



AGENDA
Regular Session
Queen Creek Town Council

Community Chambers, 20727 E. Civic Parkway

August 5, 2020

6:30 PM

Following the recommendations from the CDC to help slow the spread of COVID-19, attendance at Town meetings is currently limited to 25 people, including members of the Town Council and staff, to maintain physical distancing. Some members of the Town Council and staff may attend electronically.

The public can continue to watch the meeting live streamed at [QueenCreek.org/Watch Meetings](https://www.queencreek.org/WatchMeetings) by selecting "video" next to the applicable meeting (once the meeting begins) or by visiting the Town's Ustream account at <https://video.ibm.com/councilmeeting>.

Public comment: in addition to attending in-person, there are two options for residents to submit public comment for the August 5 Town Council meeting:

- *Email: submit a comment to PublicComment@QueenCreek.org. Every email received will be entered into the official record. Please include your name, address, comment and note if your comment is for call to the public.*
- *WebEx Online Meeting: Using a computer, tablet or smartphone, log into the meeting through WebEx (LINK) and provide a public comment. To participate, register with your name, address and comment. View detailed at [QueenCreek.org/Watch Meetings](https://www.queencreek.org/WatchMeetings).*

Comments without identifying name and address will not be read or submitted as part of the written record.

Pursuant to A.R.S. §§ 38-431.02 and 38-431.03, notice is hereby given to the members of the Town Council and the general public that, at this Regular Meeting, the Town Council may vote at any time during the Council Meeting to go into Executive Session, which will not be open to the public, for legal advice and discussion with the Town Attorney(s) for legal advice on any item listed on the following agenda, pursuant to A.R.S. § 38-431.03(A)(3).

The Mayor or other presiding officer at the meeting may change the order of Agenda Items and/or take items on the Agenda in an order they determine is appropriate.

1. Call to Order:

2. Roll Call: (Members of the Town Council may attend electronically and/or telephonically)

3. Pledge of Allegiance:

4. Invocation/Moment of Silence:

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

A. None.

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. Committee and outside agency reports (only as scheduled)

1. Transportation Advisory Committee

7. Public Comments: *Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please address the Town Council by completing a Request to Speak Card and turn it into the Town Clerk, sending an email to PublicComment@queencreek.org by 6:30 p.m. on August 5, 2020 (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record). The Town Council may not discuss or take action on any issue raised during public comment until a later meeting. Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

8. Consent Agenda: *Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Members of the Town Council and or staff may comment on any item without removing it from the Consent Agenda or remove any item for separate discussion and consideration.*

A. Consideration and possible approval of the July 15, 2020 Regular Session Minutes.

B. Consideration and possible approval of Expenditures over \$25,000. (FY 20/21 Budgeted Items)

1. W.W. Williams - Emergency Transmission and Radiator Replacement of Fire Apparatus Shop #92: \$27,000 (Fire & Medical)

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- C. Consideration and possible approval of the reappointment of Alex Matheson, Troy Young, and Lea Spall to the Planning and Zoning Commission.
- D. Consideration and possible approval of the reappointment of Carson Brown to the GPEC Board of Directors for fiscal year 2020-2021.
- E. Consideration and possible approval of the renewal of the Intergovernmental Agreement with the Town of Gilbert for fire support services, on an as-needed basis, in an amount not to exceed \$30,000 (FY 20/21 budgeted item).

9. Items for Discussion: *These items are for Town Council discussion only and no action will be taken. In general, no public comment will be taken.*

A. None.

10. Public Hearing Consent Agenda: *Matters listed under the Public Hearing Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Please address the Town Council on any items on the Public Hearing Consent Agenda by completing a Request to Speak Card and turn it into the Town Clerk, sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

A. Public Hearing and possible action on P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension, a request by John Reddell for renewal of the previously granted Conditional Use Permit to allow continued operation of the existing Desert Horizon Nursery, located north of the northwest corner of Ellsworth and Ryan roads.

11. Public Hearings: *If you wish to speak to the Town Council on any of the items listed as a Public Hearing, please address the Town Council by sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

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- A. Discussion and possible action on Ordinance 721-20, P20-0042 Town Code Text Amendment, Vicious Animals a staff initiated text amendment to revise Section 6-2-1 Definitions and Section 6-2-9 Dogs Not Permitted at Large; Wearing License of Chapter 6 of the Town Code.

12. Final Action: *If you wish to speak to the Town Council on any of the items listed under Final Action Please address the Town Council by completing a Request to Speak Card and turn it into the Town Clerk, sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

- A. None.

13. Adjournment

Pursuant to ARS 38-431.02 notice is hereby given to the members of the Queen Creek Town Council and to general public that the Queen Creek Town Council will hold a meeting open to the public as set forth above.

I, Maria Gonzalez, do hereby certify that I caused to be posted this 27th day of July the Agenda for the August 5, 2020 Regular and Possible Executive Session of the Queen Creek Town Council in the following places: 1) Queen Creek Town Hall; 2) Queen Creek Library; 3) Queen Creek Community Center bulletin board.

Maria E. Gonzalez, CMC

The Town of Queen Creek encourages the participation of disabled individuals in the services, activities, and programs provided by the Town. Individuals with disabilities who require reasonable accommodations in order to participate should contact the Town Clerk's office at (480) 358-3000.



Requesting Department

Town Clerk

TO: HONORABLE MAYOR AND TOWN COUNCIL
THROUGH: JOHN KROSS, TOWN MANAGER, ICMA-CM
FROM: MARIA GONZALEZ, TOWN CLERK
RE: CONSIDERATION AND POSSIBLE APPROVAL OF THE JULY 15, 2020
REGULAR SESSION MINUTES.
DATE: August 5, 2020

Staff Recommendation:

Approve the draft minutes as presented.

Proposed Motion:

To approve the draft minutes as presented.

Alternatives:

Council can request revisions to be made to any of the draft minutes and approve with revisions or continue to a future meeting.

Attachment(s):

1. RS Minutes_07-15-20



MINUTES
Regular Session
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
July 15, 2020
6:30 PM

1. Call to Order:

The meeting was called to order at 6:45 p.m.

2. Roll Call: (Members of the Town Council may attend electronically and/or telephonically)

Gail Barney	Mayor	Present
Julia Wheatley	Vice Mayor	Present via WebEx
Robin Benning	Council Member	Present
Jeff Brown	Council Member	Present via WebEx
Jake Hoffman	Council Member	Present
Dawn Oliphant	Council Member	Present via WebEx
Emilena Turley	Council Member	Absent

3. Pledge of Allegiance:

Led by Mayor Barney.

4. Invocation/Moment of Silence:

A moment of silence was observed for our communities across the nation that are hurting from the pandemic.

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

A. Parks & Recreation Month

Mayor Barney read the proclamation declaring July as Parks & Recreation Month. The proclamation is part of a national initiative to recognize Parks and Recreation professionals. Mayor Barney thanked the Queen Creek team for their hard work in our community.

B. Introduction of new Chief of Police Randy Brice

Attachment: RS Minutes_07-15-20 (Minutes)

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Mayor Barney welcomed the new Chief of the Queen Creek Police Department, Randy Brice. He will officially begin as Chief on Monday, July 20. Mayor Barney outlined the Chief's qualifications and work experience and stated Chief Brice would be instrumental in establishing the culture of the department and fulfilling our goals for community-oriented policing.

Chief Brice responded via WebEx and thanked the Mayor, Council, and staff and said it is an honor to serve the residents of Queen Creek and he is looking forward to the opportunity.

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.

See attached.

- B. Committee and outside agency reports (only as scheduled)

1. None.

- 7. Public Comments:** *Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please address the Town Council by sending an email to PublicComment@queencreek.org by 6:30 p.m. on July 15, 2020 (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record). The Town Council may not discuss or take action on any issue raised during public comment until a later meeting. Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

None.

- 8. Consent Agenda:** *Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Members of the Town Council and or staff may comment on any item without removing it from the Consent Agenda or remove any item for separate discussion and consideration.*

Consent Agenda Item 8(H) was pulled for separate vote; Mayor Barney declared a conflict and recused himself.

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Council Member Hoffman commented that Consent Agenda Items (I) and (J) are both tax related items that were discussed at the last meeting and will result in tax savings for Queen Creek residents.

MOTION:	To approve the Consent Agenda minus Item H.
RESULT:	Approved. (6-0)
MOVER:	Robin Benning, Council Member
SECONDER:	Jake Hoffman, Council Member
AYES:	Barney, Wheatley, Benning, Brown, Hoffman, Oliphant
ABSENT:	Turley

- A. Consideration and possible approval of the June 3, 2020, June 17, 2020 and July 1, 2020 Regular Session Minutes.
- B. Consideration and possible approval of Expenditures over \$25,000. (FY 2020/21 Budgeted Items)
 - 1. Goodmans Inc. - Furniture Modifications - Glass Stackers for Modular Office Space: \$28,309 (Facilities)
 - 2. Sentinel Technologies - Infrastructure, Backbone Server Hardware: \$80,000 (Workforce Technology)
- C. Consideration and possible approval of the appointment of Whitney Tolle, Nanette LaBrose, Valerie Done, Patrick Camuenz, Anita Lopez, Derek Neighbors, Brian McKean and Dawn Oliphant to the Downtown Core Arts & Placemaking Advisory Sub-Committee
- D. Consideration and possible acceptance of an AZCares Fund Program grant award of \$5,842,506, and approval of a budget adjustment to State Grant Revenue of the same amount.
- E. Consideration and possible approval of a Professional Services Contract with Sisu Global for Project Management and Engineering Consulting Services in an amount not to exceed \$500,000. (FY 21 Budgeted Item)
- F. Consideration and possible approval of a Standard Design Contract with Carollo Engineers for the completion of the 2021 Comprehensive Utility Master Plan in an amount not to exceed \$756,428; and necessary budget adjustments.

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- G. Consideration and possible approval of an amendment to the project order #003 with Dibble Engineering in the amount not to exceed \$172,365 for additional design services associated with the Town Center Infrastructure Improvements, project #TC014. (FY2021 budgeted Item)
- H. Item H was moved to Items Pulled from Consent.
- I. Consideration and possible approval of Ordinance 732-20 to fix, levy and assess the Town's primary property tax for FY 2020/21.
- J. Consideration and possible approval of Ordinance 733-20 setting the secondary property tax levy for Streetlight Improvement Districts (SLID) for FY 2020/21 at \$55,992.

Items Pulled from Consent:

- H. Consideration and possible approval of the "Final Plat" for Heritage Acres, a request by Barney Farms LLC, Gail a Barney, Kenneth L. Barney, Alyn McClure & Brenda McClure, Michael Hatch & Tara Hatch, Sharon B. Arrington & Dan Arrington, Robert L. Thompson, Preston Jay Strebeck, Craig Strebeck & Kamilla Strebeck, and Austin Fair & Hayley Fair.

MOTION:	To approve the Consent Agenda Item H.
RESULT:	Approved. (5-0)
MOVER:	Jeff Brown, Council Member
SECONDER:	Robin Benning, Council Member
AYES:	Wheatley, Benning, Brown, Hoffman, Oliphant
ABSTAIN:	Barney
ABSENT:	Turley

9. Items for Discussion: *These items are for Town Council discussion only and no action will be taken. In general, no public comment will be taken.*

- A. Discussion about upcoming Founders' Day and Trunk or Treat community events.

Communications, Marketing, and Recreation Director Marnie Schubert discussed upcoming community events and explained the significant amount of advance planning that is required. She introduced a proposal to re-imagine Town events during these uncertain times. She said the staff is working on ideas that would engage the community and local businesses in a new way. She said we have an opportunity to hold multi-day events that can be extended over several weeks.

Attachment: RS Minutes_07-15-20 (Minutes)

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Council thanked staff for their creativity and were thankful that events would not be canceled completely. They thought it was a good alternative to give the community and businesses an opportunity to celebrate two of our more popular events.

- 10. Public Hearing Consent Agenda:** *Matters listed under the Public Hearing Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Please address the Town Council on any of the items on the Public Hearing Consent Agenda by sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

MOTION:	To approve a Series 4 Wholesaler Liquor License application submitted by Nathaniel Gorrocino on behalf of OG Distributors, 22500 E Creosote Drive, Queen Creek, AZ 85142.
RESULT:	Approved unanimously. (6-0)
MOVER:	Jake Hoffman, Council Member
SECONDER:	Julia Wheatley, Vice Mayor
AYES:	Barney, Wheatley, Benning, Brown, Hoffman, Oliphant
ABSENT:	Turley

- A. Public Hearing and possible approval of a Series 4 Wholesaler Liquor License application submitted by Nathaniel Gorrocino on behalf of OG Distributors, 22500 E Creosote Drive, Queen Creek, AZ 85142.

The public hearing was opened. No comments were received by the public and the public hearing was closed.

- 11. Public Hearings:** *If you wish to speak to the Town Council on any of the items listed as a Public Hearing, please address the Town Council by sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

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- A. Public Hearing and possible action on Ordinance 734-20, Case P19-0251 Ellsworth Ranch PAD Rezone, a request from Shaine Alleman, Tiffany and Bosco, P.A.A, on behalf of Taylor Morrison, for a PAD Rezone of approximately 190.4 acres from R1-43 and R1-18 to R1-12/PAD, R1-7/PAD, and R1-5/PAD to allow for future residential development, located at the northwest corner of Chandler Heights and Ellsworth roads.

Interim Planning Administrator Erik Swanson recognized Kyle Barichello, Senior Planner as the project manager for his work on this item. Mr. Swanson gave an overview of the project including site location; land use category; density; and existing and proposed zoning. He discussed the surrounding properties in detail and noted the proposed project zoning was compatible with the area.

Mr. Swanson said the project received approval from the Planning & Zoning Commission (P&Z). He discussed public outreach and neighborhood participation and said P&Z heard over fifty different responses in the form of speakers or written comments relating to density, traffic and congestion. He presented a map that outlined opposition and support, based on addresses from neighboring communities. The Montelena community had 401 signed petitions in support of the project as proposed by Taylor Morrison, without the Via De Jardin connection. The Pecans community had 235 signatures opposing the project.

Public Works Director Troy White presented information on the traffic component of the project. He said that Taylor Morrison submitted two separate Traffic Impact Analysis (TIA) examining traffic patterns: one excluding a Via De Jardin connection and one if Via De Jardin was connected. The Town's traffic engineers reviewed the analysis multiple times in detail and had no concerns with the developer's plan without the Via De Jardin connection. However, based on all the opposition, Mr. White said the Town hired an independent third party study to specifically examine the Via De Jardin connection.

Mr. White reviewed the analyses and provided information on traffic counts and traffic circulation at build-out. He discussed the arterial road network and explained how traffic counts onto Chandler Heights and Ellsworth roads varied and how the numbers changed with each proposal. With the connection there was a decrease on Chandler Heights, but he said what you notice is the increased traffic onto Ellsworth Road and the impact this has on the traffic signal on Ellsworth with the additional traffic. He said at build-out Chandler Heights and Hawes roads will be five lane arterial streets and Ellsworth Road will be seven lanes.

Mr. White concluded that from a transportation perspective there were no concerns with the proposal without the connection at Via De Jardin for capacity or impact on the arterial roadway system. He added that the biggest complaint they receive is speeding on collector roads which are often used for a quick cut through.

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Shaine Alleman, Tiffany and Bosco, P.A.A. on behalf of Taylor Morrison presented an overview of the project. He said the project zoning and density was consistent with surrounding areas and they provided adequate transition to areas outlined in the General Plan. Mr. Alleman discussed the public outreach that was done throughout the entire project and said they had the support of the Montelena subdivision. He said that the feedback received from the Pecans community was valuable and allowed them to improve the plan.

Mr. Alleman summarized plan details and adjustments made by Taylor Morrison based on community feedback as follows:

- Lot types were simplified
- Added larger lots near Pecans to create buffers
- Doubled the landscape buffers on Chandler Heights Road
- Added multi-use trail
- Increased the number of parks from three to four
- Trail connectivity with Town Center and the wash
- Quality amenities and parks; clubhouse and community areas are accessible to all neighborhoods in the development
- Created an enhanced community entrance on Chandler Heights Road across from the Pecans

Mr. Alleman discussed the traffic analysis that was performed and reviewed traffic counts, road capacity, and the road improvements that will be made by the developer. He introduced Dawn Cartier, traffic engineer from CivTech, who presented a video that showed simulated traffic flow patterns at peak traffic hours on Chandler Heights Road. She said the developer will complete the 5 lanes on Chandler Heights which will improve on what is there today and double the capacity of the road.

Mayor Barney opened the Public Hearing and offered 10 minutes for the two representatives that attended in person on behalf of Montelena and The Pecans.

- Lonnie McCleve, representing the Pecans as the Declarant and the Homeowner's Association spoke in opposition of Case P19-0251. He addressed traffic and safety concerns and reported findings from their own consultant which was hired by the Pecans. He discussed the Subdivision Public Report which addresses Via De Jardin as a future collector street to serve Montelena and he said it was always intended on going through. He questioned the rezone process and was concerned on the impacts on safety and the amount of traffic exiting onto Chandler Heights Road.

Mr. McCleve introduced Independent Traffic Engineer for The Pecans, Thomas J. Chlebanowski, from Top Cat Professional Engineering. Mr. Chlebanowski gave a brief

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background of his experience working for various cities. He addressed findings from the Town's third party report in regards to fire station response times and travel delays to residents if Via De Jardin is not connected. He said the connection will result in better travel time and air quality and he discussed future growth projections.

- Anthony DelCorsano, Montelena HOA Board President, spoke on behalf of Montelena in favor of Case P19-0251. He recognized the changes the developer made in relation to home size; setbacks; buffers and amenities. Mr. DelCorsano expressed concerns for child safety if Via De Jardin is connected. He said that Montelena does not want a major street going through the center of their community and prefers that each community have their own roads. He concurred with the Town's analysis of the plan.

Additional public comments were received by email (attached); however two were read by Assistant Town Manager Bruce Gardner as requested.

- Amy Frazer, Pecans HOA President, submitted an email in opposition to the project. She requested that Council postpone the vote in order to send the case back to the Planning & Zoning Commission.
- Vincent Quella, 22565 S. 204th Street, Queen Creek submitted an email in opposition to the project.

The Council recognized the concerns of both neighborhoods and discussed details of the traffic analysis, landowner property rights, trail safety, and public safety response times. The Council discussed zoning requirements and appreciated the improvements to the plan that were made by Taylor Morrison throughout the zoning process.

MOTION:	Motion to approve Ordinance 734-20, Case P19-0251 Ellsworth Ranch PAD Rezone, subject to conditions of approval.
RESULT:	Approved (5-1)
MOVER:	Jeff Brown, Council Member
SECONDER:	Robin Benning, Council Member
AYES:	Barney, Wheatley, Benning, Brown, Oliphant
NAYS:	Hoffman
ABSENT:	Turley

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12. Final Action: *If you wish to speak to the Town Council on any of the items listed under Final Action, please address the Town Council by sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

A. None.

13. Adjournment

The meeting adjourned at 8:55 p.m.

TOWN OF QUEEN CREEK

 Gail Barney, Mayor

ATTEST:

 Maria Gonzalez, Town Clerk

I, Maria Gonzalez, do hereby certify that to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the June 17, 2020 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on August 5, 2020.

Council Committee Reports

- 07/02 – Filming for HPEC Phase 2 Video (Barney)
- 07/08 – White House COVID-19 Briefing Call with State, Local, and Tribal Officials (Barney)
- 07/08 – Meeting with QCUUSD Superintendent Dr. Berry (Wheatley)
- 07/08 – Pinal County Transit Governance Study Workshop (Bennir)

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Fwd: Rezoning of property at NW corner of Chandler Heights and Ellsworth Loop.

Bruce Gardner <bruce.gardner@queencreek.org>
To: Maria Gonzalez <maria.gonzalez@queencreek.org>

Wed, Jul 15, 2020 at 1:39 PM

----- Forwarded message -----

From: **John Kross** <john.kross@queencreek.org>
Date: Wed, Jul 15, 2020, 1:36 PM
Subject: Fwd: Rezoning of property at NW corner of Chandler Heights and Ellsworth Loop.
To: Brett Burningham <brett.burningham@queencreek.org>
Cc: Bruce Gardner <bruce.gardner@queencreek.org>

John Kross, Town Manager, ICMA-CM | Town of Queen Creek | Phone: 480.358.3905 | 22358 S. Ellsworth Road, Queen Creek, AZ 85142 | Office hours: Monday - Thursday, 7 a.m. - 6 p.m., closed on Friday

----- Forwarded message -----

From: **Bradley Johnson** <brjohn2020@gmail.com>
Date: Wed, Jul 15, 2020 at 1:30 PM
Subject: Rezoning of property at NW corner of Chandler Heights and Ellsworth Loop.
To: <towncouncil@queencreek.org>

Hello Town Council,

I am writing as a concerned citizen of the town of Queen Creek regarding the proposed rezoning of the reference property. As the regulations for the town's Zoning Procedures, I just wanted to point to the section of those procedures as a reference point. Article 3.4 -E (April 1, Article 3 page 15) that outlines the approval criteria..."Town Council shall consider the following questions, **at a minimum**, in reviewing an application for a rezone:". When looking at the 11 questions, at a minimum, most would be answered as **no**., especially for questions 1,3,4, 5,8 and 9.

This is a rezone application, wherein the proposal for rezone looks nothing like the original zoning plan for this property. Many citizens moved into Queen Creek understanding and believing that this property was zoned as a low density classification and every current surrounding development was constructed as such with the understanding of the current classification. I am not seeing this rezone application as benefiting the community, which I see as the most important question. We hope you do as well,

Under the General Provisions Section 1.2- Purpose. Please re-read that statement and ask if this re-zone actually accomplishes all of the statement's objectives, as section 1.2 was just updated in the Zoning Ordinance April 2020.

Brad and Michelle Johnson
20624 E Via De Arboles

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Taylor Morrison Development Ellsworth/Chandler Heights

1 message

Cherie Gores <cherie.gores@gmail.com>
To: publiccomment@queencreek.org

Wed, Jul 15, 2020 at 9:24 AM

Dear Town Council;

I am strongly opposed to the Taylor Morrison planned community on the northwest corner of Chandler Heights and Ellsworth road and would like my comments to be entered into the official public record.

In addition to the fact that The Pecans, a beautiful neighborhood that is a gem for Queen Creek is mostly bordered by "like" housing or property and not densely populated neighborhoods, I also have the following concerns:

Traffic Congestion

As a resident of The Pecans, we are highly impacted by the traffic congestion on a daily basis as we try to exit and/or enter our neighborhood from 2 different access points. ALA Traffic on the West (Hawes), and continuous east/west traffic on Chandler Heights. Adding 450 houses with only 2 access points to the NEW neighborhood will greatly increase congestion in this area. I fear the dramatic increase in traffic in an already heavily congested area, will lead to more accidents, injuries, and fatalities. I don't believe the traffic study discussed at the Planning Meeting accurately reflects the true conditions in this area.

Petition Representation

During the planning meeting on June 10, the Taylor Morrison presented noted multiple times that petition support from Montelena was stronger than the Pecans. Please note, there are twice as many households in this neighborhood versus the Pecans, so this should not be a strongly weighted factor in the decision to approve this proposed housing development. Furthermore, the strong support by Montelena is only on the condition that Via Del Jardin not become a connecting road between the two developments, which the developer acquiesced to.

School Board Representation

Although mentioned in passing, but not specific, where is the affirmative support from Queen Creek School Board that the school system? With only 2 elementary schools in this area, can the system absorb this many new families?

Thank you for your consideration for not approving this new plan by Taylor Morrison.

Sincerely,

Cherie Baxley-Gores

Kindest Regards,
Cherie

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Taylor Morrison Ellsworth Ranch Pad Rezone

1 message

'Kimberly Graff' via publiccomment <publiccomment@queencreek.org>

Mon, Jul 13, 2020 at 7:57 PM

Reply-To: Kimberly Graff <kgraff6@icloud.com>

To: PublicComment@queencreek.org

We moved to Queen Creek 9 years ago this month. We loved the country feel of Queen Creek and how it was not super crowded. We loved it so much we decided to build in The Pecans on Chandler Heights across from the proposed entrance/exit of the Taylor Morrison development. Over time, we have seen Queen Creek grow up with lots of new housing developments and businesses. While development is a great thing, it can also be a bad thing. The traffic in Queen Creek has become bad over the years. Sometimes, it is very hard to get out of the Pecans onto Chandler Heights because the traffic can be so brutal, especially when school is in. Now with this proposed development, it will be unbearable and dangerous. It was supposedly zoned for a certain amount of houses from my understanding and then increased from there to 450 homes. That will be an estimated additional 900+ cars that will be using Ellsworth and Chandler Heights as entrances and exits. Obviously that will increase already bad traffic as well as be dangerous for everyone that lives in the vicinity. We are totally opposed to this housing development. Why don't we stick to the original zoning with less houses and bigger lots? We realize this is all about money. The builders do not live here and obviously don't care what impact the increased amount of houses will have on our community. We've always loved Queen Creek because of these fields and open areas. Obviously we are sad that a housing development is going there. We hope that the city will not cave and rezone this development for more houses. Queen Creek will lose it's small town feel with the development of this project. Montelena is caving because with their support, they are hoping their neighborhood's street Via Del Jardin will not be used as an entrance or exit. Please keep Queen Creek the great town that it is by not allowing so many houses to go in. If 450 houses are approved, with Chandler Heights is an entrance and exit across from us, we will consider moving. We moved here to get away from all the traffic and have space. This proposed development the way it is, will be a total nightmare! Please please please consider lower density as it was originally zoned for.

Thanks for your consideration,

Jonathan & Kim Graff
20401 Via De Palmas
Queen Creek, AZ 85142

Sent from my iPhone

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Call to the public

Hendrix Gross <lg75az@gmail.com>

Wed, Jul 15, 2020 at 2:08 PM

To: "PublicComment@QueenCreek.org" <PublicComment@queencreek.org>

My name is Hendrix Gross. I live in Queen Creek at [21922 e. Rosa Rd 85142](#). I wanted to say I'm opposed to the 190+ acres to be sold for over 400 homes to be built on. I've lived in Queen Creek for 20 years and it seems like we always have a problem with keeping up with the infrastructure to support the amount of people and then you add the San Tan traffic on top of that. This will just compound to the problems that already exist. Didn't make sense!

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Taylor Morrison Ellsworth Ranch PAD Rezone (P19-0251)

Brian Hanson <brianhanson710@gmail.com>
To: publiccomment@queencreek.org

Wed, Jul 15, 2020 at 7:21 AM

I am in favor of the city moving the project forward. I am responding to a notice received yesterday. Please add to the record.

Respectfully

Brian Hanson
23157 S 202nd St
Queen Creek Az 85142
(Montelena)

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Proposed Taylor Morrison Ellsworth Ranch PAD Rezone (P19-0251)

'Jesse Johnson' via publiccomment <publiccomment@queencreek.org>

Wed, Jul 15, 2020 at 4:43 PM

Reply-To: Jesse Johnson <jjohnson@ltsolutions.com>

To: "PublicComment@queencreek.org" <PublicComment@queencreek.org>

To whom it may concern,

My name is Jesse Johnson. I bought my lot in the Pecans in September 2017. My family and I officially moved in June to this beautiful community. I understand the need for this land to be developed however selfishly I enjoy the view of the farm land and mountains when I pull onto Chandler Heights.

What I don't understand is the number of units in the proposed site plan. I sat on the last call and not one person from Montelena said they approved the numbers of proposed units. They only approved if the project didn't run through Via del Jardin. That's a valid concern as it sounds like it would impact the safety of that community. I guess what I don't understand is why isn't the safety of the Pecans being taken into consideration as well. As I mentioned earlier, I just recently moved here however have been in this area for the past 10 years. Ellsworth road traffic is an absolute nightmare. My house backs the USA gym and my wife and I hear tires screeching on a regular basis. There doesn't seem to be anything in this plan to address this concern. I would implore anyone on the council to try and navigate a left hand turn onto Chandler Heights coming out of the pecans in the morning. Making this a four lane road and adding the proposed volume in traffic is going to cause several fatalities for years to come.

I'm all for the growth and prosperity of Queen Creek however why does it have to be on such a scale that puts its community in harms way?

Thanks for your consideration

Jesse

Jesse J. Johnson | *Director of Sales*

LTI Technology Solutions | Office: 402.281.4829 | Mobile: 914.562.3362



Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

TAYLOR MORRISON

1 message

Debbie McCleve <eibbed@cox.net>
To: PublicComment@queencreek.org

Tue, Jul 14, 2020 at 3:59 PM

Montelena residents were made aware of the road via del Jardine going through one day.IT IS IN THE PUBLIC REPORT. It is of utmost concern to me for the safety of the children to eliminate the excess traffic that will be introduced by this new development.

It is my understanding that Taylor Morrison will not cooperate in any way for adjusting their site to alleviate this problem. I would plead with the council to reconsider the plans as they stand right now and put the by pass roadway through as originally intended or change up Taylor Morrisons high density community.

Perhaps someone in the council should park their car on Chandler Hts when school is in session. Its a huge line up of vehicles and children running everywhere, both morning and afternoon.Ellsworth is already a nightmare,Queen Creeks number 1 problem that the Mayor and council should take note of. (And you want to approve easily 1,000 more vehicles..Its your legacy...Its happening now on YOUR watch.

Thank you
Debbie

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Call to the public

Jessy Palmer <jrpamo01@gmail.com>
To: publiccomment@queencreek.org

Wed, Jul 15, 2020 at 5:27 AM

Hello my name is Jessy Palmer and my address is [24487 s. 197th pl. Queen creek AZ. 85142](#) .

I would like to address the issue of these massive residential communities popping up everywhere. Most people live out in Queen Creek to get away from the congestion and crime of big cities. We need to stop massive residential builders from destroying our city . Please help and tell our elected officials we the people of Queen Creek enjoy the simple small town life and not the over congested city life . It is there job to represent us residents and if they dont we need to let them know during election time. Thank you for your time ,
Jessy Palmer

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Via Del Jardine Opposition

Jasonpurvis@gmail.com <jasonpurvis@gmail.com>
To: publiccomment@queencreek.org

Tue, Jul 14, 2020 at 4:25 PM

I am a homeowner in the Montelena Community and a Business Owner in Queen Creek. When I purchased my home in Montelena two years ago, I did so because it was a quiet community in the middle of Queen Creek. My family enjoys the walkability of the neighborhood and we often take bike rides through the community. Soon, my oldest will be driving and I like to know that he has a safe drive through our neighborhood and to the main roads.

I am entering my opposition to opening Via Del Jardine to Ellsworth Ranch. I have lived in many parts of the country and seen other communities have this happen to them. It changes everything about the existing community and turns a quiet neighborhood into a main thoroughfare with increased vehicles, more incidences of speeding, lower property values, and takes from current homeowners important features that brought them to Montelena.

Ellsworth Ranch is a new Community and does not require the opening of Via Del Jardine. When someone buys a new home in Ellsworth Ranch, they understand what they are accepting in regards to their entrances and exits. Keeping Via Del Jardine closed to Ellsworth Ranch will not have an impact on their community or homeowners. It will not have an affect on their property values. The only impact is on Montelena residences.

As for the impact on The Pecans and their residents, the existing roads outside of The Pecans were designed for higher traffic patterns and are already pre-designed main thoroughfares. Via Del Jardine cuts through the Montelena community and was never intended to be a main thoroughfare for anyone but Montelena residents. Adding traffic to existing main thoroughfares will have a very low impact, if any at all, on The Pecans residents. Taking on additional traffic to the roads surrounding The Pecans is the natural design of our town. The added traffic does not pose any safety issue to The Pecans and does not interrupt the serenity of their community. The Pecans community and what compelled their residences to choose The Pecans is completely protected.

Please carefully consider your decision on this matter. Ellsworth Ranch is not impacted by this decision. The Pecans will experience little to no impact by this decision. Only the residents of Montelena, and their quality of life, safety, home values, and potentially more is heavily impacted by this decision. Thank You in advance for your understanding and support.

Sincerely,

Jason Purvis
Owner/Operator
Chick-fil-A
803-239-8888

Sent from my iPhone

Attachment: RS Minutes_07-15-20 (Minutes)



Terry Diamond <terry.diamond@queencreek.org>

Pecans opposition to Taylor Morrison development on Chandler Heights and Ellsworth Roads

1 message

Kevin Stineman <kstineman@glenarum.com>

Wed, Jul 15, 2020 at 5:05 PM

To: "PublicComment@queencreek.org" <PublicComment@queencreek.org>

I agree with the serious safety and other concerns being presented by the Pecans HOA and its homeowners. Please do NOT permit the rezoning request to allow cram-packing so many homes into this current zoning plan. The homes should be 1/2 acre+ as currently zone.

Please do not ruin the quaintness of this BEAUTIFUL section of Queen Creek just for a relatively little bit of extra tax revenue. The safety of our children and the worsening of the already terrible traffic problems in this area is far too important!

Thank you.

Kevin M. Stineman, Esq.

Chief Claims Officer | **Hannover Re Services USA, Inc.**, 500 Park Blvd., Ste. 825, Itasca, IL 60143 | Tel: 602-793-1076, kstineman@glenarum.com, www.hannover-re.com

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Fwd: Opposition to and concerns related to Agenda Item 11A

Bruce Gardner <bruce.gardner@queencreek.org>
To: Maria Gonzalez <maria.gonzalez@queencreek.org>

Wed, Jul 15, 2020 at 2:08 PM

----- Forwarded message -----

From: **Missy Gunter** <missy.gunter@queencreek.org>
Date: Wed, Jul 15, 2020, 2:02 PM
Subject: Fwd: Opposition to and concerns related to Agenda Item 11A
To: Bruce Gardner <bruce.gardner@queencreek.org>

FYI...

Missy Gunter
Management Specialist

☎ (480) 358-3905

📱 (480) 271-5741

✉ missy.gunter@queencreek.org

22358 S Ellsworth Road, Queen Creek, AZ 85142
Office Hours: Monday – Thursday, 7 a.m. – 6 p.m., closed on Friday



----- Forwarded message -----

From: **'Lynnette Wettstein'** via towncouncil@queencreek.org <towncouncil@queencreek.org>
Date: Wed, Jul 15, 2020 at 2:00 PM
Subject: Opposition to and concerns related to Agenda Item 11A
To: <towncouncil@queencreek.org>

Dear Town Council,

As business owners in and residents of Queen Creek for 7 years, we are pleased to participate in this process of expressing our thoughts and concerns about Agenda Item 11A. It is our understanding that a development is planned for and being discussed for Ellsworth Ranch, at the corner of Ellsworth Rd and Chandler Heights Rd, to be developed by Taylor Morrison.

We recognized that the time would come that this land will be developed and we are NOT expressing our opposition to the development of the property. However, we are NOT in support of the request to rezone to a higher density than any of the surrounding areas and we are NOT in support of this planned development to only have two entrances and exits.

It is our understanding that the Town is going against its own general plan by increasing the zoning to R1-5 as part of this development. The closest neighborhood with the highest zoning is R1-7. There is no reason for the planning and zoning committee to approve a rezoning of this property to R1-5. We feel this will create a high-density "feel" to this central and large area of the Town of Queen Creek. In addition, the volume of traffic will increase substantially and will create congestion that will be difficult and unsafe in this area. Anyone who drives this area currently is well aware that the traffic light timing is not great, and that the line to turn from Chandler Heights onto Ellsworth at prime times such as during school drop off times and after school is very significant. There are not any easy or suitable alternatives due to school zones around Hawes and Chandler Heights and so drivers spend very long waits at the light and the line causes

congestion in and out of the neighboring housing developments as well as schools, churches, and even the QCUSD administration building and pool. It is VERY congested during prime hours and adding such high density housing in this area will only contribute to this problem. Even with a lane increase in this area, the traffic will be significantly congested and unsafe.

It is our opinion that the acceptability of the traffic flow and rate presented but the developer of this project Taylor Morrison is faulty and does not factually represent the current growth rate and should be dismissed as inaccurate or unacceptable. It simply does not represent reality for current drivers and residents of this area and how this development will impact this area.

We also oppose this development as currently proposed due to the limited entrances. There seems to be no viable explanation for why a road extension would not be placed through Montelena and that as a neighboring community, why they would not also shoulder some of the traffic. As it is currently proposed, so much of the traffic is forced onto Chandler Heights that it seems silly, and frankly, odd. It is our understanding that Montelena residents knew of, and even expected a road extension at a future time period. Why the Town would not utilize this to reduce traffic flow and would allow all traffic to be forced through minimal entrances/exits is difficult to understand. It is unsafe for the actual residents of this new development in terms of ability for emergency personnel to reach all areas of the development quickly and easily, and it is unsafe and unacceptable to the neighboring communities to bear the brunt of the new development while Montelena shares none of the burden. To exclude Montelena from any traffic burden responsibility seems irresponsible and inequitable.

We recognize that Montelena has hired legal opposition to this road extension and clearly they benefit from not having it built, but that should NOT be a factor in making the best decision for ALL residents of the Town of Queen Creek, including all of the other neighboring residents of this proposed development.

Again, we recognize that it is a foregone conclusion that this land will be developed and we are not in opposition to development. But we think smart and responsible development includes planning for the consequences of that development. The high density rate as currently proposed will cause significant increases in traffic congestion which we feel are irresponsible to the residents of this Town and unsafe to the residents that will occupy this future development.

We feel that the Town Council should not approve this development. It should be sent back to the Planning and Zoning commission for further review for a modified plan that takes into account current growth rates and traffic flow and more equitably and safely enables this development to be a great addition to our Town rather than a source of difficulty and safety hazards.

We believe in the members of this Town Council. In our interactions with them personally and professionally, we are grateful to be represented by council members who have demonstrated a true desire to grow and improve Queen Creek in a responsible way and to serve their constituents. We love this community and truly hope that the best decision will be made on this issue for the benefit of ALL residents of Queen Creek.

Best regards,

Kelly & Lynnette Wettstein
23968 S 203rd Ct
Queen Creek, AZ 84512

Director of Operations
Affinity Dental, Queen Creek
480.249.0499 mobile

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Maria Gonzalez <maria.gonzalez@queencreek.org>

Taylor Morrison development

Frank Whitman <abwhitman@att.net>
To: publiccomment@queencreek.org

Tue, Jul 14, 2020 at 6:27 PM

Frank Whitman
20144 E Melissa Pl
Queen Creek, AZ 85142
(The Pecans)

Dear Town Council,

After sitting through two prior meetings regarding the Taylor Morrison development one thing became overwhelmingly apparent to me, the residents of Montelena had not only been bribed but they had been coached on what to say. I listened as resident after resident of Montelena said the same thing almost word for word, "We support the development 100% so long as Via del Jardin is not developed." These residents had no concern whatsoever of the major traffic impact and safety concerns that the development created so long as their self-serving desires regarding Via del Jardin were met. While fully understanding why they do not want this road development, I was personally disgusted with their lack of integrity and concern for the city as a whole.

I listened as so-called traffic experts, paid by Taylor Morrison, told us that Ellsworth Loop was at one-third traffic capacity and could easily handle the additional traffic that this development would create. This is a road that is already so overly-congested that most people avoid it at all costs during rush hour times. Apparently the 45 minutes it takes to go 4 miles to get to the freeway is both reasonable and acceptable in these people's minds. This is prior to any added development and without any construction concerns. I feel that these experts have prostituted their opinions and I challenge their conclusions.

The area proposed for development is surrounded by the prime properties of Queen Creek. Taylor Morrison alleges that their development is in-line with the surrounding areas but that is a lie. They would be putting high-density housing smack in the middle of much larger and more impressive properties, which will cause devaluation and ultimately hurt the city of Queen Creek.

There are major safety concerns due to the extensive traffic that this development would add onto Chandler Heights. Because all schools are west of Ellsworth Loop, every child being driven or driving to school from the development will all exit onto Chandler Heights at approximately the same time period. It will make it almost impossible for the residents of The Pecans to exit and go west. Taylor Morrison's traffic surveyors would like us to believe that the hundreds of cars added to westbound Chandler Heights will pose no additional threat to the two schools west of the development. How could it not and how could anyone trust their survey when it is so obviously flawed?

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

Fwd: AGENDA ITEM 11A

Bruce Gardner <bruce.gardner@queencreek.org>
To: Maria Gonzalez <maria.gonzalez@queencreek.org>

Wed, Jul 15, 2020 at 10:51 AM

----- Forwarded message -----
From: **Brett Burningham** <brett.burningham@queencreek.org>
Date: Wed, Jul 15, 2020 at 10:44 AM
Subject: Fwd: AGENDA ITEM 11A
To: Bruce Gardner <bruce.gardner@queencreek.org>

FYI

Brett Burningham, AICP | Development Services Director, Development Services Department | Town of Queen Creek |
phone: 480-358-3097 | e-mail: brett.burningham@queencreek.org |
[22358 S. Ellsworth Road, Queen Creek, AZ 85142](http://22358.S.EllsworthRoad,QueenCreek,AZ85142) | www.queencreek.org Office hours: Monday – Thursday, 7 a.m. – 6 p.m., closed on Fridays



----- Forwarded message -----
From: **Jeff Brown** <jeff.brown@queencreek.org>
Date: Wed, Jul 15, 2020 at 10:42 AM
Subject: Fwd: AGENDA ITEM 11A
To: Brett Burningham <brett.burningham@queencreek.org>

Pls add to public record

Jeff Brown, Council Member | Office: 480.358.3905 | Fax 480.358.3909 | [22350 S. Ellsworth Road, Queen Creek, AZ 85142](http://22350.S.EllsworthRoad,QueenCreek,AZ85142) | www.queencreek.org | Office hours: Monday - Thursday, 7 a.m. - 6 p.m., closed on Fridays.

----- Forwarded message -----
From: **amy frazer** <amylynnfrazer@gmail.com>
Date: Wed, Jul 15, 2020, 10:17 AM
Subject: AGENDA ITEM 11A
To: <towncouncil@queencreek.org>

Dear Town Council,

I would like added to the public record that the Pecans HOA has retained an independent traffic engineer to review the current data and we have asked for an extra allotment of time at this evenings meeting in order for him to present his findings. It is discouraging to receive a rejection of our request. As a Council Board representing our entire Town, it is alarming you would not only alot the time but welcome any relevant information to make an informed decision when it comes to this type of impact to our Town. This is especially so as some of the significant points determined by the engineer deal with real safety issues presented by the proposed plan.

Attachment: RS Minutes_07-15-20 (Minutes)

We are disheartened, we feel unheard, under represented and pushed aside. We are very disappointed in our elected officials. We were told that and Mayor Barney made the decision to "shut down our request" to have the expert engineer speak for us at the hearing and be allowed an extra 10 minutes. In light of the rest of us being shut out of the hearing because of the Town's protocol for covid 19, it seems arbitrary and capricious to not allow this to occur to provide all the town with the needed information. We demand better from all of you and want this to be added to the public record and read aloud at tonight's meeting.

Sincerely,

Amy Frazer

Pecans HOA Board President, on behalf of 250 plus homeowners in our community, as well as all members of a Pecan Lane and Paseo De Pecans communities.

--

Bruce Gardner

Assistant Town Manager

p: (480) 358-3200

m:(480) 283-7861

e: bruce.gardner@queencreek.org



22358 S Ellsworth Road, Queen Creek, AZ 85142

Office hours: Monday – Thursday, 7 a.m. – 6 p.m., closed on Fridays



E-mails generated by council members, members of Town commissions and committees and by staff and that pertain to Town business are public records. These e-mails are preserved as required by law and generally are available for public inspection. E-mail correspondence is regularly reviewed by members of the public, media outlets and reporters. To ensure compliance with the Open Meeting Law, members of the Town Council, Commissions and Committees should not forward or copy e-mail correspondence to other members of the Council, boards or commissions and should not use reply all when responding to this message. Any questions should be directed to the Town Attorney: (602) 285-5000.

Attachment: RS Minutes_07-15-20 (Minutes)



Maria Gonzalez <maria.gonzalez@queencreek.org>

RE: July 15, 2020 TOWN COUNCIL HEARING

C. Vincent Quella III <cvq3@qwerque.com>
 To: publiccomment@queencreek.org
 Cc: "C. Vincent Quella, III" <cvq3@qwerque.com>

Tue, Jul 14, 2020 at 11:55 AM

Please read the following at the 15 July, 2020 Town Council public hearing.

Subject – Ellsworth Ranch

Taylor Morrison is “demanding” that you approve the plan with a known “trap” AND accept all liability for the injuries and deaths of children that result. The current plan intentionally and knowingly places children going to/from schools and parks in a “trap” that most likely will lead to a child being severely injured or killed. Taylor Morrison designed the plan, had negative feedback in November identifying the issue, and has not eliminated the “trap”. I recently talked with a Taylor Morrison Vice President knowledgeable with the plan and she agreed children were expected to use the horse trail precisely as it was earlier described in correspondence to each of you. When asked about the liability she said once the Town approves the plan Taylor Morrison had no liability, that the Town accepts the liability upon voting for the plan. Taylor Morrison knowingly is willing to intentionally sacrifice children on their way to/from school and the parks. I really don’t care what else is in the plan or how they got this through Zoning and Planning, that ask is inappropriate, unethical and immoral. Vote against the plan.

The trap you are being told to approve creates a substantial liability as there may be multiple children injured during a single event, thus mega-million liabilities. Does Taylor Morrison expect Queen Creek residents to pay the liability through increased taxes? Ask Taylor Morrison to assume the liability in full, when they won’t, it confirms the issue and liability. If there was no issue or liability Taylor Morrison should agree to hold Queen Creek residents harmless for their plan deficiencies.

Rumor has it, Taylor Morrison fired the attorneys we initially met with as they were too sympathetic with the many issues identified by residents, so they hired attorneys with more clout over the Town, to ensure no changes would be made. If you have received “benefits or favors” from Taylor Morrison or their representatives, you should reclude yourself from this vote. Please affirmatively dispel those rumors as inaccurate and confirm that whoever Taylor Morrison hires you will continue to act in an ethical and moral way in performing your duties and responsibilities.

Reject Taylor Morrison’s plan and inform them that:

1. None of our Town Council elected officials are beholden to a developer if any portion of their plan knowingly places children at avoidable risk as we elect ethical and moral residents to represent us on the Town Council.
2. Our Council members will control developers and expect the developers to eliminate known “traps” before asking for a plan to be approved.

- 3. NEVER will the Town Council knowingly, intentionally approve a developer’s plan that has a known and intentionally included substantial risk of injury or death to our children going to/from our schools and parks.

Taylor Morrison’s ask is particularly heinous as the danger and liability are eliminated/substantially decreased at little to no additional cost by creating an adjacent pedestrian path next to the horse path from the start.

Vince Quella

22565 S. 204th St. Queen Creek, AZ

Attachment: RS Minutes_07-15-20 (Minutes)



Requesting Department

Finance

TO: HONORABLE MAYOR AND TOWN COUNCIL
THROUGH: JOHN KROSS, TOWN MANAGER, ICMA-CM
FROM: MELISSA BAUER, PROCUREMENT MANAGER
RE: CONSIDERATION AND POSSIBLE APPROVAL OF EXPENDITURES OVER \$25,000. (FY 20/21 BUDGETED ITEMS)
DATE: August 5, 2020

Staff Recommendation:

Staff recommends approval of expenditures \$25,000 and over.

Relevant Council Goal(s):

N/A

Proposed Motion:

Move to approve Town expenditures \$25,000 and over, pursuant to Town Purchasing Policy.

Discussion:

The following item being requested is:

1. W.W. Williams - Emergency Transmission and Radiator Replacement of Fire Apparatus Shop #92: \$27,000 (Fire & Medical)

Fiscal Impact:

The fiscal impact of the requested spending authority for the above expenditure is \$27,000. Funds have been identified within the line item budget as approved in the FY2021 budget or subsequently approved by Council.

Attachment(s):

1. August 5, 2020 Expenditures over \$25k

**Attachment: Expenditures \$25,000 and Over
Budgeted in Fiscal Year 20/21
August 5, 2020**

Item #	Vendor(s)	Description	Purpose	Requesting Dept(s)	Fiscal Impact \$	Procurement Method	Alternative
1	W.W. Williams	Emergency Transmission and Radiator Replacement on Fire Apparatus Shop #92	Spending authority for emergency transmission and radiator removal and replacement on fire apparatus shop #92. These repairs were necessary as the transmission components failed due to the trans cooler leaking which is located in the radiator causing antifreeze to mix with transmission fluid resulting in transmission failure. A complete removal and replacement of the transmission and radiator has to be performed. (FY21 budgeted item)	Fire & Medical	\$27,000	Single Source	There is no alternative for this item. This apparatus was taken to W.W. Williams for repairs as this vendor is our fleet maintenance provider for repairs that are specific to the Detroit Diesel motors.

Attachment: August 5, 2020 Expenditures over \$25k (Expenditures Over \$25,000)



Requesting Department

Development Services

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER, ICMA-CM

FROM: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR AND SARAH CLARK, SENIOR PLANNER/PROJECT MANAGER

RE: CONSIDERATION AND POSSIBLE APPROVAL OF THE REAPPOINTMENT OF ALEX MATHESON, TROY YOUNG, AND LEA SPALL TO THE PLANNING AND ZONING COMMISSION.

DATE: August 5, 2020

Staff Recommendation:

Move to reappoint Alex Matheson, Troy Young, and Lea Spall to a 3-year term.

Relevant Council Goal(s):



Effective Government

Proposed Motion:

Move to reappoint Alex Matheson, Troy Young, and Lea Spall to a 3-year term.

Discussion:

The terms for Commissioner Alex Matheson, Troy Young, and Lea Spall are due to expire on August 31, 2020. Staff is recommending the reappointment of Alex Matheson, Troy Young, and Lea Spall to the Planning Commission. Commissioners Matheson, Young, and Spall have had good attendance records and have been an active participants in the deliberations of the Commission.

Alex Matheson is a dentist in the Town of Queen Creek. Commissioner Matheson has served on the Planning Commission since 2010 and currently sits as Chairman.

Commissioner Young owns and operates an at home assisted living facility. Commissioner Young also has experience in the construction and landscaping business. Commissioner Young is a 2017 graduate of the Queen Creek Leadership Institute. Commissioner Young has served on the Planning Commission since 2017 and currently sits as Vice Chairman.

Commissioner Spall has worked as a real estate broker for over 20 years, conducting much of her work in the southeast valley. Commissioner Spall owns her own real estate business, which includes 13 other real estate agents. Commissioner Spall has served as an ambassador to the Queen Creek Chamber of Commerce. Ms. Spall is also a graduate of the Community Leadership

Institute. Commissioner Spall has served on the Planning Commission since 2018.

The term for service on the Planning and Zoning Commission is three years, and members may be reappointed at the discretion of the Council. Appointments are reviewed on an annual basis.

Fiscal Impact:

There is no fiscal impact associated with making appointments to the Planning and Zoning Commission.

Alternatives:

The Town Council could choose to not appoint Matt McWilliams or David Gillette or reappoint Jeremy Benson and request that Staff present alternative appointments at the next Town Council Meeting.

Attachment(s):

1. Planning and Zoning Commission Terms August 2020

**PLANNING AND ZONING COMMISSION
Proposed Terms**

COMMISSIONER	<u>TERM EXPIRES</u>
COMMISSIONER – Alex Matheson	Aug. 31, 2023
COMMISSIONER – Troy Young	Aug. 31, 2023
COMMISSIONER – Lea Spall	Aug. 31, 2023
COMMISSIONER – Matt McWilliams	Aug. 31, 2022
COMMISSIONER -- Bill Smith	Aug. 31, 2022
COMMISSIONER - Steve Sossaman	Aug. 31, 2021
COMMISSIONER – David Gillette	Aug. 31, 2021

Attachment: Planning and Zoning Commission Terms August 2020 (Planning Commission Reappointment - Matheson, Young, and Spall)



Requesting Department

Economic Development

TO: HONORABLE MAYOR AND TOWN COUNCIL
THROUGH: JOHN KROSS, TOWN MANAGER, ICMA-CM
FROM: DOREEN COTT, ECONOMIC DEVELOPMENT DIRECTOR
RE: CONSIDERATION AND POSSIBLE APPROVAL OF THE REAPPOINTMENT OF CARSON BROWN TO THE GPEC BOARD OF DIRECTORS FOR FISCAL YEAR 2020-2021.
DATE: August 5, 2020

Staff Recommendation:

Staff recommends approval of the reappointment of Carson Brown to the Greater Phoenix Economic Council (GPEC) Board of Directors for FY20-21.

Proposed Motion:

Move to reappoint Carson Brown to the GPEC Board of Directors for FY20-21.

Discussion:

As outlined in Section 2.3.2 of GPEC's bylaws, Queen Creek is entitled to one seat on the Board of Directors. The term for new and/or reappointed directors is one year, which will commence at the Annual Board meeting on September 17, 2020.

Representatives on the Board work to support and assess GPEC's CEO, ensure effective organizational strategic planning and assess GPEC's performance. Board members service in leadership positions, follow economic development trends, participate at Board meetings and special events and participate in fundraising.

The GPEC Board of Directors meet four times annually during the months of September, January, March and May. GPEC directors are also encouraged to participate on leadership councils, advisory teams and events in their areas of interest and expertise.

Carson Brown has served as Queen Creek's GPEC Board representative for one year and has actively participated in the meetings representing Queen Creek. Carson also serves as a liaison (non-voting) member of the Economic Development Commission and has been involved in many developments in Queen Creek over the past several years. If reappointed to the GPEC Board, Carson will continue to serve on the EDC as a non-voting member as the GPEC Board liaison.

Fiscal Impact:

There is no fiscal impact associated with making an appointment to the GPEC Board of Directors.

Alternatives:

The Town Council could choose nominate another individual to the GPEC Board of Directors. GPEC's bylaws call for a reasonable effort to nominate an individual that meets the following qualifications:

- Demonstrated commitment to the economic development of the Greater Phoenix Metropolitan Area;
- Demonstrated leadership in business or community initiatives;
- Commitment to lead resource development efforts on behalf of the Corporation;
- Ability to make a multi-year financial contribution to the Corporation; and
- Representation of a geographic area through work, residence or investment.

Attachment(s):

1. Copy of the letter sent from Chris Camacho, President and CEO of GPEC
2. GPEC Bylaws



July 13, 2020

The Honorable Gail Barney
 Mayor
 Town of Queen Creek
 22350 S Ellsworth Road
 Queen Creek, AZ 85142

Dear Mayor Barney:

Thank you for your continued support of the Greater Phoenix Economic Council (GPEC). Your community's partnership with GPEC in advancing the region's economy is invaluable and we look forward to working with you in the coming year.

The first meeting of the Board for fiscal year 2021 is on September 17, 2020, during which the new slate of officers and directors will be adopted by the Board. Directors of the Board hold office for a term of one year. In accordance with GPEC's bylaws, a city or town having a population of less than 100,000 may have one representative on the Board, who shall be nominated by the mayor of that city or town. As such, the Town of Queen Creek may have one representative on the Board, who may be an elected official.

We encourage achieving a board with diverse perspectives and believe it is critically important. With a diversity of experience and expertise, we are strategically positioned for the future, manage risk, make pragmatic decisions, and take full advantage to attract opportunities. A diverse board has a stronger capacity to attract and retain talented board members - as well as to be in touch with community needs.

GPEC's Board of Directors meets four times annually during the months of September, January, March, and May. GPEC directors are also encouraged to participate on leadership councils, partake in the Ambassador program, and attend GPEC hosted events.

By August 14, 2020, please submit your nominations for the Board, in order of preference, for the Nominating Committee to consider. You may submit up to three candidates per allotted seat. We request that you make a reasonable effort to nominate individuals who meet the following qualifications as set forth in Section 2.4 of the GPEC bylaws:

- 1) Demonstrated commitment to the economic development of the Greater Phoenix Metropolitan Area;
- 2) Demonstrated leadership in business or community initiatives;
- 3) Commitment to lead resource development efforts on behalf of the Corporation;
- 4) Ability to make a multi-year financial contribution to the Corporation; and
- 5) Representation of a geographic area through work, residence, or investment.

Carson Brown, Project Management of W Holdings, represented the Town of Queen Creek on GPEC's Board in fiscal year 2020.

Should you need additional information to facilitate your decision, please contact Anna Maldonado at 602-262-8603 or amaldonado@gpec.org. Thank you again for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'CC', with a stylized flourish extending to the left.

Chris Camacho
President and CEO

Attachment: Copy of the letter sent from Chris Camacho, President and CEO of GPEC (GPEC Board Appointment 2020)

NINTH AMENDED AND RESTATED BYLAWS

OF

GREATER PHOENIX ECONOMIC COUNCIL

(formerly, Greater Phoenix Partnership, Inc.,
and The Phoenix Metrogroup, Inc.)
an Arizona Nonprofit Corporation

As Adopted May 15, 2003
Amended November 18, 2004
Amended November 17, 2005
Amended June 15, 2006
Amended May 26, 2011
Amended January 30, 2014
Amended February 26, 2015
Amended May 19, 2016

SECTION 1

GENERAL PROVISIONS

1.1 Principal Office. The Corporation shall maintain its principal office within Maricopa County, Arizona. It may have other offices at such places as the Board of Directors (the “Board”) may determine. The Corporation may transact business at any place which the purposes of the Corporation may require.

1.2 Corporate Seal. A corporate seal is not required on any instrument executed for the Corporation. If a corporate seal is used, it shall be either a circle having on its circumference “Greater Phoenix Economic Council,” and in the center “Incorporated 1985 Arizona,” or a circle having on its circumference the words “Corporate Seal.”

1.3 Not a Membership Corporation. The Corporation shall be a nonprofit corporation as referenced in Title 10, Chapter 25 of the Arizona Revised Statutes, as amended, and any successor statute. The Corporation shall not be a membership corporation. All rights, powers and responsibilities of the Corporation shall be vested in the Board, unless otherwise provided in the Articles of Incorporation (the “Articles”) or these Bylaws.

1.4 Limitation on Involvement in Political or Public Policy Issues. All matters relating to region-wide economic development initiatives, political issues, specific items of legislation, ballot initiatives, and public referenda presented to the Board for formal consideration shall be reviewed by a committee appointed by the Executive Committee of the Board (the “Executive Committee”) for such purposes. Upon a motion made to and approved

Attachment: GPEC Bylaws (GPEC Board Appointment 2020)

by the Executive Committee by such committee, the Executive Committee shall submit the matter to the Board for consideration. Any action in support of or opposition to any matter presented to the Board pursuant to this Section 1.4 must be approved by two-thirds of the directors of the full Board. For purposes of this Section 1.4, an abstention shall not be counted as a vote for or against the proposed action. Nothing in this Section 1.4 shall prohibit the Chief Executive Officer, the Chairperson of the Board, or their designee from commenting on matters relating to or taking actions consistent with the strategic plan of the Corporation or with any matter previously approved by the Board. For purposes of this Section 1.4 only and not for purposes of satisfying quorum requirements under Section 2.15, if a director is unable to attend in person or via telephone as set forth in Section 6.2 any Director may grant to his or her designee a limited proxy for purposes of voting on any item presented to the Board under this Section 1.4.

1.5 Definitions.

(a) For the purposes of these Bylaws, the term “City” refers to any community in whole or in part in the Greater Phoenix Metropolitan Area that is incorporated pursuant to Section 9-101 of the Arizona Revised Statutes and organized as a city pursuant to Section 9-271 of the Arizona Revised Statutes, or any such successor statute.

(b) For the purposes of these Bylaws, the term “Town” refers to any community in whole or in part in the Greater Phoenix Metropolitan Area that is incorporated pursuant to Section 9-101 of the Arizona Revised Statutes and is not organized as a city pursuant to Section 9-271 of the Arizona Revised Statutes, or any such successor statute.

(c) For the purposes of these Bylaws, the term “Greater Phoenix Metropolitan Area” refers to the inter-connected economic region encompassing the city of Phoenix, Arizona, and surrounding areas, the boundaries of which may be determined and adjusted periodically by the Board or the Executive Committee.

1.6 Population Figures. Population figures for purposes of determining eligibility for representation on the Board and the appointment of directors, for calculating the annual per capita contributions, and for all other purposes contained in these Bylaws, shall be determined according to: (i) the decennial census taken by the United States Department of Commerce and its five-year update, or (ii) population data from the Maricopa Association of Governments or any other reputable source.

SECTION 2

DIRECTORS

2.1 Number and Term. The Board shall consist of the number of directors established from time to time by resolution of the Board, in keeping with the schedule set forth in Section 2.3. All directors shall hold office for a term of one year, commencing on the date of the annual meeting of the Corporation, or until their respective successors are

nominated or appointed and qualified, or until director's earlier resignation or removal. Any ex officio director in such capacity, shall hold office during all times that such person occupies the office entitling him or her to ex officio membership on the Board.

2.2 Duties. Directors are expected to attend all duly called meetings (except as formally excused in accordance with Section 2.9) and actively participate in meetings and events of the Corporation as necessary and appropriate to promote the Corporation's purpose.

2.3 Nomination or Appointment of Directors. All directors shall be nominated or appointed in the manner and by the individuals or entities listed in this Section 2.3. Any individual empowered by these Bylaws to nominate or appoint one or more members of the Board may nominate or appoint himself or herself to the Board. Any entity empowered by these Bylaws to nominate one or more members of the Board may nominate one of its own members. Any entity empowered by these Bylaws to appoint one or more members of the Board may appoint one of its own members.

2.3.1 Ex Officio Directors. The Chief Executive Officer of the Corporation shall be an ex officio director, but shall not be entitled to vote or be counted for the purpose of constituting a quorum.

2.3.2 Community Representatives. Each City or Town is entitled to that number of representatives for the Board as set forth in this Section 2.3.2, provided that a City or Town entitled to representation on the Board shall cease to be so entitled if such City or Town fails to make its annual contribution, or any installment thereof, as provided in Section 2.7, and provided that the Board shall reduce the number of directors representing Maricopa County, Arizona if the Board of Supervisors of Maricopa County fails to make its annual contribution or installment thereof, as provided in Section 2.7. A mayor of any City or Town empowered by these Bylaws to nominate one or more members of the Board may nominate an elected official to serve on the Board. To the extent that the mayor of a City or Town is entitled to nominate more than one director, such additional directors shall not be elected officials. The mayor of a City or Town shall submit the number of prospective candidates per appointment, as determined by the Executive Committee, satisfying the guidelines set forth in Section 2.4 of these Bylaws to the Nominating Committee of the Corporation.

(a) Any City or Town having a population of 2 million or more may have nine representatives on the Board, who shall be nominated by the mayor of that City or Town.

(b) Any City or Town having a population of 1.5 million or more but less than 2 million may have eight representatives on the Board, who shall be nominated by the mayor of that City or Town.

(c) Any City or Town having a population of 1 million or more but less than 1.5 million may have seven representatives on the Board, who shall be nominated by the mayor of that City or Town.

(d) Any City or Town having a population of 500,000 or more but less than 1 million may have five representatives on the Board, who shall be nominated by the mayor of that City or Town.

(e) Any City or Town having a population of 300,000 or more but less than 500,000 is entitled to three representatives on the Board, who shall be nominated by the mayor of that City or Town.

(f) Any City or Town having a population of 100,000 or more but less than 300,000 may have two representatives on the Board, who shall be nominated by the mayor of that City or Town.

(g) Any City or Town having a population of less than 100,000 may have one representative on the Board, who shall be nominated by the mayor of that City or Town.

(h) Maricopa County may have the same number of representatives on the Board that the largest City or Town in Maricopa County is entitled to, who shall be nominated by the Maricopa Board of Supervisors. No more than two of the representatives of Maricopa County may be elected officials. To the extent possible, any director who is not an elected official nominated by the Maricopa County Board of Supervisors shall be nominated pursuant to the guidelines set forth in Section 2.4.

2.3.3 Appointed Directors. Each entity listed in this Section 2.3.3 is authorized to appoint the number of directors indicated for that entity.

(a) One director shall be appointed by the President of Arizona State University.

(b) One director shall be appointed by the Chancellor of the Maricopa Community Colleges.

(c) Unless otherwise appointed to the Board pursuant to Section 2.3, one director shall be appointed by the president of any regional utility having a distribution system serving at least six Cities or Towns who also has active participation in the Economic Development Directors Team and is current in contributions equal to or greater than the highest level of membership support at the time.

(d) Governmental bodies other than Maricopa County, Cities or Towns and that have recognized jurisdiction over real property located within the Greater Phoenix Metropolitan Area may be given authorization to nominate or appoint directors, subject to such terms, conditions and qualifications as may be negotiated with and approved by the Executive Committee on a case-by-case basis.

2.3.4 At-Large Directors. The Board shall elect at-large directors from among persons nominated by the Nominating Committee, and pursuant to election procedures determined by the Nominating Committee. The Nominating Committee shall nominate individuals pursuant to the guidelines set forth in Section 2.4.

2.3.5 Restricted At-Large Directors. Up to five additional at-large directors may be appointed upon recommendation of the Chief Executive Officer and approval by the Executive Committee based upon such individuals' expected ability to positively impact the Corporation's performance.

2.3.6 Current Chairperson. The current Chairperson of the Board shall be a director and shall, in such capacity, be entitled to vote and shall be counted for the purposes of constituting a quorum.

2.3.7 Past Chairperson. Unless otherwise appointed or elected to the Board pursuant to Section 2.3, the immediate past Chairperson of the Board shall be a director and shall, in such capacity, be entitled to vote and shall be counted for the purpose of constituting a quorum.

2.4 Business Sector Representation. Except as otherwise provided in Section 2.3, any individual, entity, or committee, including the Maricopa County Board of Supervisors, authorized under Section 2.3 to nominate or appoint members to the Board shall make every reasonable effort to nominate or appoint individuals who meet the following qualifications, listed in order of preference:

- (a) Demonstrated commitment to the economic development of the greater Phoenix Metropolitan Area;
- (b) Demonstrated leadership in business or community initiatives;
- (c) Commitment to lead resource development efforts on behalf of the Corporation;
- (d) Ability to make a multi-year financial contribution to the Corporation; and
- (e) Representation of a geographic area through work, residence or investment.

Individuals and entities authorized to nominate or appoint members to the Board should coordinate with the Nominating Committee to ensure that the Board as a whole is representative of the diverse business interests present in the Greater Phoenix Metropolitan Area.

2.5 Notice of Expiring and Additional Terms. In order to facilitate the broad representation contemplated in Section 2.4 and to facilitate the appointment process, the Chief Executive Officer of the Corporation shall, on or before May 1st of each year, provide

to each person or entity entitled to nominate or appoint a director to the Board: (a) a notice stating that the term of each director will expire on or shortly after the next following June 30th, depending upon the date of the annual meeting, and setting forth the number of directors each such person or entity will be entitled to nominate or appoint for the term commencing on the date of the next following annual meeting, as determined by Section 2.3 of these Bylaws; (b) a roster of the existing director or directors, nominated or appointed by such person or entity, setting forth for each director his or her name, occupation and employer, if any; and (c) a copy of these Bylaws.

2.6 Reserved.

2.7 Annual Per Capita Contributions. To be eligible for representation on the Board, each City or Town shall make a contribution to the Corporation each year based on a per capita assessment to be determined by resolution of the Board utilizing the population figures determined in accordance with Section 1.6. Maricopa County shall make a contribution to the Corporation each year in an amount and pursuant to a payment schedule approved by resolution of the Board, but not less than the annual contribution requirement of the largest City or Town in Maricopa County during the applicable year. Governmental bodies described in Section 2.3.3(d) shall make a contribution to the Corporation in an amount and pursuant to a payment schedule approved by resolution of the Board.

2.8 Vacancies. A majority of the directors then in office, though less than a quorum, or a sole remaining director, may fill vacancies. Except with respect to a director removed by resolution of the Board pursuant to Section 2.9, if a directorship is vacated, the vacancy shall be filled with an individual nominated or appointed from among the individual or individuals nominated by the person or entity who nominated or appointed the director whose removal, resignation or death created the vacancy. Any director so chosen shall hold office until a successor is selected and qualified, or until such director's earlier resignation, removal, or death.

2.9 Removal. Except for the Chief Executive Officer and the immediate past Chairperson, any director may be removed with or without cause by the person or entity who the director represents. All directors that represent a City or Town that fails to pay its annual contribution to the Corporation as provided in Section 2.7, or any installment thereof, may be removed by resolution adopted by a majority of the directors then in office (excluding the directors subject to removal pursuant hereto). If Maricopa County fails to pay its annual contribution as provided in Section 2.7, or any installment thereof, some or all of the directors that represent Maricopa County nominated pursuant to Section 2.3.2(h) may be removed by resolution adopted by a majority of the directors then in office (excluding the directors subject to removal pursuant hereto). A director who misses two consecutive regular meetings of the Board or who misses three regular meetings of the Board in any fiscal year of the Corporation may, based on the recommendation of the Chairperson of the Board and the Chief Executive Officer and by majority vote of the Executive Committee, be removed from his or her position on the Board, and that position shall be deemed vacant. Notwithstanding the foregoing, the director will be permitted to continue to serve provided the Chairperson has formally excused the absences.

2.10 Powers and Liability. The business of the Corporation shall be supervised by its Board, which may exercise all powers of the Corporation and do all such lawful acts and things as are permitted by statute, the Articles and these Bylaws. The Board shall, among other things, be responsible for (a) establishing the major policies of the Corporation, and (b) approving, implementing and overseeing the annual budget, the annual marketing strategy, the strategic plan governing the overall direction, programs and work plans of the Corporation, and the Corporation's fund raising activities. A director shall not be liable for any action taken as a director or any failure to take any action if the director's duties were performed in compliance with Section 10-3830 of the Arizona Revised Statutes, as amended, and any successor statute.

2.11 Meetings; Open Meeting Law Compliance. The Board may hold meetings, regular and special, within or without the State of Arizona. All such meetings shall be scheduled, noticed and held in compliance with the Arizona Open Meeting Law, Section 38-431 *et seq.* of the Arizona Revised Statutes.

2.12 Annual Meetings. The Corporation's annual meeting shall be held on the third Thursday of September in each year or on such other date as the Chairperson of the Board may designate. Notice of the annual meeting shall be given in the same manner as notices of a regular meeting.

2.13 Regular Meetings. Regular Meetings of the Board shall be held four times per year, or at such greater intervals as shall be determined by the Chairperson of the Board, but in no event less than four times per year. Such meetings shall be held at such place and time as determined by the Chairperson of the Board. Notice of regular meetings shall be given at least five (5) days before the time of the meeting.

2.14 Special Meetings. Special meetings of the Board may be called by the Chairperson of the Board or the Chief Executive Officer. Notice of special meetings shall be given at least twenty-four (24) hours before the time of the meeting.

2.15 Quorum and Majority Required.

(a) Except as otherwise provided in Section 2.15(b) or specifically required by law, forty percent of the members of the Board entitled to vote shall constitute a quorum of the Board and be sufficient to conduct business. If a quorum sufficient to conduct the business of the Board is not present, the directors present may, at their option, either (i) recess and resume the meeting within twenty-four (24) hours, without notice other than announcement publicly given at the meeting as to the time and place of the resumption of the meeting, or (ii) adjourn the meeting from time to time until a quorum is present, but shall give notice of the date, time and place thereof pursuant to these Bylaws and the Arizona Open Meeting Law, Section 38-431 *et seq.* of the Arizona Revised Statutes.

(b) Except as specifically required by law, for purposes of any action taken by the Board under Section 1.4, fifty percent of the members of the Board entitled to vote shall constitute a quorum.

(c) Except as otherwise provided in Section 1.4 of these Bylaws or specifically required by law, when a quorum is present at any meeting, the vote of a majority of the members of the Board present and voting shall decide any question brought before the meeting.

2.16 Waiver of Notice. Attendance of a director at a meeting shall constitute a waiver of notice unless the director objects at the commencement of the meeting that the meeting is not lawfully called or convened. Any director may waive notice of any meeting by executing a written waiver of notice.

2.17 Reimbursement of Directors' Expenses. By resolution of the Board or Executive Committee, a director may be reimbursed for his or her out-of-pocket expenses incurred in (a) attending meetings of the Board and/or committees, and/or (b) performing other duties and services previously authorized. A director shall not be precluded when specifically authorized by the Board or the Executive Committee from serving the Corporation in any other capacity and, when deemed appropriate, receiving compensation therefor; provided, however, this shall be an exception rather than the rule. Members of special committees other than directors may be similarly reimbursed for the reasonable out-of-pocket expenses incurred in serving and attending committee meetings.

SECTION 3

COMMITTEES

3.1 Executive Committee. The Executive Committee of the Board shall consist of the number of members established from time to time by the Executive Committee in keeping with the requirements of this Section 3.1, and shall have the powers and duties set forth in this Section 3.1. A quorum of the Executive Committee shall consist of forty percent of its members.

(a) Qualification and Selection. Members of the Executive Committee shall be selected at the annual meeting of the Corporation pursuant to the following guidelines:

(1) The Chairperson of the Board shall be a member of the Executive Committee and the chairperson of the Executive Committee, and shall be counted for the purpose of constituting a quorum of the Executive Committee.

(2) The immediate past Chairperson of the Board shall be a member of the Executive Committee, and shall be counted for the purpose of constituting a quorum of the Executive Committee.

(3) Four members shall be elected from among the directors representing the City of Phoenix.

(4) Four members shall be elected from among the directors representing Maricopa County.

(5) One member shall be elected from among the directors representing each City or Town that (a) has a population of 100,000 or more and (b) makes a minimum financial contribution determined by the Executive Committee (but in no event less than the prevailing per capita rate).

(6) At least three members shall be elected from among the At Large Directors.

(7) Each Director, if any, appointed to the Board pursuant to Section 2.3.5 shall be elected to the Executive Committee.

(8) Unless otherwise elected pursuant to Section 3.1, one member shall be elected from among the directors representing a regional utility having a distribution system serving at least six cities and towns who also has active participation in the Economic Development Directors Team and is current in contributions equal or greater than the highest level of membership support at the time. Notwithstanding the above, no more than two members shall be appointed pursuant to this subsection 3.1(8) during any given period of time.

(9) The Chief Executive Officer shall serve as an advisory member of the Executive Committee without vote and shall not be counted for the purpose of constituting a quorum of the Executive Committee. The Chief Executive Officer shall receive notice of, and be entitled to attend each meeting of the Executive Committee.

(10) Notwithstanding anything set forth herein, no member of the Executive Committee shall be an elected public official.

(b) Powers. In the interim between Board meetings, the Executive Committee shall supervise and manage the Corporation's business and affairs and shall exercise the authority of the Board, including having the power to appoint an interim Chief Executive Officer/President in the event of a vacancy in such office, subject, however, to any limitations specified by the Articles, these Bylaws, express Board resolutions to the contrary, and applicable law. The Executive Committee shall not possess any authority of the Board prohibited to it by law and may not fill any vacancy on the Board or any committee of the Board, adopt amendments to the Articles or these Bylaws, or fix compensation for the directors.

(c) Removal. A member of the Executive Committee who misses three consecutive regular meetings of the Executive Committee or who misses four regular meetings of the Executive Committee in any fiscal year of the Corporation may, based on the recommendation of the Chairperson of the Board and the Chief Executive Officer and by majority vote of the Executive Committee, be removed from his or her position on the Executive Committee, and that position shall be deemed vacant. Notwithstanding the foregoing, the member will be permitted to continue to serve on the Executive Committee provided the Executive Committee has formally excused the absence.

(d) Meetings of Executive Committee. The Executive Committee shall meet once every two months, or more or less frequently as is determined appropriate by the Executive Committee, the Chief Executive Officer or the Chairperson of the Board, but in no event less than six times per year. Its meetings shall be held at such time and places as may be established from time to time by the Chairperson of the Board or Chief Executive Officer and be conducted pursuant to the same notice, voting and quorum procedures and requirements as apply to meetings of the Board.

3.2 Reserved.

3.3 Economic Development Directors Team. There shall be an Economic Development Directors Team (“EDDT”). The EDDT shall not constitute a committee of or advisory committee to the Board, and shall have no power to exercise any authority of the Board or to act on behalf of the Board or the Corporation. The EDDT shall be comprised of community economic development officials employed in the public sector (excluding, however, officials employed by any municipality which does not make an annual contribution to the Corporation pursuant to Section 2.7) and industry economic development executives employed in the private sector. Members of the EDDT may, but are not required to be members of the Board. The Chief Executive Officer of the Corporation shall be an ex officio member of the EDDT. The EDDT shall provide a forum for the exchange of information between, and the development of marketing strategies by, the staff of the Corporation and members of the Economic Development Directors Team, and a vehicle for reporting information concerning the activities of the Corporation.

3.4 Nominating Committee. There shall be a Nominating Committee, consisting of the Chairperson of the Board, the immediate past Chairperson of the Board, the Vice Chairperson, the Treasurer, the Chief Executive Officer, and past Chairpersons of the Board that continue to serve on the Board. A quorum of the Nominating Committee shall consist of three of its members. Prior to the annual meeting of the Board, the Nominating Committee shall nominate for election by the Board individuals to serve as (a) the directors representing a City, Town or other entity from among the nominees submitted pursuant to Sections 2.3.2 and 2.3.4, (b) Chairperson of the Board, (c) Vice Chairperson of the Board, (d) Secretary, (e) Treasurer, and (f) members of the Executive Committee to be elected pursuant to Section 3.1(a), and shall forward the names of such nominees to the Board.

3.5 Other Committees. The Board may designate and appoint the members of one or more additional committees of the Board on an as-needed basis. Each such additional committee must have at least two directors and, to the extent provided in the resolution and subject to the Articles, these Bylaws and applicable law, shall exercise such powers of the Board as are delegated or assigned to such committee. The resolution creating any such committee shall set forth its powers and duties. To the extent that any committee is authorized to exercise any power or authority of the Board, any committee members who are not directors shall serve as advisory members of the committee without vote and shall not be counted for the purpose of constituting a quorum thereof.

3.6 Minutes; Compliance with Open Meeting Law. Except as otherwise advised by counsel to the Corporation, all committees of the Corporation shall provide for the taking of written minutes of their meetings and shall file the minutes with the Secretary and the Chief Executive Officer of the Corporation. Except (i) as otherwise advised by counsel to the Corporation and (ii) as it relates to proxy voting specifically authorized by Section 1.4 hereof all committee meetings shall be scheduled, noticed and held in compliance with the Arizona Open Meeting Law, Section 38-431 *et seq.* of the Arizona Revised Statutes.

SECTION 4

OFFICERS

4.1 Appointment of Officers. The Board at the annual meeting shall appoint the officers of the Corporation including at least a Chairperson of the Board, a Vice-Chairperson, a Chief Executive Officer/President (the “Chief Executive Officer”), a Secretary, and a Treasurer. The Board may appoint such other officers and agents as it deems necessary or appropriate. Two or more offices may be held by the same person; provided, however, that the same person shall not simultaneously hold the offices of Chairperson or Vice-Chairperson or Secretary, nor shall the Chief Executive Officer hold any of those offices.

4.2 Tenure and Duties of Officers. Officers shall hold their offices at the pleasure of the Board, shall have the titles designated by the Board, and shall exercise the powers and perform the duties determined from time to time by the Board. Any officer may be removed, with or without cause, whenever, in the Board’s judgment, the best interest of the Corporation will be served by such removal. Such removal shall be without prejudice to the contract rights, if any, of the officer removed. Subject to the power of the Executive Committee to appoint an interim Chief Executive Officer/President in the event of a vacancy in such office, any vacancy occurring in any office shall be filled by the Board at any meeting of the Board.

4.3 Compensation. The Board shall determine from time to time the compensation of the officers. An officer shall not be prevented from receiving compensation because of services as a director. The minutes of the meetings of the Board shall set forth the compensation of the officers or the method of fixing the compensation of the officers.

4.4 Chairperson of the Board. The Chairperson of the Board shall preside at all meetings of the Board and shall perform any other duties set forth in these Bylaws or that the Board assigns. The Chairperson of the Board may sign all deeds, conveyances, contracts, agreements, bonds and other instruments requiring execution on behalf of the Corporation and in the ordinary course of its business, as well as such other deeds, conveyances, contracts, agreements and other instruments authorized by the Executive Committee or the Board. The Chairperson of the Board shall be responsible for reviewing the performance of the Chief Executive Officer/President annually, including the consideration of

any base pay increase and/or bonus payout. The Chairperson may delegate this responsibility to one or more individuals from the Executive Committee. The Chairperson of the Board shall be an ex officio member of all committees of the Board.

4.5 Vice Chairperson. The Vice-Chairperson, who shall be a director, shall have the authority and perform the functions of the Chairperson of the Board in the absence or disability of the Chairperson of the Board; when functioning as Chairperson, the Vice-Chairperson shall have the duties, powers and authority of the Chairperson of the Board.

4.6 Chief Executive Officer/President. The Chief Executive Officer shall be a full-time paid employee of the Corporation and be the chief operating officer of the Corporation. In addition, he or she shall have such other duties, powers, authority, obligations and responsibilities as specified by these Bylaws, by the Board or the Executive Committee, or as set forth in any duly authorized contract of employment or job description.

4.7 Secretary. The Secretary shall attend all Board meetings and record or cause to be recorded all proceedings and shall perform like duties for the committees when required. He or she shall give, or cause to be given, required notices of all meetings of the Board, and each committee, and perform such other duties as may be prescribed by the Board or Executive Committee. The Secretary shall keep the Corporation's seal and shall affix it to documents when necessary or appropriate.

4.8 Treasurer. The Treasurer shall have or oversee custody of the corporate funds, shall keep or cause to be kept full and accurate accounts of receipts and disbursements and shall deposit or cause to be deposited all monies and other valuables in the name and to the credit of the Corporation in such depositories as may be designated by the Board or the Executive Committee. The Treasurer shall submit such budgets and financial reports as may be required. He or she shall perform such other duties and have such other powers as the Board or Executive Committee may from time to time prescribe.

SECTION 5

INDEMNIFICATION OF DIRECTORS AND OFFICERS

5.1 Indemnification. Except as provided in these Bylaws, to the fullest extent provided by law, the Corporation shall hold harmless and indemnify each of its directors and officers ("indemnitee") against any and all liability and expenses incurred by indemnitee in connection with any threatened or actual proceeding or legal action resulting from indemnitee's service to the Corporation or to another entity at the Corporation's request.

5.2 Exclusions. Except insofar as permitted by law, and specifically under Section 10-3854 of the Arizona Revised Statutes, the Corporation shall not indemnify indemnitee for acts listed in Section 10-3851.D of the Arizona Revised Statutes.

5.3 Procedure. Indemnitee shall notify the Corporation promptly of the threat or commencement of any proceeding or legal action with respect to which indemnitee intends to seek indemnification. The Corporation shall be entitled to assume indemnitee's

defense with counsel reasonably satisfactory to indemnitee, unless indemnitee provides the Corporation with an opinion of counsel reasonably concluding that there may be a conflict of interest between indemnitee and the Corporation in the defense of the proceeding or legal action. If the Corporation assumes the defense, the Corporation shall not be liable to indemnitee for legal or other expenses subsequently incurred by indemnitee.

5.4 Expense Advance. The Corporation shall advance automatically expenses, including attorneys' fees, incurred or to be incurred by indemnitee in defending a proceeding or legal action upon receipt of notice and, if required by law, of an undertaking by or on behalf of indemnitee to repay all amounts advanced if it is ultimately determined by final judicial decision (after expiration or exhaustion of any appeal rights) that indemnitee is not entitled to be indemnified for such expenses.

5.5 Settlement of Claims. The Corporation shall not be obligated to indemnify indemnitee for any amounts incurred in settlement if settlement is made without the Corporation's prior written consent. The Corporation shall not enter into any settlement that would impose any penalty or limitation on indemnitee without indemnitee's prior written consent. Neither the Corporation nor indemnitee will unreasonably withhold consent to any proposed settlement.

5.6 Effect of Repeal. In order that officers and directors may rely on the indemnification promised by this Section 5, no repeal or amendment of this Section 5 shall reduce the right of indemnitee to payment of expenses or indemnification for acts of indemnitee taken before the date of repeal or amendment.

SECTION 6

MISCELLANEOUS

6.1 Notices. Notices to directors and committee members shall ordinarily be in writing and hand-delivered or mailed to the addresses appearing on the books of the Corporation, but may also be given by telephone or telegram or, if a director or committee member advises the Secretary that he or she has access to a telefax machine, electronic mail, or other means of electronic communication, notices may be given in such manner. It is the individual's responsibility to keep the Corporation advised of his or her current mailing address, street address, telephone number and telefax number and electronic mail address, if any. Notice by mail shall be deemed to be given three (3) business days from the time of mailing, postage prepaid, to such addresses. Notice by hand-delivery, telephone, telegram, telefax, electronic mail or other means of electronic communication shall be deemed to be given when received.

6.2 Conference Telephone Meetings. Any Board or committee meeting may be held by use of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear and communicate with each other and all persons so desiring may be permitted to attend the designated place of the meeting and listen to all deliberations and proceedings. Participation in a Board or committee meeting

pursuant to any such method of communication shall constitute presence in person at such committee meeting including, but not limited to, the tally made for constituting the presence of a quorum.

6.3 Compliance with Open Meeting Law. Notice of all meetings of the Board or of any committee shall comply with Section 38-431.02 of the Arizona Revised Statutes. When committee or subcommittee meetings are held by use of communications equipment pursuant to Section 6.2 above, the address where the Chairperson of the Board or the chairperson of the committee will be physically present shall be designated as the place of the meeting under the Arizona Open Meeting Law, Section 38-431 *et seq.* of the Arizona Revised Statutes. Except with respect to meetings which are called 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 Board or any committee of the Board, meetings of the Economic Development Directors Team shall not be subject to, and need not comply with the provisions of, the Arizona Open Meeting Law, including without limitation, Section 38-431.02 of the Arizona Revised Statutes.

6.4 Checks. All checks or demands for money and notes of the Corporation shall be signed by such officer or officers of such other person or persons as the Board or Executive Committee may from time to time designate.

6.5 Fiscal Year. The fiscal year of the Corporation shall end on June 30 of each year or on such other date as shall be fixed by the Board.

6.6 Conflict of Interest Precautions. The Board shall prescribe for the directors, officers, employees and agents of the Corporation appropriate procedures and requirements intended to ensure: (a) that any such individual does not participate in any corporate decision or action that may materially affect his or her personal interests or those of persons significantly affiliated with him or her; and (b) that each makes complete disclosure on a regular basis of any and all personal interests (and interests of persons significantly affiliated with him or her) that would or might be materially affected by proposed corporate decisions or actions. All such procedures and requirements, and all disclosures made thereunder, shall be kept on file and, notwithstanding the fact that the Corporation is not subject to the Arizona Public Records Act, Section 39-101 *et seq.* of the Arizona Revised Statutes, shall be available for inspection by the public.

6.7 Interpretation. To the extent permitted by the context in which used, words in the singular number shall include the plural, words in the masculine gender shall include the feminine and neuter, and vice versa.

SECTION 7

AMENDMENTS

These Bylaws may be amended or repealed only upon concurrence of a majority of the full Board at any regular or special meeting of the Board.

Attachment: GPEC Bylaws (GPEC Board Appointment 2020)


AMENDMENT TO NINTH AMENDED AND RESTATED BYLAWS
OF
GREATER PHOENIX ECONOMIC COUNCIL

As permitted by Section 7 of the Ninth Amended and Restated Bylaws (the "Bylaws") of Greater Phoenix Economic Council (the "Corporation"), the directors of the Corporation hereby amend the Bylaws as follows. These amendments are effective May 19, 2016:

1. The following subsection 2.3.3(e) is added:

(e) One director shall be appointed by each entity that invests \$100,000 or more in a given year, with a term beginning at the next annual meeting of the Corporation following the date of such investment.

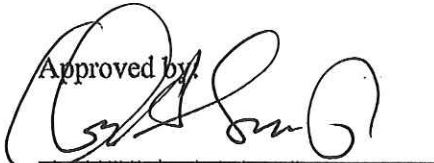
Prepared by:


Tim Bourcet

Submitted by:


Tammy McLeod, Secretary

Approved by:


Don Smith, Chairman

Attachment: GPEC Bylaws (GPEC Board Appointment 2020)



Requesting Department

Fire / EMS

TO: HONORABLE MAYOR AND TOWN COUNCIL
THROUGH: JOHN KROSS, TOWN MANAGER, ICMA-CM
FROM: VANCE GRAY, FIRE CHIEF AND ANDY MARLAR, DEPUTY FIRE CHIEF
RE: Consideration and possible approval of the renewal of the Intergovernmental Agreement with the Town of Gilbert for fire support services, on an as-needed basis, in an amount not to exceed \$30,000 (FY 20/21 budgeted item).
DATE: August 5, 2020

Staff Recommendation:

Staff recommends that the Town Council approve the renewal of the Intergovernmental Agreement (IGA) with the Town of Gilbert for fire support services, on an as-needed basis, in an amount not to exceed \$30,000.

Relevant Council Goal(s):



KRA 9: Public Safety (Fire, Emergency Services, and Police/Sheriff)

Proposed Motion:

Move to approve the renewal of the Intergovernmental Agreement (IGA) with the Town of Gilbert for fire support services, on an as-needed basis, in an amount not to exceed \$30,000.

Discussion:

Currently, Queen Creek Fire and Medical has a Cooperative Purchase Agreement with Hughes Fire Equipment to provide primary maintenance and repairs to the Town's fire fleet. Queen Creek is seeking alternative fleet service options. To fulfill these fleet service's needs, staff is requesting to approve the renewal of the IGA with The Town of Gilbert. The essential services include apparatus and equipment preventative maintenance as well as other fire apparatus repairs on an as-needed basis. Queen Creek also has an IGA with the City of Mesa Fire and Medical Fleet Services to provide after-hours and roadside assistance on an as-needed basis. The IGA with the Town of Gilbert offers another layer of protection for our fire fleet service needs on an as-needed basis. The proposed IGA would run through June 30, 2021. Having multiple service providers provides "back-up" options and ensures the Town of Queen Creek will always have access to timely maintenance support for our fire fleet.

The Cooperative Purchase Agreement with Hughes Fire Equipment through the City of Phoenix has contract renewals through January 2023.

The IGA with the City of Mesa will be for a two-year term beginning January 15, 2020, to January 15, 2022.

Fiscal Impact:

The IGA for Support Services is included in the FY20/21 Emergency Service Fund. This line item is currently budgeted at \$125,000.

Alternatives:

The Town of Queen Creek currently does not have the resources to provide these specialized services in house, so we are required to contract for these services.

If this agreement is not approved, the Town will continue to have services provided by Hughes Fire Equipment primarily, Mesa Fire and Medical Department on an as-needed basis.

Attachment(s):

1. Town of Gilbert IGA - Fire Support Services FY21

RENEWAL OF GILBERT
CONTRACT 2014-3002-0304 Munis 319000001

WHEREAS, the Town of Gilbert, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona, hereinafter referred to as "Gilbert" and the Town of Queen Creek hereinafter designated as "Queen Creek" entered into an Intergovernmental Agreement (IGA) for Support Services between the Town of Gilbert and the Town of Queen Creek dated July 1, 2014; and


WHEREAS, Gilbert and Queen Creek have mutually agreed to renew the Intergovernmental Agreement (IGA) for a term and fees specified below;

NOW, THEREFORE, the parties agree as follows:

1. The IGA for Support Services between the Town of Gilbert and the Town of Queen Creek entered into by Gilbert and Queen Creek on July 1, 2014, is renewed for a period of one (1) year(s) commencing July 1, 2020 and continuing through June 30, 2021 ("the Renewal Term").
2. The IGA fees for the Renewal Term shall be the current fees, as set forth in Exhibit A.
3. All other provisions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

Town of Gilbert,
An Arizona Municipal Corporation



Jenn Daniels, Mayor

Town of Queen Creek,
An Arizona Municipal Corporation

Gail Barney, Mayor

ATTEST:




Lisa Maxwell
Gilbert Town Clerk

ATTEST:

Maria Gonzalez
Queen Creek Town Clerk

APPROVED AS TO FORM: The undersigned attorneys acknowledge that they have reviewed the above agreement on behalf of Gilbert and Queen Creek, and have determined that this Agreement is in proper form and is within the powers and authority granted to Gilbert and Queen Creek under the laws of the State of Arizona.



Christopher W. Payne
Gilbert Town Attorney

Queen Creek Town Attorney

Attachment: Town of Gilbert IGA - Fire Support Services FY21 (IGA with the Town of Gilbert Fire Support Services)

Exhibit A

IGA FEES FOR RENEWAL TERM

Apparatus Maintenance and Repair

- Internal Rate: \$96.75 per hour
- Parts: Cost + 30.0% handling fee
- Outside Vendor: Invoice + 10%
- Reserve Apparatus Rental: \$17.93 per hour (4-hour minimum)

Personnel Expenses

- Battalion Chief: Actual loaded costs
- Captain: Actual loaded costs
- Engineer: Actual loaded costs
- Firefighter: Actual loaded costs

Equipment Maintenance and Repair: Radios, Turnouts, SCBA's, In-Vehicle Mobile Computer Systems and associated hardware.

- Internal Rate: \$96.75 per hour
- Parts: Cost + 30.0% handling fee
- Outside Vendor: Invoice + 10%

Supplies/Equipment Purchase

- Internal Rate: \$96.75 per hour
- Supplies & Equipment: Cost + 30.0% handling fee
- Outside Vendor: Invoice + 10%

Station Delivery

- Internal Rate: \$96.75 per hour

Hospital EMS Equipment Retrieval

- 27.3% of monthly outside vendor invoice + 4%

Training Services

- Actual loaded costs
- Supplies: Cost + 25.3% handling fee
- EMS Coordinator Services
- Actual loaded costs
- Supplies: Cost + 25.3%

Fire Investigator

- Fire Investigator: Actual loaded costs

Administrative Fee

- 10.6%



Requesting Department

Development Services

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER, ICMA-CM

FROM: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR , ERIK SWANSON, INTERIM PLANNING ADMINISTRATOR AND STEVEN ESTER, PLANNER I

RE: PUBLIC HEARING AND POSSIBLE ACTION ON P20-0003 DESERT HORIZON NURSERY CONDITIONAL USE PERMIT TIME EXTENSION, A REQUEST BY JOHN REDDELL FOR RENEWAL OF THE PREVIOUSLY GRANTED CONDITIONAL USE PERMIT TO ALLOW CONTINUED OPERATION OF THE EXISTING DESERT HORIZON NURSERY, LOCATED NORTH OF THE NORTHWEST CORNER OF ELLSWORTH AND RYAN ROADS.

DATE: August 5, 2020

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension, with a unanimous vote of 5-0-2 at the regularly scheduled meeting on July 8, 2020. Commissioner McWilliams and Commissioner Sossaman were absent.

PROPOSED MOTION:

Move to approve P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension, subject to the Conditions of Approval outlined in this report.

RELEVANT COUNCIL GOAL:



Secure Future

SUMMARY:

This proposal consists of a request by John Reddell for renewal of the previously granted Conditional Use Permit to allow continued operation of the existing Desert Horizon Nursery, located north of the northwest corner of Ellsworth and Ryan roads.

HISTORY:

November 5, 2003: Town Council approved Conditional Use Permit (CU02-002) and Site Plan (SP02-005) for Desert Horizon Nursery with a five (5) year term defined.

April 1, 2009: Town Council approved Conditional Use Permit (CU08-177) and Site Plan (SP08-176) for Desert Horizon Nursery to extend the nursery’s operation with an additional ten (10) year term defined.

July 8, 2020: Planning Commission recommended approval of P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension.

DISCUSSION:

This proposal consists of a request by John Reddell for renewal of the previously granted Conditional Use Permit to allow continued operation of the existing Desert Horizon Nursery, located north of the northwest corner of Ellsworth and Ryan roads. The existing 4.96 acre site is situated on lot 60 of the Ellsworth Suburban Mini Farms subdivision currently zoned R1-43.

As recommended by the Planning Commission, this current request will renew and extend the Conditional Use Permit without another time limit attached. A Site Plan has been provided to reiterate the current site design and use occurring. While future parking lot improvements are planned, the nursery will continue to be held to its existing size and operations if this request is approved. The majority of the site is used for growing plants and trees, with a small restroom and cashier area located towards the front (east) side of the parcel. Several adjacent parcels to the west are also used for the growing aspect of the nursery, and owned by the Stevenson family.

Because of the site’s residential R1-43 zoning, a Conditional Use Permit is required for the nursery’s retail operation. Desert Horizon Nursery has made two (2) similar requests in the past, with the initial approval of its Conditional Use Permit and Site Plan on November 5, 2003 by the Town Council. Within the original Conditions of Approval, it was stipulated that the Conditional Use Permit was able to be renewed after five (5) years of operation if the applicant/owner chose to continue the use. Accordingly, the second Conditional Use Permit was approved on April 1, 2009 by the Town Council, and granted an additional ten (10) years of time to the nursery’s operation.

Although this application seeks to remove any subsequent time limit, the granting of the CUP would still be tied to the site’s current size and operations. If any future expansion or change of use were to occur, the existing Site Plan (see attachment) would serve as the basis to enforce the parameters as depicted, and a new Conditional Use Permit with a Site Plan would be required. Due to the successful ongoing operation of the nursery without impact to the surrounding community, staff is supportive of removing the time condition.

PROJECT INFORMATION	
Project Name	Desert Horizon Nursery Conditional Use Permit Time Extension
Site Location	N/NWC of Ellsworth and Ryan roads
Current Zoning	R1-43 (Rural Estate District)

General Plan Designation	Rural
Surrounding Zoning Designations:	
North	R1-43
South	R1-43
East	R1-5/PAD
West	R1-43
Site Area	4.96 acres (net)
Parking Required	3
Parking Provided	58 (with future parking lot paving)

ANALYSIS:

Conditional Use Permit Review:

Conditional Uses are those land uses that may be desirable in a community, but may by their nature, require special site and design considerations in order to ensure that they are compatible with adjacent uses and community standards. The Planning Commission, and ultimately the Town Council are charged with determining whether or not a proposed location is suitable for such uses. The purpose of the Conditional Use Permit is to have an additional tool to maintain development standards.

As outlined in the Zoning Ordinance, the following approval criteria for evaluating a proposed Conditional Use is provided:

- . The proposed Conditional Use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 5 of this Ordinance, and any applicable performance standards as set forth in Article 6 of this Ordinance.
- . The proposed Conditional Use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.
- . Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.
- . Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
- . The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
- . The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.

- . The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- . The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- . The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.

Staff has reviewed the request to ensure the proposal meets the above-listed approval criteria for evaluating a conditional use, as outlined in Article 3.5 of the Zoning Ordinance. Additionally, Staff is unaware of any prior complaints or issues throughout Desert Horizon Nursery's time of operation.

General Plan Review: The 2018 General Plan Land Use Designation for this project is Rural. The proposed project is in compliance with the General Plan, and fits the characteristics of the Rural designation.

Zoning Review: The zoning designation of the property is R1-43. No changes to the zoning are proposed, as the nursery is allowed in the R1-43 zoning district with approval of a Conditional Use Permit. The existing site is in compliance with Zoning Ordinance standards.

Site Plan Review: The Site Plan has not been expanded or modified since its initial approval in 2003. The applicant has indicated future parking lot pavement is planned, but it will not result in any change of use or site expansion. A Site Plan was provided as a part of this Conditional Use Permit request to illustrate the existing conditions and layout. As stated with the nursery's previous approvals, any subsequent expansion or change of use to the current site will require a separate Conditional Use Permit and Site Plan approval through the Town Council.

Planning Commission Meeting: This case was presented to the Planning Commission at the regularly scheduled July 8, 2020 meeting. No comments were received from the public. The Planning Commission recommended approval of this case with a unanimous vote of 5-0-2. Commissioner McWilliams and Commissioner Sossaman were absent.

PUBLIC COMMENTS:

With the circumstances surrounding COVID-19, a digital Neighborhood Meeting link was posted online on May 26, 2020 for public info and comment. All property owners within 900' of the site received notification, in addition to the signage posted on-site.

Staff has received two (2) letters in support of the request to date (see provided attachment). Staff is unaware of any concerns or opposition to the request.

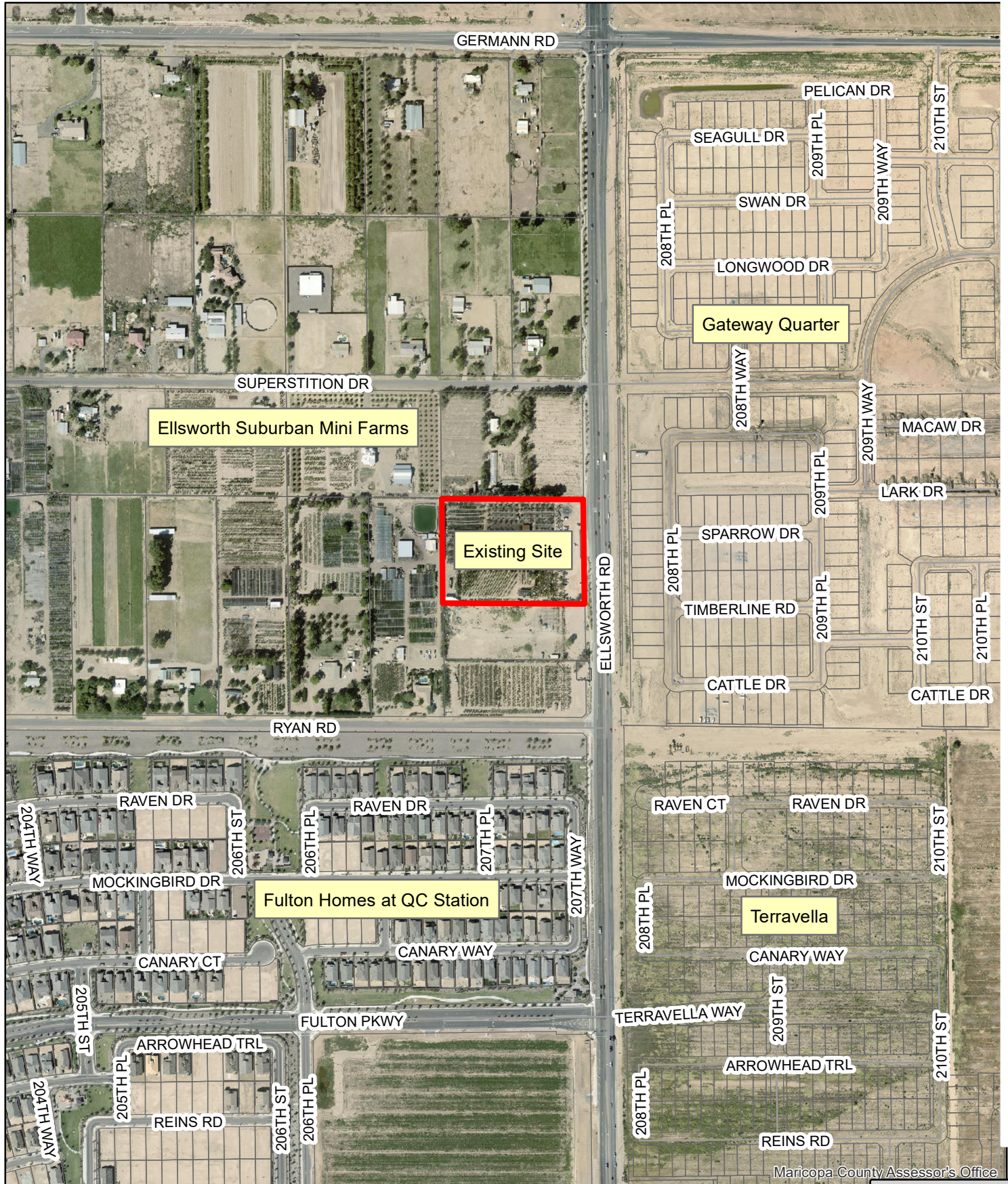
CONDITIONS OF APPROVAL:

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. Future parking lot improvements shall be processed under a separate building permit application.

3. Any additional expansion or change of use on-site shall require a new Conditional Use Permit and Site Plan approval.

Attachment(s):

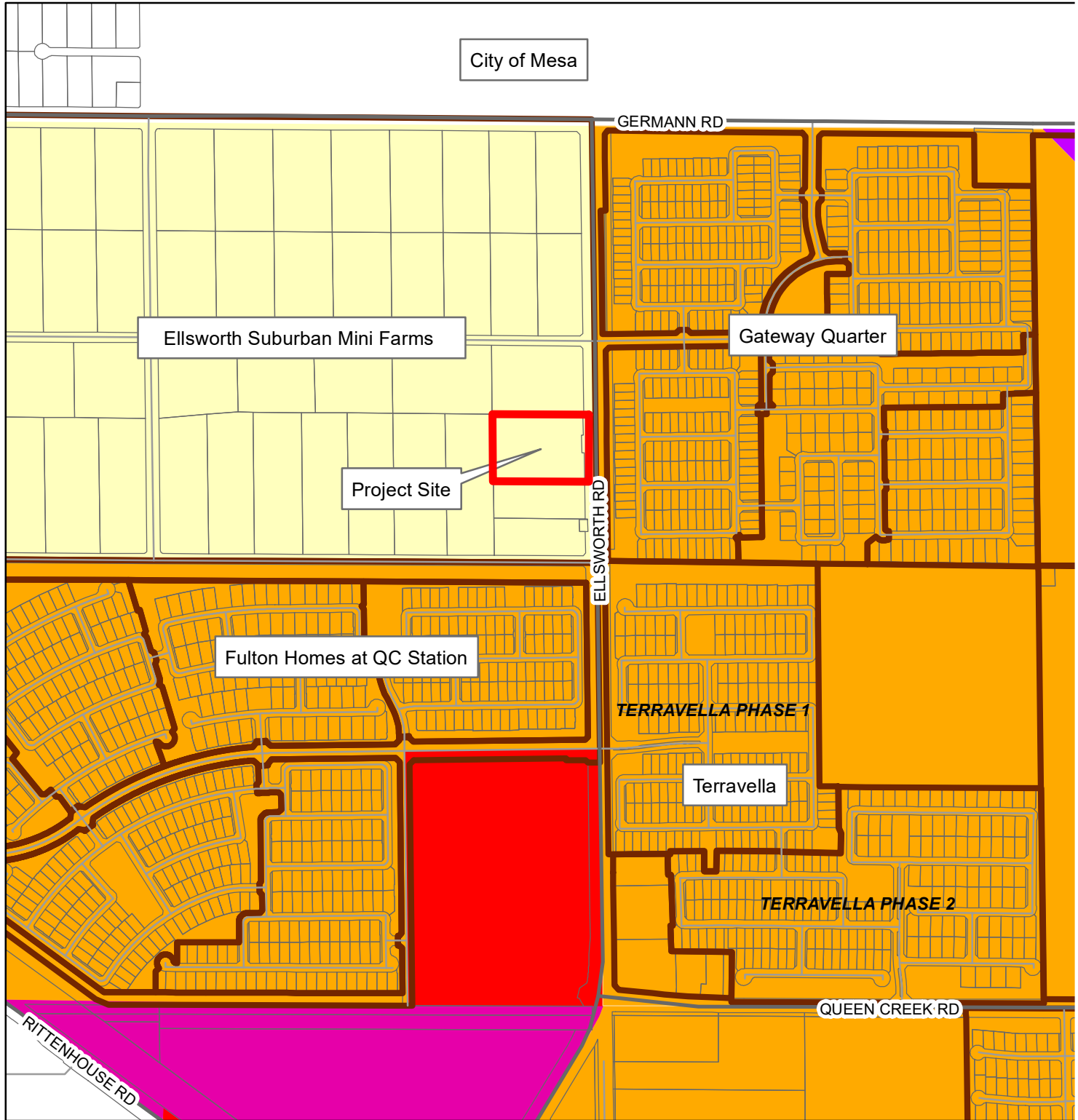
1. 1. Aerial Exhibit
2. 2. General Plan Exhibit
3. 3. Zoning Map Exhibit
4. 4. Narrative
5. 5. Existing Site Plan
6. 6. Letters of Support



Attachment: 1. Aerial Exhibit (Desert Horizon Nursery Conditional Use Permit Time Extension P20-0003)

Case Number: P20-0003

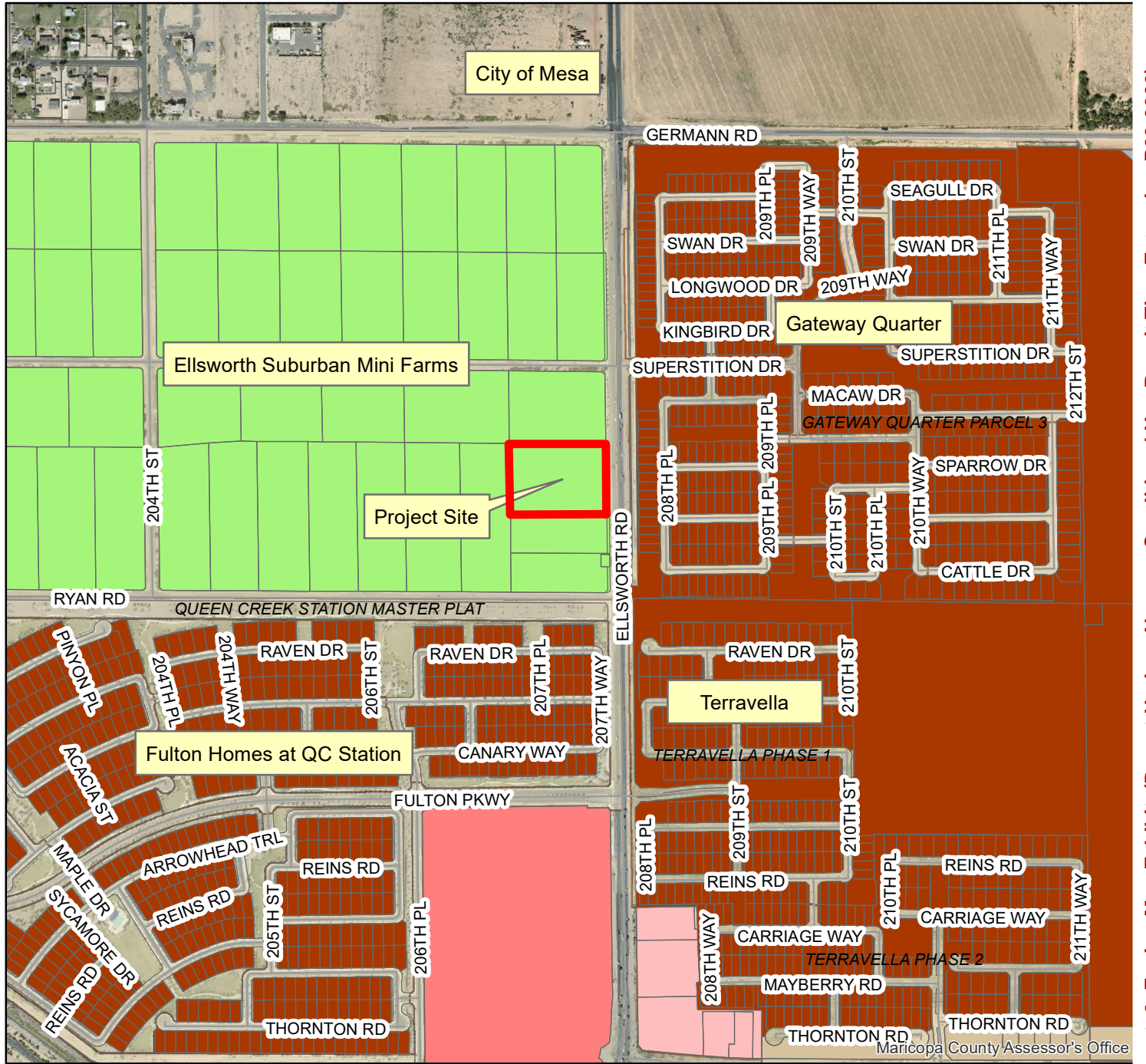
Hearing Date: August 5, 2020 (Town Council)



Attachment: 2. General Plan Exhibit (Desert Horizon Nursery Conditional Use Permit Time Extension P20-0003)

























General Plan Land Use

- | | | | |
|--------------|------------|--------------------|--------------------|
| Rural | Commercial | Special District 1 | Special District 4 |
| Neighborhood | Industrial | Special District 2 | |
| Urban | Open Space | Special District 3 | |



Attachment: 3. Zoning Map Exhibit (Desert Horizon Nursery Conditional Use Permit Time Extension P20-0003)

Zoning Districts

 C-1 - Commercial	 PQP - Public/Quasi-Public	 R1-7 - Residential	 R1-35 - Residential
 C-2 - Commercial	 RC - Recreation/Conservation	 R1-8 - Residential	 R1-43 - Residential
 C-3 - Commercial	 MDR - Residential	 R1-9 - Residential	 R1-54 - Residential
 TC - Commercial	 R1-4 - Residential	 R1-12 - Residential	 R1-190 - Residential
 EMP A - Office/Industrial Park	 R1-5 - Residential	 R1-15 - Residential	 PCD - Planned Community
 EMP B - General Industrial	 R1-6 - Residential	 R1-18 - Residential	 A

Desert Horizon Nursery Conditional Use Permit Extension (P20-0003)

Introduction:

Established in 2003 due to the increasing demand of plant material needed for the fast growing community of Queen Creek, Desert Horizon Nursery is a family owned business and employs nearly 50 people, under the helm of brothers Billy Stevenson Jr. and Jay Stevenson. Desert Horizon Nursery is passionate about providing a huge selection of plant material and a large variety of gardening products along with knowledgeable courteous staff to ensure the success of our customers.

Desert Horizon Nursery has a huge social media presence on Instagram 27,000 strong and on Facebook approximately 25,000; and featured by many local print media including Best of New Times Nursery. Desert Horizon Nursery has a presence that draws in customers from all over the state of Arizona. One can experience the magic that makes Desert Horizon Nursery a premier garden center destination and an asset to the residents of Queen Creek by walking through the doors.

Desert Horizon Nursery is committed to re-investing in the town of Queen Creek and through the years has provided substantial plant donations, numerous monetary charitable donations and considerable educational experiences to the community.

Request:

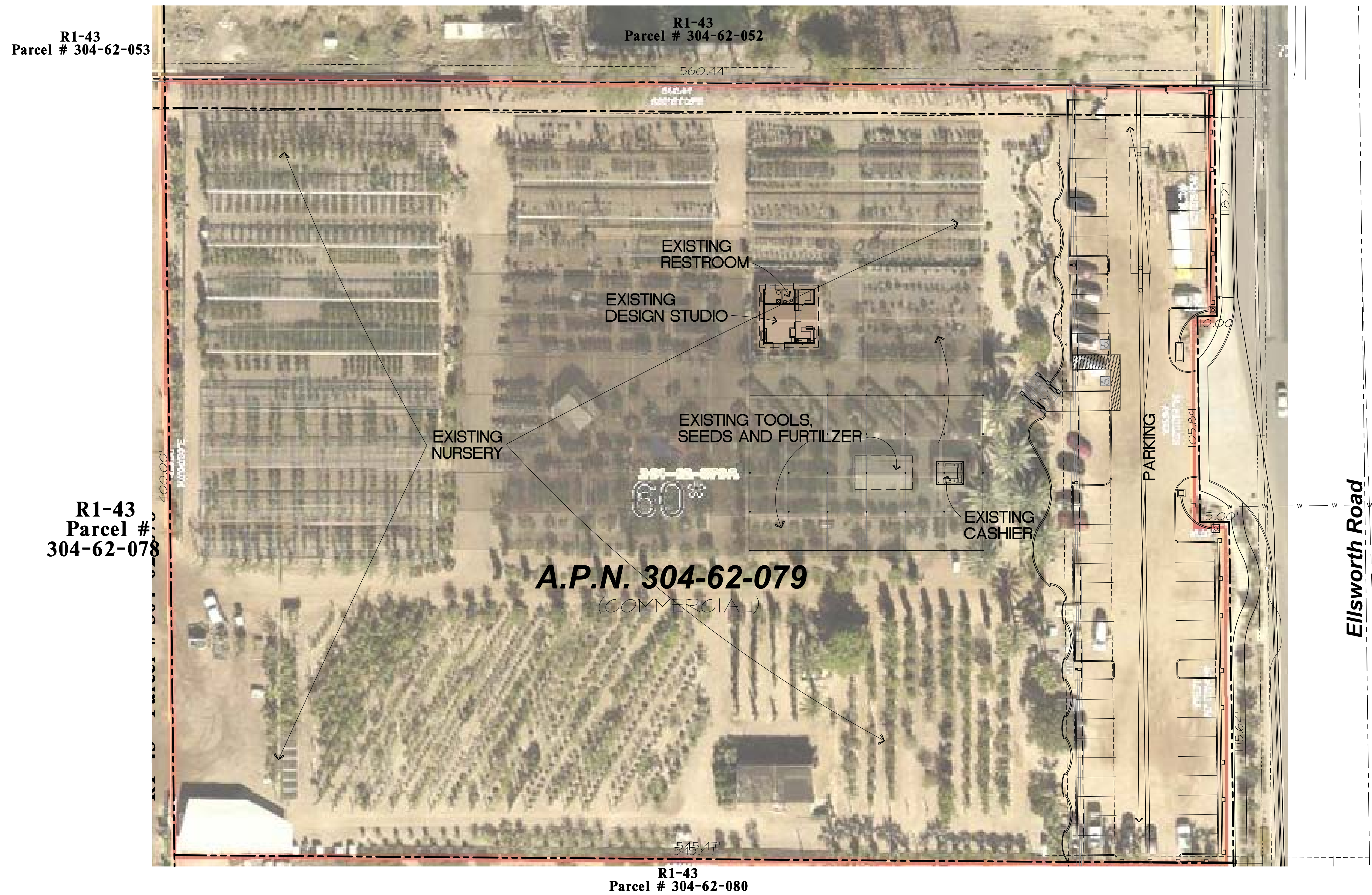
The request is for the extension of the Conditional Use Permit, allowing continued operation of the existing nursery and sales of landscaping items as defined in the Zoning Ordinance. Desert Horizon Nursery is located as a part of the Ellsworth Suburban Mini Farms residential subdivision at 19520 S. Ellsworth Road. Under its current R1-43 zoning designation, a Conditional Use Permit is required to operate the nursery and sell landscaping items.

History:

The nursery first received its Conditional Use Permit in November of 2003, originally approved by Council for a period of 5 years. It was renewed thru the Town Council for a 2nd time in April of 2009 for a 10-year extension, and is now up for a 3rd review to renew the Conditional Use Permit for the remaining duration of the nursery's continued operation.

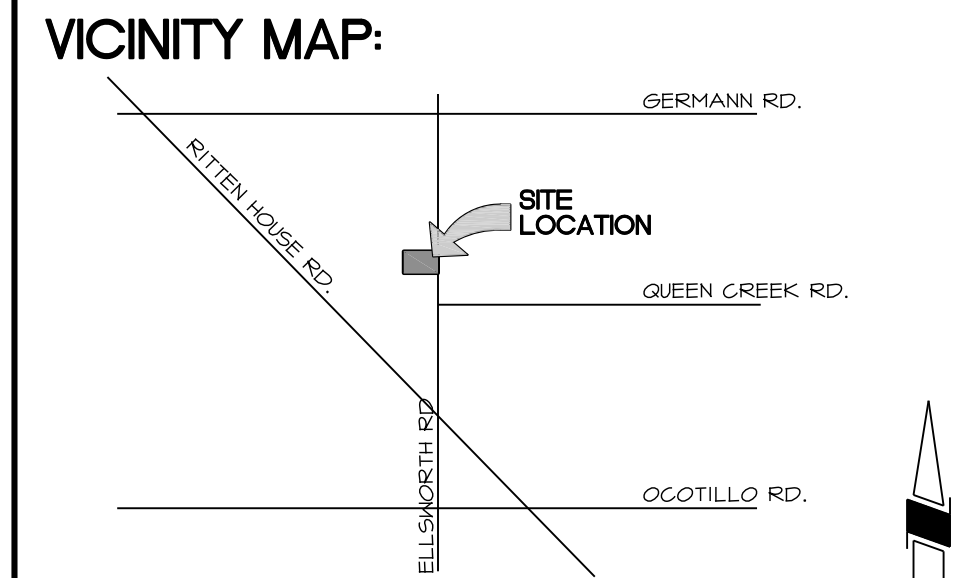
Desert Horizon Nursery

19250 S. Ellsworth Road
Queen Creek, AZ



PROJECT DATA:

PARCEL #	304-62-079
EXISTING ZONING	R1-43
LEGAL DESCRIPTION	ELLSWORTH SUBURBAN MINI FARMS BOOK 144 OF MAPS PAGE 11 RECORDS OF MARICOPA COUNTY
G.S.	4
SECTION TOWNSHIP	25 TE
BUILDING USE	PLANT SALES & ACCESSORY
SITE AREA:	
GROSS	224,176 SQ. FT. (5.14 AC)
NET	214,176 SQ. FT. (4.91 AC)
PARKING REQUIRED:	
T50 / 250 =	3 SPACES
PARKING PROVIDED:	58 INCL. 2 HP



PROJECT TEAM:

OWNER:
Desert Horizon Nursery
19250 S. ELLSWORTH
QUEEN CREEK, ARIZONA

ARCHITECT:
John Reddell Architects, Inc.
2168 E. Williams Field Road #200
Gilbert, AZ 85298
(602) 531-2854 (cell)
Email: johnreddellarchitects.com
Contact: John Reddell

Desert Horizon Nursery
19250 S. Ellsworth Road
Queen Creek, AZ

John Reddell Architects, Inc.
Architecture Interiors Land Planning
2168 E. Williams Field Rd. #200
Gilbert, Arizona 85298
(602) 531-2854 (cell)
Email: johnreddellarchitects.com

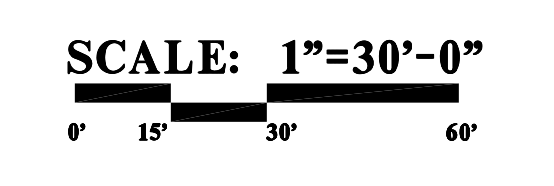
Date: 1/7/2014
Revisions:

17664
JOHN B. REDDELL JR.
ARCHITECT
ARIZONA - U.S.A.

Drawings and Specifications as instruments of service are and shall remain the property of the Architect whether the Project for which they were prepared is completed or not. They are not to be used on other Projects or extensions to this Project without the approval in writing and with appropriate compensation to John Reddell Architects, Inc. Copyright 2014 John Reddell Architects, Inc.

A

OVERALL SITEPLAN



Attachment: 5. Existing Site Plan (Desert Horizon Nursery Conditional Use Permit Time Extension P20-0003)

Letters of Support – Two (2) total receivedDesert Horizon Nursery Inbox x**charles cain**

to me ▾

Steven

My name is Charles Cain I live within walking distance of the nursery. I am very much in favor of the nursery continuing business The alternative would probably be a strip mall or fast food restaurant We have enough of those businesses already

Thank Charles Cain

Received by Town Staff 05/29/2020Desert Horizon Nursery Inbox x**Stacy Rasmussen**

to me ▾

To Whom it May Concern,

I approve the renewal of the permit to continue operations of Desert Horizon Nursery. I would like to see this business thrive for many years to come on that property!

Thank you,

Stacy Rasmussen

Received by Town Staff 06/25/2020



Requesting Department

Development Services

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR

FROM: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR ; ERIK SWANSON, INTERIM PLANNING ADMINISTRATOR; VICTOR MARTINEZ, CODE COMPLIANCE SUPERVISOR

RE: DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 721-20, P20-0042 TOWN CODE TEXT AMENDMENT, VICIOUS ANIMALS A STAFF INITIATED TEXT AMENDMENT TO REVISE SECTION 6-2-1 DEFINITIONS AND SECTION 6-2-9 DOGS NOT PERMITTED AT LARGE; WEARING LICENSE OF CHAPTER 6 OF THE TOWN CODE.

DATE: August 5, 2020

Staff Recommendation:

Staff recommends approval of Ordinance 721-20, P20-0042 Text Amendment: Vicious Animals, a text amendment to revise *Section 6-2-1 Definitions* and *Section 6-2-9 Dogs Not Permitted at Large; Wearing License* of Chapter 6 of the Town Code.

Relevant Council Goal(s):



Effective Government

Proposed Motion:

Move to approve Ordinance 721-20, P20-0042 Text Amendment: Vicious Animals, a text amendment to revise *Section 6-2-1 Definitions* and *Section 6-2-9 Dogs Not Permitted at Large; Wearing License* of Chapter 6 of the Town Code.

Summary:

On February 4, 2015, the Town Council amended *Chapter 6: Animals* of the Town Code to provide greater clarity and increase public safety concerning the handling of biting animals, the responsibility for reporting animal bites, and authority to destroy animals. Additionally, the amendment included a process for which Town of Queen Creek residents may submit a petition to have a legal determination made through Gilbert Municipal Court as to whether an animal is potentially dangerous or vicious.

Staff is proposing minor changes to *Section 6-2-1 Definitions* to provide greater clarity and public safety concerning vicious animals and adding a subsection to *Section 6-2-9: Dogs Not Permitted at Large; Wearing License* to address numerous complaints that have been received

by the Maricopa County Sheriff's Office and Parks Staff regarding potentially dangerous and vicious animals.

The proposed changes include:

- Amending the definition of vicious animal to define a vicious animal as an animal that bites, scratches or otherwise inflicts injury on a human being or **animal**; and
- Adding a subsection that prohibits a vicious animal to be without a leash in a Town of Queen Creek dog park.

History:

July 1, 2013	Town Council approved an IGA with Maricopa County Animal Care and Control for 5 years to provide animal control services for the Town of Queen Creek in an amount of \$18,066 annually, with review on a yearly basis.
Feb. 4, 2015	Town Council amended <i>Chapter 6 Animals</i> of the Town Code (TA15-004) to update the code, provide greater clarity and public safety concerning the handling of biting animals, responsibility for reporting animal bites, and authority to destroy animals. The amendment also included a process for which Town of Queen Creek residents may submit a petition to have a legal determination made as to whether an animal is potentially dangerous or vicious.
July 1, 2018	Town Council approved an IGA amendment with Maricopa County Animal Care and Control for animal control services to be renewed on a yearly basis with no termination date in an amount of \$24,255 annually for July 1, 2018-June 30, 2019 and an amount of \$25,788 annually for July 1, 2019-June 30, 2020.

Discussion:

The text amendment is proposed due to a series of events that staff has been made aware of involving potentially vicious animals. Currently, Town Code defines vicious animals as those that are dangerous to humans. The recent situations involved dogs attacking other dogs in the dog park and in Town streets. Staff is recommending the text amendment to expand the definition of vicious animals to include attacking other animals.

Changing the definition of vicious animal to *Section 6-2-1 Definitions* to the Town Code will provide the authority to have residents submit a petition to Gilbert Municipal Court, as per the IGA with Gilbert Municipal County, to have legal determination made as to whether an animal is potentially dangerous or vicious when biting other animals and human beings.

Adding the proposed subsection to *Section 6-2-9 Dogs Not Permitted at Large; Wearing License* to the Town Code will provide the Town with the authority to require and enforce that any dangerous and vicious dogs in the dog park are wearing a leash.

Attachments:

Attachment(s):

1. Town Code Chapter 6 Article 6 Animals Current Code
2. Town Code Chapter 6 Article 6 Animals with redlined changes
3. Exhibit C Ordinance 721-20 Chapter 6 Text Amendment

CHAPTER 6 ANIMALS

ARTICLE 6-1 GENERAL

- 6-1-1 Noises
- 6-1-2 Housing

Section 6-1-1 Noises

It is unlawful to harbor or keep any animals that disturb the peace by unreasonable odors or by loud noises at any time of the day or night.

Section 6-1-2 Housing

It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW¹

- 6-2-1 Definitions
- 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board
- 6-2-3 Powers and Duties of State Department of Health Services
- 6-2-4 Powers and Duties of Enforcement Agent
- 6-2-5 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification
- 6-2-6 Kennel Permit; Fee; Violation; Classification
- 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations
- 6-2-8 Rabies Control Fund
- 6-2-9 Dogs Not Permitted at Large; Wearing License
- 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees
- 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Petition for Determination of Vicious Animals; Authority to Euthanize Animals
- 6-2-12 Criminal Complaints
- 6-2-13 Unlawful Interference with Enforcement Agent
- 6-2-14 Removing Impounded Animals
- 6-2-15 Unlawful Keeping of Dogs
- 6-2-16 Violation; Classification
- 6-2-17 Dogs; Liability
- 6-2-18 Confinement of Animals in Motor Vehicles
- 6-2-19 Sterilization of Impounded Dogs and Cats; Definition
- 6-2-20 Proper Care, Maintenance and Destruction of Impounded Animals

¹Ordinance 562-15

Section 6-2-1 Definitions

In this article unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.
- C. "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a county license can be affixed.
- D. "County animal shelter" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- E. "Department" means the state department of health services.
- F. "Dog" means a member of the *Canis Familiaris* family.
- G. "Enforcement agent" means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.
- H. "Humane officer" means the enforcement agent or the designated deputy.
- I. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized county animal shelter in accordance with the provisions of this article.
- J. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains dogs under controlled conditions.
- K. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- L. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
- M. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- N. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.
- O. "Stray dog" means any dog running at large that is not wearing a valid license tag.
- P. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized county animal shelter by employees trained by a veterinarian.

- Q. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- R. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- S. "Vicious animal" means any animal other than an animal used by law enforcement agency, that:
 1. has a propensity to bite, scratch or otherwise inflict injury on a human being without provocation. One incident of causing injury may be sufficient to establish a propensity; or
 2. has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person and;
 3. is declared vicious after a hearing before a justice of the peace or a town magistrate.

Section 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board

- A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Section 6-2-3 Powers and Duties of State Department of Health Services

- A. The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- B. The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

Section 6-2-4 Powers and Duties of Enforcement Agent

- A. The enforcement agent:
 - 1. Shall enforce the provisions of this article and the regulations promulgated thereunder.
 - 2. May issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 - 3. Shall be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.
- C. The enforcement agent may designate deputies.

Section 6-2-5¹ License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

- A. The council shall set an annual license fee which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the town for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the council. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days.
- B. Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while not in a confined, secure area or as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.
- C. License fees may be lower for dogs permanently incapable of procreation. An applicant

¹Amended by Ordinance 270-03

for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

- D. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 1 misdemeanor.

Section 6-2-6 Kennel Permit; Fee; Violation; Classification

- A. A person operating a kennel shall obtain a license issued by the county enforcement agent of the county where the kennel is located except if each individual dog is licensed.
- B. The kennel will be in compliance with the county and town health and zoning ordinances and regulations before authorization is issued. The premises will be inspected by the county enforcement agent.
- C. Applicant must have written authorization from local authorities to have kennel in area requested. This must accompany the application fee.
- D. The annual fee for the kennel license is set by Maricopa County.
- E. All dogs in the kennel four months and over shall be properly vaccinated for rabies by a veterinarian licensed to practice in Arizona pursuant to this article.
- F. A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 24-367. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 24-367, except if the dog is only being transported to another kennel which has a license issued under this section.
- G. A person who fails to obtain a kennel license under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.
- H. A person who knowingly fails to obtain a kennel license within thirty days after written notification from the county enforcement agent is guilty of a class 1 misdemeanor.
- I. The kennel will be constructed and maintained according to county health regulations.

Section 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations

- A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or

before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

- B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.
- C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

Section 6-2-8 Rabies Control Fund

- A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.
- B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

Section 6-2-9 Dogs Not Permitted at Large; Wearing License¹

- A. No dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.
- B. Any dog over the age of three months on or off the premises of the owner and not under physical control of the owner or persons acting for the owner, or any dog not in a suitable enclosure which actually confines the dog, shall wear a collar or harness to which is attached a valid license tag. Any dog over the age of three months on the premises of the owner and either confined or under physical control of the owner or persons acting for the owner need not wear a collar or harness with a valid license tag attached provided that they are properly vaccinated, licensed and in compliance with all sections of this ordinance. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.
- C. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.

¹Amended by Ordinance 270-03

- D. Any person whose dog is at large is in violation of this article. A dog is not at large if:
1. Said dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog.
 2. Said dog is used for control of livestock, or while being used or trained for hunting, or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
 3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
 4. Said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in paragraph 1 of this subsection or is within a suitable enclosure which actually confines the dog.
- E. The owner or persons acting for the owner of a dog is responsible for the acts and conduct of the dog at all times when the dog is in a public park. All dogs three months of age or older in or upon the premises of a public park must be currently licensed and shall wear a collar or harness to which is attached a valid license tag.
- F. The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash of not more than six feet in length, except when the dog is in an enclosed area within the park, which has been designated by the (county/municipality) as a dog exercise area.
- G. At all times when a dog is off leash in a designated dog exercise area as provided in subsection F of this section, the dog must be accompanied by and under control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all times, have a leash of not more than six feet in length in his or her possession.
- H. At all times when a dog is off leash and participating in a dog show, exhibition or obedience class as provided in subsection D of this section:
1. the dog must be accompanied by and under control of it's owner or persons acting for the owner or trainer or handler, who must at all times have a leash in his or her possession; and
 2. the owner or persons acting for the owner or trainer or handler or authorized representative of a club or organization to whom a permit has been issued, shall have the permit on their person at all times and shall present the permit for inspection upon request, to any police officer or authorized member of the public parks staff or enforcement agent.
- I. Any dog at large shall be apprehended and impounded by an enforcement agent.
1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include

entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.

2. Said agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899. In lieu of issuing a citation, a report may be submitted to the county attorney or town prosecutor.
3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.
4. Any dog impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

J. Penalties

1. A violation of this section is a class 1 misdemeanor.
2. A second violation of this section within twenty-four months shall be punishable by fine of not less than one hundred dollars.
3. A third or subsequent violation of this section within twenty-four months shall be punishable by a fine of not less than five hundred dollars.
4. Any violation of this section when the dog has previously been determined to be vicious pursuant to this article shall be punishable by a fine of not less than five hundred dollars and imprisonment for a term of not less than five days.

5. In no case shall a person convicted of violating this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum fine be paid and term of imprisonment be served.

Section 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees

- A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- B. Each stray dog or any cat impounded shall be kept and maintained at the county animal shelter for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all fees and complies with the licensing and vaccination provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.
- C. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all county animal shelter fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such dog or cat shall pay all pound fees.

Section 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Petition for Determination of Vicious Animals; Authority to Euthanize Animals¹

- A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by an authorized Maricopa County Animal Control Enforcement Agent (the "Enforcement Agenda").
- B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the Enforcement Agent.

¹Ordinance 562-15

- C. Any wild animal which bites any person may be euthanized and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- D. Whenever an animal bites any person, the incident shall be reported to the Enforcement Agent immediately by any person having direct knowledge.
- E. If an Enforcement Agenda has investigated and determined that there is probable cause to believe that an animal is potentially dangerous or vicious, the aggrieved victim (or guardian, if the victim is a minor or disabled person), Supervisor of Maricopa County Animal Control, The Maricopa County Sheriff's Office or their designee may file a petition to have the animal declared potentially dangerous or vicious. The petition must be filed with the Town of Gilbert Municipal Court in accordance with all established procedures and policies. The petition shall be a form prescribed by the Town of Gilbert Municipal Court.
- F. The County Enforcement Agent may euthanize any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. Such animal shows clear clinical signs of rabies.
 - 2. The owner of such animal consents to its euthanization.
- G. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.
- H. The County Enforcement Agent shall euthanize a vicious animal upon an order of a Justice of the Peace or a Town of Queen Creek authorized Magistrate, or the Magistrate of another jurisdiction serving as the Town of Queen Creek Magistrate, pursuant to an Intergovernmental Agreement (the "Queen Creek Magistrate"). A Justice of the Peace or Town of Queen Creek Magistrate may issue such an order after notice to the owner, if any, and a hearing.
- H. Any animal impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

Section 6-2-12 Criminal Complaints

Any animal impounded under this article may be kept impounded until there is a final disposition of the criminal complaint arising from the alleged violation of this article provided that the criminal complaint is filed within thirty days of the alleged violation.

Section 6-2-13 Unlawful Interference with Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

Section 6-2-14 Removing Impounded Animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

Section 6-2-15 Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

Section 6-2-16 Violation; Classification

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class 1 misdemeanor, and may be subject to imprisonment for a maximum period of six months or fined a maximum of \$1000.00 or both.

Section 6-2-17 Dogs; Liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or person or persons responsible for the dog when such damages were inflicted.

Section 6-2-18 Confinement of Animals in Motor Vehicles

- A. Confining Animals. No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.
- B. Responsibility of Motor Vehicle Owner. No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.

¹Ordinance 562-15

- C. Exceptions. Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.
- D. Authority of Peace Officer or Humane Officer. A peace officer or a humane officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal shelter or other place of safekeeping and shall in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within ten days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. The person or animal shelter having custody of the animal will make reasonable efforts to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within three (3) days after contact or efforts to contact, the person or animal shelter having custody of the animal may dispose of the animal in any reasonably humane manner.
- E. Dogs Riding in Motor Vehicles; Restrictions; Application; Exception.
1. A person driving a motor vehicle on a highway shall not allow a dog to ride in that portion of the motor vehicle that is open in such a manner which would permit the dog to jump out of the motor vehicle or to be thrown from the vehicle by acceleration or stopping of the vehicle or in an accident involving the vehicle.
 2. Paragraph 1 of this subsection applies to open areas of a motor vehicle including the open bed of a truck, the interior of a convertible motor vehicle which has the top down or removed, the rear storage portion of a station wagon or van with the tailgate open or the trunk or hatchback portion of a motor vehicle with the trunk or hatchback open, but paragraph 1 does not apply:
 - a. If the dog is confined to a cage of adequate construction and design to prevent its escape from the motor vehicle;
 - b. to a portion of a motor vehicle which is fully enclosed except for open windows;
 - c. to a motor vehicle with an installed means of preventing the dog from being discharged;
 - d. if the dog is secured to the motor vehicle in a humane manner which will prevent the dog from being thrown in the event of an accident or from escaping from the motor vehicle.

Section 6-2-19 Sterilization of Impounded Dogs and Cats; Definition

- A. A dog or cat shall not be released for adoption from a county or town shelter or from an animal shelter unless either:
1. The dog or cat has been first surgically spayed or neutered.

2. The adopting party signs an agreement to have the dog or cat spayed or neutered within thirty days or before sexual maturity and deposits with the pound or shelter an amount sufficient to ensure that the dog or cat will be sterilized.
- B. If the adoption fee includes the cost of spaying or neutering, then no deposit is required. The amount of the deposit required by subsection A, paragraph 2 of this section shall be determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the county. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

- C. Any deposit monies that are not refunded under subsection A, paragraph 2 of this section shall be used only for the following purposes:
 - 1. Spaying or neutering dogs and cats.
 - 2. Public education to prevent overpopulation of dogs and cats.
 - 3. Costs of confirming that adopted dogs and cats are spayed or neutered.
- D. This section does not apply to a county or incorporated town that adopts an ordinance or resolution for dog and cat sterilization that exceeds the requirements of this section.
- E. For purposes of this section, "animal shelter" means a facility that is used or designated for use to house or contain any dog or cat and that is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals.

Section 6-2-20 Proper Care, Maintenance and Destruction of Impounded Animals

- A. Any animal impounded in a county or town shelter shall be given proper and humane care and maintenance.
- B. Any animal destroyed while impounded in a county or town shelter shall be destroyed only by the use of one of the following:
 - 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
 - 2. Nitrogen gas.
 - 3. T-61 Euthanasia solution or its generic equivalent.
- C. If an animal is destroyed by means specified in subsection B, paragraphs 1 or 3 of this section, it shall be done by a licensed veterinarian or by personnel trained by a veterinarian.
- D. The governing body of any county or town which operates a shelter shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

ARTICLE 6-3 BEES AND BEE KEEPING¹

- 6-3-1 Definitions
- 6-3-2 Permits
- 6-3-3 Requirements
- 6-3-4 Prohibited Acts
- 6-3-5 Exceptions
- 6-3-6 Penalty
- 6-3-7 Abandoned Hives, Colonies and Apiaries

Section 6-3-1 Definitions

In this article, unless the context otherwise requires:

- A. "Apiary" means one or more hives or colonies of bees at one location.
- B. "Colony" means the inhabitation of the hive including the queen, drones, worker bees and brood.
- C. "Hives" means the domicile of bees including any receptacles or containers inhabited by bees.
- D. "Swarm" means a population of transient bees that have not permanently established themselves.

Section 6-3-2 Permits

- A. Prior to the keeping of any hive, colony or apiary within the limits of the town, all persons shall be required to obtain a beekeeping license issued by the town clerk. The application form for the license shall include the name, address and telephone number of the person seeking the license as well as the name, address and telephone number of the property owner. If the applicant is other than the property owner, then the application shall also include written permission of the owner for the use of the property for keeping a hive, colony or apiary. The form shall also include a drawing of the property indicating the location for the keeping of the hive, colony or apiary and an acknowledgment that prior to the placing of the hive, colony or apiary upon the property that an adequate supply of water is available on the property in close proximity to the hive, colony or apiary.
- B. An annual fee of ten dollars shall be charged and collected for the issuance of each license and a separate license will be required for each separate location at which bee keeping will occur.

Section 6-3-3 Requirements

¹Ordinance 52-94

- A. Any receptacle or container inhabited by bees shall be marked on the outside in such a manner as to reflect the license number issued by the town.
- B. A permanent and adequate water supply must be available on the property at all times within thirty feet of the hive, colony or apiary.
- C. In residential zones classified R-1-35 or smaller, all hives, colonies and apiaries must be located no closer than thirty feet to any exterior property line. In residential zones classified R-1-43 or greater and in commercial or industrial zones, the thirty foot limitation shall only apply along the property line that abuts residential property zoned R-1-35 or smaller.

Section 6-3-4 Prohibited Acts

The following are prohibited:

- A. The keeping of bees whether or not for commercial purposes without first having obtained a permit.
- B. Failure to provide adequate water supply as set forth in Section 6-3-3.
- C. Any act or omission the result of which is to allow bees to be kept in such a manner so that they present a hazard to the public health, safety and welfare of the residents.

Section 6-3-5 Exceptions

The provisions of this Article do not apply to any property owner upon whose property a swarm of transient bees are attempting to or have established a domicile.

Section 6-3-6 Penalty

Upon conviction of a violation of any provision of this Article, the first offense shall be punished as a petty offense and all subsequent convictions within a two year period shall be treated as class I misdemeanors.

Section 6-3-7 Abandoned Hives, Colonies and Apiaries

Any hive, colony or apiary which does not contain the marking requirements of subsection A of Section 6-3-3 and the water supply requirement of subsection B of Section 6-3-3 and for which no permit required by Section 6-3-2 has been issued shall be presumed to be abandoned. The town upon a complaint may take all action necessary to remove the abandoned hive, colony or apiary from the property.

CHAPTER 6 ANIMALS

ARTICLE 6-1 GENERAL

- 6-1-1 Noises
- 6-1-2 Housing

Section 6-1-1 Noises

It is unlawful to harbor or keep any animals that disturb the peace by unreasonable odors or by loud noises at any time of the day or night.

Section 6-1-2 Housing

It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW¹

- 6-2-1 Definitions
- 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board
- 6-2-3 Powers and Duties of State Department of Health Services
- 6-2-4 Powers and Duties of Enforcement Agent
- 6-2-5 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification
- 6-2-6 Kennel Permit; Fee; Violation; Classification
- 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations
- 6-2-8 Rabies Control Fund
- 6-2-9 Dogs Not Permitted at Large; Wearing License
- 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees
- 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Petition for Determination of Vicious Animals; Authority to Euthanize Animals
- 6-2-12 Criminal Complaints
- 6-2-13 Unlawful Interference with Enforcement Agent
- 6-2-14 Removing Impounded Animals
- 6-2-15 Unlawful Keeping of Dogs
- 6-2-16 Violation; Classification
- 6-2-17 Dogs; Liability
- 6-2-18 Confinement of Animals in Motor Vehicles
- 6-2-19 Sterilization of Impounded Dogs and Cats; Definition
- 6-2-20 Proper Care, Maintenance and Destruction of Impounded Animals

¹Ordinance 562-15

Section 6-2-1 Definitions

In this article unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.
- C. "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a county license can be affixed.
- D. "County animal shelter" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- E. "Department" means the state department of health services.
- F. "Dog" means a member of the *Canis Familiaris* family.
- G. "Enforcement agent" means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.
- H. "Humane officer" means the enforcement agent or the designated deputy.
- I. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized county animal shelter in accordance with the provisions of this article.
- J. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains dogs under controlled conditions.
- K. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- L. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
- M. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- N. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.
- O. "Stray dog" means any dog running at large that is not wearing a valid license tag.
- P. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized county animal shelter by employees trained by a veterinarian.

- Q. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- R. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- S. "Vicious animal" means any animal other than an animal used by law enforcement agency, that:
1. has a propensity to bite, scratch or otherwise inflict injury on a human being or animal without provocation. One incident of causing injury may be sufficient to establish a propensity; or
 2. has a propensity to approach human beings or animals without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person and;
 3. is declared vicious after a hearing before a justice of the peace or a town magistrate.

Section 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board

- A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Section 6-2-3 Powers and Duties of State Department of Health Services

- A. The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- B. The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

Section 6-2-4 Powers and Duties of Enforcement Agent

- A. The enforcement agent:
1. Shall enforce the provisions of this article and the regulations promulgated thereunder.
 2. May issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 3. Shall be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.
- C. The enforcement agent may designate deputies.

Section 6-2-5¹ License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

- A. The council shall set an annual license fee which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the town for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the council. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days.
- B. Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while not in a confined, secure area or as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.
- C. License fees may be lower for dogs permanently incapable of procreation. An applicant

¹Amended by Ordinance 270-03

for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

- D. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 1 misdemeanor.

Section 6-2-6 Kennel Permit; Fee; Violation; Classification

- A. A person operating a kennel shall obtain a license issued by the county enforcement agent of the county where the kennel is located except if each individual dog is licensed.
- B. The kennel will be in compliance with the county and town health and zoning ordinances and regulations before authorization is issued. The premises will be inspected by the county enforcement agent.
- C. Applicant must have written authorization from local authorities to have kennel in area requested. This must accompany the application fee.
- D. The annual fee for the kennel license is set by Maricopa County.
- E. All dogs in the kennel four months and over shall be properly vaccinated for rabies by a veterinarian licensed to practice in Arizona pursuant to this article.
- F. A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 24-367. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 24-367, except if the dog is only being transported to another kennel which has a license issued under this section.
- G. A person who fails to obtain a kennel license under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.
- H. A person who knowingly fails to obtain a kennel license within thirty days after written notification from the county enforcement agent is guilty of a class 1 misdemeanor.
- I. The kennel will be constructed and maintained according to county health regulations.

Section 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations

- A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or

before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

- B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.
- C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

Section 6-2-8 Rabies Control Fund

- A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.
- B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

Section 6-2-9 Dogs Not Permitted at Large; Wearing License¹

- A. No dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.
- B. Any dog over the age of three months on or off the premises of the owner and not under physical control of the owner or persons acting for the owner, or any dog not in a suitable enclosure which actually confines the dog, shall wear a collar or harness to which is attached a valid license tag. Any dog over the age of three months on the premises of the owner and either confined or under physical control of the owner or persons acting for the owner need not wear a collar or harness with a valid license tag attached provided that they are properly vaccinated, licensed and in compliance with all sections of this ordinance. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.
- C. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.

¹Amended by Ordinance 270-03

- D. Any person whose dog is at large is in violation of this article. A dog is not at large if:
1. Said dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog.
 2. Said dog is used for control of livestock, or while being used or trained for hunting, or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
 3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
 4. Said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in paragraph 1 of this subsection or is within a suitable enclosure which actually confines the dog.
- DI. The owner or persons acting for the owner of a dog is responsible for the acts and conduct of the dog at all times when the dog is in a public park. All dogs three months of age or older in or upon the premises of a public park must be currently licensed and shall wear a collar or harness to which is attached a valid license tag.
- DII. The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash of not more than six feet in length, except when the dog is in an enclosed area within the park, which has been designated by the (county/municipality) as a dog exercise area.
1. **Any dog that is by definition a vicious animal pursuant to section 6-2-1 is not exempt from the leash requirement in a designated dog exercise area within a public park.**
- DIII. At all times when a dog is off leash in a designated dog exercise area as provided in subsection F of this section, the dog must be accompanied by and under control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all times, have a leash of not more than six feet in length in his or her possession.
- DIV. At all times when a dog is off leash and participating in a dog show, exhibition or obedience class as provided in subsection D of this section:
1. the dog must be accompanied by and under control of it's owner or persons acting for the owner or trainer or handler, who must at all times have a leash in his or her possession; and
 2. the owner or persons acting for the owner or trainer or handler or authorized representative of a club or organization to whom a permit has been issued, shall have the permit on their person at all times and shall present the permit for inspection upon request, to any police officer or authorized member of the public parks staff or enforcement agent.
- DV. Any dog at large shall be apprehended and impounded by an enforcement agent.

1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include

entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.

2. Said agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899. In lieu of issuing a citation, a report may be submitted to the county attorney or town prosecutor.
3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.
4. Any dog impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

J. Penalties

1. A violation of this section is a class 1 misdemeanor.
2. A second violation of this section within twenty-four months shall be punishable by fine of not less than one hundred dollars.
3. A third or subsequent violation of this section within twenty-four months shall be punishable by a fine of not less than five hundred dollars.
4. Any violation of this section when the dog has previously been determined to be vicious pursuant to this article shall be punishable by a fine of not less than five hundred dollars and imprisonment for a term of not less than five days.

5. In no case shall a person convicted of violating this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum fine be paid and term of imprisonment be served.

Section 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees

- A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- B. Each stray dog or any cat impounded shall be kept and maintained at the county animal shelter for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all fees and complies with the licensing and vaccination provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.
- C. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all county animal shelter fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such dog or cat shall pay all pound fees.

Section 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Petition for Determination of Vicious Animals; Authority to Euthanize Animals¹

- A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by an authorized Maricopa County Animal Control Enforcement Agent (the "Enforcement Agenda").
- B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the Enforcement Agent.

¹Ordinance 562-15

- C. Any wild animal which bites any person may be euthanized and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- D. Whenever an animal bites any person, the incident shall be reported to the Enforcement Agent immediately by any person having direct knowledge.
- E. If an Enforcement Agenda has investigated and determined that there is probable cause to believe that an animal is potentially dangerous or vicious, the aggrieved victim (or guardian, if the victim is a minor or disabled person), Supervisor of Maricopa County Animal Control, The Maricopa County Sheriff's Office or their designee may file a petition to have the animal declared potentially dangerous or vicious. The petition must be filed with the Town of Gilbert Municipal Court in accordance with all established procedures and policies. The petition shall be a form prescribed by the Town of Gilbert Municipal Court.
- F. The County Enforcement Agent may euthanize any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. Such animal shows clear clinical signs of rabies.
 - 2. The owner of such animal consents to its euthanization.
- G. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.
- H. The County Enforcement Agent shall euthanize a vicious animal upon an order of a Justice of the Peace or a Town of Queen Creek authorized Magistrate, or the Magistrate of another jurisdiction serving as the Town of Queen Creek Magistrate, pursuant to an Intergovernmental Agreement (the "Queen Creek Magistrate"). A Justice of the Peace or Town of Queen Creek Magistrate may issue such an order after notice to the owner, if any, and a hearing.
- H. Any animal impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

Section 6-2-12 Criminal Complaints

Any animal impounded under this article may be kept impounded until there is a final disposition of the criminal complaint arising from the alleged violation of this article provided that the criminal complaint is filed within thirty days of the alleged violation.

Section 6-2-13 Unlawful Interference with Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

Section 6-2-14 Removing Impounded Animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

Section 6-2-15 Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

Section 6-2-16 Violation; Classification

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class 1 misdemeanor, and may be subject to imprisonment for a maximum period of six months or fined a maximum of \$1000.00 or both.

Section 6-2-17 Dogs; Liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or person or persons responsible for the dog when such damages were inflicted.

Section 6-2-18 Confinement of Animals in Motor Vehicles

- A. Confining Animals. No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.
- B. Responsibility of Motor Vehicle Owner. No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.

¹Ordinance 562-15

- C. Exceptions. Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.
- D. Authority of Peace Officer or Humane Officer. A peace officer or a humane officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal shelter or other place of safekeeping and shall in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within ten days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. The person or animal shelter having custody of the animal will make reasonable efforts to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within three (3) days after contact or efforts to contact, the person or animal shelter having custody of the animal may dispose of the animal in any reasonably humane manner.
- E. Dogs Riding in Motor Vehicles; Restrictions; Application; Exception.
1. A person driving a motor vehicle on a highway shall not allow a dog to ride in that portion of the motor vehicle that is open in such a manner which would permit the dog to jump out of the motor vehicle or to be thrown from the vehicle by acceleration or stopping of the vehicle or in an accident involving the vehicle.
 2. Paragraph 1 of this subsection applies to open areas of a motor vehicle including the open bed of a truck, the interior of a convertible motor vehicle which has the top down or removed, the rear storage portion of a station wagon or van with the tailgate open or the trunk or hatchback portion of a motor vehicle with the trunk or hatchback open, but paragraph 1 does not apply:
 - a. If the dog is confined to a cage of adequate construction and design to prevent its escape from the motor vehicle;
 - b. to a portion of a motor vehicle which is fully enclosed except for open windows;
 - c. to a motor vehicle with an installed means of preventing the dog from being discharged;
 - d. if the dog is secured to the motor vehicle in a humane manner which will prevent the dog from being thrown in the event of an accident or from escaping from the motor vehicle.

Section 6-2-19 Sterilization of Impounded Dogs and Cats; Definition

- A. A dog or cat shall not be released for adoption from a county or town shelter or from an animal shelter unless either:
1. The dog or cat has been first surgically spayed or neutered.

2. The adopting party signs an agreement to have the dog or cat spayed or neutered within thirty days or before sexual maturity and deposits with the pound or shelter an amount sufficient to ensure that the dog or cat will be sterilized.
- B. If the adoption fee includes the cost of spaying or neutering, then no deposit is required. The amount of the deposit required by subsection A, paragraph 2 of this section shall be determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the county. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

- C. Any deposit monies that are not refunded under subsection A, paragraph 2 of this section shall be used only for the following purposes:
 - 1. Spaying or neutering dogs and cats.
 - 2. Public education to prevent overpopulation of dogs and cats.
 - 3. Costs of confirming that adopted dogs and cats are spayed or neutered.
- D. This section does not apply to a county or incorporated town that adopts an ordinance or resolution for dog and cat sterilization that exceeds the requirements of this section.
- E. For purposes of this section, "animal shelter" means a facility that is used or designated for use to house or contain any dog or cat and that is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals.

Section 6-2-20 Proper Care, Maintenance and Destruction of Impounded Animals

- A. Any animal impounded in a county or town shelter shall be given proper and humane care and maintenance.
- B. Any animal destroyed while impounded in a county or town shelter shall be destroyed only by the use of one of the following:
 - 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
 - 2. Nitrogen gas.
 - 3. T-61 Euthanasia solution or its generic equivalent.
- C. If an animal is destroyed by means specified in subsection B, paragraphs 1 or 3 of this section, it shall be done by a licensed veterinarian or by personnel trained by a veterinarian.
- D. The governing body of any county or town which operates a shelter shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

ORDINANCE 721-20

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE QUEEN CREEK TOWN CODE, CHAPTER 6, ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW OF THE TOWN CODE.

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, the Town Council has determined that it is in the best interest of the residents of Queen Creek to make certain changes to the Town Code Chapter 10, as further set forth in Exhibit "A", which is attached hereto and incorporated herein by reference.

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

Section 1. Chapter 6, Article 6-2 Rabies/Animal Control Leash Law of the Queen Creek Town Code is amended as set forth in Exhibit "A,"

Section 2. If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to Chapter 6, Town Code, 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.

Section 3. At least one paper copy and one electronic copy of this ordinance and exhibits are to be filed in the office of the Town Clerk.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona, this 18th day of March 2020.

FOR THE TOWN OF QUEEN CREEK:

ATTESTED TO:

Gail Barney, Mayor

Maria Gonzalez, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Dickinson Wright PLLC
Attorneys for the Town

Attachment: Exhibit C Ordinance 721-20 Chapter 6 Text Amendment (Ord. 721-20, P20-0042 Town Code Text Amendment, Vicious Animals)