each new fiscal year, receive approval of its 12-month work program.
2. Keep and submit meeting summaries or minutes to the Council for information following an official meeting of the committee.
3. Advise the Council on matters pertaining to the designated committees and work program approved by the Town Council.
4. Advise the Council on the status of its annual work program and achievement of various initiatives set forth by the Council for implementation.
5. Advise the Council on matters of public policy affecting the community at-large as it relates to the function and mission of the designated committee and its work program.
6. Advise the Town Manager on issues pertaining to operations and administration of the town organization.
7. Serve on no more than one committee at a time. Committee members serving on multiple committees at the time this amendment to the bylaws was adopted may continue to serve on those committees until their earliest term expiration date. At that time, the member must choose on which committee to serve and resign from all other Town committees.
8. Representation of recommendations of the committee / communicating personal opinion in conjunction with majority position of a committee, commission or board (see Communicating Personal Opinions below).

Communicating Personal Opinions:

When speaking or writing regarding a matter within the jurisdiction of a committee, member of the committee shall represent the official policies or position of the Board, Commission or Committee on which they serve to the best of their ability. When presenting their individual opinions and position, members shall explicitly state that the opinions they are expressing are their own, do not represent the view or opinion of the Town of Queen Creek or a committee, Board or Commission of the Town, and will not infer or suggest that the opinion they are expressing is the opinion of the Town.

Board and Commission Guiding Principles

The following “guiding principles” helps further clarify the advisory role of Queen Creek’s Board and Commission members:

Set Personal Agendas Aside

Board and commission members should not represent their own interests or those of special interests. You have been appointed to represent the best interests of the citizens of Queen Creek as a whole and all decisions should be based on what is good for the entire community.

Acknowledge the Right to Appeal

In most instances, any party aggrieved by the action of a board or commission may appeal that decision to the Town Council. The Town Council may grant the appeal at its discretion.

Remain Objective in Your Role

Do not be personally offended if the Council overturns a decision that your board or commission made. Do not be offended if the Council amends or rejects the recommendations of your board or commission. Remember, it is the Council’s prerogative to do so.

Maintain Effective Communication

Occasionally, there may be misunderstandings among board and commission members, members of the Town Council or Town staff. Frequent and open communication is critical to ensuring that minor disagreements do not escalate into major conflicts. The members of the Queen Creek Town Council welcome your thoughts, ideas and suggestions.

Behaviors and Attributes

As a new board or commission member, it is helpful to review the following behaviors and attributes demonstrated by Queen Creek's most effective members.

People of good will can get along if they respect each other's point of view, and focus on what is in the best, long-term interests of the community.

Effective Board and Commission Members:

- Are interested in and willing to learn more about municipal issues.
- Schedule sufficient time to prepare for meetings and hearings.
- Possess an open mind and advocate effectively when appropriate.
- Conduct Board and Commission business with patience and fairness.
- Envision the long-term effects of a decision versus short-term concerns.
- Place the public good above the welfare of individual applicants.
- Articulate clearly and thoughtfully at public meetings and hearings.
- Choose to reach decisions and resolve issues.
- State positions with persuasiveness.
- Control emotional outbursts and anger.
- Actively mentor newly-appointed members.
- Show up on time and attend all meetings and study sessions.
- Consider other points of view and be willing to compromise.

Are you wondering if you have taken on too much by agreeing to serve?



It's true that being a board and commission member is a big responsibility with so many things to learn in order to be effective. The Mayor and Town Council appreciate your willingness to serve the community and how important your service is! They also understand how much information there is to absorb.

REMEMBER!

STAFF MANAGERS ARE AVAILABLE HELP ENSURE YOUR SUCCESS!

The Town Manager assigns at least one Staff Manager to each Board and Commission.

Role of Staff Managers

Their role is to establish and maintain a positive working relationship with members, act as a link to other Town departments and facilitate interaction. Responsibilities include helping the board or commission develop bylaws, consulting with the committee chair to develop the meeting agendas, taking meeting notes and ensuring they are distributed to the Town Clerk.

Staff managers prepare and coordinate presentations and exhibits on agenda items, provide information and make recommendations on agenda items. They also provide logistical support; report concerns and progress to town management and provide guidance regarding the most effective way to present recommendations to the Town Council, management and the community. If a board or commission member needs to contact Town personnel for information concerning official business, he or she should work through their staff committee manager.

Responsibilities Include:

- Taking meeting notes and ensure they are distributed to the Town Clerk.
- Distributing information and logistical support.
- Reporting concerns and progress to town management.
- Providing guidance regarding the most effective way to present recommendations to the Town Council, Town management and the community.

SECTION 3:

Conflict of Interest (§38-501-510)

Source: Arizona Ombudsman

(<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=38>)

Definition:

Prohibits persons with conflict from participating in decisions in which they have an interest. A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the officer or employee that would not ordinarily accrue to the officer or employee in the performance of official duties if the things or benefit is of such a character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

Who Does This Law Apply To?

A.R.S. § 38-501:

Conflict of Interest applies to all public officers and employees of incorporated cities or towns, of political subdivisions of the state and any of its departments, commissions, agencies, bodies or boards.

Who Is Considered a Public Officer?

A.R.S. § 38-502 (8):

"Public Officer" means all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute.

Substantial Interest

A.R.S. § 38-503 (A):

Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

“Substantial Interest” means any pecuniary (monetary) or proprietary (ownership) interest, either direct or indirect, other than a remote interest.

NOTE: Per Queen Creek Town Council Policies and Procedures, the Town Attorney should be contacted prior to any meeting where a potential conflict of interest may occur.

Substantial Interest -- *If You Aren't Sure, Ask Yourself these Questions:*

- Will the decision affect, either positively or negatively, an interest of the officer or employee or the officer's or employee's relative?
- Is the interest a pecuniary (monetary) or proprietary (ownership) interest?
- Is the interest other than one statutorily designated as a remote interest?

Remote Interest:

If an interest is a remote interest, the public officer need not disclose it and may participate in the agency's action or decision.

What Is Considered a Remote Interest?

A.R.S. § 38-502 (11):

- Non-salaried officer of a nonprofit corporation;
- Landlord or tenant of a contracting party;
- Attorney of a contracting party;
- Member of a nonprofit cooperative marketing association;
- Insignificant stock ownership;
- Officer being reimbursed for actual and necessary expenses in the performance of official duties;
- Recipient of public services generally available;
- Relative of a school board member other than a spouse or dependent;
- Officer or employee of another public agency unless the contract/decision involved confers a direct benefit or detriment upon the officer, employee or his/her relative;
- The class officer's interest is not greater than the interests of the other members of the class of at least 10 persons.

Responsibilities:

Who Determines If You Have a Conflict?

You Do!

You, the public officer or employee, must determine if you have a conflict of interest.

Even if you believe you can be objective in making a decision and that the public interest will not be harmed by your participation, you do not have discretion to ignore the statutory mandates.

What Do I Do If I Have a Conflict of Interest?

You must disclose your interest in the official records of the public agency.

You must recuse yourself and refrain from participating in any manner in the decision or contract. This includes recusing yourself from any discussion of the matter.

How Do I Disclose a Conflict of Interest?

File with the Town a signed, written disclosure statement fully disclosing the interest. Verify with the Town Clerk that your interest is disclosed in the Official minutes of the meeting. The agency must maintain a “conflicts of interest file” with the written disclosures of the officers or employees who have identified conflicts of interest.

Sanctions for Violations

A.R.S. § 38-510: Penalties

- If the violation is intentional or knowing, it is a class 6 felony.
- If the violation is reckless or negligent, it is a class 1 misdemeanor.
- Upon conviction, a public officer or employee forfeits the public office or employment if any.
- Contracts entered into in violation of conflicts of interest laws may be cancelled or voided.

Advice from The Arizona Attorney General's Office:

- Analyze every matter coming before your council, board or commission to determine if you have a conflict of interest.
- Make your determination prior to the council, board or commission addressing the matter.
- Follow the statutory mandates for disclosing your conflict of interest.

SECTION 4:

The Arizona Open Meeting Law

ARS § 38-431.01 – 38-431.09

Protecting the Public's Right to Know

<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=38>

History of Arizona's Open Meeting Law

All fifty states have enacted some type of legislation providing the public with a statutory right to openness in government. In addition, the United States Congress in 1976 enacted the Federal Open Meeting Act, 5 U.S.C. § 552b. Arizona's Open Meeting Law was first adopted in 1962 with the Arizona Legislature declaring it public policy.

Conduct the Public's Business in Public

There are two key provisions of the Open Meeting Law:

1. All meetings of any public body are open to the public and anyone requesting to attend should be able to do so.
2. Notices and agendas must be provided for all public meetings which contain information that informs the public on the matters that will be discussed and decided.

Why Do We Need An Open Meeting Law?

To protect the public by avoiding decision-making in secret and promoting accountability by encouraging public officials to act responsively and responsibly.

To protect the public officials by assuring that members are not excluded (notices), to help members prepare and avoid being blind-sided (agenda), and to accurately memorialize what happens during meetings (minutes).

To maintain integrity and build trust by better informing the citizenry.

Who Must Comply with the Open Meeting Law?

The Open Meeting law applies to **all public bodies**. A “public body” includes the legislature, all boards and commissions of the state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body A.R.S. § 38-431(6).

“Advisory committee” or Subcommittee” means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body A.R.S. § 38-431 (1).

The Town Clerk must conspicuously post open meeting law materials prepared and approved by the Arizona Attorney General’s Office on their website. A person elected or appointed to a public body shall review the Open Meeting Law materials at least one day before the day that person takes office
A.R.S. § 38-431.01 (G).

What Constitutes a Meeting?

A meeting is a gathering, in person or through technological devices of a quorum of a public body where they discuss, propose or take legal action, including deliberations - including telephone, mobile phone and e-mail, text message, etc.

What is a Quorum?

A “quorum” is the term used to represent a simple majority of the membership of a committee needed to begin conducting official business.

How to Calculate a Quorum:

For boards and commissions with an even number of members, a quorum is half plus one of the total members, regardless of vacancies, established by ordinance or resolution. Board or commissions with an odd number of members calculate a quorum through a simple majority of members, regardless of vacancies.

Even Number Example: Your board has 10 members, so you need 6 members (half plus one) present to have a quorum.

Odd Number Example: Your commission has 9 authorized members, so you need 5 members (simple majority) present to establish a quorum, regardless of vacancies.

The Open Meeting Law applies any time a quorum of a board, commission, or any other public body is gathered to talk about the public's business or about any public matter that may eventually require some action or decision by the public body.

This can even include social functions where a quorum is present

Violations

Members of a public body are in violation of the Open Meeting law *if they meet to discuss or deliberate public business in groups less than a quorum and, in turn, attempt to pass those conversations to other members. This applies to conversations using the telephone, e-mail, or text messaging.*

Requirements under the Open Meeting Law

1) Formal Notification

The public must be notified in advance of any public meeting. All actions taken by a public body at a meeting that was not properly posted are automatically null and void.

Minimum Requirements:

- Posting notices at least 24 hours before a public meeting
- Notices must state where and when the meeting will be held
- Notices must include an agenda listing the topics to be discussed during the meeting

2) Agenda

All meetings must have agendas and they must contain information reasonably necessary to inform the public of the matters to be discussed or decided.

Minimum Requirement:

- Agendas must be available at least 24 hours before the meeting.

Only topics listed on the agenda may be discussed during a meeting!

3) Public's Rights

The public has a right to attend meetings, listen and audiotape or videotape meetings. The public *does not* have the right to speak or disrupt meetings.

4) Calls to the Public

An open call to the public is an agenda item that allows the public to address the public body on topics of concern in the public body's jurisdiction, even though the topic is not specifically included in the agenda.

The Open Meeting Law permits public attendance at public meetings but it does not require a public body to include an open call to the public on the agenda.

An individual public officer may respond to criticism, ask staff to review an item or ask that an item be placed on a future agenda. But they may not dialogue with the presenter or collectively discuss, consider, or decide an item that is not listed on the agenda.

Calls to the Public:

- Are permitted, but not required
- Should be added as an agenda item
- Allows the public body to limit the speaker's time
- Allows the public body to require speakers on the same side with no new comments to select a spokesperson
- Allow the public body to set ground rules such as civility, language, and fairness (treating everyone the same)

5) Executive Sessions

Public bodies may hold private executive sessions under a few limited circumstances. In executive sessions, the public is not allowed to attend or listen to the discussions, and the public body is not permitted to take final action. Members of the public body may not vote or take a poll in executive sessions.

Authorized topics for Executive Sessions:

- Personnel must provide 24 hours written notice to employee
- Discussion or consideration of records exempt by law from public inspection
- Legal advice – with public body's own lawyer(s)
- Discussion or consultation with the public body's lawyer(s) to consider pending or contemplated litigation, settlement discussions, negotiated contracts
- Discuss and instruct its representative regarding labor negotiations
- Discuss international, interstate, and tribal negotiations
- Discuss the purchase, sale, or lease of real property

Executive Session Notices and Agendas:

Agendas for executive sessions may describe the matters to be discussed more generally than agendas for public meetings in order to preserve confidentiality or to prevent compromising the attorney-client privilege. Nonetheless, the agenda must provide more than a recital of the statute that authorizes the executive session.

6) Minutes

Public bodies must take meeting minutes of all meetings, including executive sessions. Minutes may be recorded or written, keeping in mind that permanent records must be on paper.

Public Session Meeting Minutes Must Include:

- Date, time and place of the meeting
- Names of members of the public body present or absent
- A general description of matters considered
- An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. Although this is not State law, Town of Queen Creek minutes are also required to include all member names and how they voted any time there is a split vote.
- The names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

Executive Session Minutes Must Include:

- Date, time and place of meeting
- Names of members of the public body present or absent
- A general description of matters considered
- An accurate description of all instructions given
- Other matters that may be deemed appropriate by the public body

The minutes or a recording of the public session must be open for public inspection no later than three working days after the meeting, except as otherwise provided in the statute. A.R.S. § 38-431.01 (D).

Posting Minutes:

Cities and towns with a population of more than 2,500 persons must post approved city and town council minutes on its website within two working days following approval. A.R.S. § 38-431.01 (2).

Minutes of executive session must be kept confidential except from certain individuals. A.R.S. § 38-431.03 (B).

How long meeting minutes are maintained is determined by the public body's record retention and destruction schedule authorized by Arizona State Library and Archives.

Persons in attendance may record any portion of a public meeting, as long as the recording does not actively interfere with the meeting. Acceptable recording equipment includes tape recorders, cameras, or other means of reproduction. A.R.S. § 38-431.01 (F).

Penalties

Penalties have been established for violating the Open Meeting Law:

- The court may levy a fine of up to \$500 per violation against any person found violating the law or against anyone knowingly assisting a person violating the law.
- Violators must pay the fine and attorney's fees.

Important Note!

Members may unknowingly make mistakes that violate the Open Meeting Law. Reasonable mistakes are not punished! Fines and fees are only assessed to members found guilty in a court of knowingly and intentionally violating the law.

THE GOAL:

Protect the Public's Right to Know

Resources:

The Arizona Ombudsman – Citizens' Aide Handbook – The Arizona Open Meeting Law (available on line at www.azoca.gov under open meetings/publication)

The Arizona Ombudsman's website, www.azoca.gov

Arizona Agency Handbook, Chapter 7, www.azag.gov – Quick Links

Attorney General Opinions – www.azag.gov – Quick Links

SECTION 5:

Entertainment and Gifts

Sources: Arizona Attorney General's Office, Arizona Lobbyist's Handbook

Entertainment Ban: A.R.S. 41-1232.08

In 2000, the Legislature enacted a broad ban on entertainment expenditures. The ban prohibits any lobbyist of any type, principle, public body, or any other person acting for these persons, from making an expenditure for entertainment which benefits and State officer, elected official, state employee, corporation commissioner, county supervisor, city or town council member, or school district governing board member, And it bans such officers, officials and employees from accepting tickets to such entertainment.

What Does Entertainment Mean? A.R.S. 41.1231 (5)

“Entertainment” means any expenditure paid or incurred for admission to, or participation in, any sporting or cultural event or activity.

EXCEPTIONS: Special Events and Speaking Engagements

The only exceptions to this prohibition are entertainment in connection with a special event or speaking engagement.

A **“Special Event”** includes parties, dinners, athletic events, entertainment and other functions where all members are invited, and these events must be reported. The function qualifies as a Special Event regardless of how many members attend.

Entertainment incidental to a **“Speaking Engagement”** includes expenses paid for entrance fees, lodging, food and beverage, entertainment, travel and other expenses for the officer's or employee's attendance at an event, committee, meeting, conference or seminar if the officer or employee participates in the event as a speaker or panel participant by presenting information relating to the officer's or employee's official duties or by performing a ceremonial function appropriate to the officer's or employee's position.

“Speaking engagement” does not include expenditures for an honorarium or any other similar fee paid to a speaker.

Gifts:

What is Prohibited by Law?

It depends on who you represent:

- If you represent a Principal, your expenditures or gifts to a state officer or employee are subject to regulation.
- If you represent a Public Body (this includes boards and commissions) your expenditures or gifts to a member or employee are subject to regulation.

Disguising Identity:

Gifts or expenditures for the above recipients made through another for the purpose of disguising the identity of the giver are prohibited.

What is a Gift?

A payment, distribution, advance, deposit or donation of money, any intangible personal property or any kind of tangible personal or real property.

- Gifts with a total value of more than \$25 in any calendar year, or gifts that are designed to influence the recipient's official conduct are prohibited.
- Gifts that are designed to influence the official conduct of a member

Violations:

Specific restrictions govern accepting gifts from principals or lobbyists.
(ARS 41-1232.08)

Legal Standards (Attorney General's Office)

Bribery:

Solicit, accept, or agree to accept benefit.
Class 4 Felony (ARS§13-2602).
Gratuity or award - Class 6 Felony (ARS§38-444).

Extortion:

Knowingly obtaining or seeking to obtain property or services by means of a threat to take or withhold future action.
Class 4 Felony (ARS§13-1804)

Extra Compensation:

Money, tangible thing of value or financial benefit, whether directly or indirectly for any service rendered or to be rendered in connection with their duties (ARS§38-505(A)).



***Board and Commissioners must be concerned
with both ACTUAL and PERCEIVED conduct***

Even though I'm doing nothing wrong, will someone get the wrong idea? Perceptions of wrongdoing can be almost as damaging as the real thing. Think how easy it is to jump to conclusions, to take things out of context, or to feed a rumor mill. Then picture yourself on the hot seat. It's a sad fact of life that allegations make front page headlines; clearing your name and setting the record straight become uphill battles, and retractions often get lost in the shuffle. Don't leave yourself open.

If unsure, ask yourself:

- ✓ Is it ethical and legal?
- ✓ What are the Town of Queen Creek's expectations & standards?
- ✓ Am I being fair and honest?
- ✓ Will my actions stand the test of time?
- ✓ Do I want my family to read about my behavior in the newspaper?

***To see what is right, and not do it, is want of courage,
or of principle.***

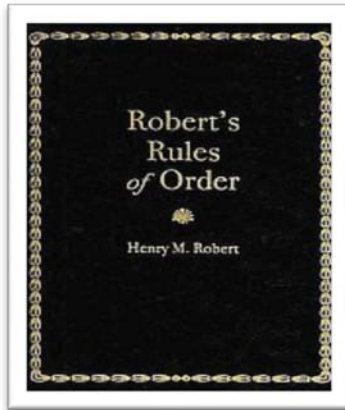
- Confucius

SECTION 6:

Parliamentary Procedure

What Is Parliamentary Procedure?

Rules of conduct at meetings designed to protect crucial rights of the individual, the minority, the majority and any member absent from a meeting. Parliamentary Procedure ensures that all members are heard and decisions are made without confusion.



Where there is no law, but every man does what is right in his own eyes, there is the least of liberty.

- Henry Martin Robert (1837-1923)

Robert's Rules of Order

Henry Martyn Robert, Chief Engineer of the U.S. Army is best known for creating "Roberts Rules of Order" a code that took 30 years to complete and was published in 1876. "Roberts Rules of Order" was developed after Henry was charged with presiding over a church meeting and realized he had no knowledge of the proper rules of parliamentary procedure. This event left him determined never to attend another meeting until he knew something of parliamentary law. The eleventh (and current) edition of Robert's Rules was published in 2011 through a process of keeping the book up to date with the growth of parliamentary procedure.

Why is Parliamentary Procedure Important?

- ✓ It saves time by keeping meetings on-topic
- ✓ Members know exactly what your group is talking about and how your group is choosing to act on the topic at hand
- ✓ It serves to eliminate after meeting questions, arguments, and rehashing issues.

Seven Key Elements:

By reading Roberts Rules of Order, you would discover an extremely complicated list of parliamentary procedures for conducting meetings. The following seven key elements provide a general overview of these rules. These seven elements, gives you a good foundation for conducting meetings that follow the general order of business set forth by Parliamentary Procedure:

1. The underlying principle is decision-making by majority vote.

2. Every member of the voting body

(whether it's a Council, Committee, Board or Commission)

has equal rights and privileges to:

- Propose motions, debate them, or oppose them
- Attempt to persuade others to their point of view
- Be nominated and nominate others for office
- Vote on an issue before the body

3. Protection of minority rights:

- To be heard and to protest
- To attempt to convince others
- To fully understand the issues being discussed and voted upon

4. Use of a simple and direct procedure

5. Requirement to follow the correct order of motions

6. Consider only one question at a time to prevent confusion by faithfully following a very specific order of motions

7. Impartiality of the officers

Parliamentary Procedure Follows a Typical Order of Business:

Organizations using parliamentary procedure usually follow a fixed order of business and can be adapted to fit the needs of any organization. Below is an example of the general order of business compared to the order of business generally used by the Queen Creek Town Council:

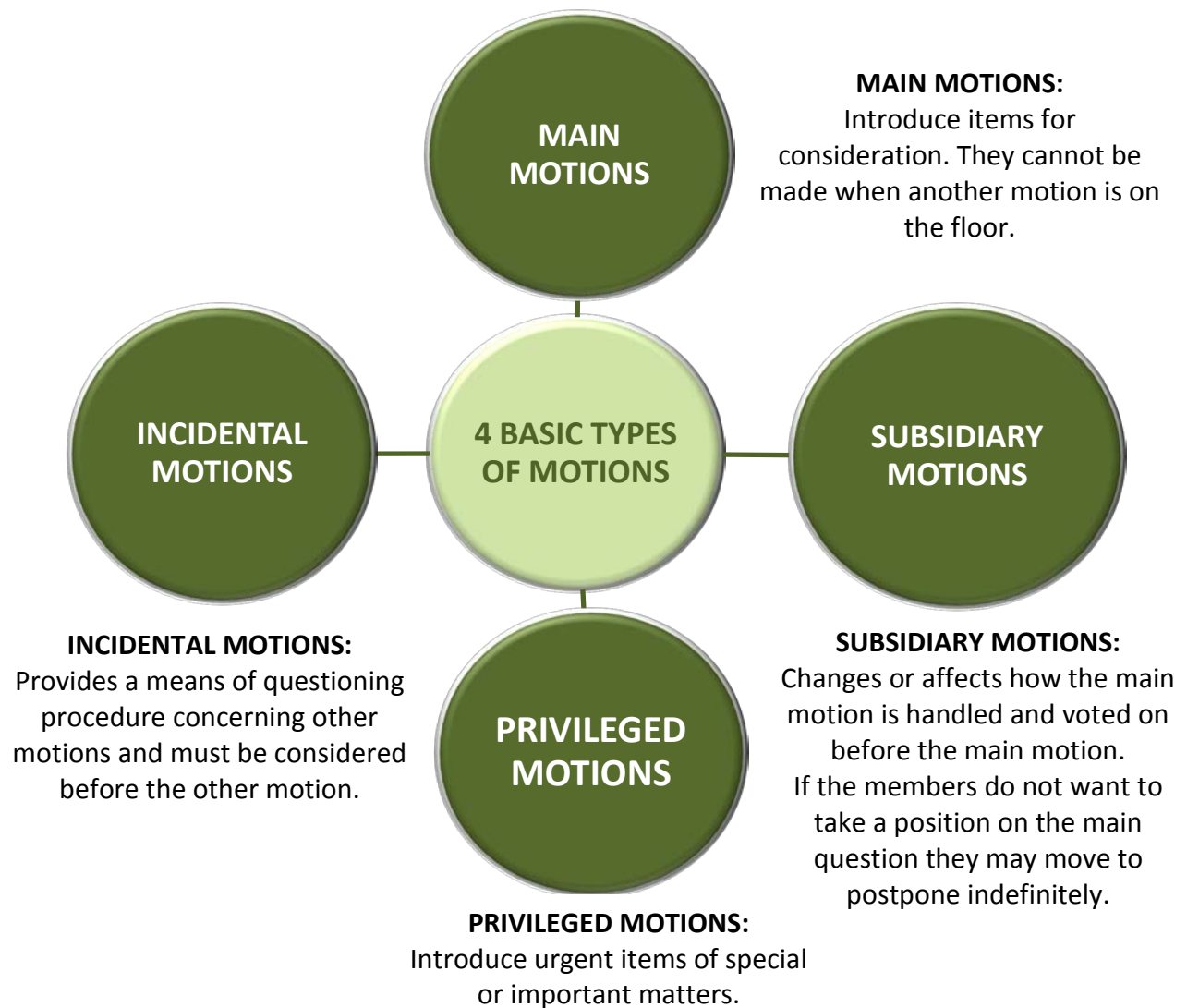
EXAMPLE

Parliamentary Procedure General Order of Business	Queen Creek Town Council Meeting Order of Business
<ol style="list-style-type: none"> 1. Call to order 2. Roll call of members present 3. Reading of minutes of last meeting 4. Reports of officers, boards, and standing committees 5. Committee reports 6. Special orders/committee reports – important business previously designated for consideration at this meeting 7. Unfinished business 8. New business 9. Announcements 10. Adjournment 	<ol style="list-style-type: none"> 1. Call to Order 2. Roll Call 3. Pledge of Allegiance 4. Invocation 5. Ceremonial Matters 6. Committee Reports 7. Public Comment 8. Consent Calendar 9. Public Hearings 10. Final Action 11. Items for Discussion 12. Adjournment

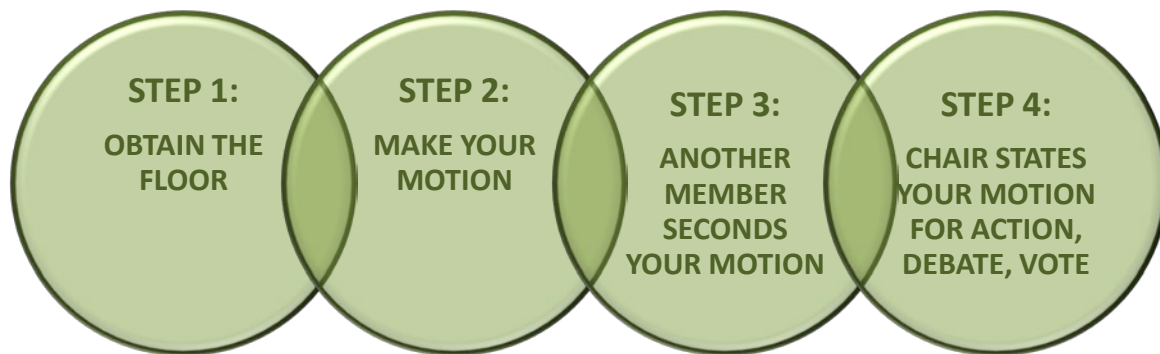
What is a Motion?

A motion is a proposal used by members on an issue that the entire membership takes action on. Individual members: Call to Order, Second Motions, Debate Motions, Vote on Motions.

Four Types of Motions



Four Basic Steps to Present a Motion



OBTAIN THE FLOOR:

Wait until the last speaker has finished, rise and address the Chair by saying: . . . “*Mr./Ms. Chairperson, followed by their surname. . .*” then wait to speak until the Chair recognizes you.

MAKE YOUR MOTION:

In a clear, concise manner, state your motion by saying: “*I move that we. . .*” Then wait for someone to second your motion. **NOTE:** if there is no second, your motion is lost.

MEMBER SECONDS YOUR MOTION:

Before the motion is restated by the Chair, any member can second the motion. This member may also suggest a modification of the wording to clarify the motion. The maker of the motion can choose to accept or reject the modified wording (and it does not require a second).

CHAIR STATES YOUR MOTION:

The Chair will say: “*it has been moved and seconded that we. . .*” this places your motion before the membership for consideration and action. The membership either debates your motion or moves directly to a vote.

CHAIR CALLS FOR ACTION, DEBATE OR A VOTE:

The maker of a motion has the right to speak first in debate. The debate is closed when the discussion has ended or a two-thirds vote closes the debate.

The Chair:

- Restates the motion and calls for a vote
- Announces the result

Voting:

When a motion comes up for a vote, member will vote for or against the measure unless he/she is disqualified from voting and abstains because of some conflict of interest. If the vote is a voice vote, the Chair will declare the result. Any member may request a roll call vote either before or after a non-roll call votes is taken. All votes will be recorded in the minutes of the meeting. Any time there is a split vote the names of each member, and how they voted, will be included in the minutes.

Methods of Voting:

- **Voice Vote** is the method normally used
- **Show of Hands or Rising Vote** – used to verify an inconclusive voice vote or on motions requiring two-thirds vote.
- **Ballot** – normally used for election of officers and when order by a majority vote.
- **Roll Call** – used when it is desired to have a record of how each member voted.
- **Proxy Voting** – is prohibited unless specifically provided for in the bylaws.

Abstention:

If a member abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not considered to be “voting” for purposes of determining whether there has been a “majority” vote of those members present and voting. Note: When a member of a board or commission abstains or excuses themselves from a portion of a meeting because of a legal conflict of interest, the member must briefly state the nature of the conflict to be included in the minutes which are public record.

Important Note! *After a Vote is Taken. . .*

(Based on the Town of Queen Creek Policies and Procedures)

When speaking or writing regarding a matter within the jurisdiction of a committee, members of the committee shall represent the official policies or position of the Board, Commission or Committee on which they serve to the best of their ability. When presenting their individual opinions and position, members shall explicitly state that the opinions they are expressing are their own, do not represent the view or opinion of the Town of Queen Creek or a committee, Board or Commission of the Town, and will not infer or suggest that the opinion they are expressing is the opinion of the Town.

Adjournment:

After all the items and issues placed on the agenda have been discussed and acted upon, the Chair will adjourn the meeting.

The Riggins Rules

Suggested Do's and Don'ts for the Conduct of Public Hearing and the Department of Members of Boards, Commissions and Other Bodies

(As published in the Planning Commissioners Journal Number 13/Winter 1994)

The late Fred Riggins served as Chairman of the Phoenix, Arizona Planning Commission. Riggins' suggested do's and don'ts was written in 1967 from a Planning and Zoning Commission perspective, however, they apply and are good advice for all members of boards, commissions, City and Town Councils, and other bodies. The following 39 "do's and don'ts" were titled Riggins Rules to honor the author and his practical, down-to-earth approach to parliamentary procedure.

1. Don't accept an appointment or nomination to a Board, Commission, or Council unless you expect to attend 99.9999 percent of the regular and special meetings, including inspection trips, briefings and public functions where your presence is expected.

If your participation falls below 85 percent during any 6 month period, you should tender your resignation. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you and assume your not inconsiderable responsibility. Your effectiveness and the regard given to your opinions by other members will be in direct ratio to your attendance.

2. Do create a good impression of city government. Remember that this is the first important contact that many of the people in the audience have had with the administration of their city and for some this is the most important matter in which they have ever been involved. Many will never be back again and many will never have another such contact and experience. Your performance will create in their minds the picture, which they will always carry with them of "the way the city is run." Make it as pleasant and comforting a picture as possible.

3. Do be on time. If the hearing is scheduled at 7:30, the gavel should descend at the exact hour, and the bearing begun, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present

4. Don't dress like a bum. Shave, wear a tie and remember that a coat is never out of place. The people in the audience think you are a very important person. Don't disappoint them by your appearance, conduct, and attitude.

5. Don't mingle with friends, acquaintances, unknown applicants or objectors in the audience before the meeting & during a recess period, if it can be politely avoided. You will invariably create the impression with the uninformed that there is something crooked going on, especially when you vote favorably on the case of the applicant you were seen conversing with. When the other fellow's case comes up and you deny it, he says, "Well, it's easy enough to see that you've gotta' know the right people if you ever expect to get anywhere around here." Save your socializing for some other time and place.

6. Don't discuss a case privately and as a single member of a body with an applicant or objector prior to the filing and prior to the hearing if it can be politely avoided. In the event that it is not avoid-able, and many times it is not, be very non-committal, don't be too free with advice and by all means explain that you are only one member of the body. That you have not had an opportunity to study the matter thoroughly, that you have not seen the staff recommendations, and that you have no way of knowing what opposition there may develop or what will occur at the public hearing.

Be certain that the person concerned understands that you cannot commit yourself in any manner, except to assure him that he may expect a fair and impartial hearing. Even if the case looks pretty good to you it is wise to be pessimistic about the chances of securing approval. If you give him encouragement and any advice and he is then denied, he will hate you until your dying day and tell everyone in town that he did just exactly what you told him to do and then, like a dirty dog, you voted against him.

7. Do your homework. Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you. It is grossly unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. And you will make some horrible and disturbing decisions.

8. Don't indicate by word or action how you intend to vote during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection, and comments by members of the staff.

During this period your body is the judge and the jury and it is no more appropriate for you to express an opinion as to the proper decision, prior to hearing *all* of the testimony, than it would be for a judge or any member to announce his firm conviction in the middle of a court trial regarding the guilt or innocence of the defendant. This is not clearly understood by a majority of persons sitting on hearing bodies.

It is not too difficult to phrase one's questions or comments in a manner that implies that you are seeking information rather than stating an irrefutable fact and that your mind is closed to further argument.

One does not say, "I happen to know that the applicant has no intention of placing an apartment building on this site. In fact, it has been sold subject to zoning and the purchaser intends to put a mobile home park here if he can get a special permit." Rather than this, one could say, "We have been furnished with some information which indicates that perhaps your plans are not too firm regarding the development you propose. In fact, there are some who are concerned about a rumor that the property is being sold and that the new owner planned to put a mobile home park at this location, if he can secure the necessary permit. Would you care to comment on this concern of the neighborhood and tell us if there is any truth in this rumor?" The same result is accomplished, the information is brought out and made part of the public record and you don't look as if you are leading the attack to secure the defeat of the applicant's request.

9. Don't fail to disqualify yourself if either directly or indirectly you have any financial interest in the outcome of the hearing, *and* let your con-science be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision.

In disqualifying yourself, *do not* state your reasons inasmuch as the mere statement of your reasons can be construed as exerting influence on your fellow members. To avoid all accusations of un-due influence, it is generally wise to leave the room and ask that the record show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed to, the matter under discussion.

10. Do rotate the seating in some regular manner each successive meeting to prevent a "strong" member from gradually dominating a "weak" and indecisive member always seated next to him. This will also prevent the forming of little cliques or a not infrequent grouping of members to the left of the Chair who always oppose those to the right of the Chair, regardless of the merits of the case, the great detriment of the applicant, the City and other interested parties.

11. Do be polite and impartial. Be as helpful as possible to the nervous, the frightened and the un-educated, and patient with the confused.

12. Do be attentive. Those appearing before you have probably spent hours and hours rehearsing their arguments. The least you can do is *listen* and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.

13. Don't interrupt a presentation until the question period, except for very short and *necessary* clarifying remarks or queries. Most applicants have arranged their remarks in a logical sequence and the thing about which you are so concerned will probably be covered if you force yourself to be quiet for a few minutes. You can wreck his whole case by a long series of unnecessary questions at the wrong time. He will be your enemy forever.

14. Don't permit more than one person at the podium or microphone at any one time.

15. Don't permit a person to directly question or interrogate other persons in the audience. All questions should be addressed to the Chair and to the hearing body. When this person has finished his discussion and stated the questions to which he would like to have answers, then the Chair will permit those who care to make an answer to come forward and do so, but only voluntarily. Do not permit anyone to *demand* answers to all and sundry questions, especially if it is obviously done for the purpose of harassment

16. Don't use first names in addressing *anyone at all* during the course of the hearing. This includes audience, applicants, members of your particular body, even if the person concerned is your brother or your best friend.

Nothing, repeat nothing creates a more unfavorable impression on the public than this practice. It is poor "hearing manners," destroys the formality of the occasion, and makes the uninformed certain that some sort of "buddy-buddy deal" is about to be consummated. If you just can't bring yourself to call someone Mr. or Mrs., use the third person form and call him "the applicant," or "the person who is objecting," or "the gentleman (or lady)," who is appearing here in connection with this case.

17. Do show great respect for the Chair, always addressing the Chairman as "Mr. Chairman," "The Chairman," or "Chairman Jones," and always wait to be recognized before continuing. This will set an example for applicants and others wishing to be orderliness of the proceedings.

18. Don't be critical of attorneys who some-times feel impelled to give unnecessarily lengthy presentations on behalf of their clients. Avoid the strong temptation to make matters as difficult as possible for them. They are justifying to make a living and must convince their clients that they are really earning the rather substantial fee which they feel their service merits.

19. Don't indulge in personalities and don't permit anyone else to do so.

20. Don't try to make the applicant or any other person appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it. If you must "expose" someone, do it as gently and kindly as possible.

21. Don't become involved in altercations. Some persons seem to come to hearings with the express purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant rantings you are immediately involved in a *fight*.

Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society. Remember, you are the judge and jury. In most cases, it is sufficient to say, "thank you for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration when they are making their individual determinations on the merits of this case. Is there anyone else who wishes to be heard?"

22. Do invite interested parties to come for-ward where they can see when an applicant is discussing or talking from a diagram, site plan, or exhibit which is not visible to the audience.

23. Do not permit people to speak from the audience. If it is important enough for them to speak at all, it is important for them to be recognized, come forward, give their name and address, and say what they care to, if their remarks are pertinent.

24. Do not permit people to leave the podium or the microphone and approach closer to the hearing body except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one end of the dais with one or two members of the hearing body, the others are uncertain about what is going on. The conversation usually does not get recorded, cannot be heard by the audience, and is almost impossible to control from the Chair.

25. Don't become involved in neighborhood quarrels or wind up as the referee even if you are a veritable Solomon. No matter how fair or impartial you should be, both sides will be mad at you. Stick to the merits of the case and rule out-of-order testimony which is irrelevant, personal hearsay, and not pertinent to the matter being heard.

26. Don't be vindictive and "punish" the applicant for some real or imagined affront to you or your Body on some previous occasion, perhaps bearing no relation to the present hearing. It must be assumed that he is there legally, he has a right to be heard, and he has a right to a fair and impartial hearing on the merits of his present case without reference to something which he might or might not have done in the past or will perhaps do in the future.

27. Don't try to be a hero to beautiful women, little old ladies, widowed mothers with tiny infants in their arms, and the financially and socially distressed. Be sympathetic, but objective, and don't get carried away with such a strong desire to help that you throw the rule book out the window. Ninety-nine times out of a hundred you will do them some kind of questionable service at the expense of their neighbors or the City and your kind-hearted action will come back to haunt you much sooner than any-one could have imagined. Stick to the rules.

28. Don't assume the role of fairy godfather to those who have become involved in bad business deals or other self-imposed difficulties.

29. Do not fail to give a reason when making a motion for approval or denial of an applicant's re-quest. If you fail to do this, the applicant, any objectors, a reviewing body of higher authority, or the courts may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always mention the staff recommendation.

30. Do not take staff recommendations lightly. These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordinances, regulations, policies, and practices developed by you and your predecessors. The recommendations of a good staff in possession of all the facts will almost always produce a *technically correct* recommendation.

Your job is to temper this recommendation with information developed during the hearings, which was not available to the staff. It is not unusual for the staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Always announce the staff recommendations prior to hearing any testimony and always make appropriate mention of it in the final decision.

31. Don't forget that the staff is there to help you in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect, which is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearings. Always ask them to comment prior to the final vote.

32. Don't try to answer technical questions even if you are sure that you know the answer. You probably *don't* and will wind up looking like a fool. Refer these matters to the staff. That is one of the things they are there for. They have intimate day-by-day working experience with all the pertinent ordinances and can nearly always give a timely, up-to-the-minute, professional dissertation on any subject in their field. And besides, it makes them feel more important and helps create an image of competency, which is most helpful in assuring the public that their case has received more than a cursory glance and an arbitrary decision.

Lay members of a hearing body who "explain" ordinances to the audience usually wind up their less than accurate remarks with the pretty lame comment, "That's the way I understand it and if I am wrong, I would appreciate it if the staff would correct me." The staff usually does correct them, and ordinarily at some length. *Don't* try to show how smart you are because you're not.

33. Don't try to ease your conscience and toss the applicant a bone by granting him something less than he asked for, something he doesn't want, and something he can't use. In all cases where it is appropriate, *give him what he asked for or deny it*. To do otherwise will only encourage applicants to ask for the "moon and the stars" in the hope that they will, at the worst, get the minimum requirements. A reputation for approving or denying applications as filed will result in much more realistic requests and make your job much easier.

34. Do vote by roll call, except for routine administrative matters. This is wonderful character training for each member of the body and emphasizes the "moment of truth" when he must look the applicant in the eye, make his own individual decision, and say "*aye*" or "*nay*" in a loud clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the Secretary to record, doesn't mean anything on a tape recording, is many times quite confusing and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.

35. Don't show any displeasure or elation, by word or action, over the outcome of a vote. This is very bad hearing manners and won't lead to the maintenance of a friendly cooperative spirit among members of the Body. It will lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.

36. Do discourage any post-mortem remarks by applicants, objectors, or members after the final vote and decision are announced, especially those afterthoughts designed to reopen the case. It will invariably result an unpleasant wrangle. Just say, "I'm sorry, but the final decision has been made. If you wish to submit additional testimony, it will be necessary for you to state your reasons by letter and the Body will decide at a subsequent meeting whether or not they wish to reopen the case. The next case on the agenda will be _____."

37. Do not hesitate to continue a case or take it under advisement if more information or greater deliberation is truly necessary, but do not use these administrative actions merely to avoid or delay making a decision before a hostile applicant or audience.

38. Do sit down and have a long soul searching session with yourself if you find you are consistently "out in left field," that no one seems inclined to second your profound motions, and that you are quite often a minority of one. You might be theoretically right, and probably are, but give some thought to what is practical, and just. Don't be "stiff-necked" in your opinions. Give a little.

39. Don't select chairmen on a seniority basis alone and *don't* pass the office along from member to member as a reward and honor. The nicest guy in the world, the hardest working, the most interesting and your most valuable member can be indescribably horrible in the Chair. This is just one of those facts of life which is hard to explain, but un-fortunately, all too true.

As occasion presents itself, give prospective Chairmen a chance to preside, head up a sub-committee, report on special projects, and otherwise prepare themselves and demonstrate their abilities and leadership under pressure.



Requesting Departments:

FIRE

TAB F

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER

**FROM: RON KNIGHT, ASSISTANT FIRE CHIEF
KIM CLARK, SR. FINANCIAL SERVICES SPECIALIST**

**RE: CONSIDERATION AND POSSIBLE APPROVAL OF A FIVE YEAR
ELECTRONIC PATIENT CARE RECORDS SYSTEM WITH SANSIO IN
THE INITIAL AMOUNT OF \$4,970 FOR INSTALLATION AND
IMPLEMENTATION OF THE SOFTWARE SYSTEM AND \$6,600 PER
YEAR FOR SYSTEM SUPPORT.**

DATE: APRIL 17, 2013

Staff Recommendation:

Staff recommends the approval of a five year electronic patient care records system contract with Sansio in the initial amount of \$4,970 for installation and implementation of the software system and \$6,600 per year for support.

Relevant Council Goal(s):

Proposed Motion:

Move to approve a five year electronic patient care records system contract with Sansio in the initial amount of \$4,970 for the installation and implementation of the software system and \$6,600 per year for the system support.

Discussion:

The Town of Queen Creek's Fire Department responds to an average of 1,100 medical calls per year. Each medical related call requires a patient care record. The current process for documenting the patient care record is by paper documentation. The Fire Department would like to move to an electronic patient care records system, which would improve record documentation, staff time and efficiency.

On January 24, 2013, the Town issued a Request for Proposal (RFP) #13-008 for Electronic Patient Care Records System. Staff received two proposals on February 7, 2013. Purchasing conducted an initial review and upon discussion with the evaluation committee one of the proposals submitted was deemed non-responsive due to non-conformance with the required project specifications outlined in the Request for Proposal. The evaluation committee proceeded with the evaluation process of the other proposal in which it met all requirements of the request for proposal.

The cost for the first year of the contract will be \$11,570 including one-time costs of \$4,970. The one-time costs include activation and implementation of the system and staff training. The remaining years of the contract will be \$6,600 annually. The term of the contract will be April 17, 2013 through April 16, 2018

Fiscal Impact:

In the 2012-2013 approved budgets, funds for the design, purchase, installation and implementation of the electronic patient care records system are identified in the department budget. Funds for the subsequent years will be identified in their corresponding budget.

Alternatives:

- 1) Decide not to award the electronic patient care records system contract at this time. If the contract is not approved, the Town would re-solicit a new request for proposals and enter into a new solicitation process.

Attachments:

- Electronic Patient Care Records System Contract

TOWN OF QUEEN CREEK, ARIZONA
CONTRACT FOR ELECTRONIC PATIENT CARE RECORDS SYSTEM, RFP NO. 13-008

THIS CONTRACT (The "Contract") is made and entered into effective as of the ^{17th}~~7th~~ day of April, 2013 (the "Effective Date"), by and between the Town of Queen Creek, Arizona, an Arizona municipal corporation ("Town"), and Scan Health, Inc., d.b.a. Sansio, a Minnesota corporation ("Vendor" or "Contractor") and, together with the Contract Documents referred to and incorporated herein, is the "resultant contract" contemplated in the RFP No. 13-008. The Town and the Vendor are sometimes referred to in this Contract collectively as the "Parties" and each individually as a "Party."

1. **CONTRACT DOCUMENTS:** The Contract consists of the following contract documents, which by this reference are incorporated herein:
 - A. This signed Contract;
 - B. The Request For Proposal for Electronic Patient Care Records System ("RFP 13-008"), including, Instructions to Vendor, Standard Terms and Conditions, Special Terms and Conditions, Scope of Services, Proposal Format, Exhibit A Insurance Requirements, Exhibit B Operating Systems, Price Page, and Offer Sheet;
 - C. The proposal submitted by Scan Health, Inc, d.b.a. Sansio, only to the extent it is consistent with the terms of the RFP 13-008 (Exhibit B).
2. **SCOPE OF SERVICES:** The Vendor shall provide the Town the services described in the attached scope of services set forth in Exhibit A.
3. **CONTRACT PRICING:** Contract pricing is listed in Exhibit B.
4. **TERM OF CONTRACT:** The term of the Contract is five (5) years, commencing on April ¹⁷~~7~~, 2013 and terminating on April ¹⁶~~7~~, 2018 unless sooner terminated in accordance with the provisions set forth in the contract documents.

IN WITNESS WHEREOF, the Parties have executed this Contract effective as of the Effective Date set forth above.

Town of Queen Creek, an Arizona municipal corporation

Date: _____

By: _____
Mayor Gail Barney

By: _____
Town Manager John Kross

Attest: _____
Town Clerk Jennifer Robinson

Approved as to form:

By: _____
Attorney for the Town

Scan Health, Inc, d.b.a. Sansio, a Minnesota corporation

Date: 3/19/2013

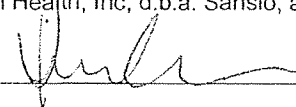
By:  _____
Its: CFO

EXHIBIT A - SCOPE OF SERVICES

SCOPE OF SERVICES

1. **Overview:** The Town of Queen Creek Fire Department responds to an average of 1,100 medical calls per year. Each medical related call requires a patient care record. The current process is paper documentation. It is the Town's desire to move to an electronic patient care records system in order to improve records, time, and efficiency.
2. **Project Description:** The Town of Queen Creek seeks to establish a contract with a qualified company for the design, purchase, installation, and implementation of an electronic patient care records system that is compatible with existing hardware and software components. The software must be adaptable in order to be used with other types of hardware in the future.
3. **Project Specifications:** The Vendor shall design, install, and implement an electronic patient care records system with the following specifications:
 - a. Software must be able to integrate into the East Valley dispatch system CAD system (Intergraph). If not currently integrated with an Intergraph card system, Vendor must be able to complete integration within 30 days of award of contract.
 - b. Software must be compatible with Firehouse Records Management System software.
 - c. Software must be able to run on both Panasonic Toughbooks and iPad platforms.
 - d. Software must contain a robust QA/QI administrative function that will allow administrative staff to track statistics on information such as call volume and call type.
 - e. Administrative functions must also allow for the tracking of statistical information on ALS/BLS skills performed.
 - f. Software must also be able to perform QA/QI on all electronic patient care records done.
 - g. Software must be accessible from both mobile and desktop devices.
 - h. All Town Fire Department employees must be able to access the software from various approved mobile and desktop devices and/or locations.
 - i. Electronic patient care records must be stored on the Vendor's secure server. Vendor must have a minimum of two secure servers at two separate locations that back up all data. Any records generated by the Queen Creek Fire Department must be accessible to Queen Creek Fire Department authorized personnel at any requested time.
4. **Operating Systems:** A list of the Town's current operating systems is located in Exhibit B. The proposed solution shall be compatible with the listed operating systems.
5. **HIPPA (Health Insurance Privacy & Portability Act) Compliance:** Electronic patient care records must be kept on servers that are HIPPA compliant.
6. **Upgrades or Additions:** Any upgrades or optional additional functions or services shall be outlined on the pricing page.
7. **Contact Information:**
 - a. The contact persons for the resulting awarded contract will be the Assistant Fire Chief or designee and staff from the Information Technology department.
 - b. The Assistant Fire Chief or designee shall audit the billings, approve payments, and participate in the design, installation, and implementation phases with the selected Vendor.
 - c. The staff from the Information Technology department shall participate in the design, installation, and implementation phases with the selected Vendor. Staff will also help to establish timelines and deliverable dates with the selected Vendor.

6. Pricing:

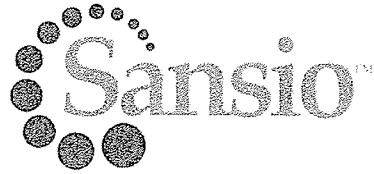
- a. Any charges not listed on the Proposal Pricing Form or supporting documentation submitted with the Vendor's proposal, shall not be allowed during the initial contract period.

7. Purchasing Procedure:

- a. All orders require a Town of Queen Creek purchase order that will be communicated to the Vendor via phone, fax, or e-mail.
- b. No commodities are to be delivered without the issuance of a Town of Queen Creek purchase order.
- c. All shipments from the Vendor shall contain a priced packing slip or invoice.

8. Invoicing:

- a. All invoices submitted for work done under the scope of the resulting contract MUST BE ITEMIZED. Itemized invoices shall contain a MINIMUM of the following information:
 - i. Vendor Name
 - ii. Remit to Address
 - iii. Order Number
 - iv. Invoice Date
 - v. Invoice Number
 - vi. Date order was completed
 - vii. Itemized list of all charges (quantity, description, unit pricing per the contract)
 - viii. Tax Amount (if applicable)
 - ix. Total Invoice Amount



ScanHealth, Inc. a Minnesota Corporation
d/b/a Sansio

Response to

Town of Queen Creek, Arizona

RFP NO. 13-008

Request for Proposals

For

Electronic Patient Care Records System (EPCR)
for the Town of Queen Creek Fire Department

February 7, 2013

The screenshot shows the HealthEMS login interface. At the top left is the HealthEMS logo. Below it is a large Maltese cross logo for the Town of Queen Creek Fire Department, with "FIRE" at the top, "TOWN OF QUEEN CREEK" in the center, "ARIZONA" at the bottom, and "DISPATCH" at the very bottom. To the right of the cross is a "Log In to HealthEMS" box containing fields for "Username:" and "Password:", a "Log In" button, and a link "Did you forget your password?". Further right is a Star of Life (EMT/Paramedic symbol) and a circular seal that says "NEMSIS Compliant Software". Below the login box is the text "Welcome to HealthEMS" followed by a paragraph: "Access to HealthEMS[®] is for Sansio customers only. To access this site you must have session cookies enabled." Below that is another paragraph: "Sansio serves as a Business Associate to organizations and uses stringent administrative, physical and technical safeguards to protect the confidentiality, integrity and availability of ePHI in accordance with the HIPAA Security Rule. HERE are the key customer responsibilities for User Based Access Control." At the bottom of the page, there is a small line of text: "Unauthorized access is prohibited. Usage will be monitored. ©2012 Sansio. All Rights Reserved."

**THE FULL
DOCUMENT IS
AVAILABLE FOR
REVIEW AT TOWN
CLERKS OFFICE.**

FULL DOCUMENT 101 PAGES



Requesting Department:

Town Manager's Office

TAB G

TO: HONORABLE MAYOR AND TOWN COUNCIL

**FROM: JOHN KROSS, TOWN MANAGER
RON KNIGHT, ASSISTANT FIRE CHIEF**

**RE: CONSIDERATION AND POSSIBLE APPROVAL OF
RESOLUTION 942-13 APPROVING AN INTERGOVERNMENTAL
AGREEMENT WITH THE QUEEN CREEK COUNTY ISLAND
FIRE DISTRICT AND THE TOWN OF QUEEN CREEK FOR FIRE
AND EMERGENCY MEDICAL SERVICES AND DECLARING AN
EMERGENCY**

DATE: APRIL 17, 2013

Staff Recommendation:

It is recommended that the Town Council approve the Intergovernmental Agreement (IGA) with the Queen Creek County Island Fire District (QCCIFD) for Fire and Emergency Medical Services. If approved, the Fire and Emergency Medical Services will begin on May 1, 2013.

Relevant Council Goal(s):

KRA#9: Public Safety

Goal 5: Evaluate and support options to provide emergency services to Queen Creek County Island residents that provide needed public safety and appropriate cost recovery for the service.

Proposed Motion:

Approve an Resolution 942-13 approving the Intergovernmental Agreement with the QCCIFD to provide Fire and Emergency Medical Services, effective May 1, 2013 and declaring an emergency.

Discussion/Background:

January 9, 2013 - The Maricopa County Board of Supervisors approved the formation of the QCCIFD.

January 16, 2013 - The Town of Queen Creek Mayor and Council directed the Town Manager to draft a letter of intent to the QCCIFD to enter into an IGA for Fire and Emergency Services.

February 11, 2013 - The QCCIFD held its first meeting and elected a chairperson and clerk pursuant to Arizona Revised Statutes.

April 10, 2013 - The QCCIFD reviewed and approved the IGA which is being presented this day.

Fiscal Impact:

With the approval of the IGA, a mechanism will be put in place to provide appropriate cost recovery for the Town to provide the full array of Fire and Emergency Medical/Pre-hospital care services to these properties and residents. On February 10, 2013, Maricopa County provided the secondary assessed valuation figures needed to assist in developing the property tax rate and contractual amount paid to the Town by the District for this service. The maximum allowable levy limit is set at \$912,667.19.

Alternatives:

The Council could delay action on this item until a future meeting. However, delay in action will push back the beginning date of services to the QCCIFD.

Attachments:

Resolution 942-13
IGA between the QCCIFD and Town of Queen Creek

RESOLUTION 942-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, MARICOPA COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE QUEEN CREEK COUNTY ISLAND FIRE DISTRICT AND THE TOWN OF QUEEN CREEK TO PROVIDE FIRE AND EMERGENCY MEDICAL SERVICES AND DECLARING AN EMERGENCY.

WHEREAS, on January 9, 2013 the Maricopa County Board of Supervisors approved the formation of the Queen Creek County Island Fire District; and

WHEREAS, on January 16, 2013, The Town of Queen Creek Mayor and Council directed the Town Manager draft a letter of intent to the Queen Creek County Island Fire District to enter into an Intergovernmental Agreement to provide fire and emergency services; and

WHEREAS, the Queen Creek County Island Fire District held its first meeting on February 11, 2013 and elected a chairperson and clerk pursuant to Arizona Revised Statutes; and

WHEREAS, the Queen Creek County Island Fire District held a meeting on April 10, 2013 and approved the Intergovernmental Agreement and forwarded such agreement to the Town of Queen Creek Mayor and Council for consideration and approval at the April 17, 2013 Council Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA:

Section 1: The Queen Creek County Island Fire District desires the Intergovernmental Agreement for Fire and Emergency Medical Services be effective on May 1, 2013.

Section 2: The immediate operation of this Resolution and Intergovernmental Agreement is necessary for the preservation of the public peace, health and safety of the Town and Queen Creek County Island Fire District. Therefore an emergency is hereby declared to exist, and this Resolution and Intergovernmental Agreement will be in full force and effect upon approval by the Mayor and Common Council of the Town of Queen Creek as provided by law.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 17th day of April, 2013.

TOWN OF QUEEN CREEK:

ATTEST:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

John Kross, Town Manager

APPROVED AS TO FORM:

Dickinson Wright/Mariscal Weeks
Attorneys for the Town

WHEN RECORDED RETURN TO:

Town Clerk
Town of Queen Creek
22350 S. Ellsworth Road
Queen Creek, AZ 85142

**INTERGOVERNMENTAL AGREEMENT FOR
THE PROVISION OF FIRE PROTECTION SERVICES WITHIN THE QUEEN CREEK
COUNTY ISLAND FIRE DISTRICT BY THE TOWN OF QUEEN CREEK, MARICOPA
COUNTY, ARIZONA**

THIS AGREEMENT ("Agreement") is entered into by and between the Town of Queen Creek, Arizona, an Arizona municipal corporation ("Queen Creek") and the Queen Creek County Island Fire District, a political subdivision of the State of Arizona ("Fire District"), collectively referred to in this Agreement as the "Parties" or individually as "Party".

RECITALS

- A. The Fire District was formed pursuant to Arizona Revised Statutes, Title 48, Article 3 to provide fire protection services to county lands within the District's boundaries.
- B. A.R.S. §11-952 et seq. authorize the Parties to enter into intergovernmental agreements for the provision of joint action or services, including fire protection services.
- C. A.R.S. §48-853(A)(9)(a) authorizes the Fire District to enter into an intergovernmental agreement with Queen Creek for the provision of fire protection services within its boundaries.
- D. A.R.S. § 48-854 authorizes Queen Creek to provide fire protection services outside its corporate limits to non-contiguous county islands formed into a non-contiguous county island fire district.
- E. Queen Creek is willing to provide fire protection services within the Fire District pursuant to the terms of this Agreement, including but not limited to, payment to Queen Creek for the cost of providing these services.
- F. The Parties desire to enter into this Agreement to provide fire protection services within the boundaries of the Fire District.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the mutual promises and obligations set forth herein, and for other valuable

consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Definitions:

1.1 "Automatic Aid" means the fire and medical response system, operated by the Mesa Regional Dispatch System.

1.3 "Contract Administrator" for the Fire District means John Flynn, or another person named by the District Board to serve as the Contract Administrator.

1.4 "Contract Administrator" for Queen Creek means the Queen Creek Fire Chief.

1.5 "Catastrophic Event" means an extraordinary event involving significant and extensive unanticipated demand on emergency services.

1.6 "Coverage Area" means the area within the boundaries of the Fire District as approved by the Maricopa County Board of Supervisors, as such boundaries may be altered pursuant to A.R.S. §48-813 or other applicable law.

1.7 "Day" means a calendar day, without regard to whether it is a Saturday, Sunday or holiday.

1.8 "Emergency" means an incident that poses an immediate threat to life, property, and/or public safety.

1.9 "Emergency Medical Services" means emergency medical services performed by Fire Department Personnel as a first responder. It does not include ambulance services as regulated by Title 36 of the Arizona Revised Statutes.

1.10 "Fire Department Personnel" means the Fire Department personnel of Queen Creek.

1.11 "Fire Protection Services" means such services as are regularly provided by the Queen Creek Fire Department and includes, but is not limited to, (i) fire suppression, (ii) Emergency Medical Services, (iii) inspection of commercial or industrial property where an alleged code violation exists, and (iv) Special Operations.

1.12 "Monthly Report" means a report provided by Queen Creek to the Fire District on or before the sixth of each month for the preceding month that includes the information specifically referenced in Paragraphs 8 and 9 of this Agreement.

1.13 "Queen Creek Fire Department" means the Fire Department of Queen Creek.

1.14 "Special Operations" means those emergency incidents to which the fire department responds that require specific and advanced training and specialized tools and

equipment. Special operations include, but are not limited to, water rescue, extrication, hazardous materials, confined space entry, high -angle rescue, aircraft rescue and firefighting and other operations that require specialized training.

2. Term of Agreement; Renewal.

2.1 Term. Unless earlier terminated in accordance with the terms of this Agreement, the term of this Agreement will be for a period of five (5) years, beginning on _____, 2013.

2.2 Renewal. This Agreement may be renewed for additional periods of not more than five (5) years each by mutual agreement of the Parties after first giving not less than 365 days, and not more than 425 days, written notice of their intention to renew.

2.3 Survival of Terms. The obligations set forth in Paragraph 6 and Paragraph 13 will survive the termination or expiration of this Agreement.

3. Annexations.

If any part but not all of the Coverage Area is proposed to be annexed into Queen Creek, Queen Creek shall provide written notice to the Fire District, and other agencies as required by law, at least thirty (30) days prior to the date the annexation is final and effective.

4. Performance Criteria.

4.1 Level of Fire Protection Service. Queen Creek has established a standard for Fire Protection Services which is consistent with generally accepted standards within the municipal fire services industry and the region. Queen Creek shall provide an equivalent level of Fire Protection Services within the Coverage Area, subject to the limitations imposed by the Safety and Infrastructure Issues (as hereinafter defined) discussed in this Agreement. Queen Creek may install fire hydrants at strategic locations as determined by Queen Creek within the Coverage Area that allow for timely access to a permanently sustainable water supply in the event of a fire. The installation of the fire hydrants will be at the sole discretion of and on a timetable determined by Queen Creek. Pending installation of any fire hydrants Queen Creek determines necessary for the provision of fire protection services under this agreement, Queen Creek will provide Fire Protection Services in the Coverage Area using Queen Creek's existing infrastructure and equipment. The fire hydrants and other infrastructure in support thereof shall be and shall remain the property of Queen Creek. Queen Creek will bear all costs associated with the installation of fire hydrants and water infrastructure in the Coverage Area.

4.2 Response Issues. It is expressly acknowledged that Queen Creek's response within the Coverage Area may be impacted by certain safety and/or infrastructure related issues described in Paragraph 7 certain response related issues described in Paragraph 11 and by the improper storage of hazardous materials (collectively, "Safety and Infrastructure Issues") and that any service delivery limitations or problems arising out of resulting from the Safety and Infrastructure Issues shall not be deemed to be the fault of Queen Creek.

4.3 No Additional Duties. Except as is stated otherwise in this Agreement, Queen Creek specifically represents that it is not undertaking any additional duty to act, guaranteeing any response times or agreeing to obtain any additional fire protection services capacity or infrastructure by virtue of its obligations under this Agreement. Further, Queen Creek is not holding itself out to be the provider of Fire Protection Services in the Coverage Area except pursuant to the terms of this Agreement, and upon termination or expiration of this Agreement. Queen Creek shall have no obligation to provide Fire Protection Services in the Coverage Area.

5. Cost of Service.

The cost of the Fire Protection Services for the first year of this agreement is set forth on Exhibit A, which is incorporated herein and made a part hereof as though set forth in full. The cost of Fire Protection Services shall be established for each subsequent fiscal year beginning July 1, 2013 and each year thereafter, on or before June 30 of the prior fiscal year. The cost of Fire Protection Services shall be determined based upon an assessed value methodology. The Fire District cost for operations and maintenance will be the amount of secondary property tax revenues generated from a tax on property in the Fire District, the rate of which is equivalent to the tax rate necessary to generate the Queen Creek Fire Department maintenance and operating budget amount from the assessed value of all taxable property located within the Town of Queen Creek.

6. Payment for Fire Protection Service.

6.1 Payments Due. The first payment in the amount of \$ _____ will be made on or before ninety (90) days after the effective date of this Agreement. Subsequent payments shall be made on or before the first day of August, November, February, and May during the term of this Agreement.

6.2 Notification to Maricopa County Board of Supervisors. Pursuant to A.R.S. §48-853(A)(8), the Fire District shall notify the Maricopa County Board of Supervisors of the cost of providing Fire Protection Services for each household or other structure in the Coverage Area, pursuant to the cost of service as provided in this Agreement. Such notice shall be timely given in order for the Maricopa County Board of Supervisors to levy taxes sufficient for the District to pay Queen Creek for the cost of providing Fire Protection Services. In addition to the cost of service for Fire Protection Services, such notice shall include all administrative and other costs of the Fire District.

6.3 Failure to Pay. Queen Creek may, after giving thirty (30) days' written notice, terminate this Agreement if the Fire District fails to make the required payments as required by this Paragraph 6.

7. Safety Issues.

7.1 General. While Queen Creek has agreed to provide Fire Protection Services within the Coverage Area, it is understood and agreed by the Parties that Queen Creek must protect the safety of its Fire Department Personnel and equipment and that certain Safety and Infrastructure Issues which would not be permitted within Queen Creek, may currently exist within the Coverage Area, increasing the risk to the Fire Department Personnel. Where these Safety and Infrastructure Issues are implicated, they may limit the scope and effectiveness of the services that Queen Creek will provide within the Coverage Area. The conditions that may give rise to these limitations include but are not limited to the following:

7.1.1 Bridges, Culverts, and Other Crossings. Queen Creek may not be able to respond to an emergency, or may need to alter its typical or preferred response methodology, where access to property within the Coverage Area requires the crossing of a bridge, culvert, or other crossing that has not been demonstrated to satisfy the requirements of Section 103.2 of the 2006 edition of the International Fire Code or any fire code subsequently adopted by Queen Creek. Queen Creek shall, within ninety (90) days of the effective date of this agreement, provide notice to the Fire District of any bridges, culverts, or other crossings Queen Creek identifies which may alter typical or preferred response or access. The Fire District at its sole discretion may employ any testing methodology it deems prudent to determine the structural integrity and or capacity to withstand loads associated with emergency response and convey the results of such testing to Queen Creek. Queen Creek shall determine in its sole discretion whether the test results demonstrate compliance with the Fire Code standards.

7.1.2 Site Access. Queen Creek may not be able to respond to an emergency or may need to alter its preferred response methodology, where the access leading to the property within the Coverage Area is not adequately designed or maintained to support large or heavy emergency response vehicles or where access to the site is otherwise limited by structural issues. Queen Creek shall, within ninety (90) days of the effective date of this agreement, provide notice to the Fire District of any property Queen Creek identifies which may alter typical or preferred response or access.

7.1.3 Water Supply. Queen Creek will be severely limited in its ability to provide effective Fire Protection Service to property within the Coverage Area without proximately located fire hydrants or where any proximately located hydrants have inadequate water pressure. It is also acknowledged that Queen Creek's ability to haul water to property within the Coverage Area is limited. Queen Creek may, at its sole discretion, install fire hydrants and water infrastructure deemed necessary for the provision of fire protection services under this agreement. Queen Creek will bear all costs associated with the installation of fire hydrants and water infrastructure in the Coverage Area.

7.1.4 Hazardous Substances. Queen Creek will be limited in its ability to provide effective Fire Protection Services to property within the Coverage Area that may store or use hazardous materials where the quantities, location and handling practices for these hazardous materials are not documented and provided to Queen Creek before an emergency response and where the location and handling practices are not in compliance with Section 2701.5.3 of the

2006 edition of the International Fire Code or the relevant section of any fire code subsequently adopted by Queen Creek. Queen Creek shall, within ninety (90) days of the effective date of this agreement, provide notice to the Fire District of any property they identify which may store or use hazardous materials not in compliance with Section 2701.5.3 of the 2006 edition of the International Fire Code or any fire code subsequently adopted by Queen Creek, which may limit Queen Creek's ability to provide effective Fire Protection Services.

7.1.5 Structural Integrity. Queen Creek will be limited in its ability to provide effective Fire Protection Services for structures located on property with the Fire District, particularly commercial and industrial structures, without documentation as to the composition, room location and structural integrity of those structures before an emergency response and where the structure does not comply with the provisions of Section 110.1 of the 2006 edition of the International Fire Code relating to structural integrity or the relevant section of any fire code subsequently adopted by Queen Creek. Queen Creek shall, within ninety (90) days of the effective date of this agreement, provide notice to the Fire District of any property they identify whose structural integrity may not comply with the provisions of Section 110.1 of the 2006 edition of the International Fire Code or any fire code subsequently adopted by Queen Creek, and which may limit Queen Creek's ability to provide effective Fire Protection Services.

7.1.6 Knowledge of Hazards.

(a) Commercial and Industrial Facilities. Queen Creek will generally not enter commercial and industrial structures where hazardous materials may be stored unless (1) Queen Creek has previously been given access to the property to become familiar with the operations, contents and physical characteristics of the structure, and (2) the operations and physical characteristics of the structure generally conform to standards stated in the 2006 edition of the International Fire Code or any fire code subsequently adopted by Queen Creek. The decision as to whether to enter any facility, even where previous access has been provided, will rest solely with the incident commander in charge of providing the Fire Protection Services response, based on risk management profiles.

(b) Hazards on Notice. Sections 7.1.1, 7.1.2., 7.1.4 and 7.1.5 above provide that Queen Creek is to provide notice to the Fire District of various hazardous conditions. Within seven (7) days of receipt of such a notice the Fire District will provide a copy of the notice to the property owner. The notice from the Fire District to the property owner shall inform the property owner that, unless the hazard is remediated, any emergency response to the property owner will be limited. The notice will also direct the property owner to inform the Fire District of its remediation, if any, and include a request for reinspection. The Fire District will, within seven (7) days of receipt, provide Queen Creek with copies of any remediation notices, together with the request for reinspection. Notwithstanding any notice of hazard, notice of remediation or reinspection, any and all decisions regarding the scope and extent of any emergency response will rest solely with the incident commander in charge of providing the Fire Protection Services, based on risk management profiles.

7.1.7 Other Issues and Universal Precautions. All Fire Protection Services will be provided within the Coverage Area consistent with the geography of the Coverage Area, access, signage, addressing information, and location of fire stations, current infrastructure, water access, streets and building codes applicable to property in the Coverage Area. It is agreed that the description of some Safety and Infrastructure Issues in this Paragraph 7 is not meant to be all-inclusive, and that there may be other Safety and Infrastructure Issues that limit Queen Creek's ability to provide Fire Protection Services in the coverage area. It is also agreed that Queen Creek's obligation under this Agreement to provide notice to the Fire District of certain Safety and Infrastructure Issues does not limit Queen Creek's ability to identify additional Safety and Infrastructure Issues in the future, and provide notice of the same to the Fire District. It is agreed further that Queen Creek will generally use "universal precautions," meaning it assumes the worst, when dealing with unknown conditions while providing Fire Protection Services in compliance with the terms of this Agreement.

8. Notice Regarding Safety Issues.

8.1 Notification of Safety Issues. Queen Creek shall use all reasonable means to identify and provide notice to the Fire District of Safety Issues and Infrastructure Issues described in Paragraph 7 that may exist on a property within the Coverage Area. Queen Creek shall provide the Fire District with a recommendation for the remedy of the identified Safety or Infrastructure Issue. The Fire District shall, upon receipt of such notice by Queen Creek provide written notice to the property owner and/or resident of the safety issue which has been identified and the remedy recommended by Queen Creek. Either Party is free at any time to notify the other of safety issues that it discovers. The Parties acknowledge and agree that pursuant to state law Queen Creek is liable for losses or damages only if it is found to be grossly negligent in providing fire or emergency medical services to the Fire District.

8.2 Code Enforcement.

8.2.1 Adoption of Fire Code. Pursuant to A.R.S. §48-853(A)(6), the Fire District shall adopt Queen Creek's Fire Code within one-hundred and twenty (120) days of the effective date of this Agreement and keep 3 copies on file with the Fire District. Queen Creek, pursuant to Paragraph 8.2.2, shall enforce the provisions of the Fire Code within the Coverage Area.

8.2.2 Inspections. The Fire District and Queen Creek's authority to conduct inspections pursuant to the Fire Code is applicable only to commercial and industrial properties, and does not apply to residential properties. Subject to the above limitations, either Party may inspect commercial and industrial properties and review structural and operational issues with the owners of property located within the Fire District, make recommendations based on these reviews, and, at its sole election, report compliance issues that either Party may discover to the State Fire Marshal, the other Party or other applicable regulatory agencies. Where Queen Creek knows of a Code violation, it may seek enforcement of the Code for these known violations. Queen Creek shall include in the Annual Report all fire inspections conducted within the Coverage Area and any and all compliance actions taken on said inspections.

9. Management of Fire Protection Services.

Queen Creek will be responsible for managing the day to day operations necessary for the provision of Fire Protection Services within the Coverage Area in conjunction with services provided within Queen Creek. Queen Creek shall provide a written report to the Fire District detailing all fire protection services rendered within the Coverage Area, which shall include all emergency responses. The Annual Report shall detail date, time, location and or address, complete response time data and general outcome for each emergency event.

10. Termination.

Either Party has the right to terminate this Agreement after giving 365 days written notice to the non-terminating Party.

11. Fire and Emergency Medical Dispatch Services.

Queen Creek's fire and emergency medical dispatch services are currently provided through Mesa Regional Dispatch Center. Queen Creek will provide all necessary radio transmitting and/or receiving equipment that may be reasonably necessary to provide standard radio coverage to most areas of the Coverage Area. It is acknowledged that Queen Creek may be limited in its ability to provide effective fire and emergency medical dispatch and communication services for structures located on property within the Coverage Area, particularly commercial and industrial structures.

12. Mutual Aid and Automatic Aid Consortium.

The Fire District will not enter into any mutual aid agreements. As a Party to this Agreement, during the term of this Agreement, the Fire District shall receive the benefits of the Regional Automatic Aid Consortium.

13. Indemnification.

13.1 Indemnification of Queen Creek. To the fullest extent permitted by law, the Fire District, its successors, guarantors, and assigns as Indemnitors shall defend, indemnify and hold harmless Queen Creek, its officers, directors, officials, employees, agents and representatives, (collectively "Indemnitees") from and against and all liability, claims, losses, suits, actions, damages, and expenses (including, but not limited to, court costs, attorney's fees, and costs of claim processing, investigation and litigation) (collectively "Claims) for any personal injury, bodily injury, loss of life, or loss or damage to property, or loss of use thereof, or any violation of any state, or local law or ordinance, or other cause of action, related to or arising out of Indemnitees' performance of obligations pursuant to the terms of this Agreement, or caused, in whole or in part, by the omissions of Indemnitee, its office's, elected officials, directors, employees, subcontractors, or agents, whether or not the Claim is caused, in whole or in part, by the active or passive negligence of any or all of the Indemnitees. This indemnity includes any claim or amount arising out or arising out of the failure of Indemnitors to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of

the parties that the Indemnitees shall, in all instances Except for Claims arising solely from the gross negligence of the Indemnitees, be indemnified by Indemnitor from and against any and all Claims. It is agreed that Indemnitors will be responsible for primary loss investigation defense and judgment costs where this indemnification is applicable. This indemnification specifically includes any claim or expense associated with Queen Creek limiting the scope of the Fire Protection Services provided for a particular property within the Coverage Area in the manner specified in this Agreement.

Indemnitor will, in addition, indemnify and hold harmless Indemnitees from and against all claims to which they or any of them may be subjected to by reason of injury to or death of any person, or loss or damage to property, or loss of use thereof, directly or indirectly related to or arising out of Indemnitees provision of Fire Protection Services to any person or property located within the Coverage Area. This indemnification includes any and all claims related to or arising out of Safety and Infrastructure Issues described in Section 7 of this agreement, whether or not such Safety and Infrastructure Issues have been identified by Queen Creek, or limitations to Dispatch Services described in Section 12, except claims arising solely from the gross negligence of Indemnitees.

13.3 Indemnity's Effect on Insurance Provisions. The insurance provisions in Section 15 of this Agreement are separate and independent from the indemnity provisions of this Paragraph 13 and will not be construed in any way to limit the scope and magnitude of the indemnity provisions. The indemnity provisions of this Paragraph 14 will not be construed in any way to limit the scope and magnitude and applicability of the insurance provisions.

14. Clean Up.

Queen Creek will provide for clean-up or response relating to debris, residue or waste generated by providing Fire Protection Services under the terms of this Agreement. Any costs for said clean-up or response shall be charged to the Fire District, which shall pay such costs within 30 days of the date of the invoice for said services. If any costs for cleanup are estimated to exceed twenty five hundred dollars (\$2,500.00), Queen Creek shall notify the Fire District contract administrator and obtain authorization from the Fire District before proceeding with the cleanup.

15. Insurance Representations and Requirements.

15.1 Coverage Required. The Fire District will secure insurance sufficient to cover its liability exposure in an amount and under the coverage term set forth in Exhibit B, attached and by reference made a part of this Agreement. Queen Creek will meet its statutory obligation to maintain workers' compensation insurance for all of its employees.

15.2 Additional Insured. Queen Creek will be an additional insured to the full limits of liability purchased by the Fire District and Fire District insurance coverage must be primary and non-contributory with respect to all other available sources.

16. Annual Reports.

Queen Creek will include the services provided within the Coverage Area as part of its annual report, a copy of which will be filed with the Fire District within 15 days after the report is published each year. This requirement will continue for the life of this Agreement in a format mutually agreed to by the Parties which will provide information specific to Fire Protection Services within the Coverage Area.

17. Default and Remedies.

17.1 Notice and Opportunity to Cure. In the event that a Party is in default of its obligations under this Agreement (other than a failure to make payments), the defaulting Party shall, upon receipt of written notice of the default, proceed immediately to cure the default, and in any event such Default shall be cured within 30 days of receipt of the notice or if such Default is of a nature not capable of being cured within 30 days, the cure shall be commenced within 30 days and diligently pursued to completion. A default in the obligation to make payments must be cured within 10 days of receipt of written notice. If the default results in an imminent threat to the public health, safety, or welfare, the default must be cured immediately upon notice, or the non-defaulting Party may take the steps necessary to sure the default, and charge the cost to the defaulting Party.

17.2 Remedies on Default. When a default occurs and is not remedied pursuant to Section 17.1, the non-determining Party has all the remedies available to it at law or equity, provides however that Queen Creek will not terminate this Agreement or less term _____ days written notice.

17.3 Rights and Remedies Cumulative. The rights and remedies of the Parties are cumulative, and the exercise by either Party of any one or more of such rights shall not preclude the exercise by it, at the same or different times, of any other right or remedy for any other Default by the other Party.

17.4 Dispute Resolution. Before conducting any litigation relating to this Agreement, Queen Creek and the Fire District will negotiate in good faith and attempt to resolve any dispute, controversy, claim or default arising out of this Agreement.

18. Miscellaneous Provisions.

18.1 Governing Law. This Agreement will be governed, construed and controlled according to the laws of the State of Arizona.

18.2 Waiver. No delay or failure to exercise any right or remedy will constitute a waiver of the right or remedy, and no waiver by the Parties of the breach of any provision of this Agreement will be construed as a waiver of any other provision.

18.3 Severability. The terms and conditions of this Agreement are severable. If for any reason, any court of law or administrative agency should consider any provision of this

Agreement invalid or inoperative, the remaining provisions of this Agreement will remain valid and in full force and effect.

18.4 Legal Fees, Costs and Expenses. In the event either Party brings any action for any relief, declaratory or otherwise, arising out of this Agreement, the prevailing Party will be entitled to reasonable attorney's fees, costs and expenses, as determined by the court, and which will be considered to have accrued on the commencement of the action. This provision will be enforceable whether or not any action is prosecuted to judgment.

18.5 No Partnership. It is not intended by this Agreement that anything contained in it will create any legally recognized partnership, legally recognized joint venture or legally recognized agency relationship between Queen Creek and the Fire District.

18.6 No Third Party Beneficiaries. No term or provision of this Agreement will benefit any third person, or any other firm, organization, or corporation not a Party to this Agreement, and no person, firm, organization, or corporation will have any right or cause of action under this Agreement.

18.7 Entire Agreement. This Agreement constitutes the entire agreement between the Parties. No representations, agreements or understandings, oral or written, other than those stated in this Agreement will vary its terms.

18.8 Counterparts. This Agreement may be executed in one or more counterparts, and each originally executed duplicate counterpart of this Agreement will be considered to possess the full force and effect of the original.

18.9 Captions. The captions used in this Agreement are solely for the convenience of the Parties, do not constitute a part of this Agreement and are not to be used to construe or interpret this Agreement.

18.10 Conflict of Interest. Pursuant to the provisions of A.R.S. Section 38-511, Queen Creek may cancel this Agreement, without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of Queen Creek is at any time while the Agreement or any extension of the Agreement is in effect, an employee of any other Party to the Agreement in any capacity, or a consultant to any other Party to the Agreement with respect to the subject matter of the Agreement.

18.11 Authority. Each Party warrants and represents that it has full power and authority to enter into and perform this Agreement, and that the person signing on behalf of each has been properly authorized and empowered to sign this Agreement. Each Party further acknowledges that it has read this Agreement, understands it, and agrees to be bound by it.

18.12 Assignment. Neither Party may assign or delegate the rights or obligations of this Agreement except with the written consent of the other Party.

18.13 Regulatory Compliance. The Parties agree to comply with all applicable state and federal laws and regulations.

18.14 Interpretation and Definitions. The Parties agree that each Party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting Party will not apply in the interpretation of this Agreement.

18.15 Force Majeure. Either Party will be excused for failures and delays in performance of its respective obligations under this Agreement due to any cause beyond its control and without fault. Nevertheless, each Party will use its best efforts to avoid or remove those causes and to continue performance whenever the causes are removed, and will notify the other Party of the problem.

18.16 Amendment. The terms contained in this Agreement may only be amended by mutual written agreement of the Parties.

18.17 Notice. Unless otherwise provided in this Agreement, all notices, demands, requests, consents, approvals and other communications (collectively, "Notices") required, by this Agreement will be given by certified U.S. Mail, postage prepaid, return receipt requested, or personally delivered, against receipted copy, at the address stated below or at any other address as either party will, from time to time, designate in writing to the other given in the same manner specified in this paragraph. Notices will be considered received upon receipt, will be evidenced by a receipted copy (in the case of notices that are personally delivered), or as evidenced by the postal service receipt. Notice by facsimile or electronic mail will not be considered adequate notice.

If to the Fire District:

Chair
Queen Creek County Island Fire District

With a copy to:

Lee Miller
Law Office of Lee Miller
1702 E. Highland
Suite 204
Phoenix, AZ 85016

If to Queen Creek:

Town of Queen Creek
Attn: Fire Chief
22350 S. Ellsworth Road
Queen Creek, AZ 85142

With a copy to:

Dickinson Wright Mariscal Weeks
2901 North Central Avenue
Suite 200
Phoenix, AZ 85012
Attn: Fredda J. Bisman, Esq.

19.18 Non-appropriation of Funds. If funds are not appropriated by Queen Creek Council or the Fire District Board to continue this Agreement, the non-appropriating Party may terminate this Agreement, at the end of the current fiscal year, as required by A.R.S. §42-17106.

19.19 Compliance with Immigration Laws and Regulations. Pursuant to the provisions of A.R.S. §41-4401, the each Party warrants to the other that such Party in compliance with all Federal Immigration laws and regulations that relate to their employees and with the E-Verify Program under A.R.S. §23-214(A). The Parties acknowledge that a breach of this warranty by a Party or any of its subcontractors (if any) is a material breach of this Contract subject to penalties up to and including termination of this Agreement or any subcontract. Each Party retains the legal right to inspect the papers of any employee of the other Party or any subcontractor of the other Party to ensure compliance with this warranty.

A Party may conduct random verification of the employment records of the other Party and any of its subcontractors to ensure compliance with this warranty.

A Party will not consider the other Party or any of its subcontractors in material breach of the foregoing warranty if the Party and its subcontractors establish that they have complied with the employment verification provisions prescribed by 8 USCA § 1324(a) and (b) of the Federal Immigration and Nationality Act and the e-verify requirements prescribed by Arizona Revised Statutes § 23-214(A).

The provisions of this Article must be included in any contract the other Party enters into with any and all of its subcontractors who provide services under this Agreement or any subcontract. As used in this Section 19.19 "services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

19.20 Prohibition of Doing Business with Sudan and Iran. Pursuant to A.R.S. §§35-391.06 and 35-393-06, each Party hereby certifies to the other that the certifying Party does not have "scrutinized" business operations, as defined in A.R.S. §§35-391 and 35-393, in either Sudan or Iran. The certifying Party acknowledges that, in the event either of the certifications the contained in this paragraph is determined by the other Party to be false, the Party may terminate this Agreement and exercise other remedies as provided by law, in accordance with A.R.S. §§35-391.06 and 35-393-06.

THE PARTIES have executed this Intergovernmental Agreement by signing their names on the day and year stated below.

QUEEN CREEK

FIRE DISTRICT

By: _____
Gail Barney, Mayor

By: MM
Marion Memmott, Board Chair

Date: _____

Date: 4/10/13

ATTEST:

Jennifer Robinson, Town Clerk

Rebecca Montgomery
Rebecca Montgomery, Board Clerk

ATTORNEY CERTIFICATION

The undersigned attorney for Queen Creek certifies that the attorney has reviewed this Agreement and finds that it is in proper form and within the power and authority granted to Queen Creek under the laws of the State of Arizona.

Queen Creek Town Attorney

The undersigned attorney for the Fire District certifies that the attorney has reviewed this Agreement and finds that it is in proper form and within the power and authority granted to Queen Creek under the laws of the State of Arizona.



Fire District Attorney

CERTIFICATION BY COUNTY ATTORNEY

Pursuant to A.R.S. §48-853(A) (8) (c), the Maricopa County Attorney's Office has reviewed the negotiations and proposal as set forth in this Agreement and has determined they are based on commercially reasonable assumptions.

By: _____

Its: _____

Date: _____

EXHIBIT A
COST OF FIRE PROTECTION SERVICES

Queen Creek Fire Dept. / County Island Fire District: FY 2013 / 2014

QC SAV	\$ 186,096,522.00	(SAV - February 2013 MC & PC Assessor)
per 100 SAV	\$ 1,860,965.22	
QCFD BUDGET	\$ 5,012,674.38	(IGA "Exhibit B" formula method)
Tax Rate (TR)	\$ 2.6936	(tax rate determines <u>base</u> fire services cost)
QCCIFD 2 VAL	\$ 33,882,949.00	(February 2013 MC Assessor)
per 100 SAV	\$ 338,829.49	
FD COST X TR	\$ 912,667.19	
DIRECT COST	\$ -	(Note: negotiated QC & fire district)
TOTAL FD COST	\$ 912,667.19	
ADJUSTED TR	\$ 2.69	(tax rate for base fire services + direct negotiated costs)

Fire Service Cost Methodology

Fiscal 13/14

QCFD Adopted Operating Budget:	\$	4,211,249.00
Revenue Offsets (subtract):	\$	(53,000.00)
Capital Expenses		
Capital Outlay:	\$	116,837.91 (updated 3/7/13)
Capital Depreciation Expenses (add):	\$	232,237.59 (updated 3/7/13)
Interest Expense - Bond Funded Assets (add):	\$	-
Town Overhead Rate (add):	\$	505,349.88 (12% of FD budget)
Total FD Budget:	\$	5,012,674.38
Town Secondary AV:	\$	186,096,522.00
Equals Fire Service Unit Cost:		0.026936
(FD Budget div. by Town AV)		
District Secondary AV:	\$	33,882,949.00
District Service Cost (Dist. AV X Unit Cost):	\$	912,667.19 (FD Cost)
Direct Costs:	\$	- (Note: negotiated QC & dist.)
Total Cost:	\$	912,667.19

The cost of fire protection services shown in Exhibit A represents the methodology used for determining the cost of services to be paid by the QCCIFD on an annual basis. The costs in Exhibit A are preliminary based on budget estimates. The cost figures in Exhibit A are subject to change and the final annual cost will be determined for each fiscal year subsequent to adoption of the Town of Queen Creek budget.

EXHIBIT B

DISTRICT INSURANCE

1. General. Without limiting any obligations or liabilities of Fire District, Fire District shall purchase and maintain, at its own expense, hereinafter stipulated minimum insurance with insurance companies duly licensed by the State of Arizona (admitted insurer) with an AM Best, Inc. rating of A-7 or above or an equivalent qualified unlicensed insurer by the State of Arizona (non-admitted insurer) with policies and forms satisfactory to Queen Creek. Failure to maintain insurance as specified may result in termination of this Agreement at Queen Creek's option.

1.1 Additional Insured. All insurance coverage, except Professional Liability insurance, shall name, to the fullest extent permitted by law for claims arising out of the performance of this Agreement, Queen Creek, its agents, representative, officers, directors, officials and employees as Additional Insured as specified under the respective coverage sections of this Agreement.

1.2 Coverage Term. All insurance required herein shall be maintained in full force and effect during the term of this Agreement.

1.3 Primary Insurance. Fire District's insurance shall be primary insurance as respects performance of subject contract and in the protection of the Queen Creek as an Additional Insured.

1.4 Waiver. All policies shall contain a waiver of rights of recovery (subrogation) against Queen Creek, its agents, representative, officials, directors, officers, and employees for any claims arising out of this Agreement. Fire District shall arrange to have such subrogation waivers incorporated into each policy via formal written endorsement thereto.

1.5 Policy Deductibles. The policies set forth in these requirements may provide coverage, which contain deductibles. Such deductibles shall not be applicable with respect to the policy limits provided to Queen Creek. Fire District shall be solely responsible for any such deductible.

1.6 Evidence of Insurance. Prior to the effective date of this Agreement, Fire District shall furnish Queen Creek with Certificate(s) of Insurance, or formal endorsements as required by this Agreement, issued by Fire District's Insurer(s) as evidence that policies are placed with acceptable insurers as specified herein and provide the required coverages, conditions, and limits of coverage specified in this Agreement and that such coverage and provisions are in full force and effect. Acceptance and reliance by Queen Creek on a Certificate of Insurance shall not waive or alter in any way the insurance requirements or obligations of this Agreement. Such Certificate(s) shall identify the Agreement and be sent to the Queen Creek Risk Manager. If any of the above cited policies expire during the life of this Agreement, it shall be Fire District's responsibility to forward renewal Certificates within ten (10) days after the renewal date containing all the aforementioned insurance provisions. Certificates shall specifically cite the following provisions:

1.6.1 Queen Creek, its agents, representatives, officers, directors, officials and employees is an Additional Insured as follows:

- a. Commercial General Liability-Under ISO Form CG 20 10 11 85 or equivalent.
- b. Auto Liability-Under ISO Form CA 20 48 or equivalent.
- c. Excess Liability-Follow Form to underlying insurance.

1.6.2 Fire District's insurance shall be primary insurance as respects performance of this Agreement.

1.6.3 All policies waive rights of recovery (subrogation) against Queen Creek, its agents, representatives, officers, directors, officials and employees for any claims arising out of this Agreement.

1.6.4 Certificate shall cite a thirty (30) day advance notice cancellation provision. If ACORD Certificate of Insurance form is used, the phrases in the cancellation provision "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives" shall be deleted. Certificate forms other than ACORD form shall have similar restrictive language deleted.

2. Required Coverage:

2.1 Commercial General Liability: Fire District shall maintain "occurrence" from Commercial Liability Insurance with an unimpaired limit of not less than \$1,000,000 for each occurrence, \$3,000,000 Products and Completed Operations Annual Aggregate, and a \$3,000,000 General Aggregate Limit. The policy shall cover liability arising from premises, operations, independent Fire Districts, products-completed operations, personal injury and advertising injury. Coverage under the policy will be at least as broad as Insurance Services Office, Inc. policy form CG 00 010 93 or equivalent thereof, including but not limited to, separation of insured clause. To the fullest extent allowed by law, for claims arising out of the performance of this Agreement, Queen Creek, its agents, representative, officers, directors, officials and employees shall be cited as an Additional Insured Endorsement form CG 20 10 11 85 or equivalent, which shall read "Who is an Insured (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you". If any Excess insurance is utilized to fulfill the requirements of this paragraph, such Excess insurance shall be "follow form" equal or broader in coverage scope than underlying insurance.

2.2 Vehicle Liability: Fire District shall maintain Business Automobile Liability Insurance with a limit of \$1,000,000 each occurrence on Fire District's owned, hired, and non-owned vehicles assigned to or used by Fire District. Coverage will be at least as broad as Insurance Services Office, Inc., coverage code "1" any auto policy form CA 00 01 12 93 or equivalent thereof. To the fullest extent allowed by law, for claims arising out of performance of this Agreement, Queen Creek, its agents, representative, officers, directors, officials and

employees shall be cited as an Additional Insured under the Insurance Service Offices, Inc. Business Auto Policy Designated Insured Endorsement form CA 20 48 or equivalent. If any Excess insurance is utilized to fulfill the requirements of this paragraph, such Excess insurance shall be "follow form" equal or broader in coverage scope than underlying insurance.

PHOENIX 53749-1 40668v1

Requesting Department:
Development Services



TAB H

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER

FROM: CHRIS ANARADIAN, DEVELOPMENT SERVICES DIRECTOR;
CHRIS DOVEL, TOWN ENGINEER; MARC PALICHUK,
ENGINEER

RE: CONSIDERATION AND POSSIBLE APPROVAL OF THE "FINAL
PLAT" FOR VICTORIA PARCELS 11 & 11A. A REQUEST BY
MERITAGE HOMES OF ARIZONA, INC.

DATE: April 17, 2013

Staff Recommendation:

Staff recommends approval of the "Final Plat" for Victoria Parcels 11 & 11A. A request by Meritage Homes of Arizona, Inc.

Relevant Council Goal(s):

General Plan – Land Use Element - Goal Number 3:
Develop Superior Residential Neighborhoods

Town of Queen Creek Corporate Strategic Plan - Key Result Area 1 - Objective 1
Monitor, time, and sequence the Town's Capital Improvement Program (CIP) so that it is implemented when needed, but matched with available revenues to construct and maintain the assets over time.

Proposed Motion:

Move to approve the "Final Plat" for Victoria Parcels 11 & 11A. A request by Meritage Homes of Arizona, Inc.

History:

Jan. 16, 1973: Maricopa County Board of Supervisors rezoned two parcels (Z71-119) parcel 1: 27.36 acres and parcel 2: 21.30 acres from Rural 43 to R1-10 (parcel 1) and Rural 43 to R1-8 (parcel 2). The rezoning was requested by Ellsworth Land and Livestock, Inc. The purpose of the rezoning in 1973 was to develop both parcels as single family residential at a gross density of 3.55

dwelling units per acre (parcel 1). A master development plan was submitted as part of that case, which included a portion of the entire area, designated for commercial uses.

- July 14, 1999: Planning Commission recommends approval of RZ02-99.
- Sept. 1, 1999: Town Council approved Ordinance 168-99 the Victoria PAD, which included approximately one-half of the entire project, but most of the residential zones.
- Feb.9, 2000: Planning Commission recommends approval of RZ09-99.
- Jan. 10, 2001: Planning Commission recommends approval of S02-00, subject to stipulations.
- Feb. 21, 2001: Town Council approved Ordinance 180-00 the Preliminary Plat of the Victoria PAD.
- May 8, 2002: Planning Commission recommends approval of Ordinance 220-02.
- May 15, 2002: Town Council approved Ordinance 220-02.
- Sept. 3, 2003: Town Council approved the Final Plat for Victoria Phase 2, Parcel 1 subject to conditions of recording. The Final Plat was not recorded and approval expired after one year.
- April 5, 2004: Town Council approved Ordinance 284-04 Preliminary Plat for Victoria 10, 11 and 11A.
- May 17, 2006: Town Council approved the Final Plat for Victoria Parcel Phase 2, Parcel 1.
- June 21, 2006: Town Council approved the Final Plat for Victoria Parcel 10.
- Dec. 2, 2009: Town Council Approved Ordinance 466-09 and Resolution 813-09 for Taylor Morrison at Victoria creating an active adult community in addition to Preliminary Plat Approval for Parcels 10, 11 and 11A.
- Aug. 8, 2012: Planning Commission recommends approval RZ12-034 Rezoning for Victoria Parcels 10, 11 and 11A.
- Sept. 5, 2012: Town Council approved Ordinance 518-12, RZ12-034 Rezoning for Victoria Parcels 10, 11 and 11A

Discussion:

The applicant is requesting approval of a Final Plat for a 188 lot single-family residential subdivision on approximately 70 acres located at the northeast corner of Ocotillo and Hawes roads. The property is a Planned Area Development with two parcels, Parcel 11 and Parcel 11A. Parcel 11 has underlying R1-9 zoning designation and Parcel 11A has underlying R1-7 zoning designation and are both designated as Medium Density Residential on the General Plan Land Use Map. Parcel 11 has a density of 2.60 homes per acre, and Parcel 11A has a density of 2.73 homes per acre. The parcels provide for two points of access off of Hawes Road and one point of access off of Victoria Lane. The offsite street improvements for Hawes Road will be constructed simultaneously with the onsite improvements.

Remaining Items required prior to recording of the Final Plat:

None

Fiscal Impact:

The Town will receive building permit fees for all homes that develop within the 188 lot subdivision. The Owner (Meritage Home of Arizona) will complete onsite and offsite roadway improvements that will require future maintenance costs by the Town.

Alternatives:

Not to accept the "Final Plat" of Victoria Parcels 11 & 11A. If the Town does not accept the Final Plat, the subdivision will not be developed at this time and the Town will not collect building permit fees.

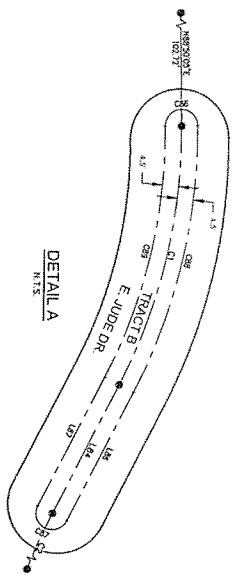
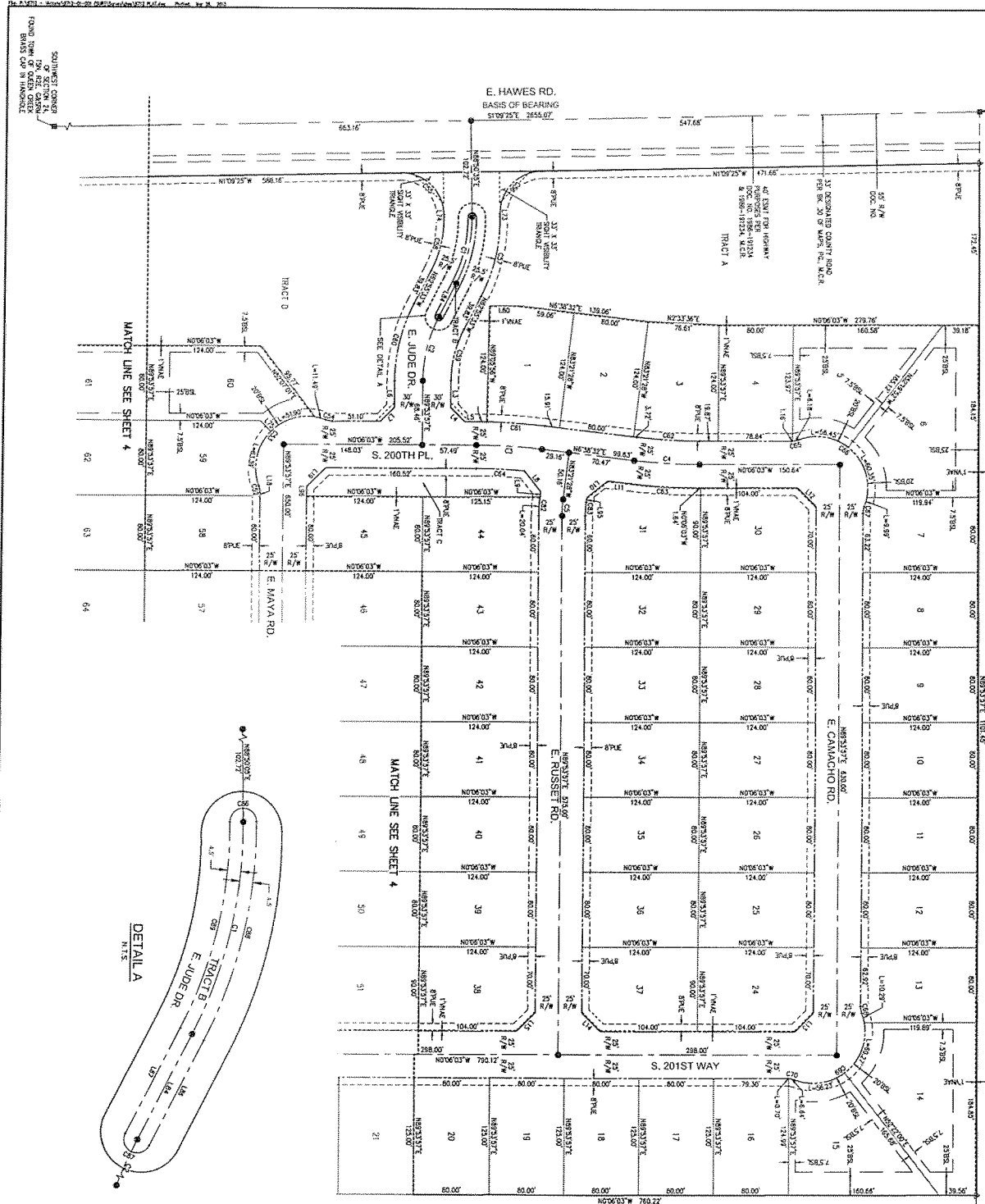
Attachments:

Final Plat

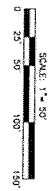
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OF SECTION 14,
T. 22 N., R. 20 E.,
S. 11.00' OF
RANGE 20S, T. 22N., R. 20E.,
M.C.R. NO. 100-000000

OWNER: QUEEN CREEK SUBMIT LLC
DEED# 2003-0100779, M.C.R.
NOT-A-PART

COUNTY RECORDER



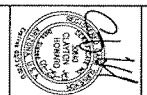
LOTS 322-331
VICTORIA PAD
PARCEL 10
BK. 561 OF MAPS,
PAGE 14, M.C.R.,
NOT-A-PART



LEGEND

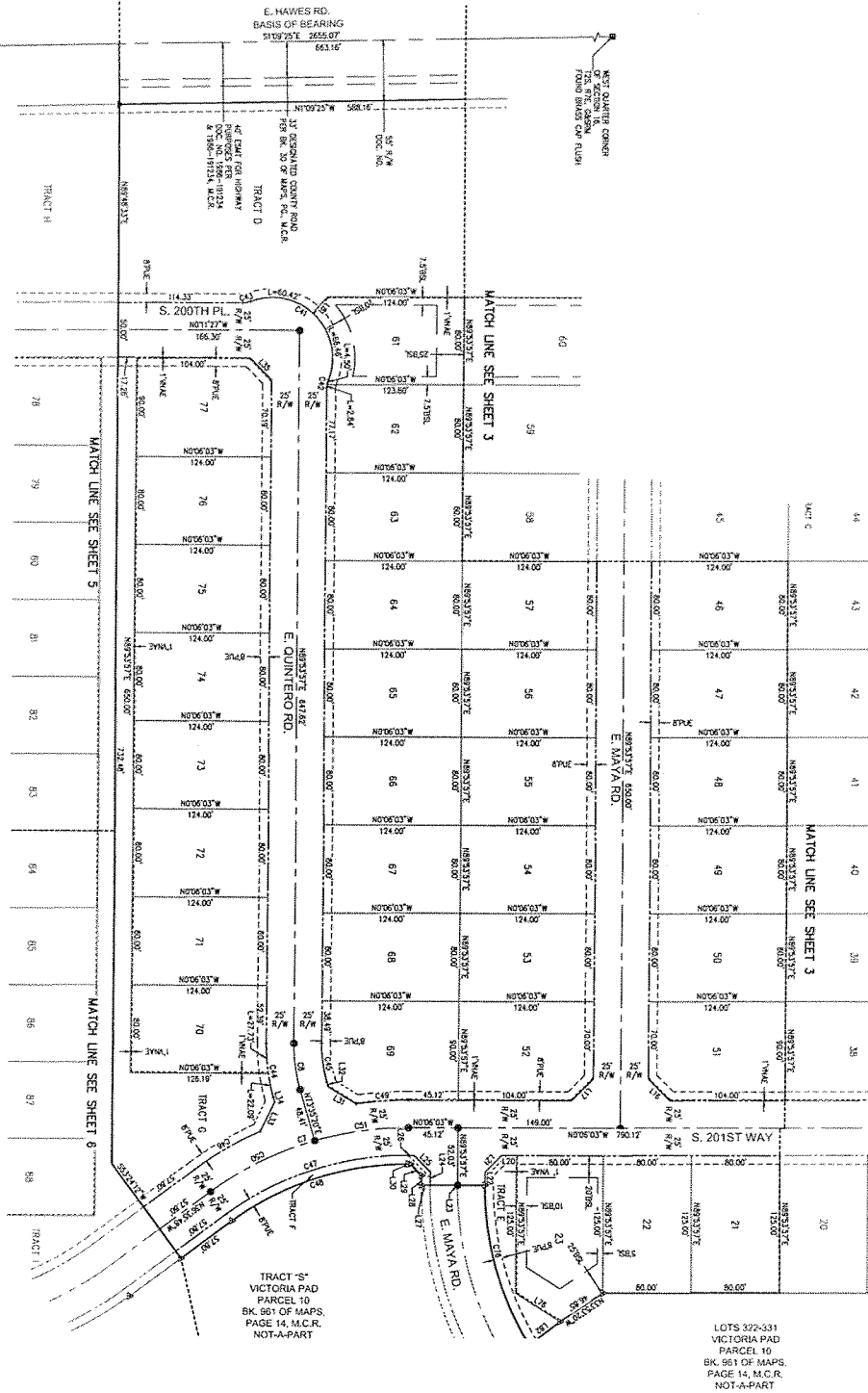
- ROUND MONUMENT AS NOTED
- SET MONUMENT
- BUILDING SETBACK LINE
- PUBLIC UTILITY EASEMENT
- N.T.S. NOT TO SCALE
- M.C.R. DOCUMENT COUNTY RECORDER
- PUBLIC UTILITY EASEMENT
- RIGHT-OF-WAY
- VEHICLE NO-ACCESS EASEMENT
- BUILDING SETBACK LINE
- PUBLIC UTILITY EASEMENT
- SECTION LINE
- RIGHT-OF-WAY
- PROPERTY LINE
- SUBDIVISION BOUNDARY

**A FINAL PLAT OF
VICTORIA PARCELS 11 & 11A
TOWN OF QUEEN CREEK, ARIZONA**



Bowman CONSULTING
Bowman Consulting Group, Ltd. Phone 480-529-5250
302 South Priest Drive, #203 Fax 480-529-5344
Tempe, Arizona 85282 www.bowmanconsulting.com

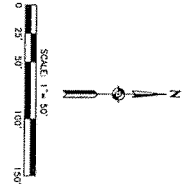
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11-08-12	PROJ. NO. 0723-01
	ISSUE NO. 01
	DATE 11-08-12
	DESIGNER: J.D.
	CHECKER: J.D.
	CLIENT: QCS
	SCALE: AS SHOWN
	SHEET: 3 OF 3



LOTS 322-331
VICTORIA PAD
PARCEL 10
BK. 561 OF MAPS,
PAGE 14, M.C.R.
NOT-A-PART

LEGEND

- FOUND MONUMENT AS NOTED
- SET MONUMENT
- BUILDING EASEMENT
- PUBLIC EASEMENT
- N.T.S. NOT TO SCALE
- OCC. DOCUMENT COUNTY RECORDER
- PUBLIC UTILITY EASEMENT
- VEHICLE NO-ACCESS EASEMENT
- BUILDING SETBACK LINE (E)
- BUILDING SETBACK LINE (S)
- PUBLIC UTILITY EASEMENT
- VEHICLE NO-ACCESS EASEMENT
- SCHOOL LINE
- SECTION LINE
- PROPERTY LINE
- RIGHT-OF-WAY
- RIGHT-OF-WAY
- SUBDIVISION BOUNDARY



COUNTY RECORDER

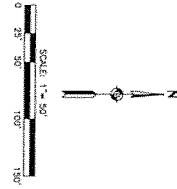
**A FINAL PLAT OF
VICTORIA PARCELS 11 & 11A
TOWN OF QUEEN CREEK, ARIZONA**

DATE	REVISION
11-06-12	

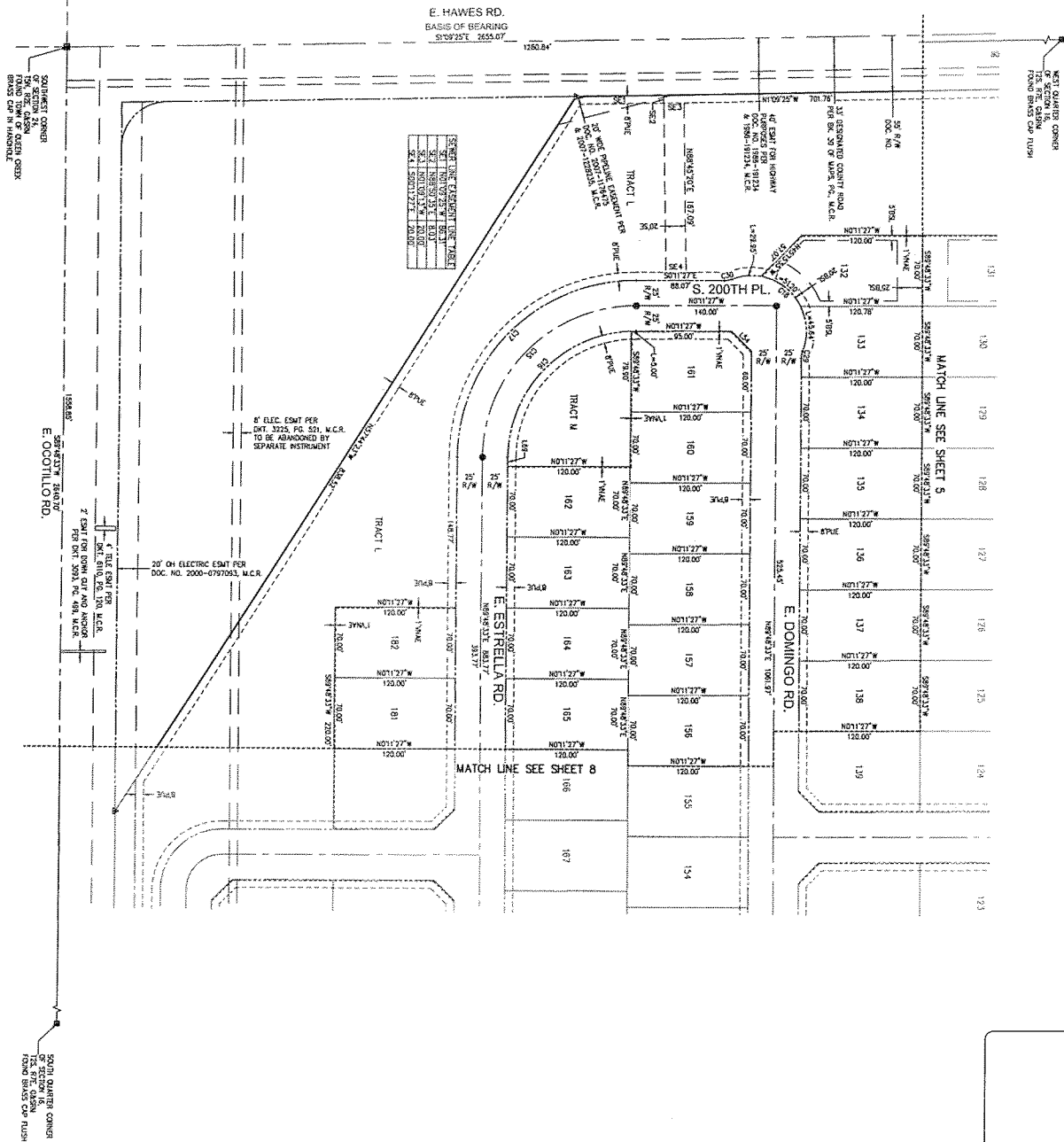
DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 11-06-12
 PROJECT: [Name]
 SHEET NO. 4 OF 9



Bowman CONSULTING
 Bowman Consulting Group, Ltd. Phone: 480.255.8850
 325 South Frank Street, #203 Fax: 480.255.8844
 Tempe, Arizona 85282 www.bowmanconsulting.com

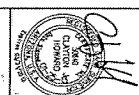


- LEGEND**
- FOUND MONUMENT AS NOTED
 - ▲ SUBDIVISION CORNER
 - BUILDING SETBACK LINE
 - EASEMENT
 - NOT TO SCALE
 - M.C.R. MARICOPA COUNTY RECORDER
 - PUBLIC UTILITY EASEMENT
 - 20' X 20' UTILITY EASEMENT
 - SEWER LINE EASEMENT
 - WATER LINE EASEMENT
 - EASEMENT LINE (AS NOTED)
 - EASEMENT SETBACK LINE
 - PROPERTY LINE
 - SECTION LINE
 - HIGHWAY MONUMENT LINE
 - SUBDIVISION BOUNDARY



COUNTY RECORDER

**A FINAL PLAT OF
VICTORIA PARCELS 11 & 11A
TOWN OF QUEEN CREEK, ARIZONA**



Bowman CONSULTING
 Bowman Consulting Group, Ltd.
 3040 South Pinal Drive, #103
 Tempe, Arizona 85282
 Phone: 480-820-8230
 Fax: 480-820-8841
 www.bowmanconsulting.com

DATE	REVISION
11-08-12	PROJ. NO. 0707-01
	DRAWN BY: [Name]
	CHECKED BY: [Name]
	DATE: 11-08-12
	SCALE: AS SHOWN
	7 of 9



Requesting Department:
Development Services

TAB I

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER

**FROM: CHRIS ANARADIAN, DEVELOPMENT SERVICES DIRECTOR;
WAYNE BALMER, PLANNING ADMINISTRATOR; DAVE WILLIAMS,
SENIOR PLANNER**

**RE: PUBLIC HEARING AND POSSIBLE ACTION ON ZONING CASE
ORDINANCE 532-13 / RZ13-004 / SD13-005 / DR13-006, QUAIL
CREEK** submitted by K. Hovnanian for a request for rezoning from R1-18 PAD to R1-9 PAD, a preliminary plat for 47 lots on 37.3 acres in addition to a request for Design Review approval of five floor plans with 3 elevations each. The property is located at the south of Queen Creek Road, on the east side of Sossaman Road.

DATE: APRIL 17, 2013

PLANNING & ZONING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of RZ13-004, SD13-005 and DR13-006, Rezoning, Preliminary Plat, Landscape Plan and Design Review for Quail Creek Subdivision subject to the Conditions of Approval contained in this report.

STAFF RECOMMENDATION

Staff concurs with the Planning Commission's recommendation.

PROPOSED MOTION

Move to approve Ordinance 532-13, RZ13-004, SD13-005 and DR13-006, Rezoning, Preliminary Plat, Landscape Plan and Design Review for Quail Creek Subdivision subject to the Conditions of Approval as provided in Ordinance 532-13.

RELEVANT COUNCIL GOALS

General Plan Growth Areas Element, Goal 5, Policy 5b: Encourage the use of available infrastructure capacity to accommodate new development consistent with the land use goals and provisions of the General Plan.

SUMMARY

The proposal consists of a request submitted by K. Hovnanian for rezoning from R1-18 PAD to R1-9 PAD, a preliminary plat for 47 lots on 37.3 acres and a request for Design Review approval of five floor plans with 3 elevations each. The property is located south of Queen Creek Road, on the east side of Sossaman Road.

HISTORY

April 3, 2013	Case continued at the Town Council Meeting by applicant's request.
March 13, 2013	Planning Commission recommended approval of Quail Creek by K. Hovnanian Homes, RZ13-004, SD13-005 and DR13-006.
March 15, 2006	Town Council approved Quail Creek by Highland Homes, Ordinance # 343-06. (This project never recorded a final plat)

DISCUSSION

The applicant is requesting rezoning of 37.3 acres from R1-18 PAD to R1-9 PAD, approval of a preliminary plat for 47 lots and design review approval for 5 floor plans with 3 elevations each.

Quail Creek was originally approved in 2004 for a preliminary plat with R1-18 zoning for 37 lots ranging in size from approximately $\frac{1}{2}$ acre to $\frac{3}{4}$ acres in size. No final plat was ever processed.

The subdivision is proposed to be gated with private roadways with two connections to Sossaman Road. Twin Acres Road as it currently exists is in unincorporated Maricopa County and is only an easement. Staff has recommended, and the applicant has agreed, to install a fire access road on the Quail Creek property north of the Twin Acres alignment to provide stabilized access along the southern edge of their property for emergency services. During the technical reviews, Maricopa County Department of Transportation stated that since Twin Acres is an easement only and not a county road, no improvements of any kind would be necessary or required. Additionally in neighborhood meetings held by the applicant, the residents present expressed a desire to retain the dirt road as it currently exists. One resident, Mr. Travis Miller, however,

has submitted an email requesting to have the road be paved. His email is attached as is a request to speak card from the April 3rd 2013 Council Meeting in addition to a petition from other county residents with their priority of desired road surfaces. Staff is supportive of the proposed design as a fire road with public access, but would also welcome alternative road designs such as chip sealing.

The proposed density for the subdivision is 1.33 DU/AC, which is consistent with the General Plan Land Use Map, which shows Medium Density Residential with a range of 0-3 DU/AC.

The applicant is proposing an R1-9 standard lot width of 90 feet and depth of 145 feet. The applicant seeks deviation from the maximum dimensions due to the irregular shapes of the several lots in this proposed subdivision.

The applicant is also proposing to maintain the standard 20' setback to a front facing garage, however are proposing a 15' setback to the covered porch, and/or a side entry garage. Side setbacks are 5'/10' with a minimum of 15' between structures and the rear setback is 25'. Staff is supportive of the setbacks.

The standard lot coverage is 40% with a 5% increase in lot coverage for qualifying front porches. Staff supports this lot coverage.

The applicant is also requesting approval of a landscape plan for the subdivision. The plant palette, wall plan and amenities package meet the standards set forth in the Zoning Ordinance.

The applicant has provided a large landscape tract on the east side of the subdivision as a buffer and to address concerns expressed from the adjacent neighbors expressed in the early stages of planning this project. Additionally, they are providing an equestrian trail to facilitate access to the Queen Creek Wash for the residents in the county island.

Design Review

The applicant is proposing five floor plans with 3 elevations each ranging in size from 2,941 to 5,012 square feet. Architectural styles include Spanish Colonial, Mediterranean and French Country.

According to the lot fit table, all plans fit on all proposed lots for the subdivision. All plans are 70' wide and vary in depth from 77 to 90 feet.

The plans incorporate 360 degree architecture and meet the 40% garage face requirement in addition to the 5' offset behind livable where applicable.

All plans have decorative garage doors including windows as standard options.

Staff is supportive of the Design Review request.

Project Information	
Project Name	Quail Creek Subdivision
Site Location	South of Queen Creek Road on the on the east side of Sossaman Road
Current Zoning	R1-18 PAD
Proposed Zoning	R1-9 PAD
General Plan Designation	Medium Density Residential (MDR 0-3DU/AC)
Surrounding Zoning Designations:	
North	Queen Creek Wash
South	Unincorporated Maricopa County RU-43
East	Unincorporated Maricopa County RU-43
On the east side	Sossaman Farms
Gross Acreage	37.3 Acres
Total Lots/Units	47 lots proposed
Proposed Density	1.33 DU/AC
Minimum Lot Width / Depth	90' / 145'
Minimum Lot Area	9,099 square feet
Front Yard Setback	20' livable or front entry garage, 15' covered front porch and Side Entry Garage
Rear Yard Setback	25'
Side Yard Setback	5', 15' between structures
Lot Coverage	40% (45% with qualifying front porch)

Proposed Elevations

Plan #	Square Footage	Stories
Bluestone	2,941	1
Eastridge	3,205	1
Northstone	3,398	1
Sunridge	4,024	1
Weststone	5,012	2

ANALYSIS

General Plan Review: The project is located in the Medium Density Residential designation on the General Plan Land Use Map. This project is consistent with the goals and policies set forth in the General Plan

Zoning Review: The zoning designation of the property is R1-18 PAD. The applicant is seeking to rezone the property to R1-9 PAD, which is consistent with Zoning Ordinance.

Engineering Review: Engineering has reviewed the proposed subdivision and has provided Conditions of Approval outlined below.

Preliminary Plat Review: The Preliminary Plat proposes 47 lots on 37.3 acres. The proposed Preliminary Plat meets Town standards.

Building Elevation Review: The applicant is proposing five floor plans with 3 elevations each and range in size from 2,941 to 5,012 square feet. The elevations appear to meet the standards set forth in the Residential Design Guidelines.

Landscape / Open Space / Fence Plan Review: Staff has reviewed the landscape plans and they appear to meet the standards set forth in the Zoning Ordinance.

PUBLIC COMMENTS

Staff has advertised the public hearing in the Arizona Republic – Gilbert Edition, posted 3 large public hearing signs on the property in conspicuous locations and mailed letters to all property owners within 1200' of this proposal. Staff has received one letter stating that the Twin Acres easement should be paved (letter attached) from Mr. Miller.

Greg Davis has also provided a letter dated 3/20/2013 (attached) expressing the process and involvement that the applicant had while going through this process. Mr. Miller was the only resident who has spoken about having the road paved according to Mr. Davis's letter, while the remaining residents approved of the current design.

CONDITIONS OF APPROVAL

1. Ordinance 532-13 shall supersede Ordinance 343-06.
2. The Rezoning approved in case number RZ13-004 is effective upon signature by the property owner of the Prop 207 waiver and filing of the waiver with the Town of Queen Creek Planning Division. Failure to sign and return the waiver to the Planning Division within five (5) working days of the date of approval shall render this conditional approval null and void.
3. The project shall be developed in accordance with all exhibits attached to this case.
4. Developer shall create an Home Owners Association for the maintenance of all landscaping within all open spaces, tracts, trails and collector and arterial rights-of-way as shown on the Open Space Plan for this project.
5. Two story homes shall not be built on lots abutting the Queen Creek Wash. (Lots 1-9 as identified on the preliminary plat dated 2/25/13)

6. Zoning for the subdivision shall be R1-9 PAD, except for open space tracts which shall be designated as R/C (Recreation / Conservation).

7. Building setbacks and deviations are to be as follows:

Minimum Lot Width / Depth	90' / 145'
Minimum Lot Area	13,000 square feet
Front Yard Setback	20' livable and front entry garage, 15' covered front porch and Side Entry Garage
Rear Yard Setback	25'
Side Yard Setback	5', 15' between structures
Lot Coverage	40% (45% with qualifying front porch)

8. Front yard landscape package shall be provided for all homes.

9. Shutters shall be constructed using a faux-wood material such as nesco or similar type product.

10. Garage service doors to the garage shall be considered standard items.

11. Developer shall provide notice by way of C, C and R's, separate notice/flyer/information booklet and plats to future residents that the project is near the Phoenix Mesa Gateway Airport Overflight Area 3" as defined by the Williams Regional Planning Study (WRPS) and as adopted by Queen Creek Council Resolution No. 75-96. The requirements for notice shall be as follows:

- a. Public Disclosure of Potential Noise Impacts – Constructive knowledge of potential aircraft noise impacts should be made to future purchasers, mortgagees, renters, occupiers and users of the property.
- b. Notification on all Plats, Titles and the Public Report. It should be noted on the plat and the Title Report that there is a potential for objectionable aircraft noise. The plat and title shall note the following: "These properties, due to their proximity to Phoenix Mesa Gateway Airport, are likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft."
- c. A note shall be placed on the final plat regarding noise associated with the Queen Creek Wash and Future On the east side Park Site.
- d. An avigation easement shall be recorded over this entire property and duly noted on all plats, public reports and notices of title.

- e. A minimum of one sign (2' X 3' in dimensions) shall be posted at each model home complex walkway areas stating this project is within the vicinity of Phoenix Mesa Gateway Airport. Prior to issuance of any building permits staff shall approve specific sign language, design and locations.
12. Developer shall provide notice by way of CC&R's, separate notice/flyer/information booklet and notes on the plats to future residents that the project is near a railroad which carries least 10 trains per day.
 13. Multi use trail on the east side of the project shall incorporate anti ATV/motorcycle gates to discourage those vehicles from operating on the trail, which still allowing equestrians and pedestrian usage.
 14. The Developer shall be required to provide sewer flushing unit(s) with water and sewer services, along with Eclipse flushing units and water meters (no impact fees would apply to these meters). Number to be determined (TBD) when sewer plans are redlined/ reviewed.
 - A) Water services are to be minimum two inch (2") in size, developer to purchase 2" water meter from Utility Department (no impact fees to apply).
 - B) Sewer service is to be minimum six inch (6") in size
 15. The Developer shall provide a copy of sewer as-built drawings to Sunrise Engineering after completion of project for the purpose of maintaining up to date Waste Water Master Plan and sewer collection system modeling.
 16. Sewer will connect to the existing sewer stub for said subdivision on Sossaman Road. Per redlined plans.
 17. Cleanouts are not permitted for sewer lines where sewer lines will not be connected to a future extension, i.e. dead-end cul de sacs require a manhole.
 18. Water shall be looped through proposed parcel. Details will be provided if not already existing when water plans are reviewed and redlined. Tie ins are required to the Twin Acres 6" line at the southeast corner of Quail Creek with an 8" water line through Quail Creek, and a tie in to an existing 8" stub on Sossaman Road across from the southon the east side corner of Quail Creek per plan redlines. Easements across all property where utilities are installed will be provided to the Town of Queen Creek where applicable. Access to repair and maintain said lines will also be required where applicable.
 19. Developer shall provide all applicable as-built drawings and Utility Approval to Construct's and Approval of Construction's to the Town of Queen Creek prior to water meters being installed.
 20. Developer/ builder will secure an Assured Water Supply Certificate if one does not currently exist. It is the responsibility of the developer/ builder to acquire one

through the Arizona Department of Water Resources as the Town of Queen Creek does not have a 100 year Assured Water Supply designation. Developer shall insure that, in the case that an Assured Water Supply Certificate currently exists, it is transferred into the new developer/ builder's name, assuring no duplications in Assured Water Supply for that same development/ area.

21. 55 feet of half street of Right-of-Way on Sossaman Road for the entire frontage of the property shall be required to be dedicated to the Town of Queen Creek on the Final Plat.

22. Full half street improvements per the Town's Detail No. R-102 including all related sidewalk, curb and gutter, streetlights, landscaping, applicable water and sewer lines, and drainage facilities shall be designed and constructed for Sossaman Road for all portions of the Right-of-Way adjacent to the property frontage. Road improvements shall be to the section line of the improved road. Road improvements shall include all appropriate roadway tapers as required by the Town's Traffic Department.

23. 25 feet of Right of Way on Twin Acres Drive for the entire frontage of the property shall be required to be dedicated to the Town of Queen Creek on the Final Plat.

24. Twin Acres Drive shall be improved along the entire frontage adjacent to the project with a 20' wide by 6" deep compacted ABC road.

25. Construction assurance shall be required for all onsite and offsite improvements and shall be provided in the form of a bond, irrevocable letter of credit, or cash. The construction assurance is required to be approved by the Town Attorney. Construction assurances shall be provided in accordance with the form and timing as described in Section 7 of the Town's Subdivision Ordinance.

26. The developer shall submit an Engineers Cost Estimate for all onsite and offsite improvements. All Engineers Cost Estimates are required to be submitted to the Town during the Final Plat review phase of the project.

27. All construction documents submitted to the Town for review during the final plat review phase shall be in accordance with Town Ordinances, Town checklists, Town design standards & guidelines, and requirements, except as superseded by these conditions of approval.

28. Residential roadways exceeding 900 feet shall be considered for traffic calming measures as determined by Town staff during final plan review.

ATTACHMENTS

1. Aerial Photo

2. Ordinance 532-13
3. Narrative
4. Preliminary Plat
5. Landscape Plan
6. Letter from Mr. Travis Miller
7. Request to speak card from Mr. Travis Miller
8. Ranking of desired road surfaces from County residents.
9. Letter from Mr. Greg Davis
10. Design review book

ORDINANCE 532-13

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, DECLARING AS PUBLIC RECORDS THAT CERTAIN DOCUMENTS TITLED "QUAIL CREEK SUBDIVISION – LEGAL DESCRIPTION", ATTACHED HERETO AS EXHIBIT "A", AND "QUAIL CREEK SUBDIVISION PRELIMINARY PLAT" ATTACHED HERETO AS EXHIBIT "B" AND ADOPTING EXHIBITS "A" AND "B", THEREBY AMENDING THE OFFICIAL ZONING DISTRICT MAP FOR THE TOWN OF QUEEN CREEK, ARIZONA, PURSUANT TO ARTICLE 3, SECTION 3.4 OF THE ZONING ORDINANCE FOR THE TOWN OF QUEEN CREEK TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR APPROXIMATELY 29 ACRES FROM A PLANNED AREA DEVELOPMENT WITH UNDERLYING R1-18 TO A PLANNED AREA DEVELOPMENT WITH UNDERLYING ZONING OF R1-9. THE PROPERTY IS LOCATED SOUTH OF THE QUEEN CREEK WASH, EAST OF SOSSAMAN ROAD. THE ASSOCIATED ZONING CASE IS RZ13-004.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, Article 3, **ZONING PROCEDURES**, Section 3.4 **ZONING AMENDMENT**, establishes the authority and procedures for amending the Zoning Ordinance; and

WHEREAS, the development proposed is consistent and shall be developed in accordance with Article 4, Section 4.10 **PLANNED AREA DEVELOPMENTS**; and,

WHEREAS, Article 4, **ZONING**, Section 4.2 **Zoning District Maps**, establishes the Zoning District Maps and states that the Zoning District Maps, along with all the notations, references, and other information shown thereon, are a part of this Ordinance and have the same force and effect as if said maps and all the notations, references, and other information shown thereon were all fully set forth or described in the zoning ordinance text; and,

WHEREAS, a Public Hearing on this ordinance was heard before the Planning and Zoning Commission on March 13, 2013; and

WHEREAS, the Planning and Zoning Commission voted 4-0 in favor of this text amendment case;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

- Section 1. The document attached hereto as Exhibit "A," titled Quail Creek Subdivision - Legal Description and Exhibit "B", titled Quail Creek Preliminary Plat are hereby declared to be public records;
- Section 2. Three (3) copies of Exhibit "A and B" are ordered to remain on file with the Town Clerk;
- Section 3. The document titled "Quail Creek Subdivision – Preliminary Plat," which has been made a public record, is hereby referred to, adopted, and made a part of Queen Creek Zoning Map as set forth in "Exhibit B";
- Section 4. If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to the Queen Creek Zoning Map is for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY the Mayor and Town Council of the Town of Queen Creek, Maricopa County, this 17th day of April, 2013.

FOR THE TOWN OF QUEEN CREEK:

ATTESTED TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Mariscal, Weeks, McIntyre &
Friedlander, PA, Attorneys for the
Town

EXHIBIT A
Quail Creek
Legal Description

PARCEL NO. 1:

LOT 2, AMENDED RESULTS OF SURVEY, SUN VALLEY FARMS UNIT III, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 198 OF MAPS, PAGE 30;

EXCEPT THAT PORTION OF SAID LOT 2, AMENDED RESULTS OF SURVEY, SUN VALLEY FARM UNIT III, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OR MARICOPA COUNTY, ARIZONA, RECORDED. IN BOOK 198 OF MAPS, PAGE 30, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 2 FROM WHICH THE NORTHWEST CORNER THEREOF BEARS NORTH 60 DEGREES 59 MINUTES 23 SECONDS WEST 98.25 FEET;

THENCE SOUTH 60 DEGREES 59 MINUTES 23 SECONDS EAST, ALONG SAID NORTH LINE 198.42 FEET;

THENCE SOUTH 00 DEGREES 50 MINUTES 23 SECONDS EAST 15.85 FEET;

THENCE NORTH 64 DEGREES 26 MINUTES 42 SECONDS WEST 30.00 FEET;

THENCE NORTH 60 DEGREES 31 MINUTES 10 SECONDS WEST 82.59 FEET;

THENCE NORTH 51 DEGREES 57 MINUTES 35 SECONDS WEST 94.95 FEET TO THE POINT OF BEGINNING;

PARCEL NO.2:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2 OF THE SURVEY MAP OF SUN VALLEY FARMS UNIT 3 AMENDED, AS RECORDED IN DOCKET 198, PAGE 30, MARICOPA COUNTY RECORDS, MARICOPA COUNTY, ARIZONA AND BEING LOCATED IN SECTION 17, TOWNSHIP 2 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

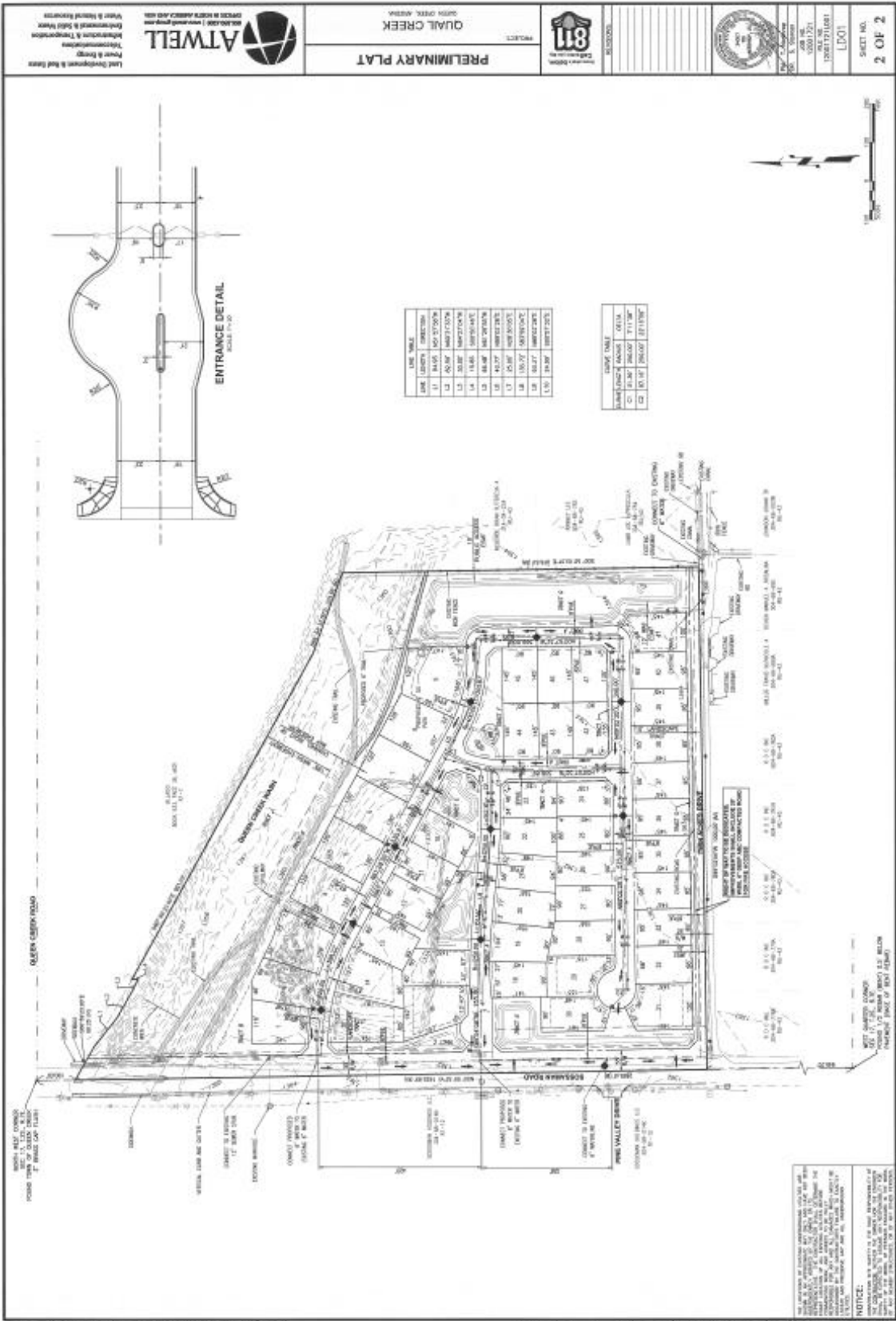
THENCE NORTH 89 DEGREES 02 MINUTES 28 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL 2, A DISTANCE OF 33.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL "C" SUN VALLEY FARMS UNIT 3 AMENDED ALSO BEING ON THE EASTERLY LINE OF THE 33.00 FEET ROAD EASEMENT AS SHOWN ON SAID SURVEY MAP, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 0 DEGREES 55 MINUTES 52 SECONDS WEST, ALONG THE SAID 33.00 FEET ROAD EASEMENT AND ALSO BEING THE WESTERLY LINE OF SAID PARCEL "C", A DISTANCE OF 550.00 FEET;

THENCE NORTH 89 DEGREES 02 MINUTES 28 SECONDS EAST, BEING PARALLEL WITH THE SOUTHERLY LINE OF SAID PARCEL 2, A DISTANCE OF 80.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "C";

THENCE SOUTH 0 DEGREES 55 MINUTES 52 SECONDS EAST, BEING PARALLEL WITH THE WESTERLY LINE OF SAID PARCEL 2 AND ALSO BEING THE EASTERLY LINE OF SAID PARCEL "C", A DISTANCE OF 550.00 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 2;

THENCE SOUTH 89 DEGREES 02 MINUTES 28 SECONDS WEST, ALONG THE SOUTHERLY LINE EXTENDED OF PARCEL 2 A DISTANCE OF 80.00 FEET TO THE TRUE POINT OF BEGINNING.



Conditions of Approval

1. Ordinance 532-13 shall supersede Ordinance 343-06.
2. The Rezoning approved in case number RZ13-004 is effective upon signature by the property owner of the Prop 207 waiver and filing of the waiver with the Town of Queen Creek Planning Division. Failure to sign and return the waiver to the Planning Division within five (5) working days of the date of approval shall render this conditional approval null and void.
3. The project shall be developed in accordance with all exhibits attached to this case.
4. Developer shall create an Home Owners Association for the maintenance of all landscaping within all open spaces, tracts, trails and collector and arterial rights-of-way as shown on the Open Space Plan for this project.
5. Two story homes shall not be built on lots abutting the Queen Creek Wash. (Lots 1-9 as identified on the preliminary plat dated 2/25/13)
6. Zoning for the subdivision shall be R1-9 PAD, except for open space tracts which shall be designated as R/C (Recreation / Conservation).
7. Building setbacks and deviations are to be as follows:

Minimum Lot Width / Depth	90' / 145'
Minimum Lot Area	13,000 square feet
Front Yard Setback	20' livable and front entry garage, 15' covered front porch and Side Entry Garage
Rear Yard Setback	25'
Side Yard Setback	5', 15' between structures
Lot Coverage	40% (45% with qualifying front porch)

8. Front yard landscape package shall be provided for all homes.
9. Shutters shall be constructed using a faux-wood material such as nesco or similar type product.
10. Garage service doors to the garage shall be considered standard items.
11. Developer shall provide notice by way of C, C and R's, separate notice/flyer/information booklet and plats to future residents that the project is near the Phoenix Mesa Gateway Airport Overflight Area 3" as defined by the

Williams Regional Planning Study (WRPS) and as adopted by Queen Creek Council Resolution No. 75-96. The requirements for notice shall be as follows:

- a. Public Disclosure of Potential Noise Impacts – Constructive knowledge of potential aircraft noise impacts should be made to future purchasers, mortgagees, renters, occupiers and users of the property.
 - b. Notification on all Plats, Titles and the Public Report. It should be noted on the plat and the Title Report that there is a potential for objectionable aircraft noise. The plat and title shall note the following: “These properties, due to their proximity to Phoenix Mesa Gateway Airport, are likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft.”
 - c. A note shall be placed on the final plat regarding noise associated with the Queen Creek Wash and Future On the east side Park Site.
 - d. An aviation easement shall be recorded over this entire property and duly noted on all plats, public reports and notices of title.
 - e. A minimum of one sign (2’ X 3’ in dimensions) shall be posted at each model home complex walkway areas stating this project is within the vicinity of Phoenix Mesa Gateway Airport. Prior to issuance of any building permits staff shall approve specific sign language, design and locations.
12. Developer shall provide notice by way of CC&R’s, separate notice/flyer/information booklet and notes on the plats to future residents that the project is near a railroad which carries least 10 trains per day.
13. Multi use trail on the east side of the project shall incorporate anti ATV/motorcycle gates to discourage those vehicles from operating on the trail, which still allowing equestrians and pedestrian usage.
14. The Developer shall be required to provide sewer flushing unit(s) with water and sewer services, along with Eclipse flushing units and water meters (no impact fees would apply to these meters). Number to be determined (TBD) when sewer plans are redlined/ reviewed.
- A) Water services are to be minimum two inch (2”) in size, developer to purchase 2” water meter from Utility Department (no impact fees to apply).
 - B) Sewer service is to be minimum six inch (6”) in size

15. The Developer shall provide a copy of sewer as-built drawings to Sunrise Engineering after completion of project for the purpose of maintaining up to date Waste Water Master Plan and sewer collection system modeling.
16. Sewer will connect to the existing sewer stub for said subdivision on Sossaman Road. Per redlined plans.
17. Cleanouts are not permitted for sewer lines where sewer lines will not be connected to a future extension, i.e. dead-end cul de sacs require a manhole.
18. Water shall be looped through proposed parcel. Details will be provided if not already existing when water plans are reviewed and redlined. Tie ins are required to the Twin Acres 6" line at the southeast corner of Quail Creek with an 8" water line through Quail Creek, and a tie in to an existing 8" stub on Sossaman Road across from the south on the east side corner of Quail Creek per plan redlines. Easements across all property where utilities are installed will be provided to the Town of Queen Creek where applicable. Access to repair and maintain said lines will also be required where applicable.
19. Developer shall provide all applicable as-built drawings and Utility Approval to Construct's and Approval of Construction's to the Town of Queen Creek prior to water meters being installed.
20. Developer/ builder will secure an Assured Water Supply Certificate if one does not currently exist. It is the responsibility of the developer/ builder to acquire one through the Arizona Department of Water Resources as the Town of Queen Creek does not have a 100 year Assured Water Supply designation. Developer shall insure that, in the case that an Assured Water Supply Certificate currently exists, it is transferred into the new developer/ builder's name, assuring no duplications in Assured Water Supply for that same development/ area.
21. 55 feet of half street of Right-of-Way on Sossaman Road for the entire frontage of the property shall be required to be dedicated to the Town of Queen Creek on the Final Plat.
22. Full half street improvements per the Town's Detail No. R-102 including all related sidewalk, curb and gutter, streetlights, landscaping, applicable water and sewer lines, and drainage facilities shall be designed and constructed for Sossaman Road for all portions of the Right-of-Way adjacent to the property frontage. Road improvements shall be to the section line of the improved road. Road improvements shall include all appropriate roadway tapers as required by the Town's Traffic Department.

23. 25 feet of Right of Way on Twin Acres Drive for the entire frontage of the property shall be required to be dedicated to the Town of Queen Creek on the Final Plat.
24. Twin Acres Drive shall be improved along the entire frontage adjacent to the project with a 20' wide by 6" deep compacted ABC road.
25. Construction assurance shall be required for all onsite and offsite improvements and shall be provided in the form of a bond, irrevocable letter of credit, or cash. The construction assurance is required to be approved by the Town Attorney. Construction assurances shall be provided in accordance with the form and timing as described in Section 7 of the Town's Subdivision Ordinance.
26. The developer shall submit an Engineers Cost Estimate for all onsite and offsite improvements. All Engineers Cost Estimates are required to be submitted to the Town during the Final Plat review phase of the project.
27. All construction documents submitted to the Town for review during the final plat review phase shall be in accordance with Town Ordinances, Town checklists, Town design standards & guidelines, and requirements, except as superseded by these conditions of approval.
28. Residential roadways exceeding 900 feet shall be considered for traffic calming measures as determined by Town staff during final plan review.



Requesting Department:
Economic Development:

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER
PATRICK FLYNN, ASSISTANT TOWN MANAGER

FROM: DOREEN COTT, ECONOMIC DEVELOPMENT DIRECTOR
TIM LYNCH, GENERAL MANAGER
TRACI POLK, SENIOR FINANCIAL ANALYST

RE: DISCUSSION AND POSSIBLE ACTION ON OPTIONS TO ADDRESS
THE BUDGET SHORTFALL DUE TO UNEXPECTED EXPENDITURES
AT HORSESHOE PARK & EQUESTRIAN CENTRE (HPEC) FOR
FY2013.

DATE: APRIL 17, 2013

Staff Recommendation:

Authorize staff to utilize Option 1 as outlined to address the budget shortfall due to unexpected expenditures at HPEC.

Proposed Motion:

Move to approve as recommended above.

Discussion:

The request to use \$55,000 in FY2013 General Fund Contingency to fund the unexpected expenditures at HPEC was not approved by the Town Council at the April 3, 2013 meeting. In order to address the budget shortfall staff has developed a list of options for the Council to consider:

1. Utilize budget savings in the other divisions within the Economic Development Department. \$13,000 can be pulled from the Communications & Marketing and Economic Development division budget lines (amount includes cost savings of \$10,000 from the Vision enhancement project, savings from community outreach events, graphic design and travel savings); use the \$17,000 in projected bedding revenues (in excess of FY projections) to offset the bedding expenses that have been incurred to date and utilize \$25,000 in FY13 General Fund Contingency.
2. Fund the shortfall out of the projected year end surplus (estimated \$2-3 million) from the General Fund.

3. Carry the shortfall over to the next fiscal year and consider as part of the FY13/14 budget process.
4. Close the park effective June 1, 2013 and furlough employees for the entire month. Gross earnings for June are estimated at \$3,000. Events scheduled for June include Flat Track Motorcycle Racing (June 1, 15 and 29), Friday Night Lights Gymkhana (June 7, 14, 21 and 28) and a barrel race (June 15). Savings from staff furloughs and closure of the park are estimated at \$49,415 for estimated savings of \$46,415. To close the gap between the \$46,415 and the \$55,000 budget shortfall, budget savings from the other divisions within Economic Development would be utilized.

This option is extreme and would risk the loss of quality staff as well as damage to HPEC's reputation in the event community.

Staff would like to avoid closing the park as well as any type of staff furloughs. Please note that any closure to the park would still require general grounds maintenance to keep the facility in good condition. Although the summer event schedule is much lighter than the rest of the year, staff is still very busy with repair and maintenance projects needed to maintain the facility.

Fiscal Impact: Fiscal impacts are addressed in each of the options outlined.

Alternatives: Alternatives are outlined.

Attachments:

1. Estimated Expenditures and Revenues for FY12-13
2. Breakdown of Unplanned Expenditures

Horseshoe Park Equestrian Centre
Estimated Revenue Expenditures for FY12-13

GL Account	Revised Budget	Actual to 2/29/13	Estimated 4 Mo. Expenditure	Total Estimated Expenditure for FY 12-13	Variance
Personnel Services	\$ 419,578	\$ 272,543	\$ 147,700	\$ 419,578	\$ -
Capital	\$ 3,900	\$ 2,887	\$ 1,380	\$ 3,900	\$ -
Contractual Services	\$ 55,140	\$ 41,002	\$ 19,800	\$ 60,140	\$ (5,000)
Department Support	\$ 199,750	\$ 128,633	\$ 74,616	\$ 199,750	\$ -
Fees & Services	\$ 22,220	\$ 16,461	\$ 5,930	\$ 22,220	\$ -
Materials	\$ 86,589	\$ 69,492	\$ 32,675	\$ 102,589	\$ (16,000)
Other	\$ 2,800	\$ 2,462	\$ 2,000	\$ 4,800	\$ (2,000)
Repair & Maintenance	\$ 37,675	\$ 30,700	\$ 37,615	\$ 67,675	\$ (30,000)
Professional Development	\$ 4,000	\$ 3,666	\$ -	\$ 3,666	\$ 335
Utilities	\$ 105,895	\$ 58,664	\$ 43,845	\$ 102,509	\$ 3,386
	\$ 937,547	\$ 626,508	\$ 365,561	\$ 992,069	\$ (54,522)
					5%

***HPEC is requesting a \$55k contingency transfer in order to cover the 5% shortfall above. The major reasons for the shortfall are located in the Repair and Maintenance line in the HPEC budget for repairs to electrical equipment and erosion correction due to inclement weather. Cow run repairs were needed due to excessive wear and tear due to larger events. The Health Department identified an issue at the HPEC Concession Stand requiring the park to replace a door or be issued a fine. Additional materials are also needed to ensure proper supplies are available for customers during scheduled events. Materials will include an estimated three (3) loads of stall bedding, sand and landscape materials, and maintenance supplies. Due to unforeseen legal issues with the National Reined Cow Horse Association, HPEC has encountered many hours of unplanned legal costs. These costs have greatly impacted the Contractual Services line within the HPEC budget, and anticipate costs to be ongoing until matters are settled.*

GL Account	Revised Budget	Actual to 2/29/13	Estimated 4 Mo. Revenue	Total Estimated Revenue for FY 12-13	Variance
Miscellaneous Revenue	\$ 36,736	\$ 8,072	\$ 2,000	\$ 10,072	\$ 26,664
Deposits	\$ -	\$ 240	\$ -	\$ 240	\$ (240)
Commercial	\$ 187,240	\$ 121,443	\$ 71,025	\$ 192,468	\$ (5,228)
Non-Commercial	\$ 32,917	\$ 13,080	\$ 6,925	\$ 20,005	\$ 12,912
Vendor	\$ 14,021	\$ 2,175	\$ 500	\$ 2,675	\$ 11,346
Sponsorship	\$ 16,191	\$ 7,500	\$ 1,500	\$ 9,000	\$ 7,191
Stall Rental	\$ 88,047	\$ 72,925	\$ 9,000	\$ 81,925	\$ 6,122
Bedding / Shaving	\$ 90,388	\$ 87,597	\$ 20,000	\$ 107,597	\$ (17,209)
Tractor / Water Drags	\$ 5,932	\$ 1,050	\$ 1,500	\$ 2,550	\$ 3,382
Concession Sales	\$ 26,222	\$ 3,565	\$ 850	\$ 4,415	\$ 21,807
Overnight RV	\$ 6,822	\$ 36,325	\$ 9,100	\$ 45,425	\$ (38,603)
Show Office Rental	\$ 1,483	\$ 1,075	\$ 300	\$ 1,375	\$ 108
Arena Set-Up	\$ -	\$ 482	\$ -	\$ 482	\$ (482)
	\$ 505,999	\$ 355,529	\$ 122,700	\$ 478,229	\$ 27,770
					5%

***The major reason for the 5% shortfall in revenue is due to the National Reined Cow Horse Association's breach of contract and the decrease in the number of smaller events. The revenue shortfall will be absorbed by the General Fund (added transfers) when we close the FY13 financial records.*

FY13 HPEC
Repair Maintenance
Unplanned Expenditures

OBJECT	AMOUNT	VENDOR/USE	DESCRIPTION
404300	\$ 2,932.80	DNF	ELECTRICAL REPAIRS TO PARK DUE TO RAINS
404300	\$ 370.18	KING CONCRETE	EROSION CORRECTION
404300	\$ 661.14	MWA SPEAKER PARTS	SOUND REPAIR ARENA 4
404300	\$ 4,425.00	DHPACE	CONCESSION DOOR REPLACEMENT
404303	\$ 52.38	FRY'S ELECTRONICS	SOUND REPAIR ARENA 4
404303	\$ 364.81	DNF	ELECTRICAL REPAIRS TO PARK DUE TO RAINS
404303	\$ 3,082.54	SOUTHWEST ROCK	EROSION CORRECTION
404303	\$ 8,575.00	SENTRY BUILDERS	COW RUN REPAIRS
404303	\$ 1,669.88	SOUTHWEST ROCK	EROSION CORRECTION
404303	\$ 4,059.22	DNF	ELECTRICAL REPAIR TO CATWALK
404304	\$ 65.00	A1 GOLF CART	GOLF CART REPAIR / DISPUTE
404304	\$ 301.06	A1 GOLF CART	GOLF CART REPAIR / DISPUTE
404304	\$ 1,287.60	A1 GOLF CART	GOLF CART REPAIR / DISPUTE
406080	\$ 338.81	CITY ELECTRIC SUPPLY	ELECTRICAL REPAIRS TO PARK DUE TO RAINS
Total:	\$ 28,185.42		



Requesting Department:
Development Services

TAB K

TO: HONORABLE MAYOR AND TOWN COUNCIL

**THROUGH: JOHN KROSS, ICMA-CM
TOWN MANAGER**

**FROM: WENDY KASERMAN
ASSISTANT TO THE TOWN MANAGER**

**WAYNE BALMER
PLANNING ADMINISTRATOR**

**RE: CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION
941-13** endorsing and supporting the “TEAL” and “YELLOW” route
alternatives developed as part of the Arizona Department of
Transportation Passenger Rail Corridor Study.

DATE: APRIL 17, 2013

STAFF RECOMMENDATION

Staff recommends Town Council approval of Resolution 941-13 and that it be sent to the Arizona Department of Transportation (ADOT) as documentation of the Town’s preferred alternative alignments for the ADOT Passenger Rail Corridor Study.

PROPOSED MOTION

Move to approve Resolution 941-13, and forward it to the Arizona Department of Transportation (ADOT) as the Town’s preferred alternative alignments for the ADOT Passenger Rail Corridor Study.

RELEVANT COUNCIL GOALS

KRA 7: Intergovernmental Relations

- Goal 1: Encourage and promote productive regional partnerships
- Goal 7: Collaborate with state, local and county agencies; Central Arizona Association of Governments; and Maricopa Association of Governments on SR 24 freeway, N-S freeway. Inter-City Rail and Commuter Rail studies and corridor efforts.

KRA 8: Land Use and Economic Development

- Goal 1: Maintain a balanced community and economically diverse employment base.
- Goal 7: Enhance the opportunities for Queen Creek businesses to be successful.

DISCUSSION

The Arizona Department of Transportation (ADOT) Passenger Rail Corridor Study is evaluating rail and bus alternatives to provide a rapid transit system to help meet the need for future transportation between Tucson and Phoenix. Previous studies have shown that I-10, even with additional lanes, will not be sufficient to meet the future travel demand. As part of this study six rail options and one bus option are being evaluated, as shown on the attached map.

Between 2008 and 2010 the Maricopa Association of Governments (MAG) completed a Commuter Rail System Study. The study was accepted by the MAG Regional Council in 2010. The study included recommendations for implementation of services in the two most productive corridors. The first recommended corridor was the East Valley-Union Pacific corridor. The corridor included a stop in Queen Creek, which showed the second highest boarding rate of all the proposed stops. Unfortunately, no funding source has been identified for the construction of the system.

Shortly after the acceptance of the commuter rail study, ADOT began work on the passenger rail study, investigating rail transportation alternatives between Phoenix and Tucson. Town staff has participated as a stakeholder in the process.

Of the six rail route alternatives, the “teal” and “yellow” routes shown on the attached maps both include a station in Queen Creek. These routes closely match the corridor identified in the MAG Commuter Rail System Study, reflecting the high potential ridership demonstrated in that study. Having a station in Queen Creek would offer an alternative mode of transportation, thereby fostering economic development opportunities in the Town Center.

At the December 5, 2012 Town Council meeting staff updated the Council on the current status of the project. Council decided to submit a letter to ADOT stating the Town’s preference for the “teal” and “yellow” route alternatives. Since that time, ADOT has completed their “Level Two” evaluation which has rated the “Teal” route as more favorable and the “Yellow” route as less favorable.

ADOT will be conducting a workshop on April 23 for the purpose of consolidating the six rail alternatives into two preferred alternatives. In preparation for that meeting, staff is recommending the Council pass the proposed resolution to demonstrate the Town’s position on this issue. The Town of Gilbert will also have a resolution on their April 18 meeting agenda recommending support of the “Teal” and Yellow” route alternatives.

FISCAL IMPACT

No fiscal impact is associated with approval of Resolution 941-13 and submitting it to ADOT for consideration in conjunction with the Passenger Rail Corridor Study. There is currently no funding identified for future construction of the passenger rail project. The Town's actions are intended to support a preferred alignment should the passenger rail system ever be constructed.

ALTERNATIVES

The Town Council could choose to revise the proposed Resolution to indicate an alternative preference, or not to forward comments to ADOT on the Passenger Rail Corridor Study.

ATTACHMENTS

1. Proposed Resolution 941-13
2. Exhibit A maps

RESOLUTION 941- 13

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, ENDORSING AND SUPPORTING THE “TEAL” AND “YELLOW” ROUTE ALTERNATIVES DEVELOPED AS PART OF THE ARIZONA DEPARTMENT OF TRANSPORTATION PASSENGER RAIL CORRIDOR STUDY.

WHEREAS, the Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and Arizona Department of Transportation (ADOT) are conducting a Passenger Rail Corridor Study investigating the potential for a future rail option connecting Phoenix and Tucson; and,

WHEREAS, ADOT is currently at the Alternative Analysis portion of the Passenger Rail Corridor Study process and has identified seven possible alternative routes, each signified by a particular color; and,

WHEREAS, both the “TEAL” and “YELLOW” routes would both utilize existing southeast valley branch lines of the Union Pacific Railroad where possible; and,

WHEREAS, both the “TEAL” and “YELLOW” routes would provide the greatest service to accommodate the future residents planned to locate in Queen Creek, Gilbert, Mesa and San Tan Valley, and in particular the existing and planned employment centers located within them; and,

WHEREAS, both the “TEAL” and “YELLOW” routes would allow for development of a passenger rail station in the Queen Creek Town Center which would promote increased ridership in the southeast valley; and,

WHEREAS, both the “TEAL” and “YELLOW” routes would provide the greatest long-term public benefit and the most significant transportation upgrade for Maricopa County, Pinal County and the State of Arizona overall: and,

WHEREAS, On December 5, 2012 the Queen Creek Town Council received a progress report on the Study which resulted in a letter dated December 11, 2012 being submitted to ADOT expressing support for the “TEAL” and “YELLOW” routes as part of the initial public comment period.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1:

The Town of Queen Creek officially endorses and supports the “TEAL” and “YELLOW” routes described in the ADOT Passenger Rail Corridor Study, and shown on Exhibit A.

Section 2:

The members of the Town Council and Town staff are authorized and encouraged to take all appropriate actions to urge ADOT to adopt the “TEAL” or “YELLOW” route described in the ADOT Passenger Rail Corridor Study.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 17th day of April, 2013.

FOR THE TOWN OF QUEEN CREEK:

ATTEST TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

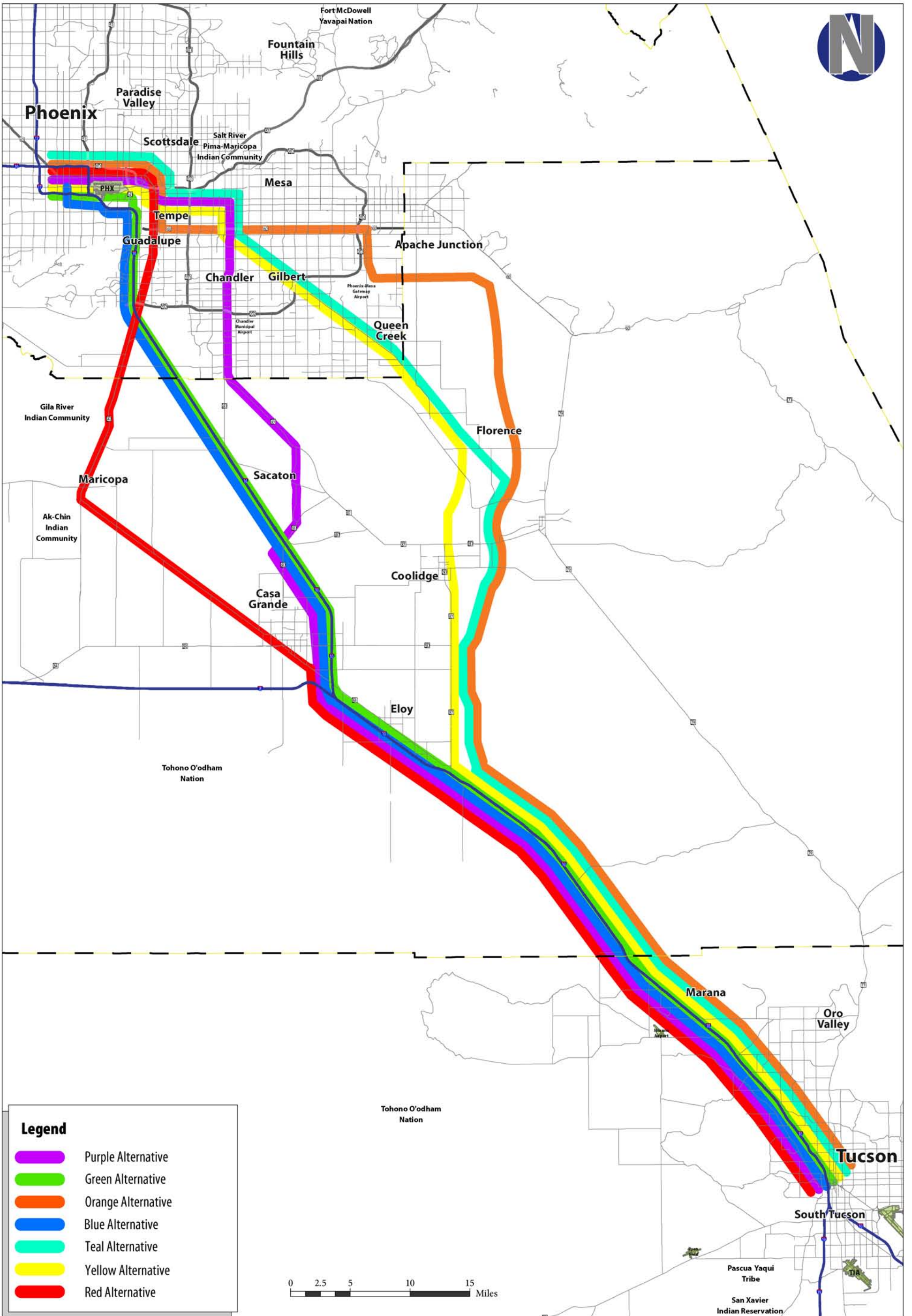
REVIEWED BY:

John Kross, Town Manager

Fredda Bisman, Town Attorney

EXHIBIT A

Map of the Seven Original Alignments
Map of the Yellow Alignment
Map of the Teal Alignment

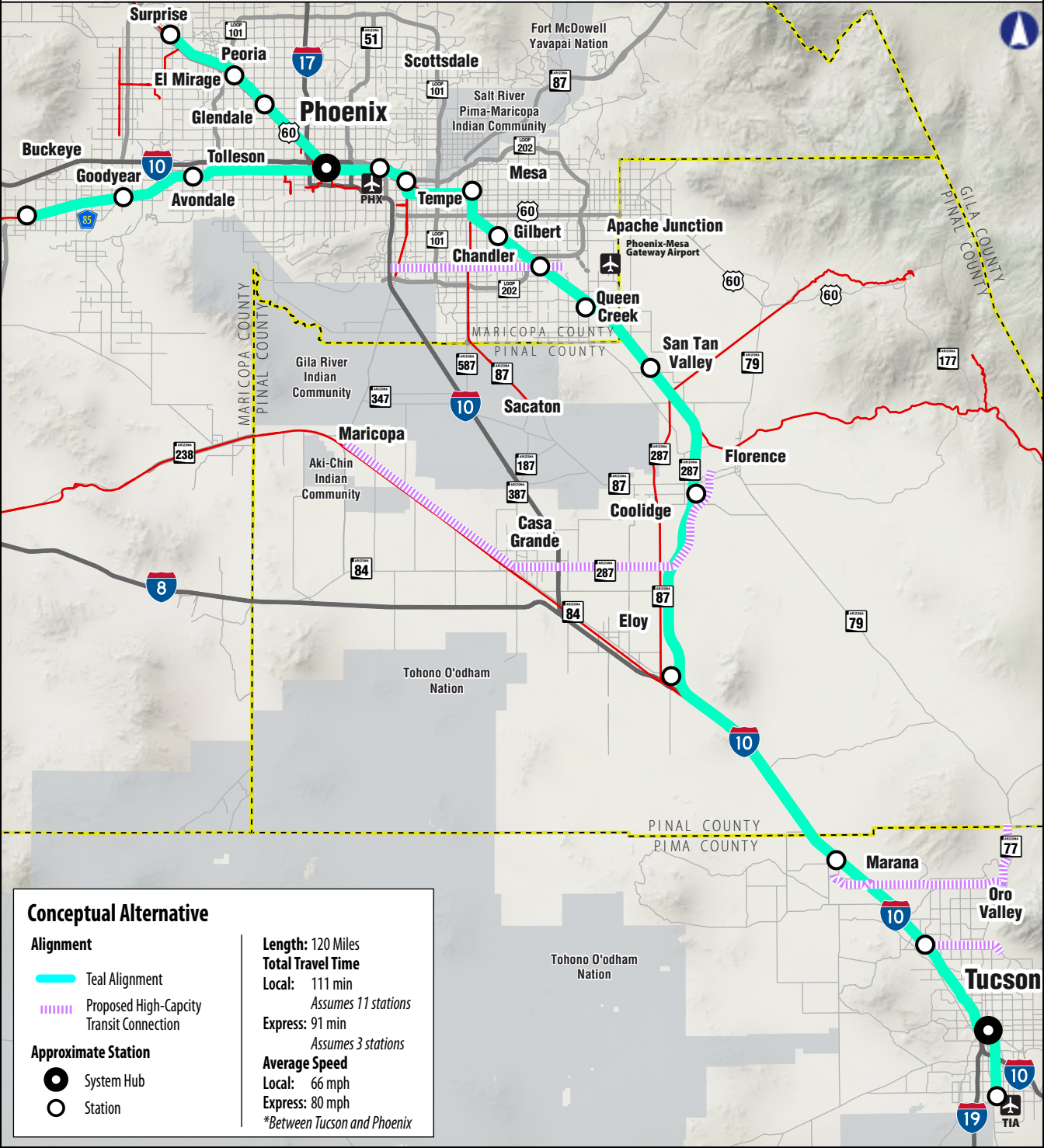


Legend

- Purple Alternative
- Green Alternative
- Orange Alternative
- Blue Alternative
- Teal Alternative
- Yellow Alternative
- Red Alternative

0 2.5 5 10 15 Miles

Description Rail alternative generally using I-10, the proposed North-South Corridor in Pinal County and the Southeast and Wellton branches of the Union Pacific Railroad, connecting Tucson International Airport, Pinal County, the East Valley, Phoenix Sky Harbor, downtown Phoenix and the West Valley, and including a link to the Northwest along the Burlington Northern - Santa Fe Railroad.



Conceptual Alternative

Alignment

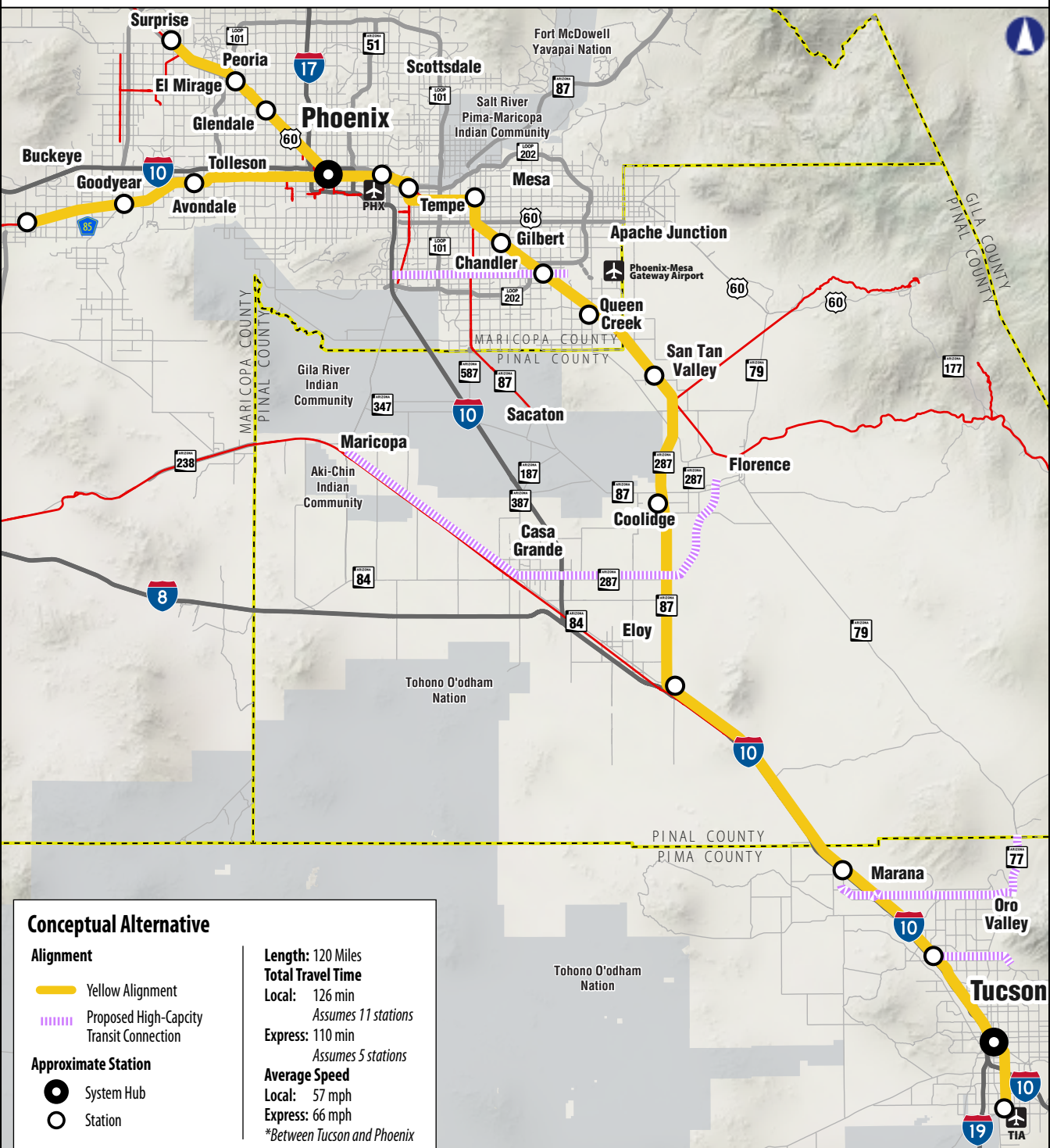
- Teal Alignment
- Proposed High-Capacity Transit Connection

Approximate Station

- System Hub
- Station

Length: 120 Miles
Total Travel Time
 Local: 111 min
Assumes 11 stations
 Express: 91 min
Assumes 3 stations
Average Speed
 Local: 66 mph
 Express: 80 mph
 *Between Tucson and Phoenix

Description Rail alternative using only Union Pacific Railroad rights-of-way connecting Tucson International Airport, Pinal County, the East Valley, Phoenix Sky Harbor, downtown Phoenix and the West Valley, and including a link to the Northwest along the Burlington Northern - Santa Fe Railroad.



Conceptual Alternative

Alignment

- Yellow Alignment
- - - - Proposed High-Capacity Transit Connection

Approximate Station

- System Hub
- Station

Length: 120 Miles
Total Travel Time
 Local: 126 min
Assumes 11 stations
 Express: 110 min
Assumes 5 stations
Average Speed
 Local: 57 mph
 Express: 66 mph
 *Between Tucson and Phoenix

