



TOWN OF FOUNTAIN HILLS TOWN COUNCIL RETREAT AGENDA

*** A M E N D E D**

Mayor Ginny Dickey

Vice Mayor Art Tolis

Councilmember Alan Magazine

Councilmember Dennis Brown

Councilmember Mike Scharnow

Councilmember Sherry Leckrone

Councilmember David Spelich

WHEN: THURSDAY, FEBRUARY 7, 2019

TIME: 9:00 AM to 3:00 PM

**WHERE: FOUNTAIN HILLS COMMUNITY CENTER, BALLROOM #4
13001 N. LA MONTANA DRIVE, FOUNTAIN HILLS, ARIZONA**

Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call; a quorum of the Town's various Commission, Committee or Board members may be in attendance at the Council meeting.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

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- 1. CALL TO ORDER** - Mayor Ginny Dickey
 - 2. ROLL CALL** - Mayor Ginny Dickey
 - 3. RETREAT AGENDA ITEMS**

All Items are listed for discussion only. No Action can or will be taken. The primary purpose of this meeting is to provide the Council with the opportunity for an in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by the consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

- A. The Town Manager will provide an overview of the Council Retreat
 - B. Review of the 2017 Fountain Hills Strategic Plan
 - C. Proposed FY2019/20 Budget, Capital Improvement Program, and Five-year Financial Forecast
 - D. Discussion of Council Rules of Procedure (including Boards/Commissions)
 - E. Discussion:
 - i. Special Event Liquor Licenses
 - ii. Hillside Protection Easement
 - iii. Party Nuisance Ordinance
 - F. Summary of Council discussions by the Town Manager
 - G.* Discussion of Pedestrian Safety.**
4. Adjournment

DATED AND POSTED this 4th day of February, 2019.

Elizabeth A. Burke, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting or to obtain agenda information in large print format. *Supporting documentation and staff reports furnished the Council with this agenda are available for review in the Clerk's office.*

ITEM 3-B

#	Task	Total Points	Ranking
		(7 to 24)	(1 to 14)
4.1c	Increase revenues to meet community needs including addressing projected operating shortfall	24	1
4.1b	Identify revenue options	24	1
2.1a	Develop and implement an investment plan to bring streets, buildings, and parks up to established standards	22	2
4.1a	Adequately fund all identified reserve funds	20	3
3.1a	Work with State Land Trust to increase residential density	19	4
1.2c	Rezone un-platted land for greater density and affordable family homes	18	5
1.4a	Explore higher education opportunities in Fountain Hills	17	6
3.2c	Include family branding in marketing plan	16	7
3.2b	Expand use of social media and on-line messaging	15	8
1.1a	Develop a community brand/vision/marketing plan	15	8
5.3a	Utilize effective volunteer skills and talents	14	9
5.1a	Include local school strengths in marketing plan	14	9
2.2a	Develop and adopt a comprehensive environmental plan	13	10
1.2a	Rezone undeveloped commercial property to residential where feasible	13	10
5.1c	Explore selling/leasing unused properties	12	11
5.1b	Work with FHUSD to maximize property values	12	11
3.2f	Support youth club sports	11	12
3.2e	Organize specialty youth camps	11	12
1.3a	Create and expand destination events	11	12
3.2a	Distribute Town's marketing plan to local businesses	10	13
1.2b	Adopt a text amendment that allows residential uses on commercially rezoned properties	10	13
5.2a	Increase community efforts to lobby for municipal issues	8	14
2.2b	Research and report on economic and logistic feasibility of electric car charging stations	7	15



2017 STRATEGIC PLAN

STRATEGIC GOALS

VISION

Fountain Hills is a distinctive community with long term economic sustainability and vitality anchored with an active and vibrant town citizenship that serves to invigorate a rich cultural, social, and economic quality of life.

VALUES

Preserve the health, well being, and safety of all residents and visitors.

Champion the diversity of experiences our residents bring to our community and rely on this depth of experience to innovatively address our challenges and continually improve our community.

Take responsibility for our Town's success by building partnerships and investing in our talent and resources.

Steward this unique enclave, dedicated to preserving the environment and visual aesthetic and to living in balance with the Sonoran Desert.

Encourage a strong community that meets the needs of a growing, balanced demographic.

1 Economic Growth

1.1 Market Fountain Hills

- 1.1a Develop a community brand/vision/marketing plan
- 1.1b Develop a new business resource package
- 1.1c Increase funding for business accelerator programs

1.2 Sustain Commercial Businesses

- 1.2a Rezone undeveloped commercial property to residential where feasible
- 1.2b Adopt a text amendment that allows residential uses on commercially rezoned properties
- 1.2c Rezone un-platted land for greater density and affordable family homes

1.3 Promote Tourism

- 1.3a Create and expand destination events

1.4 Higher Education

- 1.4a Explore higher education options and opportunities in Fountain Hills

2 Infrastructure Maintenance

2.1 Invest in Fountain Hills

- 2.1a Develop and implement an investment plan to bring streets, buildings, and parks up to established standards
- 2.1b Commission a study to identify gap between actual and subdivision ordinance specifications and determine cost of meeting ordinance specifications

2.2 Promote Environmentally Friendly Initiatives

- 2.2a Develop and adopt a comprehensive environmental plan
- 2.2b Research and report on economic and logistic feasibility of electric car charging stations

3 Demographic Balance

3.1 Attract Demographic

- 3.1a Work with State Land Trust to increase residential density

3.2 Market and Promote

- 3.2a Distribute Town's marketing plan to local businesses
- 3.2b Expand use of social media and on-line messaging
- 3.2c Include family branding in marketing plan
- 3.2d Organize a young professionals group or organization
- 3.2e Organize specialty youth camps
- 3.2f Support youth club sports

4 Financial Stability and Sustainability

4.1 Identify Sources of New Revenue

- 4.1a Adequately fund all identified reserve funds
- 4.1b Identify revenue options
- 4.1c Increase revenues to meet community needs including addressing projected operating shortfall

5 Community and Quality of Life

5.1 Promote Education System

- 5.1a Include local school strengths in marketing plan
- 5.1b Work with FHUSD to maximize property values
- 5.1c Explore selling/leasing unused properties

5.2 Utilize Intergovernmental Relations to Achieve Priorities

- 5.2a Increase community efforts to lobby for municipal issues

5.3 Leverage the Talents of Residents to the Town's Advantage

- 5.3a Utilize effective volunteer skills and talents

STRATEGIC OBJECTIVES AND TASKS



Town of Fountain Hills

2017 Strategic Plan

May 18, 2017

TOWN OF FOUNTAIN HILLS 2017 STRATEGIC PLAN

Goal # 1: Maximize Economic Development Opportunities in Fountain Hills

Objective #1 – Create or Utilize Tools to Help Market Fountain Hills for Economic Development Opportunities

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Develop a community brand/vision/marketing plan for Fountain Hills	Scott Cooper	June 2019	In progress
<input type="checkbox"/> Develop a new business resource package	Scott Cooper	June 2017	Completed
<input type="checkbox"/> Increase funding for business accelerator programs	Scott Cooper	July 2018	Completed
<input type="checkbox"/> Explore higher education opportunities in Fountain Hills	Scott Cooper	December 2019	In progress/working with EVIT & CC

Objective #2 – Increase Population and Residential Densities to Sustain Existing and Future Commercial Businesses in Town

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Rezone undeveloped commercial property to residential where feasible	Scott Cooper/ Bob Rodgers	Ongoing	As opportunities present themselves
<input type="checkbox"/> Adopt a text amendment that allows residential uses on commercially zoned properties	Bob Rodgers	June 2017	Completed
<input type="checkbox"/> Rezone unplatted land for greater density and affordable family homes	Bob Rodgers	Ongoing	As opportunities present themselves

Objective #3 – Market/Promote Tourism to Generate Hotel Stays and Higher Dollar Expenditures During Visits to Fountain Hills

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Create and expand destination events	Rachael Goodwin/Grace Rodman-Guetter	June 2019	Ongoing St. Patrick's Day / Fourth at the Fountain Turkey Trot / Craft Classic / Disc Golf Tournament

Yellow – High Priority
 Blue – Medium Priority
 White – Low Priority

TOWN OF FOUNTAIN HILLS 2017 STRATEGIC PLAN

Goal # 2: Ensure that Infrastructure in Fountain Hills is Well-Maintained and Safe

Objective #1 – Invest in and Maintain the Community’s Infrastructure

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Develop and implement an investment plan to bring streets, buildings, and parks up to established standards	Grady Miller/ Craig Rudolph/Justin Weldy	June 2019	Pavement Analysis Report completed (Facilities Replacement Fund)
<input type="checkbox"/> Commission a study to identify gap between actual and subdivision ordinance specifications and determine cost of meeting ordinance specifications	Justin Weldy/ Bob Rodgers	June 2019	Reviewed/Identified options to discuss

Objective #2 – Promote Environmentally Friendly Initiatives

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Develop and adopt a comprehensive environmental plan for Fountain Hills	Justin Weldy/Raymond Rees	June 2019	In progress
<input type="checkbox"/> Research and report on economic and logistic feasibility of electric car charging stations	Justin Weldy	June 2018	Review

Yellow – High Priority

Blue – Medium Priority

White – Low Priority

TOWN OF FOUNTAIN HILLS 2017 STRATEGIC PLAN

Goal # 3: Attract Families and Working Professionals to Fountain Hills

Objective #1 – Utilize Landuse Planning to Attract Families to Fountain Hills

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
❑ Work with State Land Trust to increase residential density	Council/Staff	December 2018	Ongoing efforts

Objective #2 – Market and Promote Fountain Hills as a Unique Place for Families and Working Professionals

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
❑ Collaborate with businesses in promoting town’s marketing plan	Scott Cooper/Grace Rodman-Guetter	July 2019	Ongoing
❑ Expand use of Social Media and on-line messaging	Grace Rodman-Guetter	Ongoing	Facilitating nine social media pages; Recreation Instagram account-August 2018
❑ Include family branding in marketing plan	Grace Rodman-Guetter/ Scott Cooper	June 2019	In progress
❑ Organize a young professionals group or organization	Scott Cooper	June 2018	Completed/Formed FH Young Community
❑ Organize specialty youth camps (robotics, coding, arts, etc.)	Rachael Goodwin/ Corey Povar	Summer 2018	Created first summer youth camp/ongoing Spring camp/Community Center take-over
❑ Support youth club sports	Rachael Goodwin/ Corey Povar	Ongoing	Use of Town facilities at no cost Expand programs

Yellow – High Priority

Blue – Medium Priority

White – Low Priority

TOWN OF FOUNTAIN HILLS 2017 STRATEGIC PLAN

Goal # 4: Ensure that Fountain Hills Finances are Stable and Sustainable

Objective #1 – Identify Sustainable Sources of Revenue to Sustain Funding of Town Core Services

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Adequately fund all identified reserve funds	Town Council/Town Manager/ Craig Rudolphy	December 2027	
<input type="checkbox"/> Identify revenue options	Town Staff/Town Manager/Town Council	September 2017	Completed/October 2017
<input type="checkbox"/> Increase revenues to meet community needs including addressing projected operating shortfall	Town Manager/Town Council	November 2018	Town Election-Property Tax/May 2018

Yellow – High Priority

Blue – Medium Priority

White – Low Priority

TOWN OF FOUNTAIN HILLS 2017 STRATEGIC PLAN

Goal # 5: Focus on Strengthening the Community and Improving Town's Quality of Life

Objective #1 – Partner with the Fountain Hills Unified School District to Promote FH Education System

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Include local school strengths in marketing plan	Scott Cooper/Grace Rodman-Guetter	June 2019	Ongoing
<input type="checkbox"/> Work with FHUSD to maximize its property values	Town Staff/Council/FHUSD	December 2017	Addressed at 2/21/17 Joint Meeting
<input type="checkbox"/> Explore selling/leasing unused properties	Town Staff/Council/FHUSD	December 2017	Addressed at 2/21/17 Joint Meeting

Objective #2 – Utilize Intergovernmental Relations to Achieve Fountain Hills Priorities

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Increase community efforts to lobby for municipal issues	Town Manager/Town Council	January 2018	Joined RPTA East Valley Partnership National League of Cities-July 2018 Continue to work with League of Cities & Towns to oppose Bills that are harmful to cities & towns

Objective #3 – Leverage the Talents of Residents to the Advantage of Fountain Hills

<u>Tasks</u>	<u>Lead Responsibility</u>	<u>Projected Completion Date</u>	<u>Completion Date</u>
<input type="checkbox"/> Utilize effective volunteer skills and talents	Heather Ware	Ongoing	Ongoing/over 900 volunteers <ul style="list-style-type: none"> • Make A Difference Day • Home Delivered Meals • Give A Lift Program • Activities & Volunteer Expo • Mayor's Youth Council • Save Our Sculptures Program • Community Center Christmas Decorating & Celebration • Commissioners

Yellow – High Priority
Blue – Medium Priority
White – Low Priority

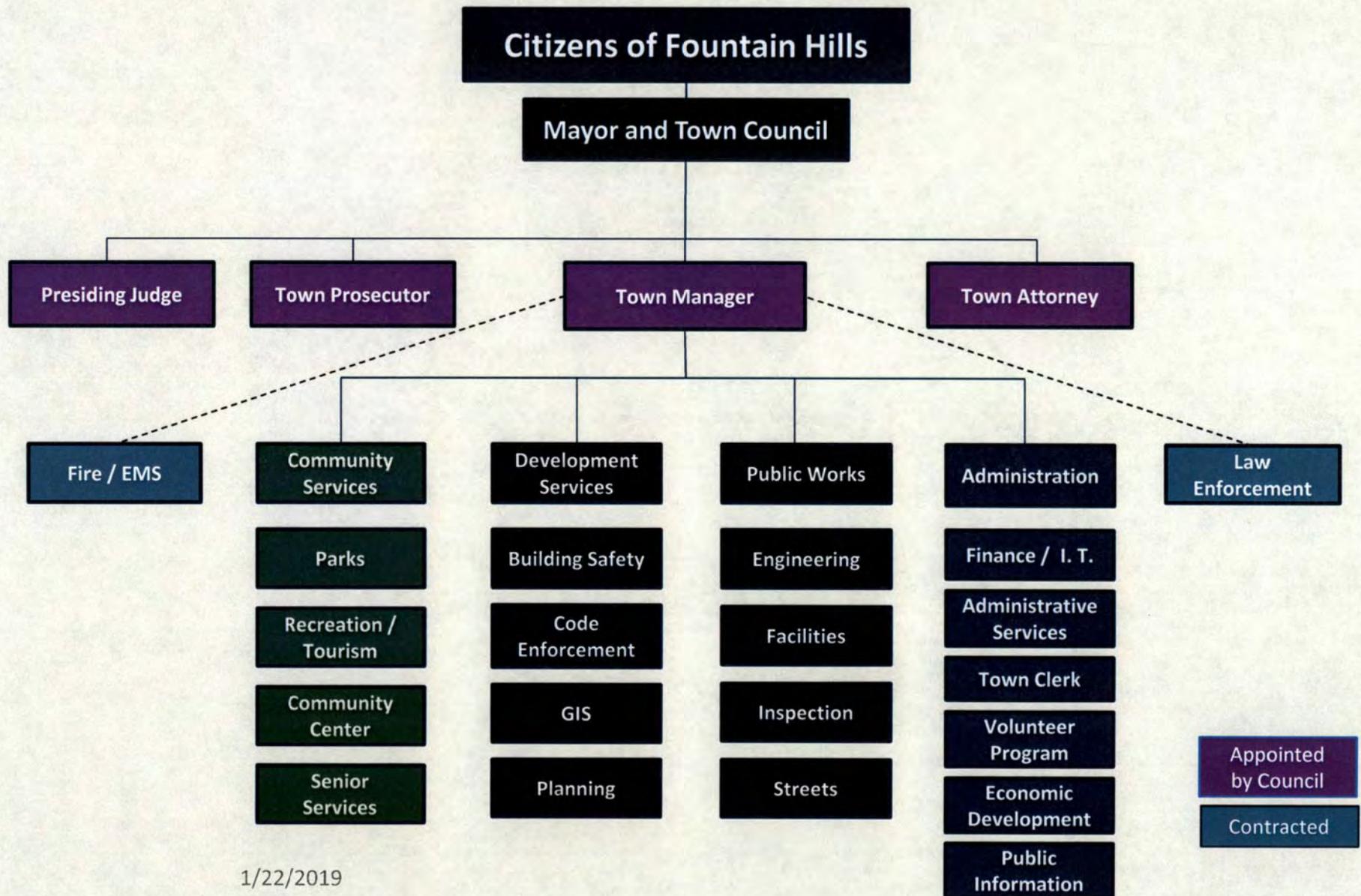
TOWN OF FOUNTAIN HILLS

Town Council Retreat



February 7, 2019

Town of Fountain Hills Organization



1/22/2019

Today's Agenda

- Review financial policies
- Review existing fund balances
- Review Town's debt service
- Review current 2018/19 Annual Budget
- Review proposed draft 2019/20 Annual Budget
- Review Capital projects status
- Review Five-Year Financial Forecast
- Review Financial Challenges

Financial Policies

- Current Policies
 - Financial Policies – includes cash handling
 - Capital Asset
 - Grant
 - Procurement
 - Investment
 - Issuance and Post-issuance Compliance
 - Travel

Fund Balances

All Fund Balances are as of 12/31/2018

	December 31, 2018	Legally Restricted	Council Restricted
Operating Funds			
Rainy Day Fund	\$ 2,915,640		X
General Fund	1,017,482		
Public Art Fund	118,422		X
Vehicle Replacement Fund	1,311,448	\$ 5,362,992	X

Fund Balances - continued

All Fund Balances are as of 12/31/2018

	December 31, 2018		Legally Restricted	Council Restricted
Highway User Revenue Fund (HURF)	4,495,148	4,495,148		
Special Revenue Funds				
Special Revenue Fund	-		X	
Court Enhancement Fund	371,726		X	
Environmental Fund	544,291			X
Cottonwoods Maintenance District Fund	19,589	935,606	X	
Excise Tax Funds				
Downtown Strategy Fund	992,542			X
Economic Development Fund	32,557			X
Tourism Fund	113,640	1,138,739	X	X
Debt Service				
General Obligation Debt Service Fund	1,260,559		X	
Eagle Mountain CFD Debt Service Fund	256,133		X	
MPC Debt Service Fund	384,012	1,900,704	X	

Fund Balances - continued

All Fund Balances are as of 12/31/2018

	December 31, 2018		Legally Restricted	Council Restricted
Capital Projects				
Capital Projects Fund	4,618,888			X
Facilities Replacement Fund	1,863,080	6,481,968		X
Development Fees				
Fire & Emergency	265,884		X	
Parks & Recreation	684,443	950,327	X	
Grand Total		<u>\$ 21,265,484</u>		

Debt Service

- **General Obligation (GO) Bonds**
 - Backed by full faith, credit and taxing power
 - Finances a variety of public projects
 - Requires voter approval
 - Repayment from secondary property tax revenues
- **Municipal Property Corporation (MPC) Bonds**
 - Backed by excise taxes, including local sales tax, franchise tax, State-shared sales tax
 - Debt issued to purchase municipal facilities and lease to the Town
 - Does not require voter approval

Outstanding Bonds

at 6/30/2019

<u>Bond Type</u>	<u>Purpose of Issue</u>	<u>Date of Bond Issue</u>	<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Original Principal Amount</u>	<u>Principal Amount Retired</u>	<u>Outstanding Principal</u>
GO	Refunding	6/1/2005	4.00	7/1/2019	\$ 7,225,000	\$ 6,915,000	\$ 310,000
GO	Road Construction	12/18/2014	2.00-3.00	7/1/2020	7,565,000	4,380,000	3,185,000
	Total GO				<u>14,790,000</u>	<u>11,295,000</u>	<u>3,495,000</u>
Rev	Refunding	6/4/2015	1.62	7/1/2020	1,880,000	1,210,000	670,000
	Total Rev				<u>1,880,000</u>	<u>1,210,000</u>	<u>670,000</u>
GO	Eagle Mtn	6/4/2015	1.76	7/1/2021	2,300,000	1,120,000	1,180,000
	Total GO - Eagle Mtn				<u>2,300,000</u>	<u>1,120,000</u>	<u>1,180,000</u>
	Grand Total				<u>\$ 18,970,000</u>	<u>\$ 13,625,000</u>	<u>\$ 5,345,000</u>

Revenue bonds include Community Center
General Obligation Bonds include Library/Museum, Preserve, and Saguaro Boulevard reconstruction

Outstanding Bonds

- continued - at 6/30/2019

Bond Type	Purpose of Issue	Date of Bond Issue	Date of Maturity	Outstanding Principal	Debt Service		
					FY19-20	FY20-21	FY21-22
GO	Refunding	6/1/2005	7/1/2019	\$ 310,000	\$ 322,400	\$ -	\$ -
GO	Road Construction	12/18/2014	7/1/2020	3,185,000	1,649,850	1,663,450	-
	Total GO			<u>3,495,000</u>	<u>1,972,250</u>	<u>1,663,450</u>	<u>-</u>
Rev	Refunding	6/4/2015	7/1/2020	670,000	380,854	304,860	-
	Total Rev			<u>670,000</u>	<u>380,854</u>	<u>304,860</u>	<u>-</u>
GO	Eagle Mtn	6/4/2015	7/1/2021	1,180,000	405,768	408,992	407,040
	Total GO - Eagle Mtn			<u>1,180,000</u>	<u>405,768</u>	<u>408,992</u>	<u>407,040</u>
	Grand Total			<u>\$ 5,345,000</u>	<u>\$2,758,872</u>	<u>\$2,377,302</u>	<u>\$407,040</u>

Revenue bonds include Community Center

General Obligation Bonds include Library/Museum, Preserve, and Saguaro

Boulevard reconstruction

Current FY18/19 Budget by Core Services - All Funds

	<u>FY18-19</u>
Public Safety	\$8,129,715
General Government	703,579
Administration	2,917,499
Public Works	1,035,577
Development Services	1,065,398
Community Services	2,520,780
Excise Tax Funds -	
Downtown/ED/Tourism	544,955
Special Revenue Funds	6,300,238
Debt Service	2,760,682
Capital Funds	6,436,443
	<u><u>\$32,414,866</u></u>

Revenues

Current Year Revenues - Fiscal YTD Ending December 31 - All Funds

FUND	YTD FY17-18	YTD FY18-19	YTD FY18-19 Budget	% YTD FY18-19 Budget	% Incr/(Decr) from Prior
Operating Funds	\$ 7,691,526	\$ 8,047,296	\$ 8,278,054	97.2%	4.6%
HURF	1,660,073	1,800,034	1,771,729	101.6%	8.4%
Development Fees	473,123	86,271	71,621	120.5%	(81.8%)
Special Revenue	82,811	83,507	446,611	18.7%	0.8%
Excise Tax	238,059	274,230	241,356	113.6%	15.2%
Debt Svc MPC	1,701	3,369	420	802.1%	98.1%
Debt Svc GO	1,413,527	1,503,118	1,198,800	125.4%	6.3%
Capital Projects	342,171	641,869	731,145	87.8%	87.6%
Grand Total All Funds	\$ 11,902,991	\$ 12,439,694	\$ 12,739,736	97.6%	4.5%

Expenditures

Current Year Expenditures - Fiscal YTD Ending December 31 - All Funds

FUND	YTD FY17-18	YTD FY18-19	YTD FY18-19 Budget	% YTD FY18-19 Budget	% Incr/(Decr) from Prior
Operating Funds	\$ 7,325,927	\$ 7,451,934	\$ 8,186,274	91.0%	1.7%
HURF	469,530	548,891	2,583,248	21.2%	16.9%
Development Fees	268	4,501	30,268	14.9%	1579.5%
Special Revenue	218,645	355,760	566,871	62.8%	62.7%
Excise Tax	221,306	236,532	272,478	86.8%	6.9%
Debt Svc MPC	9,343	6,427	190,932	3.4%	(31.2%)
Debt Svc GO	84,803	57,108	1,189,409	4.8%	(32.7%)
Capital Projects	136,526	3,843,278	3,187,954	120.6%	2715.1%
Grand Total All Funds	\$ 8,466,348	\$ 12,504,431	\$ 16,207,434	77.2%	47.7%

Assumptions

- Revenue projections are determined using some trend analyses as well as estimates of building activity; they are our best guesses for future revenues
- Little to no increase in State-shared revenue. Reflects slower increase in State sales tax as well as no growth in State income tax due to prior tax cuts which will become effective
- The existing level of service is maintained
- Building permit activity projected to include permits primarily for Adero Canyon and Firerock Parcel B along with infill development
- Additional priority staffing will be considered dependent upon the need for increase service levels and budget availability
- No inflation factor for FY20, 3.0% for FY21, FY22, FY23, & FY24
- Public safety contracts – Rural Metro increase 3.0%; MCSO is 7% for FY19-20 and also 7-10% thereafter due to anticipated PSPRS costs
- An annual General Fund payment for Community Center was required beginning in FY16-17 and will end in FY19-20
- The projections do not presume development of the State Trust land in the next five years

Potential Future Development

- Keystone (Bashas' property) – 149 units
- CopperWynd – 300 units – delayed
- Adero Canyon – 343 units (71 completed) 37
- Daybreak (resort property) – 382 units
- Eagles Nest – 245 units (55 completed)
- Firerock Parcel B – 64 units (40 completed) 25
- Park Place – 400 units (230 completed)
- State Trust land – 1350 units – not active
- Infill development – approximately 1,000 units 42
 - » 104 units in FY 19-20

FY19-20 Budget Assumptions

	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24
New staff	*	*	*	*	*
MCSO Increase	7.0%	7.0%	7.0%	7.0%	7.0%
Rural Metro Increase	3.0%	3.0%	3.0%	3.0%	3.0%
Inflation	-	3.0%	3.0%	3.0%	3.0%
Building Permits	104	96	92	94	60
Election Costs	\$2,000	\$30,000	\$2,200	\$25,000	\$2,200
Community Center debt payment subsidy	\$303,235	\$0	\$0	\$0	\$0
General Fund contingency	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000

*additional staff is dependent upon budget availability.

Variables/Unknowns

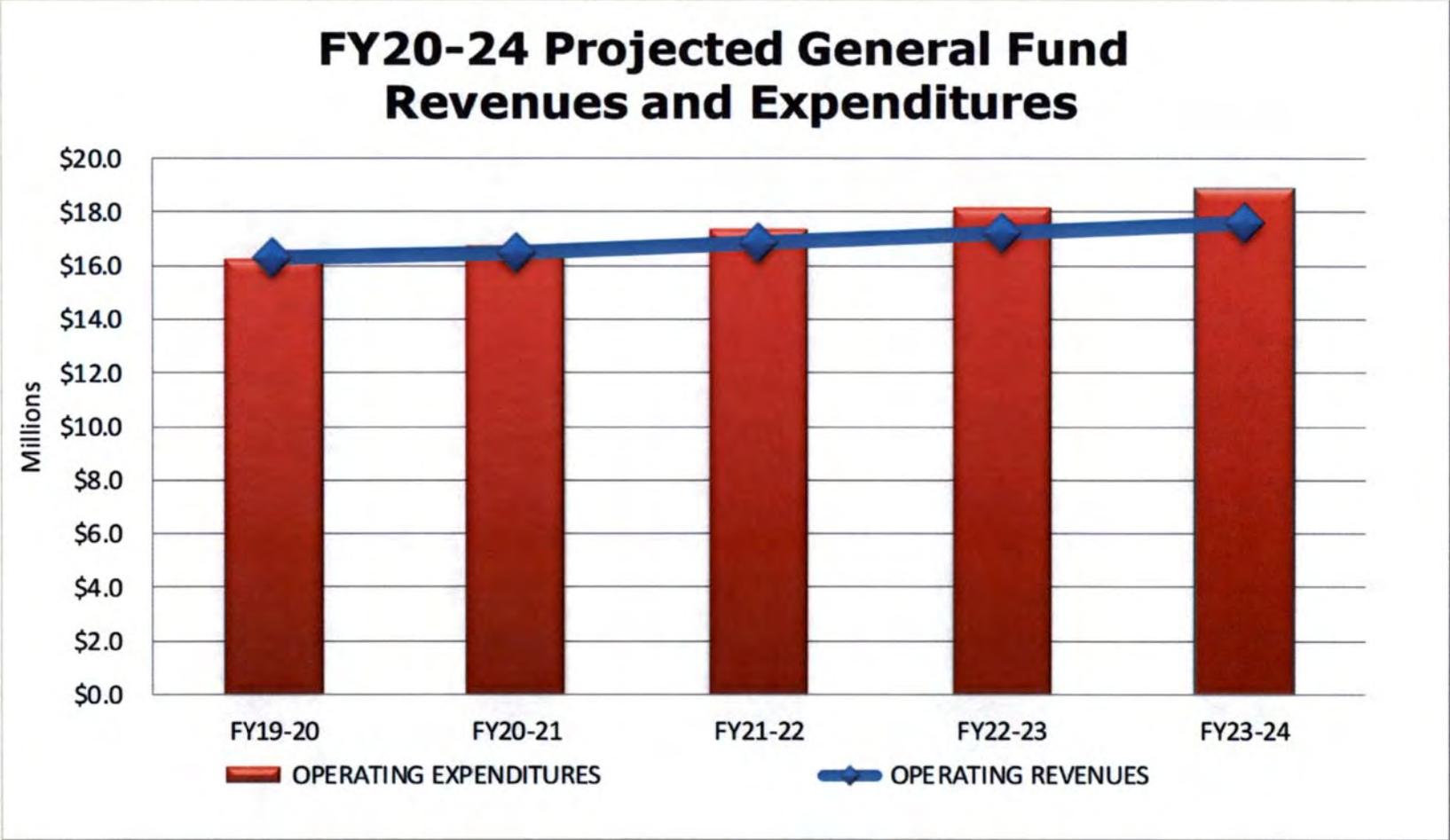
- Impact of any potential legislation on construction sales tax revenue of \$1,280,586
- Impact of PSPRS on cost of MCSO contract
- Future impact on State-shared revenue due to the Tax Cuts and Jobs Act of 2017 signed by the President on December 22, 2017
- Impact of Proposition 126 or other legislation on sales tax or Town revenues

Budget by Core Services - All Funds

	<u>FY18-19</u>	<u>FY19-20</u>
Public Safety	\$8,129,715	\$8,529,317
General Government	703,579	1,332,500
Administration	2,917,499	2,503,482
Public Works	1,035,577	998,337
Development Services	1,065,398	1,010,099
Community Services	2,520,780	2,513,628
Excise Tax Funds -		
Downtown/ED/Tourism	544,955	541,638
Special Revenue Funds	6,300,238	10,131,893
Debt Service	2,760,682	2,378,862
Capital Funds	6,436,443	3,114,144
	<u>\$32,414,866</u>	<u>\$33,053,900</u>

Five Year Financial Forecast

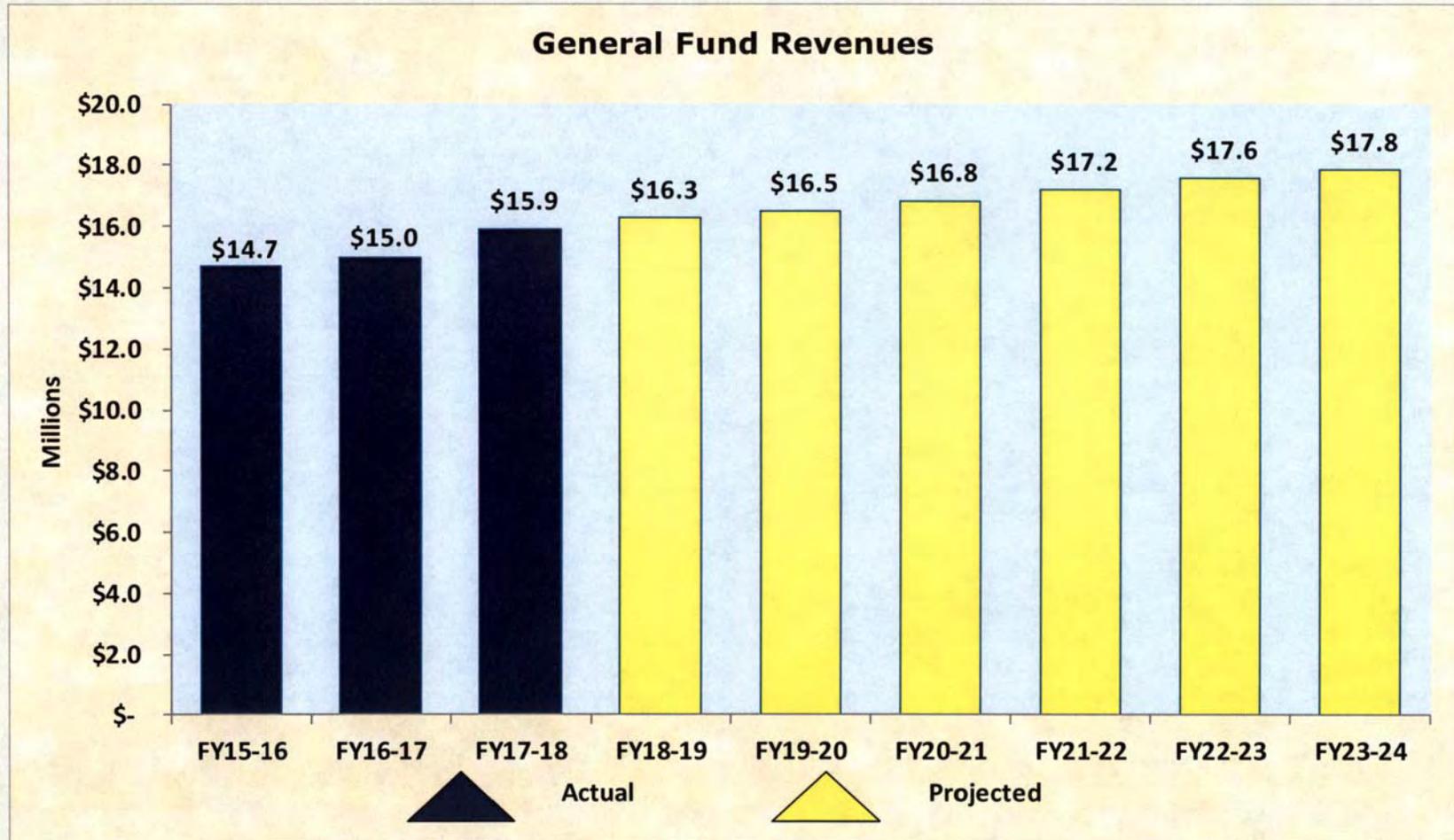
General Fund Projections



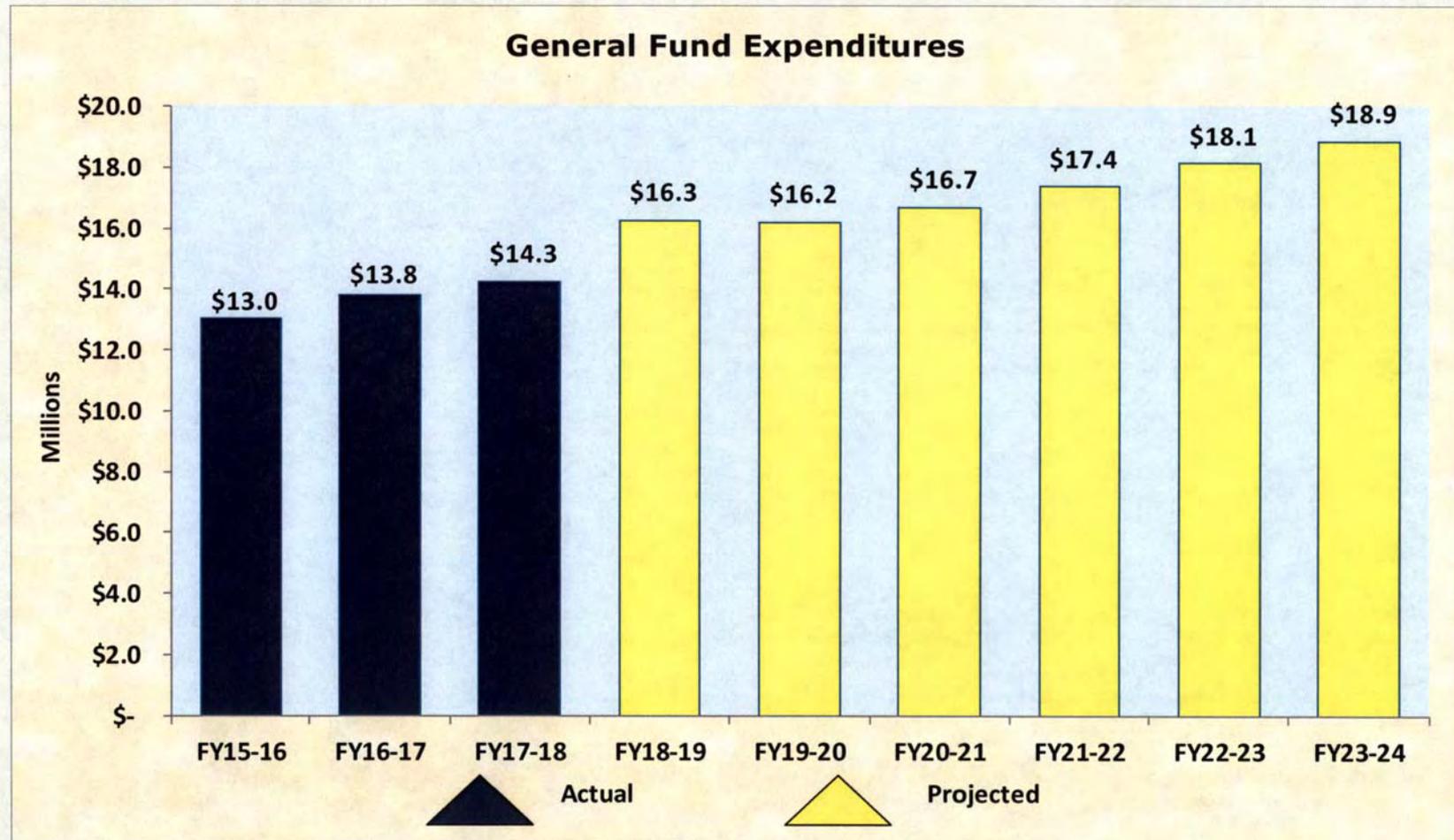
General Fund Projections - continued

FISCAL YEAR (July to June)	FISCAL YEAR (July to June)	STATE SHARED REVENUES	LOCAL REVENUES	TOTAL GF EXPEND.	SURPLUS/ (SHORTFALL)
2019-20	19-20	5,837,163	10,661,296	16,216,421	282,038
2020-21	20-21	5,873,102	10,972,228	16,706,415	138,915
2021-22	21-22	5,909,994	11,286,317	17,371,874	(175,563)
2022-23	22-23	5,947,534	11,636,713	18,123,542	(539,295)
2023-24	23-24	5,986,105	11,860,365	18,864,344	(1,017,874)

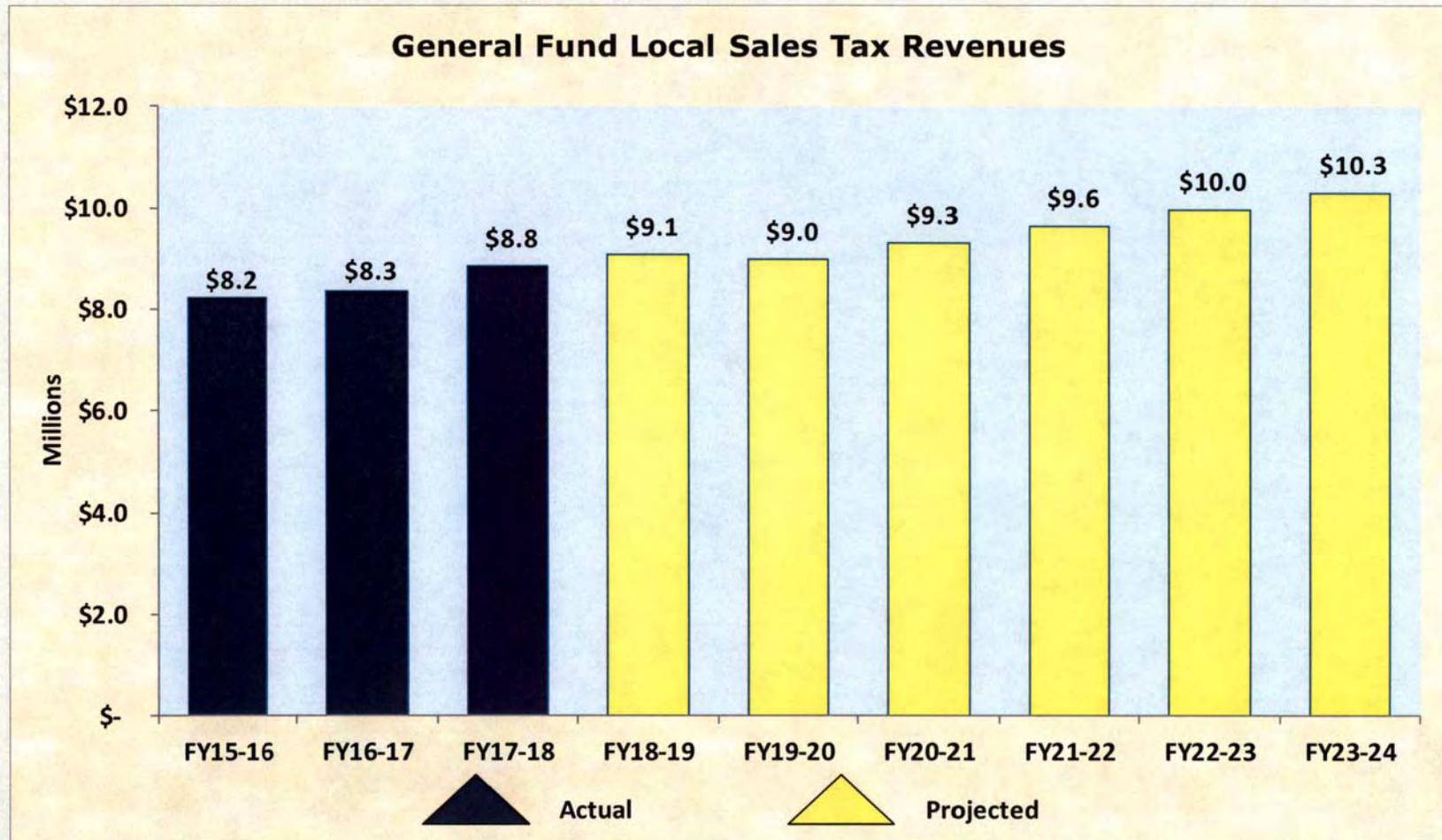
General Fund Projections - continued



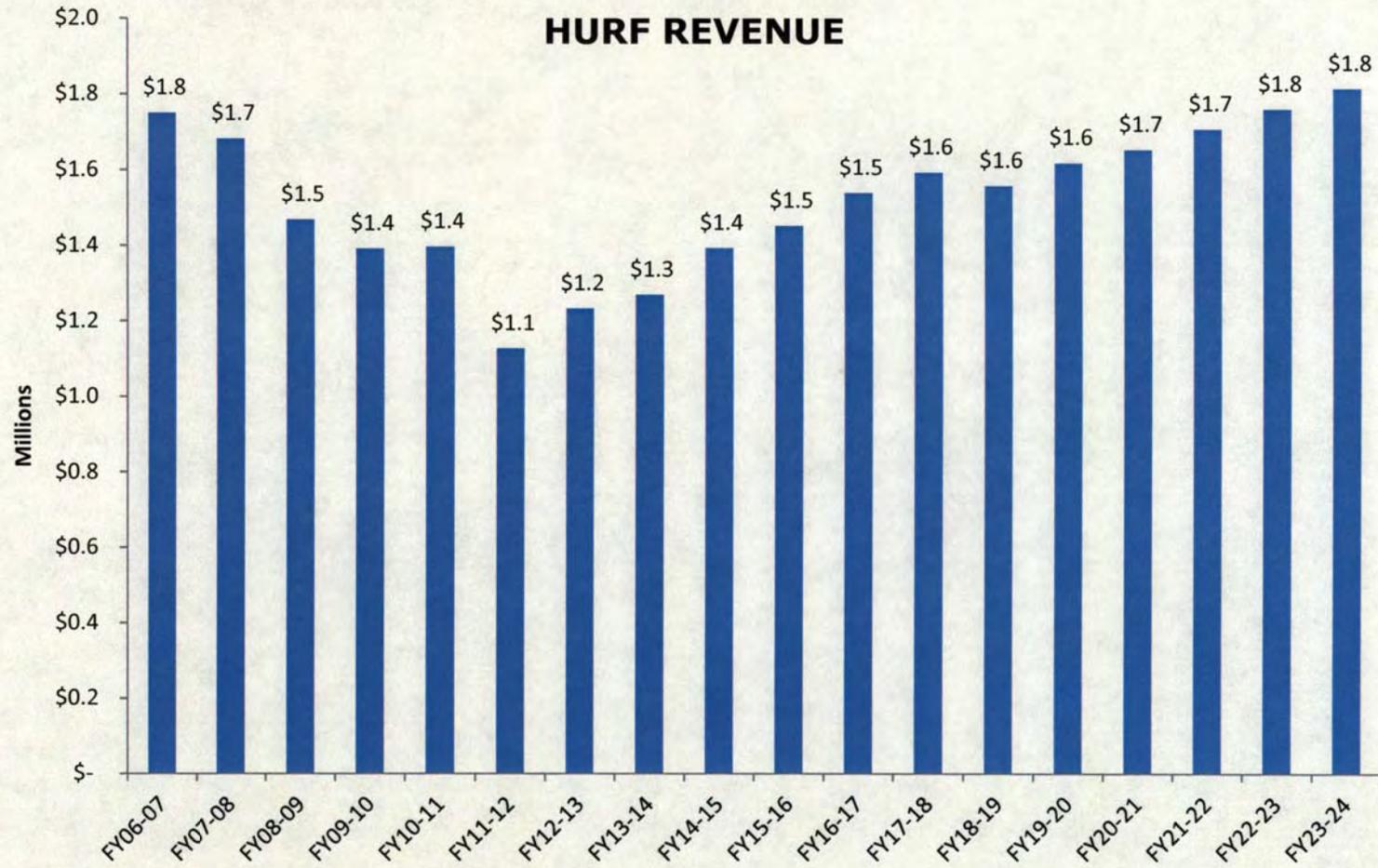
General Fund Projections - continued



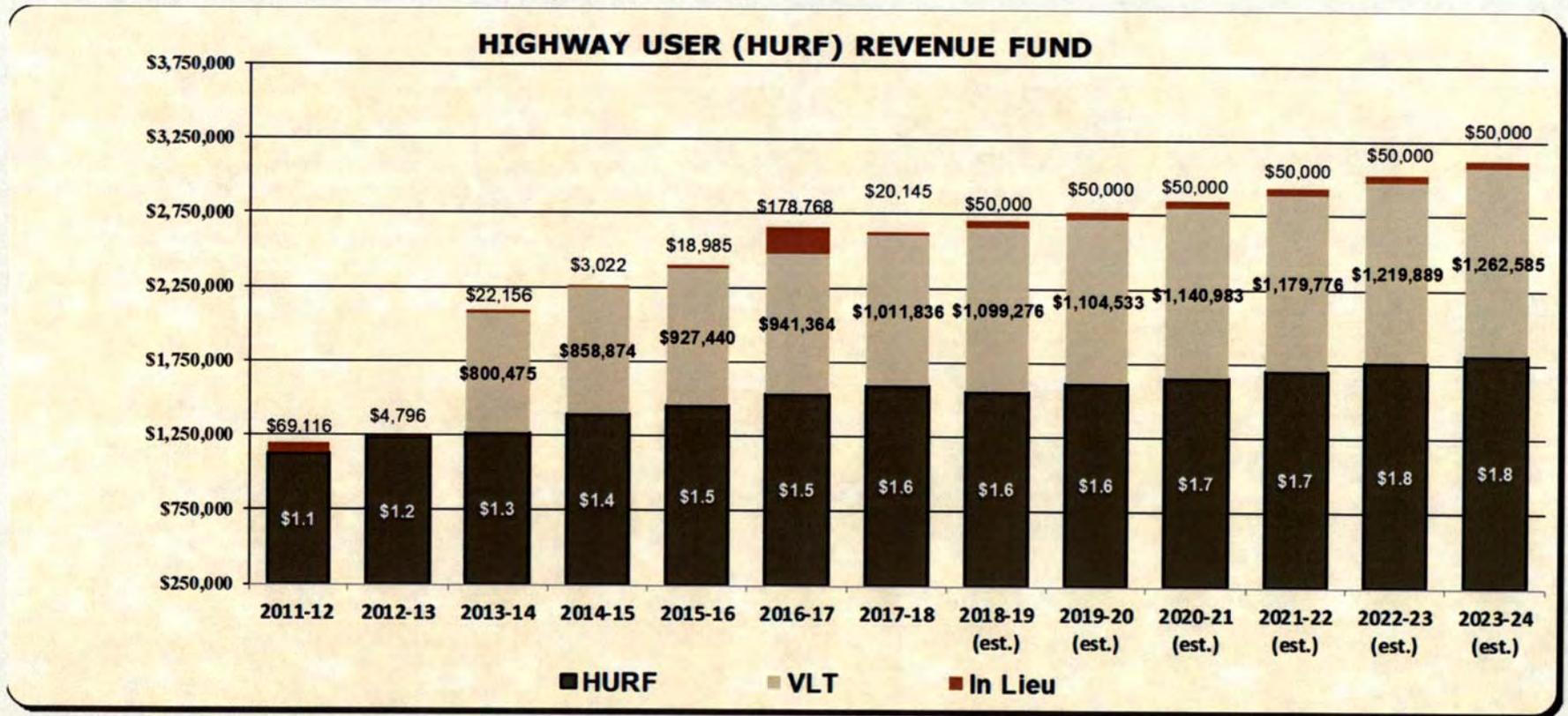
General Fund Projections - continued



HURF Revenues



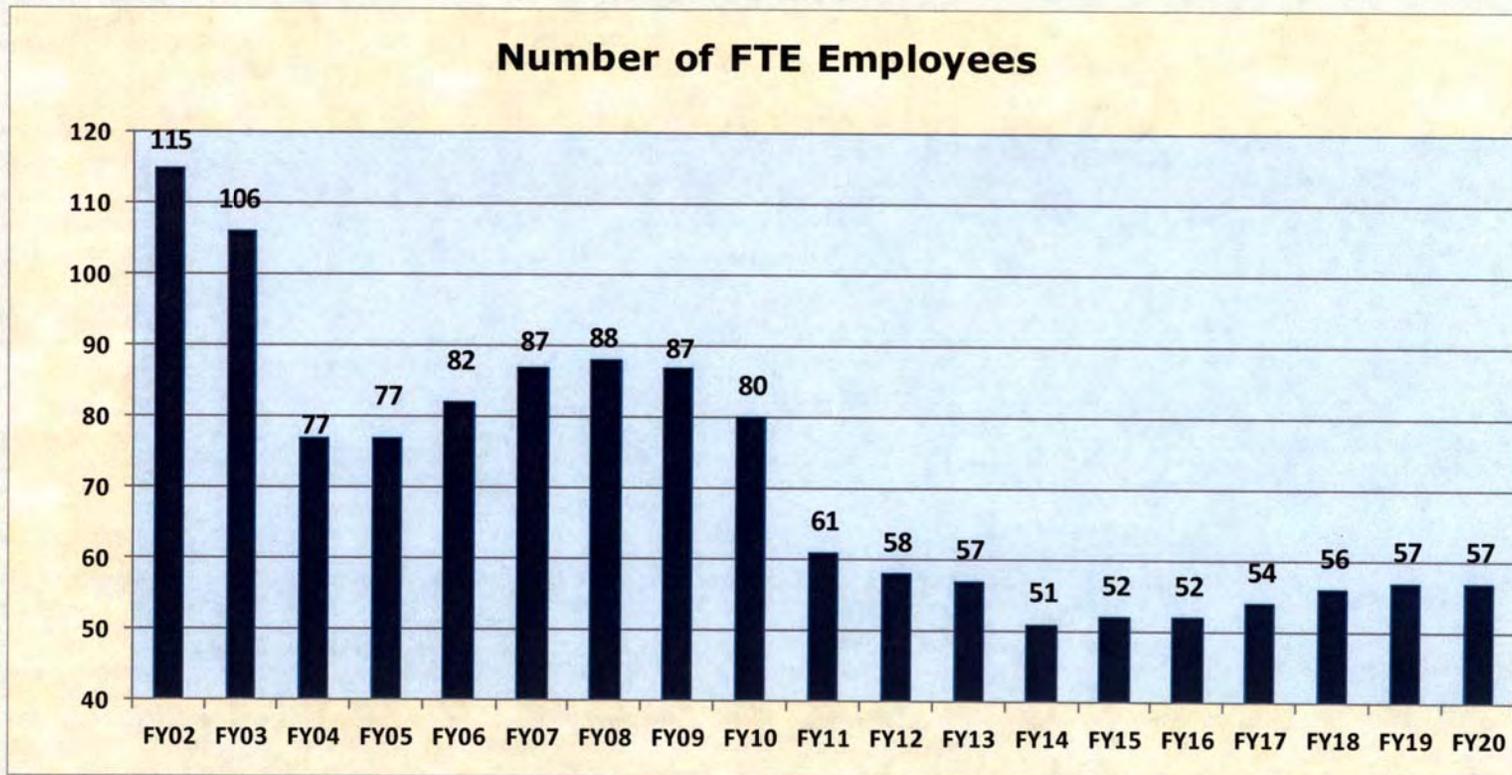
HURF Revenues - continued



Personnel

- 45 Full Time Employees/23 Part Time Employees Totaling 56.69 Total (FTEs)
- New staff positions under consideration:
 - Part-time Account Clerk sharing between Town Clerk and Administrative Services Director (offset with operating budget)
 - Building Inspector (offset with contract costs)
 - Street Technician (offset with HURF funds)
 - Procurement Officer

Personnel - continued



Delivery of service to the citizens of Fountain Hills is dependent upon the available funding and the number of employees and volunteers who can perform the services.

Capital Projects - Overview

- Capital expenditures are made in five different areas:

Revenue is from Development Impact Fees; 50% of the Construction Sales Tax; any excess revenue at the end of the year; intergovernmental funds or grant funds.

1. **Operational Capital** – expenditures of one time nature
2. **Vehicle Replacement** – expenditures based on a schedule of useful life of major equipment or vehicles
3. **Facilities Replacement** – expenditures based on a schedule of facilities infrastructure's useful life replacement
4. **Pavement Management Plan** – expenditures based on a planned street maintenance or replacement program (\$2,000,000 annually)
 1. Pavement Maintenance Program
 2. Pavement Replacement Program
5. **Capital Improvement Projects (CIP)** – major capital one-time capital expenditures

FY 18-19 Capital Projects Status

- D6047 – Miscellaneous Drainage Improvements (\$50,000 CIP) – **initiated**
- D6055 – Civic Center Drainage Improvements (\$50,000 CIP) – **deferred**
- F4005 – Fire Station No. 2 Relocation (Revised Total \$4,312,165; \$3,906,859 CIP; \$255,306 Development Fees; Other Sources \$150,000) – **completed**
- F4029 – Civic Center Improvements (\$150,000 CIP) – **deferred**

FY 18-19 Capital Projects Status - continued

- P3025 – Adero Canyon Trailhead (Total \$2,496,630; \$679,974 CIP; \$1,816,656 Development Fees) – **completed**
- P3033 – Video Surveillance Cameras (\$100,000 CIP) – **deferred**
- P3034 – Golden Eagle Concrete Replacement (\$50,000 CIP) - **initiated**
- P3035 – Four Peaks Park Playground Upgrades (Total \$250,000; \$200,000 CIP; \$50,000 grant) – **initiated**
- P3037 – Golden Eagle Park Restoration (\$405,000 CIP) - **initiated**

FY18-19 Capital Projects Status - continued

- S6003 – Unpaved Alley Paving – Phase IV (\$255,000 CIP) – **deferred**
- S6015 – Fountain Hills Boulevard Widening – Shea Boulevard to Segundo Drive (\$100,000 CIP) – **initiated**
- S6051 – Avenue of the Fountains/La Montana Intersection Improvements (\$40,000 CIP) – **initiated**
- S6053 – Fountain Hills Blvd. Shoulder Paving (Total \$1,029,568; \$428,513 CIP; \$601,055 Grant) – **initiated**
- S6058 – Shea Boulevard Widening – Palisades Blvd. to Technology Drive (Total \$130,000; \$40,000 CIP; \$90,000 grant) – **deferred**
- S6059 – Wayfinding Signs Design (\$33,400 CIP) – **deferred**

FY18-19 Capital Projects Status - continued

S6061 – Sidewalk Infill Program (\$100,000 CIP) – **deferred**

Total

\$9,551,763

Vehicle Replacement Fund – one light duty truck for staff – **not yet initiated**

FY 18-19 Capital Projects Funding

CIP Funding Status

CIP Fund Balance at 12/31/2018	\$ 4,618,888
Construction Sales Tax	230,730
Interest	4,214
Reimbursement/Other	<u>140,000</u>
Total Available Funds	\$ 4,993,832

Less: Projects initiated but not yet complete

D6047 – Misc. Drainage Improvements	50,000
D6055 – Civic Center Drainage Improvements	50,000
F4005 – Fire Station 2 Relocation	8,342
F4029 – Civic Center Improvements	150,000

FY18-19 Capital Projects Funding

CIP Funding Status - continued

Less: Projects initiated but not yet complete - Continued

P3025 – Adero Canyon Trailhead	34,419
P3033 – Video Surveillance Cameras	50,000
P3034 – Golden Eagle Concrete Replacement	50,000
P3035 – Four Peaks Park Upgrades	34,373
P3037 – Golden Eagle Park Restoration	80,172
S6003 – Unpaved Alley Paving	255,000
S6015 – Fountain Hills Boulevard Widening	100,000
S6051 – AOTF/La Montana Intersection Improvements	40,000
S6053 – Fountain Hills Boulevard Shoulder Paving	74,013
S6058 – Shea Boulevard Widening	130,000

FY18-19 Capital Projects Funding

CIP Funding Status - continued

Less: Projects initiated but not yet complete - Continued

S6059 – Completion of Wayfinding Sign Study/Design	1,698
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S6061 – Sidewalk Infill Program	<u>100,000</u>
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Total Projects initiated but not yet complete	1,208,017
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Available CIP Balance	\$ 3,785,815
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FY19-20 Capital Projects

- D6047 – Miscellaneous Drainage Improvements (\$50,000 CIP)
- D6055 – Drainage – Civic Center Improvements (\$50,000 CIP)
- D6056 – Drainage – Eagle Mountain Pkwy (\$75,000 CIP)
- D6057 – Golden Eagle Impoundment Area (\$500,000 CIP)
- F4029 – Civic Center Improvements (\$150,000 CIP)
- F4033 – Street Yard Sign Shop Building (\$150,000 HURF)
- F4034 – Solar Power Generating System (\$50,000 CIP)
- P3033 – Video Surveillance Cameras (\$50,000 CIP)
- P3035 – Four Peaks Park Upgrades (\$335,000 CIP)
- S6003 – Unpaved Alley Paving – Phase IV (\$255,000 CIP)
- S6015 – Fountain Hills Boulevard Widening (\$100,000 CIP)

FY19-20 Capital Projects - continued

- S6051 – Avenue of the Fountains/La Montana Intersection Improvements (\$100,000 CIP)
- S6058 – Shea Boulevard Widening – (Total \$130,000; \$40,000 CIP; \$90,000 Grant)
- S6061 – Sidewalk Infill Program (\$100,000 HURF)
- S6062 – AOTF/Verde River Intersection Improvements (\$75,000 CIP)
- T5005 – Traffic Signal – Palisades & Eagle Ridge/Palomino (\$50,000 CIP)
- Contingency - \$22,200 (CIP)

Total

\$2,242,200

CIP-\$1,902,200; HURF-\$250,000; Grant-\$90,000

FY19-20 Capital Projects - continued

CIP Funding Available:	\$3,785,815
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Funding Needed:

CIP	\$1,902,200
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HURF	250,000
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Grant	90,000
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Remaining CIP Balance	\$1,883,615
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Financial Challenges

Summary of Financial Challenges

- General Fund revenues are not keeping up with operating costs
- Fountain Hills will experience a \$1.3 million cumulative revenue shortfall over the next 5 years
- General Fund State Shared Revenue is only about \$100,000 higher than it was in 2005-06 (\$5.3 million)
- As other cities grow in population, FH's portion of State Shared Revenues will continue to decline
- Highway User Revenue Fees (Gas Tax) have been climbing slower due to more fuel-efficient vehicles and State use to fund DPS

Summary of Financial Challenges - continued

- Town's local sales tax is elastic and subject to fluctuations
- In the past, efforts to address sales tax and primary property tax have not been well received by residents
- In the past, the Town has made significant cuts in staffing and has contracted out right-of-way maintenance, park maintenance, and numerous other services (59% of General Fund expenditures)
- All of these cost cutting measures served the Town at the time and have helped to contain costs
- The initial cost savings from contracting out services such as landscaping and right-of-way maintenance are now gone
- The Town has a structural issue that needs to be addressed

Summary of Financial Challenges - continued

- The structural issue is more of a revenue problem than an expenditure problem
- Any future cuts will be drastic and may involve reductions in services that will negatively impact residents
- Council had taken action to refer a ballot question to voters in May of 2018 regarding a primary property tax to address revenue shortfall issue
- At the time the Council believed the primary property tax was the most equitable method to address the revenue shortfall; unfortunately, the ballot measure failed

Possible Revenue Options to Address Financial Challenges

Sales Tax

- Increase sales tax rate (on some or all tax categories) such as retail, bed tax, commercial rental – bed tax would require vote of residents
- Estimate that each one tenth of one percent (0.1%) increase in rates (all categories) would generate approximately \$340,000 in additional revenue
 - Current rate for Town is 2.6%
 - Total State tax rate is 8.9%
- Unclear if Proposition 126 will have any impact on the Council's authority

Primary Property Tax

- Primary property tax election was held May 15, 2018
- Ballot measure failed 66% to 44%

Impact of \$7,000,000 Property Tax (per annum)

Estimated Taxable Value of Home (Limited Property Value – LPV)	Estimated Annual Primary Property Tax	Monthly Amount
\$150,000	\$236.14	\$19.68
\$250,000	\$393.57	\$32.80
\$350,000	\$551.00	\$45.92
\$450,000	\$708.42	\$59.04
\$550,000	\$865.85	\$72.15
\$750,000	\$1,180.70	\$98.39

Public Safety Fee

- Implement public safety fee to recover increasing costs of MCSO and Rural Metro (estimate to replace Rural Metro contract would increase expenditures by \$450,000)
- Current experience with environmental fee is fair
- Town businesses – 601
- Town households – 11,677
- A fee of \$100 would generate \$1,227,800 in revenue

Primary Property Tax

FY 18-19 assessed valuation \$466,639,047 for Fountain Hills

FY 17-18 valuation was \$444,649,617 – increase of 4.9 % for FY18-19

FY 16-17 valuation was \$423,652,443 – increase of 5% for FY17-18

Additional impact of various Property Tax Amounts (per annum)

Home Value	\$3M	\$6M	\$9M	\$12M
\$250K	\$168.67	\$337.34	\$506.02	\$674.69
\$350K	\$236.14	\$472.28	\$708.42	\$944.56
\$500K	\$337.34	\$674.69	\$1,012.03	\$1,349.38
\$1M	\$674.69	\$1,349.38	\$2,024.07	\$2,698.75

Environmental Fee

15,192 invoices mailed

90% collection on the invoices

Equals 13,673 payments received

\$854,145 Environmental Fund costs for FY19-20

\$62.50 fee required to cover costs in FY19-20;
current fee is \$36.00

Stormwater/Environmental Fee

Stormwater/Environmental Fee Program Items

	General Fund	HURF
Annual Program Administration	\$24,415	
New Employee (salary & benefits)	\$60,000	
Environmental Program Material	\$2,000	
Billing Company	\$50,000	
Maricopa County Dust Control Block Permit	\$2,000	
Golden Eagle & Fountain Park Reclaimed Water Discharge Permits	\$715	
ADEQ Storm Water Permit	\$5,000	
STORM (Storm Water Outreach for Municipalities) Annual Dues	\$1,500	
Water Use It Wisely Annual Dues	\$2,000	
Illegal Dumping Cleanup	\$5,000	
ADWR Dam Inspection & Maintenance	\$20,400	
Wash Maintenance	\$210,000	
Electronics Recycling Event	\$1,000	
On-Call Storm Debris Cleanup & Repairs	\$30,000	
Storm Damage and Repairs	\$170,000	
Internal Service Fund charges	\$115	
Drainage Parcel Inspection and Cleaning		\$90,000
Storm Drain & Culvert Inspection & Cleaning		\$90,000
Street Sweeping		\$90,000
Subtotal =	\$584,145	\$270,000
Total =	\$854,145	

Other Possible Revenue Options

- Franchise Fees for EPCOR and Southwest Gas would generate about \$200,000 annually
- Continue to engage TPT auditor to pursue residential rental taxes from rental properties
- Raise Town fees
 - Business Licenses amounted to \$133,280 in FY17-18
 - Rental fees for FY17-18 amounted to \$141,308
 - Charges for services amounted to \$164,456 in FY17-18
 - Any increases would not be significant in relation to the total Town budget (FY17-18 total was \$439,044)

Other Possible Measures

- Currently undertaking a comprehensive user fee study as well as a development impact fee study
- Sell cell towers on Town-owned property (one-time revenue)
- Sell or lease excess Town-owned land (one-time revenue)
- Implement an administrative fee for solid waste collection services (\$1-2 per month); adopt a solid waste license fee
- Reallocate a portion of Vehicle License Tax (VLT); allocate only 70% to Streets fund
- Hire a financial advisor to assess Town's finances and recommend strategies to address future revenue shortfalls

Possible Expenditure Options to Address Financial Challenges

Potential Expenditure Options

- Reduce service levels – i.e. close Community Center one day a week, reduce Fountain operating times, etc.
- Reduce coverage for police and/or fire – could reduce MCSO beats – per 2011 request, cost savings to reduce beats from 3.8 currently to 3.4 would result in estimated savings of \$300,000 annually
- Reduce staff – lay offs and elimination of positions have occurred two previous times
- Mandatory staff furloughs – each day could save approximately \$12,000-\$14,000
- Explore contracting out more basic services – would need to develop comprehensive RFPs – would result in short-term savings only

Summary of Revenue Options

- Raise local sales tax rate
- Reallocate VLT – 70% Streets-30% General Fund
- Impose a public safety fee
- Raise environmental fee
- Levy a primary property tax
- Implement a franchise fee
- Raise Town fees or adopt new fees
- Sell Town property
- Implement admin fee for solid waste collection
- Expenditures - Reduce service levels and/or staff

Recommended Revenue Adjustments for FY 19-20

- Reallocate VLT so only 70% is dedicated to the Streets (HURF) Fund
- Raise local sales tax rate to 2.8 percent from current 2.6 percent – will generate approximately \$600,000 in additional revenue annually
- Implement a solid waste fee of \$1 per month which will generate approximately \$100,000 annually
- Increase the environment fee from \$36 to \$62 which will generate an additional \$350,000 and reduce general fund contributions to Environmental Fund each year
- Early next fiscal year take Council action on user fee adjustments after the completion of the cost of service study

TPT Rates - council requested

TPT (Sales) Tax Rates - effective February 1, 2019		Alphabetical - taxing food for home consumption			
City/Town Name	Location	Retail Tax Rate	Total Rate	P-Primary S-Secondary	Taxing Food for Home consumption
	E-East Valley W-West Valley				
Apache Junction	E	2.4%	8.7%	-	2.4%
Avondale	W	2.5%	8.8%	P - S	2.5%
Buckeye	W	3.0%	9.3%	P - S	3.0%
Carefree	E	3.0%	9.3%	-	2.0%
Cave Creek	E	3.0%	9.3%	-	3.0%
Chandler	E	1.5%	7.8%	P - S	1.5%
El Mirage	W	3.0%	9.3%	P - S	3.0%
Fountain Hills	E	2.6%	8.9%	S	2.6%
Gila Bend	W	3.5%	9.8%	P - S	3.5%
Gilbert	E	1.5%	7.8%	S	1.5%
Glendale	W	2.9%	9.2%	P - S	2.5%
Goodyear	W	2.5%	8.8%	P - S	2.0%
Guadalupe	E	4.0%	10.3%	-	4.0%
Litchfield Park	W	2.8%	9.1%	-	2.8%
Mesa	E	1.75%	8.05%	S	-
Paradise Valley	E	2.5%	8.8%	-	2.5%
Peoria	W	1.8%	8.1%	P - S	1.6%
Phoenix	E/W	2.3%	8.6%	P - S	-
Queen Creek	E	2.25%	8.55%	P	2.25%
Scottsdale	E	1.65%	7.95%	P - S	1.75%
Surprise	W	2.2%	8.5%	P	-
Tempe	E	1.8%	8.1%	P - S	1.8%
Tolleson	W	2.5%	8.8%	P - S	2.5%
Wickenburg	W	2.2%	8.5%	P	2.2%
Youngtown	W	3.0%	9.3%	-	3.0%
Sources: Arizona League of Cities and Towns; Arizona Department of Revenue					

TPT Rates - council requested

TPT (Sales) Tax Rates - effective February 1, 2019		Geographical		
<u>City/Town Name</u>	<u>Location</u>	<u>Retail Tax Rate</u>	<u>Total Rate</u>	<u>P-Primary S-Secondary</u>
	<u>E-East Valley W-West Valley</u>			
Apache Junction	E	2.4%	9.1%	-
Carefree	E	3.0%	9.3%	-
Cave Creek	E	3.0%	9.3%	-
Chandler	E	1.5%	7.8%	P - S
Fountain Hills	E	2.6%	8.9%	S
Gilbert	E	1.5%	7.8%	S
Guadalupe	E	4.0%	10.3%	-
Mesa	E	1.75%	8.05%	S
Paradise Valley	E	2.5%	8.8%	-
Queen Creek	E	2.25%	8.55%	P
Scottsdale	E	1.75%	8.05%	P - S
Tempe	E	1.8%	8.1%	P - S
Phoenix	E/W	2.3%	8.6%	P - S
Avondale	W	2.5%	8.8%	P - S
Buckeye	W	3.0%	9.3%	P - S
El Mirage	W	3.0%	9.3%	P - S
Gila Bend	W	3.5%	9.8%	P - S
Glendale	W	2.9%	9.2%	P - S
Goodyear	W	2.5%	8.8%	P - S
Litchfield Park	W	2.8%	9.1%	-
Peoria	W	1.8%	8.1%	P - S
Surprise	W	2.2%	8.5%	P
Tolleson	W	2.5%	8.8%	P - S
Wickenburg	W	2.2%	8.5%	P
Youngtown	W	3.0%	9.3%	-
Sources: Arizona League of Cities and Towns; Arizona Department of Revenue				

TPT Rates - council requested

TPT (Sales) Tax Rates - effective February 1, 2019		Alphabetical		
<u>City/Town Name</u>	<u>Location</u>	<u>Retail Tax Rate</u>	<u>Total Rate</u>	<u>P-Primary S-Secondary</u>
	<u>E-East Valley</u> <u>W-West Valley</u>			
Apache Junction	E	2.4%	9.1%	-
Avondale	W	2.5%	8.8%	P - S
Buckeye	W	3.0%	9.3%	P - S
Carefree	E	3.0%	9.3%	-
Cave Creek	E	3.0%	9.3%	-
Chandler	E	1.5%	7.8%	P - S
El Mirage	W	3.0%	9.3%	P - S
Fountain Hills	E	2.6%	8.9%	S
Gila Bend	W	3.5%	9.8%	P - S
Gilbert	E	1.5%	7.8%	S
Glendale	W	2.9%	9.2%	P - S
Goodyear	W	2.5%	8.8%	P - S
Guadalupe	E	4.0%	10.3%	-
Litchfield Park	W	2.8%	9.1%	-
Mesa	E	1.75%	8.05%	S
Paradise Valley	E	2.5%	8.8%	-
Peoria	W	1.8%	8.1%	P - S
Phoenix	E/W	2.3%	8.6%	P - S
Queen Creek	E	2.25%	8.55%	P
Scottsdale	E	1.75%	8.05%	P - S
Surprise	W	2.2%	8.5%	P
Tempe	E	1.8%	8.1%	P - S
Tolleson	W	2.5%	8.8%	P - S
Wickenburg	W	2.2%	8.5%	P
Youngtown	W	3.0%	9.3%	-
Sources: Arizona League of Cities and Towns; Arizona Department of Revenue				

TPT Rates - council requested

TPT (Sales) Tax Rates - effective February 1, 2019		Retail Rate		
<u>City/Town Name</u>	<u>Location</u>	<u>Retail Tax Rate</u>	<u>Total Rate</u>	<u>P-Primary S-Secondary</u>
	<u>E-East Valley W-West Valley</u>			
Guadalupe	E	4.0%	10.3%	-
Gila Bend	W	3.5%	9.8%	P - S
Buckeye	W	3.0%	9.3%	P - S
Carefree	E	3.0%	9.3%	-
Cave Creek	E	3.0%	9.3%	-
El Mirage	W	3.0%	9.3%	P - S
Youngtown	W	3.0%	9.3%	-
Glendale	W	2.9%	9.2%	P - S
Litchfield Park	W	2.8%	9.1%	-
Fountain Hills	E	2.6%	8.9%	S
Avondale	W	2.5%	8.8%	P - S
Goodyear	W	2.5%	8.8%	P - S
Paradise Valley	E	2.5%	8.8%	-
Tolleson	W	2.5%	8.8%	P - S
Apache Junction	E	2.4%	9.1%	-
Phoenix	E/W	2.3%	8.6%	P - S
Queen Creek	E	2.25%	8.55%	P
Surprise	W	2.2%	8.5%	P
Wickenburg	W	2.2%	8.5%	P
Peoria	W	1.8%	8.1%	P - S
Tempe	E	1.8%	8.1%	P - S
Mesa	E	1.75%	8.05%	S
Scottsdale	E	1.75%	8.05%	P - S
Chandler	E	1.5%	7.8%	P - S
Gilbert	E	1.5%	7.8%	S
Sources: Arizona League of Cities and Towns; Arizona Department of Revenue				

TPT Rates - council requested

TPT (Sales) Tax Rates - effective February 1, 2019		Total Rate		
<u>City/Town Name</u>	<u>Location</u>	<u>Retail Tax Rate</u>	<u>Total Rate</u>	<u>P-Primary S-Secondary</u>
	<u>E-East Valley</u> <u>W-West Valley</u>			
Guadalupe	E	4.0%	10.3%	-
Gila Bend	W	3.5%	9.8%	P - S
Buckeye	W	3.0%	9.3%	P - S
Carefree	E	3.0%	9.3%	-
Cave Creek	E	3.0%	9.3%	-
El Mirage	W	3.0%	9.3%	P - S
Youngtown	W	3.0%	9.3%	-
Glendale	W	2.9%	9.2%	P - S
Apache Junction	E	2.4%	9.1%	-
Litchfield Park	W	2.8%	9.1%	-
Fountain Hills	E	2.6%	8.9%	S
Avondale	W	2.5%	8.8%	P - S
Goodyear	W	2.5%	8.8%	P - S
Paradise Valley	E	2.5%	8.8%	-
Tolleson	W	2.5%	8.8%	P - S
Phoenix	E/W	2.3%	8.6%	P - S
Queen Creek	E	2.25%	8.55%	P
Surprise	W	2.2%	8.5%	P
Wickenburg	W	2.2%	8.5%	P
Peoria	W	1.8%	8.1%	P - S
Tempe	E	1.8%	8.1%	P - S
Mesa	E	1.75%	8.05%	S
Scottsdale	E	1.75%	8.05%	P - S
Chandler	E	1.5%	7.8%	P - S
Gilbert	E	1.5%	7.8%	S
Sources: Arizona League of Cities and Towns; Arizona Department of Revenue				

RULES OF PROCEDURE

February 7, 2019

RULES OF PROCEDURE

- Sections:
 - 1 Procedures
 - 2 Definitions
 - 3 Meetings
 - 4 Notice and Agenda
 - 5 Order of Business
 - 6 Procedures for Conducting the Meeting
 - 7 Conflict of Interest
 - 8 Code of Ethics
 - 9 Boards, Commissions and Committees

PROPOSED AMENDMENTS

- 2.3 - Consent Agenda – removes rolls call vote
- 5.2 - Amends Mayor's Report to be:
 - Reports by Mayor, Councilmembers and TM
 - Removes Reports at the end of meeting
 - Public Hearings opened at the beginning of item
- 9.1 - Updates listing of boards/commissions
- 9.2 - Centralizes membership records, advertising and receipt of applications with Town Clerk
 - Clarifies post appointment process

POSSIBLE DISCUSSION

- Currently have 8 boards/commissions
- Standardization of application form
- Standardization of membership requirements
 - Resident
 - Registered voter
- Standardization of term length and rotation
- Standardization of agendas and minutes format

SECTION 1. RULES OF PROCEDURE/AUTHORITY

1.1 PROCEDURES

The following are the basis for and are used in conjunction with these basic Rules of Procedure for meetings of the Council, Boards, Commissions and Committees:

- A. State Law
- B. Town Code, including these Council Rules
- C. Parliamentary Procedure at a Glance, New Edition, by O. Garfield Jones
- D. Roberts Rules of Order, 10th edition, as amended

In case of inconsistency, conflict, or ambiguity among the documents listed above, such documents shall govern in the order in which they are listed.

1.2 PRESIDING OFFICER

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the Presiding Officer of all **M**meetings of the Council. In the absence or disability of both the Mayor and the Vice-Mayor, the **M**meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer. If a majority of the Councilmembers present are unable to agree on a Presiding Officer for the meeting, the meeting shall automatically be adjourned and all agenda items shall be carried over to the next regular Council **M**meeting.

1.3 PARLIAMENTARIAN

The Town Attorney shall serve as Parliamentarian for all **M**meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney and the Town Manager shall act as Parliamentarian in the absence of both the Town Attorney and Town Clerk.

1.4 SUSPENSION OF THE RULES

The Council, by a three-quarter vote of all members present, may suspend strict observance of these Council Rules or other policies and procedures for the timely and orderly progression of the **M**meeting; provided, however, that a simple majority of the Council may cause a change in the order of items on the **A**agenda.

SECTION 2. DEFINITIONS

2.1 AGENDA

As set forth in the Order of Business, an **A**genda is a formal listing of items to be considered by (i) the Council at a noticed meeting of the Council or (ii) the applicable Board, Commission or Committee at a noticed meeting of that body. The content of the **A**genda may not be changed less than 72 hours prior to the public meeting, except in exceptional circumstances, but in no event shall the **A**genda be altered less than 24 hours prior to the public meeting, unless otherwise authorized by State law.

2.2 AGENDA PACKET

A compilation of documents supporting the items listed on the **A**genda and requiring Council consideration or action, which may be used by Council, staff and the public for more in-depth information than may be presented in an oral report. The **A**genda Packet is organized as set forth in the Order of Business in Section 5 below and is made available electronically to the Council or to any citizen on the Town's website: www.fh.az.gov by 6:00 p.m. the Thursday prior to the date of the meeting.

2.3 CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and ~~one roll-call~~ vote of the Council. All motions and subsequent approvals of Consent Agenda items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the consent agenda, he/she may request so prior to the motion to accept the Consent Agenda or by notifying the Town Manager prior to the date of the meeting. The item will be removed from the Consent Agenda and considered in its normal sequence on the ~~A~~genda.

2.4 COUNCIL

Collectively, the Mayor and Common Council of the Town of Fountain Hills.

2.5 COUNCIL RULES

These Town of Fountain Hills, Arizona Town Council *Rules of Procedure*.

2.6 MEETING

The gathering, in person or by technological devices, of a quorum of the Council, Boards, Commissions or Committees, at which the Councilmembers, Board members, Commissioners, or Committee members discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in

attendance will be named for the record by the Town Clerk or the staff liaison for a Board, Commission or Committee.

2.7 NEWSPAPER

A daily or weekly paid publication of general circulation within the Town of Fountain Hills, Arizona.

2.8 NOTICE

A formal announcement to the public that sets the date, time and the place at which a **M**meeting will be held. Such notice of **M**meetings shall be in accordance with the State law, the Town Code and these Council Rules.

2.9 QUORUM

The minimum number of Members of the Council, Board, Commission, or Committee that must be present in order for business to be legally transacted. With a seven-member body, a quorum is four **M**members, unless otherwise specifically authorized by State law.

2.10 TOWN

The Town of Fountain Hills, an Arizona municipal corporation.

SECTION 3. MEETINGS

3.1 REGULAR MEETINGS

- A. Regular Meeting Date: Time. The Council shall hold regular **M**meetings on the first and third ~~Thursday~~ TUESDAY of each month at ~~6:30 p.m.~~ **5:30 P.M.** When deemed appropriate, any regular **M**meeting date of the Council may be changed or cancelled by a majority of the Council. Notice of the rescheduled or cancelled meeting shall be given to the public as is reasonable and practicable under the circumstances. All regular **M**meetings shall be held at the Town Hall Council Chambers or at such place as may be prescribed by the Mayor or the Town Manager. The Council may provide for a "Call to the Public" at such regular **M**meetings.
- B. Holidays. When the day for a regular **M**meeting of the Council falls on a legal holiday, no **M**meeting shall be held on such holiday, but such **M**meeting shall be held at the same time and the same location on the day designated by the Council that is not a holiday, unless the meeting is otherwise cancelled by the Council.

3.2 ADJOURNED MEETINGS

Any ~~M~~meeting may be adjourned to a time, place and date certain, but not beyond the next regular Council-~~M~~meeting. Once adjourned, the ~~M~~meeting may not be reconvened except at the time, date and place provided for in the motion to adjourn.

3.3 SPECIAL MEETINGS

The Mayor, the Town Manager, or the Town Clerk (upon the written request of three Councilmembers), may convene the Council at any time after giving at least 24 hours' notice of such ~~M~~meeting to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such special-~~M~~meeting. In the case of an actual emergency, a ~~M~~meeting may be held upon such notice as is appropriate to the circumstances.

3.4 WORK SESSIONS

- A. How Convened; When Convened; Notice. The Mayor or the Town Manager (at his own discretion or upon the written request of three Councilmembers) may convene the Council in a ~~W~~work ~~S~~session at any time after giving notice at least 24 hours in advance of such work session ~~Meeting~~ to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such ~~special-Meeting~~ **WORK SESSION**.
- B. Purpose. Work sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the Council than may be possible at a regular ~~M~~meeting. No formal action of the Council may be taken at such ~~Meeting~~ **WORK SESSION**, other than general consensus or conveying direction to staff for further action. These ~~Meetings~~ **WORK SESSIONS** shall not provide for a "Call to the Public."

3.5 EXECUTIVE SESSIONS

Subject to applicable State law, the Council may hold such closed executive sessions as necessary to conduct the business of the Town.

3.6 EMERGENCY MEETINGS

As provided for by State law, the Mayor and Council or the Town Manager may call a special emergency ~~M~~meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a ~~M~~meeting notice 24 hours or more before the-~~M~~meeting. Notice of an emergency ~~M~~meeting of the Council will be posted within 24 hours following the holding of an emergency-~~M~~meeting. The notice will include the emergency ~~M~~meeting's ~~A~~agenda and a brief but complete description of the nature of the emergency. Emergency ~~M~~meetings shall not provide for a "Call to the Public."

3.7 MEETINGS TO BE PUBLIC

- A. Open to Public. With exception of executive sessions, all regular, special and work session ~~M~~meetings of the Council, Boards, Commissions, and Committees shall be open to the public.
- B. Public Comment. Public comment (Call to the public) is not taken at work sessions, emergency ~~M~~meetings or at special ~~M~~meetings, unless the special ~~M~~meetings is held in place of a regular ~~M~~meeting, or unless the special ~~M~~meeting includes a public hearing on the ~~A~~agenda.

3.8 MINUTES OF MEETINGS

- A. Staffing. The Town Clerk shall ensure staff attendance at all regular, special, work session, emergency and executive session ~~M~~meetings of the Council for the purpose of taking notes and/or audio recordation of the ~~M~~meeting. The Town staff liaison to each Board, Commission or Committee shall ensure staff attendance at all ~~M~~meetings for the purpose of taking notes and/or audio recordings of the ~~M~~meetings.
- B. Recordings; written minutes. To the extent possible, all open, public ~~M~~meetings shall be recorded by means of audio or video technology. In addition, written minutes reflecting legislative intent shall be taken so that an accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file and of record in the Office of the Town Clerk. Audio or video recordings of ~~M~~meetings will be retained for a period of time in accordance with the current Town of Fountain Hills and/or State of Arizona approved records retention and disposition schedules. Minutes shall identify speakers ~~be~~ **BY** name and shall indicate whether they are Fountain Hills residents, and whether they support or oppose the proposed action (i.e. "for" or "against") along with a summary of the speakers' verbal comments provided at the meeting.
- C. Availability. All ~~M~~meeting minutes of the Council, Boards, Commissions, and Committees are deemed to be public records, with the exception of executive session minutes, which, while they fall under the definition of and are considered public records by State law, are deemed confidential and are only available under limited conditions or by Court Order. Transcribed minutes, or the audio or video recordings of all open ~~M~~meetings of the Council, Boards, Commissions, and Committees must be available for public review by 5:00 p.m. on the third working day following each ~~M~~meeting, or as provided by State law. The Town Clerk or designee shall ensure that the ~~M~~minutes of all regular, AND special **MEETINGS** and ~~work~~-study **SESSIONS** ~~M~~meetings of the Council, Boards, Commissions, and Committees are made available through the Town's Web Site, www.fh.az.gov within two working days following their approval, or as provided by State law.
- D. Executive Sessions. Minutes of executive sessions (1) shall be confidential; (2) are maintained and secured by the Town Clerk; and (3) may be accessed only as provided by State law.

- E. Approval. Minutes of all **M**meetings of the Council (other than **E**xecutive **S**essions) may be approved under the consent agenda, unless removed for discussion and separate action.

SECTION 4. NOTICE AND AGENDA

4.1 POSTING NOTICES

- A. Time. The Town Clerk, or authorized designee, shall prepare all public **M**meeting notices of the Council, and shall ensure posting of the **M**meeting notices no less than 24 hours before the date and time set for said **M**meetings in accordance with State law. The staff liaison to each Board, Commission or Committee shall ensure that agendas are posted in the same manner as for the Council.
- B. Locations. Meeting notices shall be posted at a minimum of three locations within the Town, including the Community Center, Town Hall and the Town's website [www.fh.az.gov].

4.2 AGENDA PREPARATION

- A. Availability. The Town Manager, or authorized designee, shall prepare the **A**agendas for all **M**meetings of the Council as set forth below. Agendas of all **M**meetings of the Council shall generally be available to the public no less than 72 hours prior to said **M**meetings, except in exceptional circumstances. In no event shall the **A**agenda be made available less than 24 hours prior to said **M**meeting. Agendas and **A**agenda packet materials are made available through the Town's web site. The staff liaison to each Board, Commission or Committee shall ensure that the agenda is available in the same manner as required for the Council.
- B. Submittal Process. Items may be placed on the Council **A**agenda for discussion and possible action by the following process (the **A**agenda process for Boards, Commissions or Committees shall be as determined by the applicable Department Head which shall be substantially the same as the Council agenda submittal process):
1. All Departments: Preparation of the Agenda Action form with signatures of the department director and staff (including all attachments) provided to the Town Clerk for submittal to the Town Manager not later than two business days prior to **A**agenda **P**packet preparation day (the **Thursday TUESDAY** prior to **M**meeting date). Town Manager approves/amends items and signs off, finalizing the item for inclusion in the **A**agenda **P**packet.
 2. Mayor and Councilmembers: The Mayor or three Councilmembers may direct the Town Manager through a written request to place an item on an **A**agenda for action. Any Councilmember may direct the Town Manager to place an item on a future **A**agenda during the "Council Discussion/Direction to Town Manager"

portion of a ~~M~~meeting. ~~for discussion relating only to the propriety of (i) placing such item on a future Aagenda for action or (ii) directing staff to conduct further research and report back to the Council.~~

3. Town Manager and Town Attorney: The Town Manager or Town Attorney may place an item on the ~~A~~agenda by including appropriate documentation.
4. Citizen or Group: A citizen or group may apply to have an item placed on the ~~A~~agenda as follows:
 - a. Obtain a "Scheduled Public Appearance/Presentation" form from the Town Clerk and, when completed, return it to the Town Clerk for submission to the Town Manager.
 - b. The Town Manager or authorized designee shall research the issue to determine if it may be handled administratively or will require Council discussion. If it is determined that the matter should be placed before the Council, the Town Manager shall ensure that documentation, if any, is compiled and the material included in the ~~A~~agenda ~~P~~packet. If the Town Manager determines that the subject should not be placed on the ~~A~~agenda, an individual wishing to have an item on the ~~A~~agenda as a "Scheduled Public Appearance" may (i) ask that the request be forwarded to the Mayor for consideration or (ii) obtain the written request of three members of the Council to place the item on the ~~A~~agenda, and submit that request to the Town Manager.
 - c. The Town Manager may postpone the requested appearance/presentation date, if additional staff time is needed to research a proposed ~~A~~agenda item.

C. Time Lines for Submission of Items.

1. Agenda items shall be submitted to the Town Manager by 2:00 p.m., not less than nine calendar days prior to regular and special ~~M~~meetings to ensure timely delivery to Councilmembers.
2. Agenda items for ~~Work~~-Study **SESSIONS Meetings** shall be submitted to the Town Manager by 2:00 p.m., not less than seven calendar days prior to the meeting to ensure timely delivery to Councilmembers.
3. The Town Manager may approve exceptions to the schedule above in order to ensure that the distribution of all ~~A~~agenda ~~P~~packets to the Council is in conformance with these Council Rules.
4. Any requests requiring audio/visual support must be submitted to the Town Clerk for coordination with the information and technology division a minimum of 48

hours prior to the **M**meeting to ensure proper coordination and preparation. Department directors are responsible for obtaining presentation materials from applicants or presenters involved in their respective **A**agenda items.

- D. Agenda Item Submittals for Council Executive Sessions. Items may be placed on the **A**agenda for Council executive session discussion (if in compliance with the Town Code and applicable State Statutes) by the following process:
1. Submission by a Councilmember, the Town Manager or the Town Attorney (with notice to all Councilmembers).
 2. Submission by the Mayor (with notice to all Councilmembers).
 3. The Town Manager and the Town Attorney shall review the submittal for executive session discussions prior to placement on the **A**agenda, to ensure that the item is the proper subject of an executive session pursuant to state law.
 4. The Town Attorney shall advise the Town Clerk regarding the appropriate **A**agenda language of executive session items.
- E. Agenda Packets. Full **A**agenda **P**ackets for all noticed **M**meetings (except executive session documentation) of the Council shall be made available to Council members electronically, ~~generally seven days before Rregular Mmeetings and~~ five days before ~~Work-Study Meetings~~ **REGULAR MEETINGS AND STUDY SESSIONS**; provided, however, that **A**agenda **P**ackets may be supplemented later under special circumstances so long as no **A**agenda **P**acket material is made available less than 72 hours prior to the **M**meeting, except in the case of exceptional circumstances or an emergency **M**meeting.
- F. Removal Requests. Requests to remove items from the Consent Agenda occurring after the 72 hour posting deadline will be announced by the Mayor at the beginning of the meeting at which the item was scheduled. The posted **A**agenda will remain unchanged.

4.3 DISTRIBUTION OF NOTICES AND AGENDAS

- A. Copies. The Town Clerk shall ensure that the Mayor and Council receive copies of all **M**meeting notices and **A**agendas and any documentation provided for said **M**meeting electronically, not less than 72 hours prior to the **M**meeting, unless exceptional circumstances require a later delivery.
- B. Distribution. The Town Clerk shall ensure that the **M**meeting notices, **A**agendas and packet documentation, as deemed necessary, are posted to the Town's website: www.fh.az.gov and made available to the Mayor and Council, the public, Town Manager, Town Attorney, and staff electronically by 6:00p.m. on the Thursday prior to the date of the meeting.

- C. Amendments. A posted **A**genda may be amended up to 72 hours prior to such meeting. In exceptional circumstances, such **A**genda may be amended up to, but not less than, 24 hours prior to the designated **M**meeting, unless otherwise authorized by State Law. Amended **A**gendas shall indicate the date amended.

SECTION 5. ORDER OF BUSINESS

5.1 ORDER OF BUSINESS

The Order of Business of each **M**meeting shall be as contained in the ~~**A**~~agenda. The **A**genda shall be a sequentially numbered listing by topic and a brief description of business items that shall be taken up for consideration.

5.2 REGULAR MEETINGS

The **A**genda shall be prepared **SUBSTANTIALLY** in the following order, **BUT MAY BE AMENDED FOR BREVITY**:

AGENDA

Call to Order & Pledge of Allegiance

Invocation/Moment of Reflection

Roll Call

Mayer's ReportS BY MAYOR, COUNCILMEMBERS AND TOWN MANAGER (including proclamations) (No discussion)

Scheduled Public Appearances/Presentations (if any)

Call to the Public (Non-agenda items) (preceded by the following paragraph)

Pursuant to ARIZ. REV. STAT. § 38-431.01 (H), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Councilmembers may (i) respond to criticism, (ii) ask staff to review the matter or (iii) ask that the matter be placed on a future Council agenda.

Consent Agenda (preceded by the following explanatory paragraph)

All items listed are considered to be routine, non-controversial matters and will be enacted by one motion and ~~one roll call~~ vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the consent agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The item will be removed from the Consent Agenda and considered in its normal sequence on the ~~A~~agenda.

Action Items (grouped by subject to the extent possible)

Council Discussion/Direction to Town Manager (Items for future ~~A~~agendas)

~~Summary of Council Requests and Report on Recent Activities by the Mayor, Individual Councilmembers and the Town Manager.~~

Adjournment

All ~~A~~agendas shall have the following statement placed at the bottom:

The Town of Fountain Hills endeavors to make all public ~~M~~meetings accessible to persons with disabilities. Please call 837-2003 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the ~~M~~meeting to request a reasonable accommodation to participate in this ~~M~~meeting or to obtain ~~A~~agenda information in large print format.

A. Roll Call. Following the Call to Order and the Pledge of Allegiance, the Moment of Reflection or Invocation and before proceeding with the business of the Council, the Presiding Officer shall direct the Town Clerk or authorized designee to call the Roll, and the names of Councilmembers both present and absent shall be entered into the minutes. The order of roll call shall be: Mayor, Vice Mayor and then Councilmembers from the Mayor's far right to the Mayor's far left.

B. ~~Mayor's Report~~ BY MAYOR, COUNCILMEMBERS AND TOWN MANAGER

The Mayor may use "~~Mayor's Report~~" REPORTS to read proclamations or conduct other ceremonial matters as listed on the posted ~~A~~agenda **AND REPORTS MAY BE GIVEN BY THE MAYOR, COUNCILMEMBERS AND TOWN MANAGER ON CURRENT EVENTS AND/OR ACTIVITIES. (THE ARIZONA OPEN MEETING LAW DOES NOW ALLOW DISCUSSION OR ACTION ON ANY MATTER MENTIONED DURING THE REPORTS.)**

C. Scheduled Public Appearances/Presentations. The process set forth in Subsection 4.2(B) (4) above applies to members of the public or groups wishing to place an item on the ~~A~~agenda under "Scheduled Public Appearances/Presentations". If the request is approved by the Town Manager, the item will appear on the agenda. The Town Manager shall endeavor to limit the total time for such presentations to ten minutes individually and

30 minutes collectively per Council meeting. Councilmembers may use "Scheduled Public Appearances/Presentations" section to provide an update of official activities, as listed on the posted ~~A~~agenda.

D. Call to the Public.

1. All citizens and interested parties will be limited to a maximum of three minutes to address the Council on a non-~~A~~agenda item.
2. All citizens and interested parties wishing to speak before the Council shall fully complete a ~~speaker's~~ **REQUEST TO COMMENT form (REQUEST FORM)**. ~~Speaker Cards REQUEST FORMS~~ submitted by those who indicate they will not speak will be grouped together in the order in which the cards were received and by the categories of "for" and "against" relating to the item indicated on the Speaker Card. The Town Clerk will announce the number of cards received, if any, and number received per category.
3. At the conclusion of each citizen's comments, the Presiding Officer may take any or all of the following actions:
 - a. Thank speaker for addressing issue.
 - b. Ask staff to review matter.
 - c. Ask that a matter be put on a future ~~A~~agenda.
 - d. Permit individual Councilmembers to respond to criticism raised during the Call to the Public
4. At the discretion of the Presiding Officer light and/or sound signals may be used to indicate the commencement of the time for speaking and a warning light may flash to show that the appropriate time has passed. A red light will signal that there is no longer any remaining time.

E. Consent Agenda

1. The Consent Agenda includes items that are of such a nature that discussion is not required, or issues that have been previously studied by the Council. These items may be adopted by one motion and ~~a roll call~~ vote.
2. There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Council or any member of the public in attendance at the ~~M~~meeting requests that an item or items be removed for discussion. Councilmembers or the public may not ask a question without removal of the item from the Consent Agenda.
3. Items removed from the Consent Agenda are considered in their normal sequence as listed on the ~~A~~agenda, unless called out of sequence as provided under Section 1.4 (Suspension of the Rules) above.

F. Action Items.

1. At the time each business item is presented to the Council, the Town staff shall present a report on the subject and the applicant, if any, may also speak. The Mayor or the Town Clerk, or authorized designee, will then call the **speaker cards REQUEST FORMS** of those citizens desiring input and comments. All citizens and interested parties wishing to speak before the Council shall fully complete **speaker** request forms and submit the forms to the Town Clerk, or authorized designee, prior to Council discussion of that **A**agenda item.

Sufficient **speaker** request forms shall be located in the Council Chamber's Lobby (the public entry area into the Chamber) and at the Town Clerk's position on the dais. Completed **speaker** request forms will be retained by the Town Clerk until the draft minutes are approved by the Council at a subsequent meeting. Speakers' names and comments will be summarized and included in the meeting minutes. Speakers will be called in the order in which the **speaker cards REQUEST FORMS** were received. If a speaker chooses not to speak when called, such speaker will be deemed to have waived his/her opportunity to speak on that matter.

2. Those speaking before Council will be allowed three contiguous minutes to address Council, but time limits may be waived by (a) discretion of the Town Manager upon request by the speaker not less than 24 hours prior to a **M**meeting, (b) consensus of the Council at a **M**meeting or (c) the Mayor either prior to or during a **M**meeting. Speakers may not (a) reserve a portion of their time for a later time or (b) transfer any portion of their time to another speaker.
3. The purpose of all public comments is to provide information and the speaker's views for Council consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration with staff, other speakers, the audience or Councilmembers; all remarks will be addressed to the Presiding Officer and not to individual Councilmembers. All comments shall be addressed through the Presiding Officer who shall decide if any response is warranted and who, if anyone, shall address the concern. Councilmembers may request, upon recognition by the Presiding Officer, clarification of comments or materials presented by the speakers, any applicant's representatives or Town staff; provided, however, that no Councilmember shall engage in debate directly with such speakers, representatives or Town staff.
4. Proper decorum, in accordance with Section 6.4 below, must be observed by Councilmembers, by speakers in providing testimony and remarks and by the audience. In order to conduct an orderly business **M**meeting, the Presiding Officer shall keep control of the **M**meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly

conduct of the business of the ~~M~~meeting. Personal attacks on Councilmembers, Town staff or members of the public are not allowed.

5. Generally, **A**agenda items requiring public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:
 - a. The Presiding Officer will announce the matter that is set forth for a public hearing, **WILL THEN OPEN THE PUBLIC HEARING**, and, if appropriate, ask the staff to provide a report of the matter.
 - b. The Presiding Officer will the ask the applicant to speak regarding the matter.
 - ~~c. At the conclusion of the staff report and/or presentation by the applicant, the Presiding Officer will open the public hearing for comments from the public.~~
 - dC. After all public comments are heard, the Presiding Officer will close the public hearing, and may ask staff or the applicant to respond to the comments.
 - eD. The Presiding Officer may then call for a motion and second, if applicable, and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter.
 - fE. Upon the conclusion of Council comment, the Presiding Officer will call for action on the motion.
 - gF. Exhibits, letters, petitions, and other documentary items presented or shown to the Council on a public hearing item become part of the record of the public hearing and shall be maintained by the Town Clerk.
 - hG. Ten collated sets of written or graphic materials should be provided by the speaker to the Town Clerk prior to the commencement of the hearing to allow for distribution to the Council, key Town staff and the Town Clerk for inclusion in the public record. Reduced copies (8" x 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. The appropriate staff member shall be responsible to notify applicants of this requirement.
6. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the **A**agenda and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the **A**agenda item, limit repetitive testimony, but in no event to less than three minutes per topic. Upon approval of (a) the Presiding Officer or (b) a majority of the Council, persons may be allowed to speak longer than three

minutes. Councilmembers may ask the individual speaker questions through the Presiding Officer.

7. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Council in this regard.
- G. Council Discussion/Direction to Town Manager. The Council may (1) give direction to the Town Manager to follow-up on matters presented at that **M**meeting, (2) to bring an item before the Council on a future **A**agenda for discussion and possible action, or (3) direct staff to conduct further research and report back to the Council.
- ~~H. Summary of Council Requests and Report on Recent Activities by the Mayor, Individual Councilmembers and the Town Manager. At the conclusion of the Council Discussion/Direction to Town Manager, the Town Manager shall review with the Council all matters raised at that **M**meeting requiring follow-up from the Town Manager or Town staff. The Town Manager may also suggest timelines for such follow-up. The Mayor, individual Councilmembers and the Town Manager may present a brief summary on current events and/or activities. The Arizona open meeting law does not allow discussion or action on any matter mentioned during this summary.~~
- ~~I~~H. Adjournment. The open, public **M**meeting of the Council may be adjourned by consensus of the Council.

5.3 SPECIAL MEETINGS

- A. As Substitute for Regular Meeting. If a **S**special **M**meeting is being held as an extension of or in place of a **R**regular **M**meeting, the **A**agenda shall be as set forth for a **R**regular **M**meeting.
- B. Generally. For all other **S**special **M**meetings, the **A**agenda shall be prepared in the following order:

AGENDA

Call to Order

Roll Call

Consent Agenda (if needed – explanatory paragraph same as regular **M**meeting)

Action Items (grouped by subject to the extent possible)

Adjournment

5.4 WORK SESSION MEETINGS

The primary purpose of work session **S meetings** is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the **Aagenda** and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an **Aagenda** item if invited by the Mayor and Council to do so. The Presiding Officer may limit or end the time for such presentations.

The work session **Aagenda** shall be prepared in the following order:

Call to Order

Roll Call

Work Session Statement (explanatory statement)

All Items Listed Are for Discussion Only. No Action Can or Will Be Taken. The primary purpose of work session **S Meetings** is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the **Aagenda** and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an **Aagenda** item if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

Agenda Items for Discussion (Items Numbered for Order)

Adjournment

SECTION 6. PROCEDURES FOR CONDUCTING THE MEETING

6.1 CALL TO ORDER

A **Mmeeting** of the Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, by the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, the **Mmeeting** shall be called to order by the Town Clerk, who shall immediately call for the selection of a temporary Presiding Officer.

6.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers, and he/she shall not be deprived of any of the rights and privileges of a Councilmember by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the **Mmeeting**.

6.3 QUESTION TO BE STATED

The Presiding Officer shall verbally restate, or shall ask the Town Clerk to verbally restate, each question immediately prior to calling for discussion and the vote. Following the vote, the Presiding Officer shall ask the Town Clerk or authorized designee to verbally announce the results of voting, including the ayes, nays and abstentions. The Presiding Officer shall publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business. Formal votes shall not be taken at work sessions or executive sessions.

6.4 RULES/DECORUM/ORDER

- A. Points of Order. The Presiding Officer shall determine all points of order after consultation with the Parliamentarian, subject to the right of any member to appeal such determination to the whole Council. If any appeal is taken, the question (motion) shall be substantially similar to the following: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.
- B. Order and Decorum
1. Councilmembers: Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.
 2. Employees: Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to Councilmembers. The Town Manager shall ensure that all Town employees observe such decorum and will direct the participation of any staff member in the discussion of the Council. The Town Manager shall first be recognized by the Presiding Officer prior to addressing the Council. Any staff member desiring to speak shall first be recognized by the Town Manager.
 3. Public: Members of the public attending the **M**meetings shall observe the same rules of order and decorum applicable to the Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos or yells shall not be permitted by the Presiding Officer, who may direct a law enforcement officer to remove such offender/s from the room.
- C. Enforcement of Decorum. Proper decorum is to be maintained during all **M**meetings by the Council, staff and guests. It is the responsibility of the Presiding Officer of the **M**meeting to ensure compliance with this Policy. The Presiding Officer shall request that a speaker refrain from improper conduct; if the speaker refuses, the Presiding Officer may end the speaker's time at the podium. If the speaker refuses to yield the podium after being asked to do so by the Presiding Officer, the Presiding Officer may (1) recess the **M**meeting for a brief time (2) end the speaker's time at the podium or (3) direct a law enforcement officer present at the **M**meeting to remove from the **M**meeting the person whose conduct is disorderly or disruptive.

6.5 TELECONFERENCE PROCEDURE

Meetings may be conducted by teleconference as follows:

- A. Prior Notice. When a Councilmember is unable to attend a **Mmeeting** and desires to participate in the **Mmeeting** by telephone, the Councilmember shall be permitted to do so provided he/she gives the Town Clerk, or authorized designee, notice of his/her inability to be present at the **Mmeeting** at least 48 hours prior to the **Mmeeting**.
- B. Notation on Agenda. The notice of the **Mmeeting** and the **Aagenda** shall include the following: "Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call."
- C. Public Access. Facilities will be used at the **Mmeeting** to permit the public to observe and hear all telephone communications.
- D. Notation in Minutes. The **Mminutes** of the **Mmeeting** shall clearly set forth which members are present in person and which are present by telephone.

6.6 ADDRESSING THE COUNCIL

- A. Manner of Addressing the Council.
 1. Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, the speaker shall clearly state his/her name for the record and shall indicate if he/she is a Town resident.
 2. Special assistance for sight and/or hearing-impaired persons can be provided. Anyone requiring such assistance should contact the Town Clerk 48 hours before a **Mmeeting** to request an accommodation to participate in the **Mmeeting**.
- B. Limitation Regarding Public Comment and Reports. The making of oral communications to the Council by any member of the public during the "Call to the Public: (Non-**Aagenda** Items)" or under an action item, shall be subject to the following limitations:
 1. All citizens wishing to address the Council shall complete and submit a **speaker's** request form as set forth in Subsection 5.2(F) above.
 2. The Presiding Officer may limit the number of speakers heard on non-**Aagenda** topics at any single **Mmeeting** to allow the **Mmeeting** to proceed and end in a timely manner.

3. If it appears that several speakers desire to provide repetitive comments regarding a single topic, the Presiding Officer may limit the number of speakers.

C. Motions.

1. Processing of Motions: When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
2. Precedence of Motions: When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:
 - a. Fix the time to adjourn
 - b. Adjourn
 - c. Recess
 - d. Raise a question of Privilege
 - e. Table
 - f. Limit or extend limits of debate
 - g. Postpone to a certain time and date
 - h. Amend
 - i. Postpone Indefinitely
 - j. Main Motion
3. Motion to Postpone Indefinitely: A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.
4. Motion to Table: A motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.
5. Motion to Limit or Terminate Discussion: Such a motion shall be used to limit or close debate on, or further amendment to, the main motion. This is referred to as "Call for the Question" and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion; it requires a two-thirds vote. The vote shall be taken by voice. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

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6. Motion to Amend:
 - a. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment on the floor shall not be in order.
 - b. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
 - c. Amendments shall be voted on first, prior to consideration of subsequent amendments. After all amendments have been voted on, the Council shall vote on the main motion (as amended, if applicable).
 7. Motion to Continue: Motions to continue shall be debatable only as to the propriety of postponement. Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set only.
- D. Addressing the Council after Motion is made. After the motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission from the Presiding Officer.
- E. Voting Procedure. After discussion has been concluded and the Mayor, the Councilmember who made the motion or the Town Clerk has restated the motion under consideration, the following procedure shall apply:
1. Casting a Vote:
 - a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, roll call or any other method as determined by the Presiding Officer, by which the vote of each member of the Public Body can be clearly ascertained and recorded in the ~~M~~meeting minutes. Upon the request of the Mayor or a Councilmember, the vote shall be taken by roll call.
 - b. The vote on each motion shall be entered into the record by names of the Councilmembers voting for or against. The Record also shall include the names of any member not casting a vote by reason of being absent from the room at the time of the vote.
 - c. If a Councilmember has declared a Conflict of Interest, the Town Clerk shall include a statement such as "Abstained due to declared Conflict of Interest" in the ~~O~~official-~~M~~minutes as part of the results of the vote.
 - d. If the roll call method of voting is used, the Town Clerk or designee shall call the names of all members in random order with each new vote. Members shall respond "Aye" or "Nay."

2. Failure to Vote:
 - a. All Councilmembers in attendance at a duly called **M**meeting that requires formal Council action are required to vote. A member may abstain from voting only if he/she has a conflict of interest under State law, in which case such member shall take no part in the deliberations on the matter in question.
 - b. Should a Councilmember fail to vote or offer a voluntary abstention, his/her vote shall be counted with the majority of votes cast, unless the Councilmember's vote is excused by the State law; however, in the event of a tie vote, his/her vote shall be counted as "Aye."
3. Reconsideration: Any Councilmember who voted with the majority may move a reconsideration of any action at the same or next regular ~~M~~meeting. **TO ENSURE THAT THE OPEN MEETING LAW REQUIREMENTS ARE MET, A WRITTEN REQUEST FROM SUCH COUNCILMEMBER MUST BE SUBMITTED TO THE TOWN CLERK'S OFFICE AT LEAST NINE DAYS PRIOR TO THE NEXT REGULAR MEETING.** After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council.
4. The affirmative vote of a majority of a **Q**quorum shall be required for passage of any matter before the Council.

SECTION 7. CONFLICT OF INTEREST

7.1 INTRODUCTION

Occasionally, a Councilmember may find himself/herself in a situation that requires a Councilmember remove himself/herself from participation in discussion and voting on a matter before the Council. This situation exists when the Councilmember has a "conflict of interest" as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision, which might unduly affect their personal interests or those of their close relatives.

7.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

7.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW

The Arizona Conflict of Interest Law as now set forth or as amended in the future, applies to all actions taken by Councilmembers, Board members, Commissioners, and Committee members.

7.4 DISCLOSURE OF INTEREST

Any Councilmember, Board member, Commissioner, or Committee member who may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the State law. Any member who has a conflict of interest in any decision must disclose that interest at the ~~M~~meeting and in writing on a form provided by the Town Clerk. The disclosure of the conflict shall include a statement that the member withdraws from further participation regarding the matter. The Town Clerk or designee shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a member.

7.5 WITHDRAWAL FROM PARTICIPATION

Having disclosed the conflict of interest and withdrawn in the matter, the Councilmember, Board member, Commissioner, or Committee member must not communicate about the matter with anyone involved in the decision making process in any manner. Further, the member should not otherwise attempt to influence the decision and should remove himself/herself from the Council Chamber, or other location where a meeting is being held, while the matter is considered. Failure to disclose any conflict of interest is addressed in Section 7.8 below.

7.6 RULE OF IMPOSSIBILITY

In the unlikely situation that the majority of Councilmembers, Board members, Commissioners, or Committee members have a conflict of interest and the Council, Board, Commission or Committee is unable to act in its official capacity, members may participate in the discussion and decision after making known their conflicts of interest in the official records.

7.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are (A) part of the compensation they would normally be entitled to for performing their duties or (B) otherwise permitted according to State Law.

7.8 SANCTIONS FOR VIOLATIONS

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in State law.

7.9 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a Councilmember, Board member, Commissioner, or Committee member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the State law described above. It is the policy of the Council to encourage members to adhere to strongly held ethical values, which are exercised in good faith. However, subsection 6.6(E)(2) above encourages participation in the decision making process unless the matter involves a statutory conflict of interest set forth by State law.

SECTION 8. CODE OF ETHICS

The purpose of this policy for the Town is to ensure the quality of the Town Government through ethical principles that shall govern the conduct of the Council and members of the Town's boards, commissions, and committees.

In furtherance of this purpose, we shall:

- 8.1 **OBEY THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA, THE CONSTITUTION, AND LAWS OF THE STATE OF ARIZONA AND THE LAWS OF THE TOWN OF FOUNTAIN HILLS.**
- 8.2 **BE DEDICATED TO THE CONCEPTS OF EFFECTIVE AND DEMOCRATIC LOCAL GOVERNMENT THROUGH DEMOCRATIC LEADERSHIP.**

We shall honor and respect the principles and spirit of representative democracy and shall set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules, and regulations.

- 8.3 **AFFIRM THE DIGNITY AND WORTH OF THE SERVICES RENDERED BY THE TOWN GOVERNMENT AND MAINTAIN A DEEP SENSE OF SOCIAL RESPONSIBILITY AS A TRUSTED PUBLIC SERVANT.**
- 8.4 **BE DEDICATED TO THE HIGHEST IDEALS OF HONOR, ETHICS, AND INTEGRITY IN ALL PUBLIC AND PERSONAL RELATIONSHIPS.**
 - A. Public Confidence. We shall conduct ourselves so as to maintain public confidence in Town government and in the performance of the public trust.
 - B. Impression of Influence. We shall conduct our official and personal affairs in such a manner as to give a clear impression that we cannot be improperly influenced in the performance of our official duties.
- 8.5 **RECOGNIZE THAT THE CHIEF FUNCTION OF LOCAL GOVERNMENT IS AT ALL TIMES TO SERVE THE BEST INTERESTS OF ALL THE PEOPLE.**

We shall treat our office as a public trust, only using the power and resources of public office to advance public interests and not to attain personal benefit or pursue any other private interest incompatible with the public good.

8.6 KEEP THE COMMUNITY INFORMED ON MUNICIPAL AFFAIRS; ENCOURAGE COMMUNICATION BETWEEN THE CITIZENS AND ALL MUNICIPAL OFFICERS; EMPHASIZE FRIENDLY AND COURTEOUS SERVICE TO THE PUBLIC; AND SEEK TO IMPROVE THE QUALITY AND IMAGE OF PUBLIC SERVICE.

- A. Accountability. We shall ensure that government is conducted openly, efficiently, equitably, honorably, and in a manner that permits the citizens to become fully informed to allow them to hold Town officials accountable.
- B. Respectability. We shall safeguard public confidence in the integrity of Town government by being honest, fair, caring, and respectful, and by avoiding conduct creating the unexplainable appearance of impropriety, or impropriety of which is otherwise unbecoming a public official.

8.7 SEEK NO FAVOR; BELIEVE THAT PERSONAL BENEFIT OR PROFIT SECURED BY CONFIDENTIAL OR PRIVILEGED INFORMATION OR BY MISUSE OF PUBLIC TIME IS DISHONEST.

- A. Private Employment. We shall take any steps necessary to ensure that we comply with the State law regarding conflicts of interest when we engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business.
- B. Confidential Information. We shall not disclose to others, or use to further our personal interest, confidential information acquired in the course of our official duties.
- C. Gifts. We shall not directly or indirectly, in connection with service to the Town, solicit any gift or accept or receive any gift - of any value - whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of gratuity. This policy shall not apply to hospitality, transportation or other assistance provided to Town officials when such hospitality, transportation or other assistance is (i) directly related to their participation in community events as a representative of the Town or (ii) of inconsequential value and accepted as a courtesy.
- D. Investment in conflict with official duties. We shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with our official duties.
- E. Personal relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of conflict of interest or a conflict of interest

- 8.8 CONDUCT BUSINESS OF THE TOWN IN A MANNER, WHICH IS NOT ONLY FAIR IN FACT, BUT ALSO FAIR IN APPEARANCE.
- 8.9 PROMOTE UNDERSTANDING, MUTUAL RESPECT AND TRUST AMONG MEMBERS OF COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES CONCERNING THEIR ROLES AND RESPONSIBILITIES WITH RESPECT TO TOWN STAFF'S RESPONSIBILITY FOR IMPLEMENTING THE COUNCIL'S POLICIES.

All members of the Council, boards, commissions, or committees shall acknowledge in writing, on a form provided by the Town Clerk, receipt of these provisions relating to ethics.

SECTION 9. BOARDS, COMMISSIONS, AND COMMITTEES

The Fountain Hills' Council may create such boards, commissions, and committees as deemed necessary to assist in the conduct of the operation of Town government. The Council may authorize and direct the Town Manager to establish ad hoc committees as needed in order to provide additional flexibility with regard to conducting Town business.

- 9.1 **REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES**
- A. Classification. All boards, commissions, and committees of the Town shall be classified as regularly scheduled or unscheduled boards, commissions, and committees. Regularly scheduled boards, commissions, and committees are those that meet on a regularly-scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions, and committees meet on an as-called basis.
- B. Regularly Scheduled. Regularly scheduled boards, commissions, and committees include:
1. Planning and Zoning Commission
 2. ~~Parks and Recreation~~ **COMMUNITY SERVICES ADVISORY** Commission
 3. McDowell Mountain Preservation Commission
 4. ~~Community Center Advisory Commission~~
 5. ~~Public Safety Advisory Commission~~
 6. ~~Senior Services Advisory Commission~~
 7. Strategic Planning Advisory Commission

5. **SISTER CITIES ADVISORY COMMISSION**

6. **MUNICIPAL PROPERTY CORPORATION**

C. Unscheduled. Unscheduled boards, commissions, and committees:

1. Ad Hoc Committees

2. Board of Adjustment

3. **BUILDING SAFETY BOARD OF APPEALS**

D. Sunset. Except for the Planning and Zoning Commission and Board of Adjustment, any board, commission, or committee created shall cease to exist (1) upon the accomplishment of the special purpose for which it was created or (2) when abolished by a majority vote of the Council.

9.2 **SELECTION OF BOARD, COMMISSION, OR COMMITTEE MEMBERS**

A. Call for Applications. The call for applications to fill vacant seats for boards, commissions and committees shall include a request for:

1. A cover letter of interest.

2. A resume.

3. The "Background and Personal Data Outline" application that describes the applicant's skills, experience, and education background needed to ensure the successful filling of the vacancy.

4. Responses to the supplemental questionnaire specific to a board, commission, or committee application, if such questionnaire is included.

5. The consent to executive session form.

6. If a member whose term will be expiring wishes to reapply for an additional term on the same board, commission or committee, such member is exempt from filing those items listed in Subsections 9.2 (A)(1-4). However, such member shall submit in writing, on a form provided by the Town Clerk that includes a request for the Council's consideration of reappointment in addition to the consent to executive session as listed in Subsection 9.2(A)(5). The member may include any new or additional information that is relevant to the original application already on file.

B. Advertising/Timing and Location. ~~Staff liaisons~~ **THE TOWN CLERK** shall be responsible for advertising to fill vacant seats to boards, commissions, and committees for at least

two weeks and no later than two months, prior to the expiration of the current board, commission, or committee member(s) term, via:

1. The Town's government access channel.
2. Newspaper advertising.
3. The Town website.
4. The Town's official posting sites as listed in Section 2-4-3 of the Fountain Hills Town Code. ~~The staff liaison shall be responsible for submitting to the Town Clerk's office the Affidavit of Established Posting.~~ The downloadable application packet will be placed on the Town's website for public access with hard copies made available to the public through the Customer Service Representative.

C. Advertisement Contents. Advertisement of vacancies shall include the following:

1. The name of the board, commission, or committee.
2. The number of vacancies to be filled.
3. A brief description of the board, commission, or committee.
4. A brief description of the qualifications, skills and experience background applicants should possess, if any.
5. An overview of when the board, commission, or committee meets.
6. The deadline for submitting applications.
7. Listing of applicant information required and location where application packets may be obtained.
8. Staff liaison contact information.
9. The dates of publication in the local paper.

D. Staff Review. Individuals applying for boards, commissions, or committees must submit to the ~~appropriate Staff Liaison~~ **TOWN CLERK** those items as listed in Subsection 9.2(A) above by the published deadline. **THE TOWN CLERK AND The Staff Liaison** will review the application(s) to ensure that the applicant(s) meet the qualifications as listed in Subsection 9.4(A) below.

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- E. Council Materials. The staff liaison to the board, commission, or committee will assemble and copy all application packets and provide all supporting materials to all Councilmembers.
- F. Subcommittee Review/Interview. The Council subcommittee shall interview all applicants, unless there are more than five applicants for each vacancy, in which case the subcommittee may choose, at its discretion, to limit the number of interviewed applicants to five per vacancy after meeting to review all of the applications. The staff liaison will schedule an appropriate time to interview qualified applicants in person or via telephone, **AND SHALL PREPARE AND POST THE AGENDA FOR AN EXECUTIVE SESSION IN ACCORDANCE WITH THE ARIZONA OPEN MEETING LAW FOR SAID INTERVIEWS.** Interviews shall be conducted in Executive Session unless the applicant requests the interview be held at a public meeting.
- G. Subcommittee Recommendation. After the interviews have concluded, the staff liaison or the Council Subcommittee chair shall advise the Mayor **AND TOWN CLERK** of the subcommittee's discussion and appointment recommendation(s).
- H. Council Consideration. The ~~staff liaison~~ **TOWN CLERK** shall ~~submit~~ **PREPARE** the agenda action form ~~to the Town Clerk~~ according to the submission deadline for the next appropriate Council ~~Meeting~~ **Agenda**, including the following information: (1) a review of the steps taken to recruit applicants, (2) the number of vacancies to be filled along with the names of those members whose terms expire, (3) the number of applications received and (4) the specific term to be filled.
- I. Notification of Council Meeting. The staff liaison shall notify the appointee(s) that he/she is a possible candidate for appointment to a board, commission, or committee and suggest that he/she may want to be present at the scheduled meeting when the recommendation is presented to the Council.
- J. Notification of Council Action. Following the Council's approval of the Mayor's appointment(s) to a board, commission, or committee, the ~~staff liaison~~ **TOWN CLERK** shall notify appointees as to their appointment **AND PROVIDE THEM WITH AN OATH OF OFFICE, ETHICS POLICY AND OPEN MEETING LAW AFFIRMATION FORM FOR THEIR SIGNATURE AND RETURN.** Those applicants not chosen to fill a vacancy on a board, commission, or committee, will be provided written notification by the ~~staff liaison~~ **TOWN CLERK** outlining the Council's appointments and they will be provided with an application of interest for consideration of applying for any other board, commission and committee vacancies.
- K. Appointee Orientation. The staff liaison will provide specific details to the new appointees relative to: (1) their attendance at the "official" board, commission, or committee orientation, ~~(2) taking the "oath of office" prior to attending their first board, commission, or committee meeting,~~ ~~(3) reading and signing the ethics policy,~~ ~~(4) the Open Meeting Law Letter advising of the State's requirement for a person elected or appointed to review Arizona's Open Meeting~~

~~Law materials at least one day before the day that person takes office, AND (2) (5) all official literature, agendas, minutes, or other materials specific to their appointment and (6) information relating to the Town's annual Arizona Open Meeting Law training.~~

9.3 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- A. Appointments Subcommittee. The Mayor may annually appoint Council Subcommittees for board, commission and committee appointments. Each subcommittee shall be made up of three Councilmembers. The Mayor may appoint himself/herself to this subcommittee. If no such subcommittee is appointed, at a minimum, a quorum of the Fountain Hills Council shall review applications and conduct interviews for the various boards, commissions, and committees to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4 below.
- B. Subcommittee Purpose. The purpose of this Council Subcommittee is to review applications, interview applicants (typically in Executive Session) and provide a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4 below.
- C. Appointment Timing. The process of application review and interviews will be conducted in such a manner as to allow for the appointments to coincide with the term expiration of the current board, commission or committee member(s) term or as soon thereafter as reasonably possible.

9.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS

- A. Minimum Qualifications. All members of boards, commissions, and committees shall meet the following minimum qualifications upon their appointment to any board, commission, or committee. Each member must be:
 - 1. Eighteen years of age or older, for any board, commission, or committee seats, designated by Council; except for members appointed to Youth Commissioner position for youth representation.
 - 2. A Fountain Hills resident for at least one year, unless the Council specifically waives this time or residency requirement for a specific board, commission or committee.
 - 3. A qualified elector, except youth appointees.
- B. Prohibited Appointees. Town employees or appointed officers shall not be eligible for appointment to any board, commission, or committee but may be requested to provide

staff support thereto. Councilmembers are prohibited from serving on regularly scheduled commissions as listed in Subsection 9.1(B) above and the Board of Adjustment.

- C. Ex-Officio Members. The Mayor, with the consent of the Council, may from time to time appoint ex-officio members to those boards, commissions or committees as set forth in the bylaws of such body. Such members shall serve at the pleasure of the Mayor and Council. Ex-officio members shall not be entitled to vote on any matter brought before the commission.

9.5 TERMS, VACANCIES, REMOVAL

- A. Terms. All members of unscheduled boards, commissions, and committees shall serve a term of up to three years, or until the board, commission, or committee is dissolved, unless Council action, Town Code, or Arizona Revised Statutes specifically designates terms.
- B. Staggered Terms for Smaller Boards. For those regularly scheduled boards, commissions, and committees having five members or fewer, the terms of office shall be staggered so that no more than three terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any boards, commission, or committee that will be in existence for a single term.
- C. Staggered Terms for Larger Boards. For those boards, commissions, and committees having more than five members but less than eight members, the terms of office shall be staggered so that no more than four terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission, or committee that will be in existence for a single term.
- D. Simultaneous Service Limitation. No individual may serve as a voting member on more than one regularly scheduled or unscheduled board, commission, and committee at one time.
- E. Vacancies. A vacancy on a board, commission, or committee shall be deemed to have occurred upon the following:
1. Death or resignation of a member of a board, commission, or committee.
 2. A member ceasing to be a resident of the Town of Fountain Hills, unless the Council has provided that such member may be a non-resident.
 3. Three successive unexcused or unexplained absences by a member from any regular or special board, commission, or committee meetings. However, the term of all members shall extend until their successors are appointed and qualified.

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- F. Removal. Any board, commission, or committee member may be removed as a member to that board, commission, or committee upon a vote of not less than four Councilmembers for any cause as determined by the Council.
 - G. Filling Vacancy. Whenever a vacancy has occurred on one board, commission, or committee procedures described in Sections 9.2, 9.3, and 9.4 above will be used to generate applicants, interview applicants, and make a recommendation for a potential appointee.
 - H. Re-appointment. An incumbent member of a board, commission, or committee seeking reappointment shall submit, in writing on a form provided by the Town Clerk that includes a request for the Council's consideration of reappointment in addition to the consent to executive session form by the published deadline in order to be considered for appointment by the Council. The member may include anyone or additional information that is relevant to the original application already on file.

9.6 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW

All boards, commissions, and committees are subject to the Arizona Open Meeting Law and therefore shall attend the Town's Annual Open Meeting Law training.

9.7 RESIDENCY REQUIREMENT

Members of all boards, commissions or committees shall be residents of the Town.

TOWN OF FOUNTAIN HILLS
BOARDS/COMMISSIONS
 Prepared 12/06/2018

NAME	AUTHORITY	# OF MEMBERS	MAKE UP OF MEMBERS (All must be Fountain Hills residents)	LENGTH OF TERM	QUORUM	NEEDED TO TAKE ACTION	SCHEDULED (S)/ UNSCHEDULED (U)
Board of Adjustment	FHTC 2-8	5		2 years	3	2 (majority of quorum)	U
Building Safety Board of Appeals	R 2016-04	5	1) Architectural design or general contractor 2) Structural design professional 3) Mechanical/Plumbing design or M/P contractor 4) Electrical design or Electrical contractor 5) Fire protection design or FP contractor <hr/> Ex-officio: Chief Bldg. Official Fire Marshal	3 years (limited to 2 complete consecutive terms)	3	3	U
Community Services Advisory Commission	R 2014-28	9	(inc. 1 youth from MYC) 1 ex-officio from MMPC	3 years 1 year	Majority of members	Majority of those present	S
McDowell Mountain Preservation Commission	R 2017-41	7	Must be a registered voter	3 years	Majority of members		S
Municipal Property Corporation	R 1998-32						S
Planning and Zoning Commission	FHTC 2-7	7		2 years	4	3 (majority of quorum)	S
Sister Cities Advisory Commission	R 2016-01	7	(3 members to be officers or BOD from FHSCC)	3 years	Majority of members	Majority of those present	S
Strategic Planning Advisory Commission	R 2009-09	7	Ex-officio: Town Manager or rep 1 youth member from MYC	1 year up to 3 years	4	4	S



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 2/7/2019

Meeting Type: Council Retreat

Agenda Type: Regular

Submitting Department: Development Services

Staff Contact Information: Robert Rodgers, Development Services Director, rrodgers@fh.az.gov

REQUEST TO COUNCIL (Agenda Language):

DISCUSSION WITH POSSIBLE DIRECTION TO STAFF
RE: Hillside Protection Easements and Abandonment Requests

Applicant: Staff

Applicant Contact Information: Development Services Department

Owner: NA

Owner Contact Information: Development Services Department

Property Location: Town-Wide

Related Ordinance, Policy or Guiding Principle: Subdivision Ordinance Chapter 5

Staff Summary (background):

DISCUSSION RE: Hillside Protection Easements and Abandonment Requests

There are numerous residential developments around town that were required to provide Hillside Protection Easements (HPE's) either as a condition of the development's approval, or of individual lots when they were built upon.

This discussion is a result of staff's uncertainty regarding the new Town Council's policy on granting abandonments of HPE's.

Past practice has taken different forms over the years:

Staff has generally processed requests from property owners for abandonment of HPE areas on their property on a case-by-case basis. This process has always required approval by the Town Council and has on numerous occasions required that the property owner pay \$10/sq ft for the area of the HPE being abandoned. This is the same amount that would be assessed to a property owner who had illegally disturbed the HPE area. However, in such a case the property owner would also be required to revegetate the disturbed area. Within the last few years the \$10/sq ft fee has not been assessed. Primarily due to staff turn-over and no written procedure to follow.

Recently, two lots in Diamante Del Lago were granted HPE abandonments. This would not normally be of concern except that the HPE's that were established in Diamante Del Lago were created specifically because the original developer did not have enough open space areas to dedicate in order to get the density he wanted.

The HPE's were allowed to be created on the individual house lots, and be counted as non-disturbance areas in order to allow the increased density.

Since the second HPE was abandoned there, the residents in that development have been discussing having all their HPE's abandoned on social media. This has led to an influx of applications (6 currently in queue) which seems to be in direct opposition to the original intent of the development's approval. There are other residential developments with similar requirements but this one is currently the most pressing.

Development Services has placed a temporary hold on processing HPE abandonments until staff and Council can verify what the Council's policy is currently regarding such requests. Staff asks that Council clarify the following:

1. HPE abandonments in general.
Does Council feel this is acceptable? If so, are there certain qualifiers that staff should look for?
2. Abandonments of HPE's that were created as a condition of the development's approval?
This generally takes two forms.
 - A. HPE's created as part of the open space requirements on the plat.
 - B. HPE's created on individual lots after building construction.
3. Assessing a fee of \$10 (or more) per square foot of easement area being abandoned?
This serves to partially offset the staff time in processing these requests as well as also serving as a disincentive to property owners when requesting abandonments.

Risk Analysis (options or alternatives with implications): NA

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here: NA

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): NA

Staff Recommendation(s): NA

List Attachment(s):

- Diamante Del Lago overall map
- Diamante Del Lago lot blow-ups

SUGGESTED MOTION (for Council use): NA

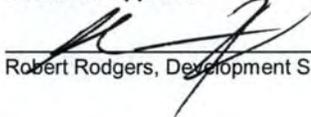
Prepared by:


Robert Rodgers, Development Services Director 1/28/2019

Approved:


Grady E. Miller, Town Manager Date

Director's Approval:

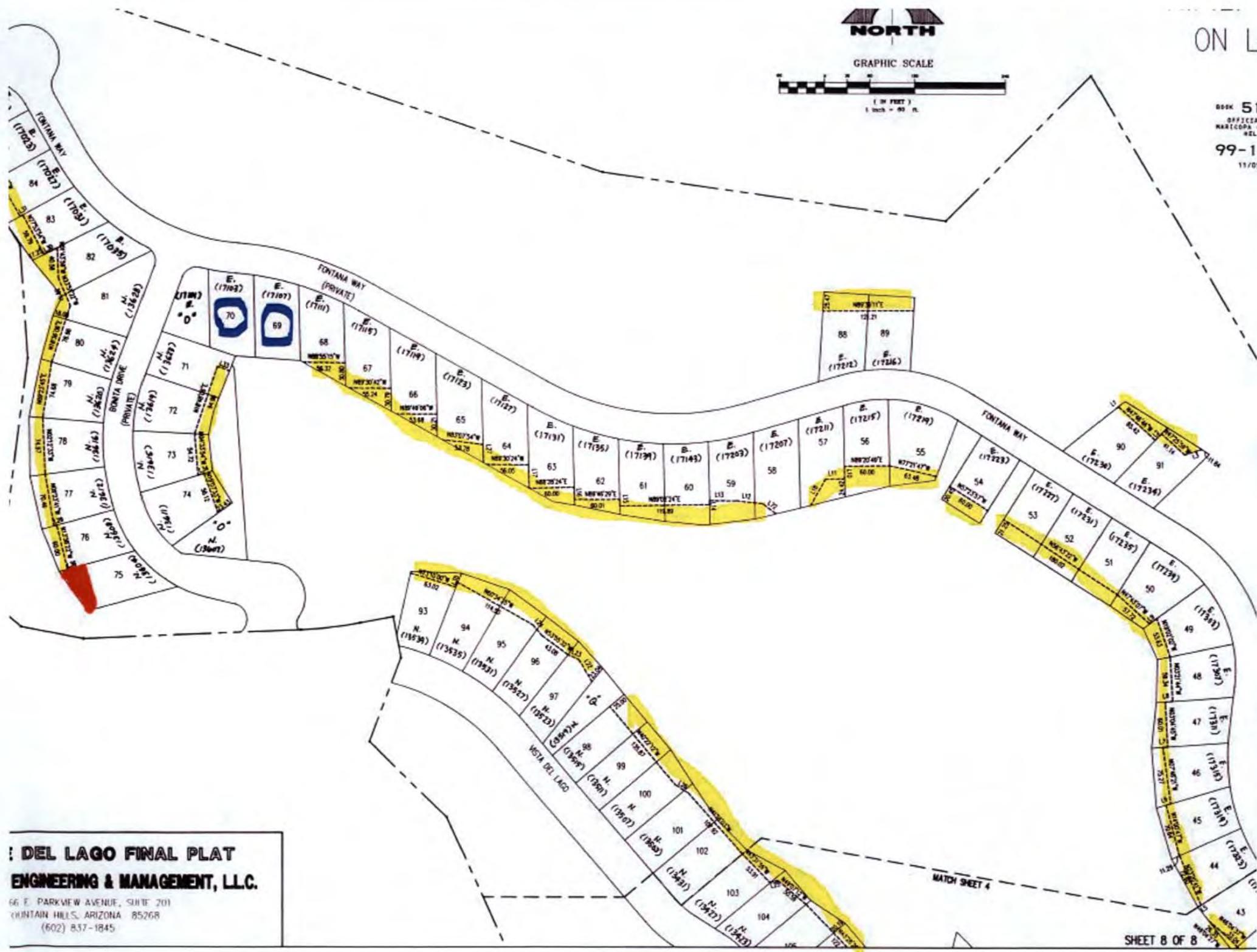

Robert Rodgers, Development Services Director 1/28/2019



GRAPHIC SCALE



BOOK 51
OFFICE
MAP COPY
99-1
11/01

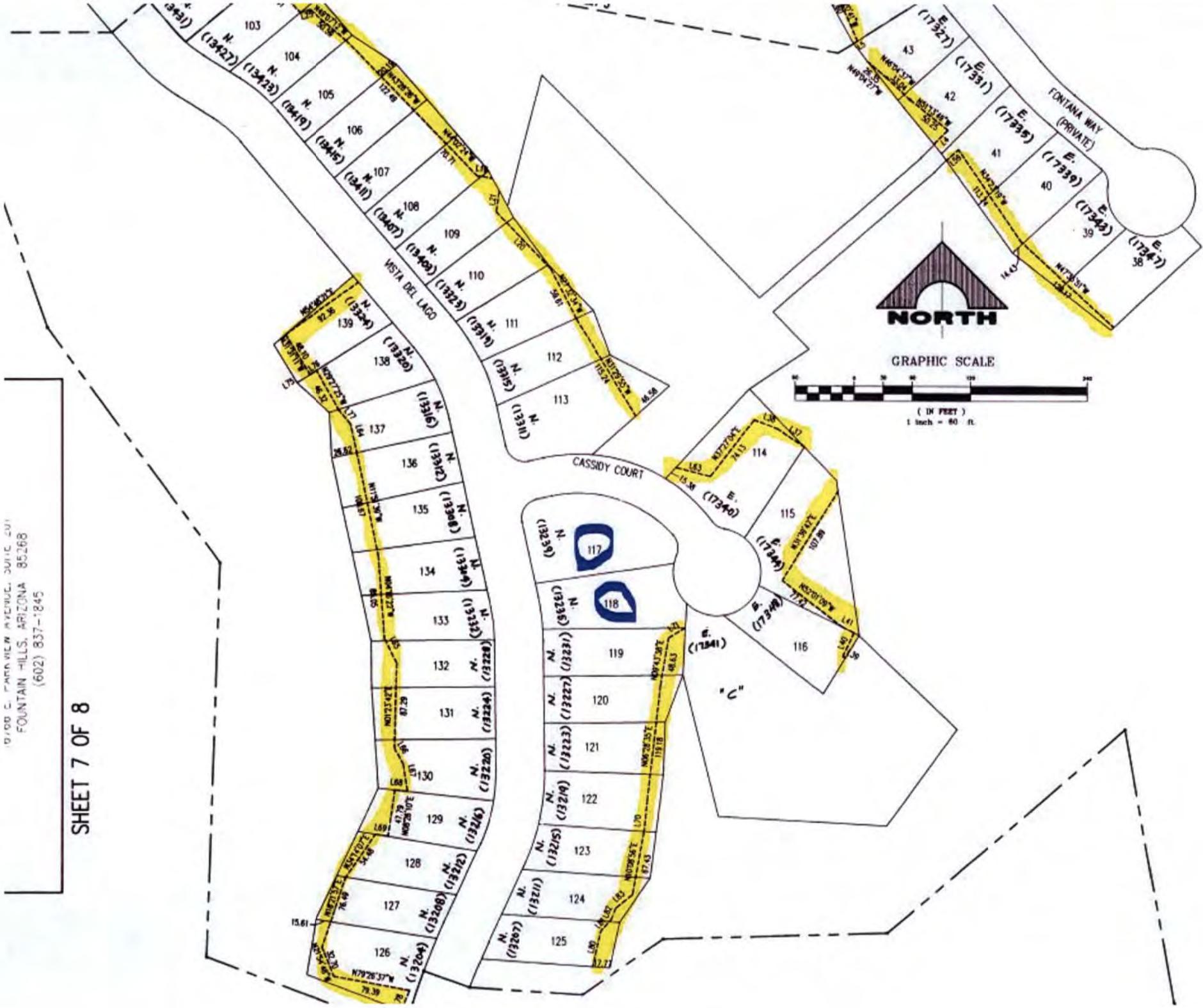


DEL LAGO FINAL PLAT
ENGINEERING & MANAGEMENT, L.L.C.
66 E. PARKVIEW AVENUE, SUITE 201
MOUNTAIN HILLS, ARIZONA 85268
(602) 837-1845

MATCH SHEET 4

10100 E. PARKVIEW AVENUE, SUITE 201
FOUNTAIN HILLS, ARIZONA 85268
(602) 837-1845

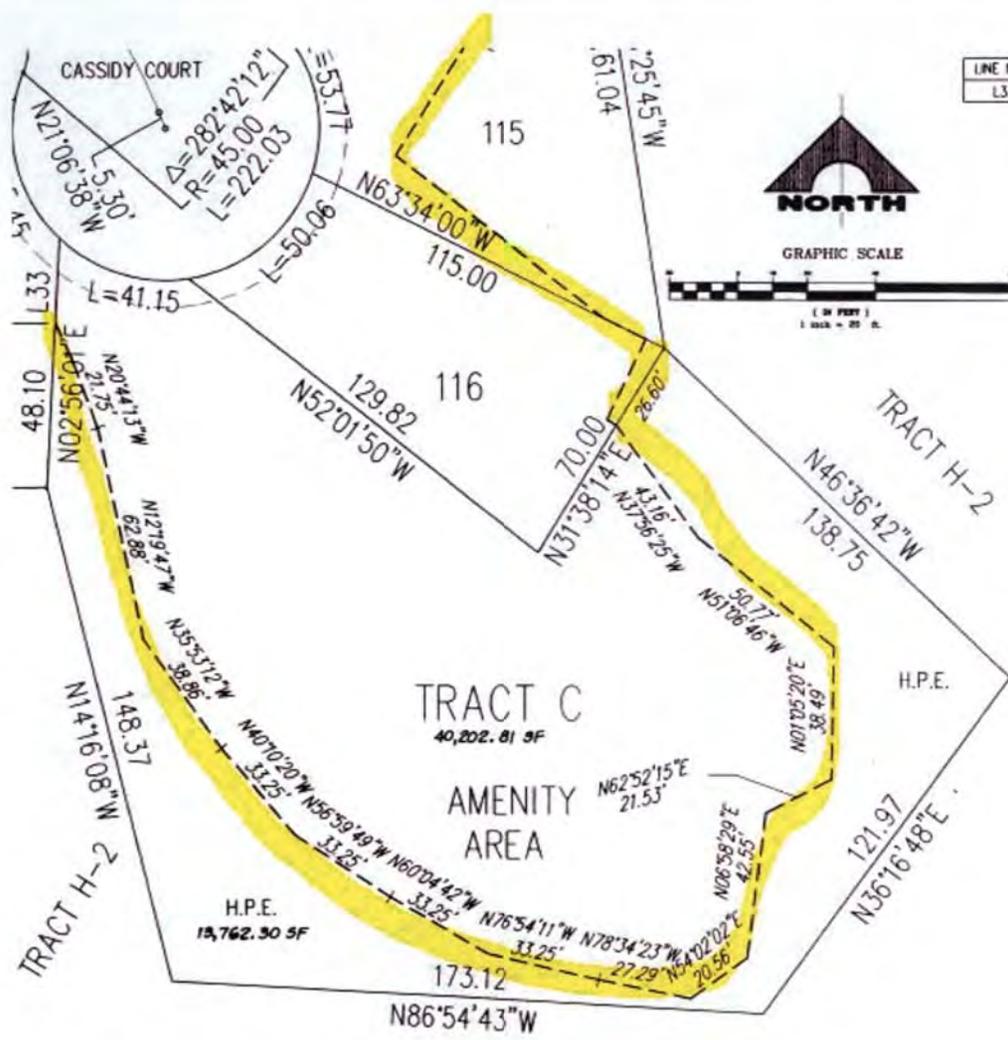
SHEET 7 OF 8





FINAL REPLAT OF TRACT C, TRACT N AND TRACT P DIAMANTE DEL LAGO FINAL PLAT

A REPLAT OF TRACT C, TRACT N AND TRACT P, DIAMANTE DEL LAGO FINAL PLAT AS RECORDED IN BOOK 516 OF MAPS, PAGE 17, RECORDS OF MARICOPA COUNTY ARIZONA BEING A PORTION OF SECTION 14, T-3-N, R-6-E, OF THE G. & S.R.B MARICOPA COUNTY, ARIZONA



LINE DATA

LINE NO	DIRECTION	DISTANCE
L33	N02°56'01"E	24.97

TRACT H-2

EASEMENTS

- DOCKET 8213, PAGE 469. A NON-EXCLUSIVE EASEMENT THROUGH ALL PUBLIC UTILITY EASEMENTS AND ACCESS THROUGH UNDEVELOPED AREAS FOR OPERATING AND MAINTAINING TELEVISION SERVICES.
- DOCKET 13631, PAGE 102. ORDER ESTABLISHING A "NO FENCE DISTRICT" OVER THE SUBJECT LANDS.
- DOCKET 10043, PAGE 225. AN EASEMENT FOR COMMUNICATION FACILITIES IN ALL STREETS, HIGHWAYS, ALLEYS AND WALKWAYS FOR COMMUNICATION FACILITIES AND RIGHTS ACCIDENT THERETO.
- DOCKET 10161, PAGES 155-156. A BLANKET EASEMENT FOR OVERHEAD AND UNDERGROUND POWER FACILITIES IN ALL STREETS, ALLEYS, HIGHWAYS, OR PEDESTRIAN WAYS.
- DOCKET 8317, PAGE 380. A BLANKET EASEMENT FOR OVERHEAD AND UNDERGROUND POWER AND RIGHTS ACCIDENT THERETO.
- DOCKET 8578, PAGE 307 AND DOCKET 8814, PAGE 545. PERTAINS TO THE ORGANIZATION OF A FLOOD CONTROL AND GENERAL IMPROVEMENT DISTRICT.

Notes:

- ALL IMPROVEMENTS AND ROADS WILL BE CONSTRUCTED ACCORDING TO THE TOWN OF FOUNTAIN HILLS STANDARDS. SANITARY SEWERAGE SYSTEM TO BE CONSTRUCTED TO FOUNTAIN HILLS SANITARY DISTRICT STANDARDS. WATER DISTRIBUTION SYSTEM TO BE CONSTRUCTED TO CHAPARRAL CITY WATER COMPANY STANDARDS.
- LOT OWNERS WILL BE REQUIRED TO PAID THE DEVELOPED DRAINAGE FLOWS GENERATED BY THE UPSTREAM LOTS ACROSS THEIR PROPERTY.
- FIVE SPURDERS ARE REQUIRED FOR ALL DWELLING UNITS.

Basis of Bearing:

THE "BASIS OF BEARING" USED FOR THIS SURVEY IS NORTH 08 DEGREES 28 MINUTES 49 SECONDS EAST FOR THE LINE BETWEEN MILE MARKER 20-1/2 AND MILE MARKER 21 ON THE BOUNDARY LINE BETWEEN THE FORT MOORE INDIAN RESERVATION AND SECTION 14, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA. THIS BEARING IS CONSISTENT WITH THE LOCAL BEARING AND COORDINATE SYSTEM IN USE IN FOUNTAIN HILLS, ARIZONA.

Conveyance and Dedication:

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS THAT SHAZE THOMAS OF ARIZONA, INC., A NEW MEXICO CORPORATION, AS OWNER, HAS RESOLVED UNDER THE NAME OF A REPLAT OF TRACT C, TRACT N AND TRACT P, DIAMANTE DEL LAGO FINAL PLAT AS RECORDED IN BOOK 516, PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA BEING A PORTION OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 6 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, AS SHOWN PLATTED HEREON, AND HEREBY PUBLISHES SAID PLAT AND DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND LINES THE DIMENSIONS OF EACH LOT AND TRACT BY THE LETTER OR NUMBER GIVEN EACH, RESPECTIVELY ON SAID PLAT. OWNER DOES HEREBY GRANT TO THE PUBLIC, THE EASEMENTS FOR PURPOSES INDICATED ON SAID PLAT. OWNER DOES HEREBY CONVEY TRACT C AND P TO THE TOWN OF FOUNTAIN HILLS HOMEOWNERS ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION AND THE COURTYARDS AT DIAMANTE DEL LAGO HOMEOWNERS ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION. OWNER DOES HEREBY CONVEY TRACT N TO THE TOWN OF FOUNTAIN HILLS.

IN WITNESS WHEREOF: SHAZE THOMAS OF ARIZONA, INC., A NEW MEXICO CORPORATION, AS OWNER, HAS HERETOBY CAUSED ITS CORPORATE NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SECRETARY OF THE UNDERSEIGNED OFFICER OF THE CORPORATION, THEREUNTO DULY AUTHORIZED THIS 4th DAY OF April, 2008.

SHAZE THOMAS OF ARIZONA, INC.

BY: *[Signature]* ITS *[Signature]*

Acknowledgement:

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

ON THIS 4th DAY OF April, 2008, BEFORE ME THE UNDERSIGNED OFFICER *[Signature]*, PERSONALLY APPEARED WHO ACKNOWLEDGED HER/HERSELF TO BE AN OFFICER OF SHAZE THOMAS OF ARIZONA, INC., A NEW MEXICO CORPORATION, AND THAT AS SUCH OFFICER BEING AUTHORIZED SO TO DO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION, BY HER/HERSELF, AS SUCH OFFICER.

IN WITNESS WHEREOF: I HERETOBY SET MY HAND AND OFFICIAL SEAL

BY: *[Signature]* *[Signature]*
Notary Public
MY COMMISSION EXPIRES: 31/5/2003

Approvals:

Approved by the Town Council of Fountain Hills, Arizona, on the 4th day of April, 2008.
[Signature] Mayor
Approved by the Town Engineer and the Community Development Director.
[Signature] Town Engineer
[Signature] Community Development Director

BOOK 561 PAGE 21
OFFICIAL RECORDS BY
MARICOPA COUNTY RECORDER
HELEN PURCELL
2001-0335607
04/25/2008 08:10

LEGEND

- P.U.E. INDICATES PUBLIC UTILITIES EASEMENT
- D.E. INDICATES DRAINAGE EASEMENT
- H.P.E. INDICATES HILLSIDE PROTECTION EASEMENT
- INDICATES LOT LINE

Certification:

This is to certify the survey and subdivision of the premises described and platted hereon were made under my direction during the month of March, 1999, and that the survey is true and complete as shown, and that the monuments shown actually exist or will be set as shown and that their positions are correctly shown and that said monuments are sufficient to enable the survey to be retraced.

[Signature] 20786
Registered Land Surveyor, P.L.S. No.



VICINITY MAP
N.T.S.

HILLSIDE PROTECTION EASEMENT
Owner hereby grants to the Town of Fountain Hills a perpetual easement upon, across, over and under all those areas designated as "Hillside Protection Easement" for the purpose of preserving the natural topography and vegetation of land area within the Final Plat of DIAMANTE DEL LAGO in conformance with the Hillside Development Standards of the Town of Fountain Hills. The owner or any of his heirs, successor, or assigns shall not perform nor allow to be performed, any construction, or cutting, filling, grading to the topography, nor any grubbing, burning, removal, or otherwise damage any vegetation, rock outcroppings, or other natural feature in the Hillside Protection Easement area without prior written consent of the Town of Fountain Hills' Community Development Director. A driveway may be a permitted use if approved by the Town of Fountain Hills Community Development Director.

ARRIBA DEL LAGO
BK 323, PG 30 MCR

Assured Water Supply:

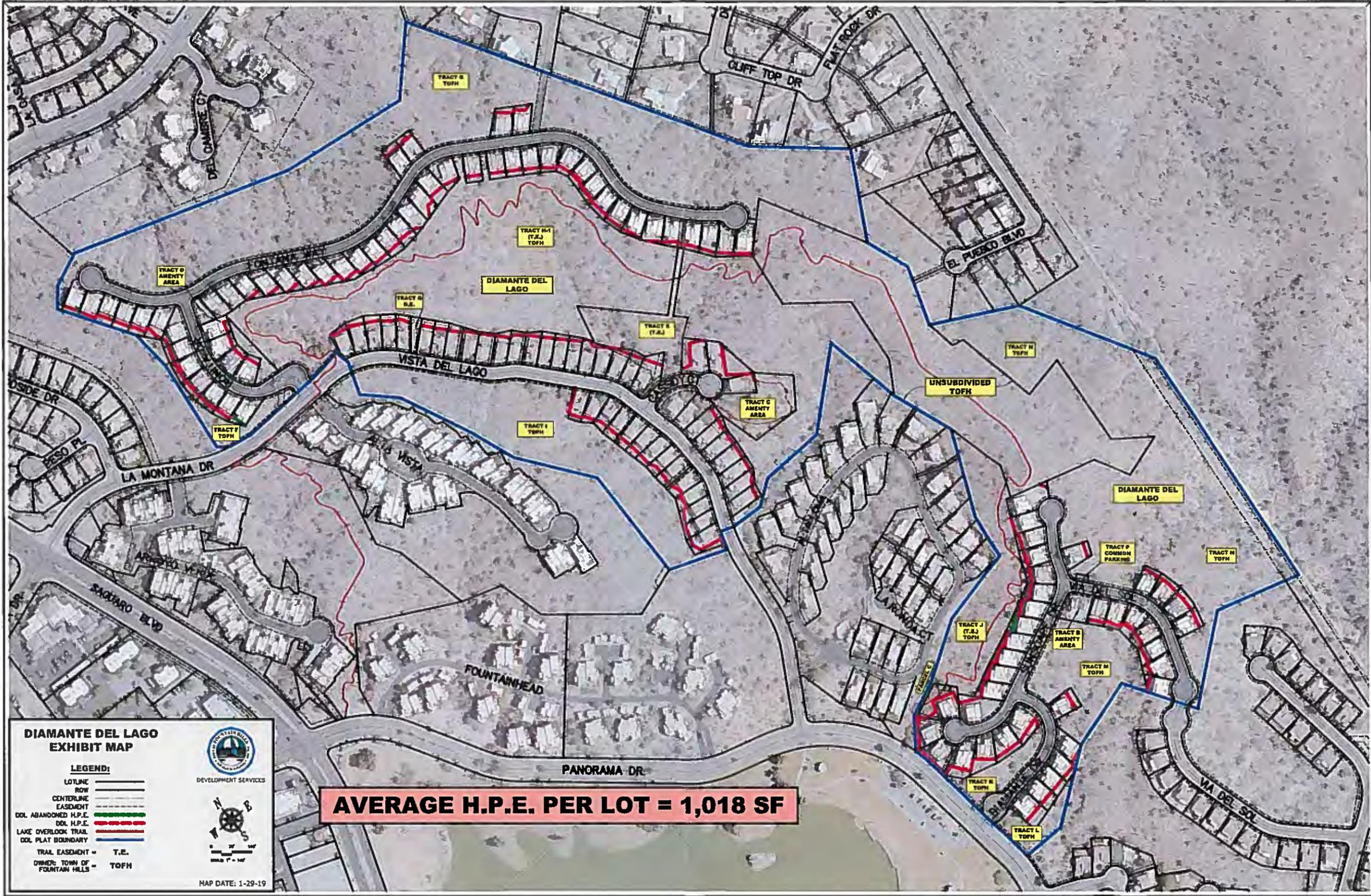
A CERTIFICATE OF ASSURED WATER SUPPLY AND LETTER ASSURING WATER SERVICE FOR THIS SUBDIVISION HAVE BEEN SUBMITTED TO THE TOWN OF FOUNTAIN HILLS FROM CHAPARRAL CITY WATER COMPANY.

Developer:

Shaze Thomas of Arizona, Inc.
13253 N. La Montona Drive Suite 206
Fountain Hills, AZ 85268
(602) 837-8272

MONTGOMERY ENGINEERING & MANAGEMENT

16716 E. PARKVIEW AVENUE, SUITE 204
FOUNTAIN HILLS, ARIZONA 85268
(480) 837-1845



returning home from an employment activity without any detour or stop by the most direct route.

4. Involved in an emergency.
5. With prior permission of the parent or guardian, was engaged in reasonable, legitimate and specific business or activity. Examples include, but are not limited to, a juvenile with prior permission of the parent or guardian, attending an official school, religious or other recreational activity supervised by adults who take responsibility for the minor, or going to or returning home from an official school, religious or other recreational activity supervised by adults who take responsibility for the minor.
6. With prior permission of the parent or guardian, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States Constitution.
7. Married and sixteen years of age or over, or in the military.
8. On the sidewalk abutting their residence or on the exit door neighbor's property with the consent of the neighbor.

D. Enforcement.

1. Before taking any enforcement action under this section, a police officer shall attempt to ascertain the apparent offender's age and reason for being in the place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based upon the circumstances, the minor's responses and minor's conduct, no defense as provided in subsection C of this section is probably present.
2. In addition to any other powers he/she may have, any law enforcement officer who arrests a minor for violating any of the provisions of paragraphs 1 or 2 of subsection B of this section is also hereby empowered to demand of the parent, guardian or other person having the care, custody or supervision of the minor that such parent, guardian or other person come and take the minor into custody. The law enforcement officer is also empowered to take the minor to a designated location where arrangements can be made for a parent, guardian or other appropriate party to take the minor into custody. Should there be a failure of the parent, guardian or other person to take custody of such minor, the officer may then be empowered to take the minor home.

- E. Penalty. First offense convictions, under this section, shall be sentenced as a petty offense. Second offense convictions, under this section, shall be sentenced as a class 2 misdemeanor. Third and all subsequent convictions under this section shall be sentenced as a class 1 misdemeanor.

Section 11-1-7 Noise

- A. Purpose. The purpose of this Section is to promote the health and general welfare of the citizens and businesses of the Town by balancing the need to protect the community against unreasonable noise with the legitimate goal of promoting and encouraging commercial and business growth in the community.

Fountain Hills Town Code

of the building), the measurement location shall be anywhere in a dwelling unit within that building.

2 The 10:00 p.m. cut-off time may be extended to 11:00 p.m. in conjunction with a temporary use permit issued by the Town pursuant to Section 2.03 of the Town Zoning Ordinance.

- E. **Complaint Processing.** After receiving a noise complaint from a complainant, an individual authorized under Subsection H of this Section shall measure the noise level with such measurements being made at the wall of the complainant's location. The authorized individual shall determine a noise violation has occurred when the decibel levels at the complainant's location exceed the maximum decibel levels set forth in Table 1 above.
- F. **Sound Truck.** It is unlawful to play, operate, or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character that emits loud and raucous noises and is attached to and upon any vehicle.
- G. **Braking devices.** It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the Town any compression release or other engine braking device designed to aid in the braking or deceleration of any vehicle which results in noise in excess of that which would otherwise be produced from such vehicle without such braking device. The provisions of this Subsection do not apply to public safety vehicles or to any vehicle while descending Golden Eagle Boulevard.
- H. **Violations.** The Town Manager or designee, code official or Town law enforcement officer may issue civil citations pursuant to Subsection 1 8 3(D) of this Code to enforce violations of this Section. After civil enforcement as set forth in Subsection 1 8 3(D) of this Code, any POST-certified law enforcement officer or the Town Prosecutor may issue criminal complaints pursuant to Subsection 1-8-2(A) to enforce this Section.
- I. **Exemptions.** The following uses and activities shall be exempt from Town noise level regulations:
 - 1. Noises resulting from air-conditioning equipment when such equipment is in proper operating condition.
 - 2. Noises resulting from lawn maintenance equipment operated during daylight hours when such equipment is functioning with all mufflers and standard noise-reducing equipment in use and in proper operating condition.
 - 3. Noises of safety signals, warning devices and emergency pressure relief valves.
 - 4. Noises resulting from an authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 - 5. Noises resulting from emergency work.
 - 6. Church chimes or bells.
 - 7. Any noise created by any Town or Town contractor vehicles, equipment or facilities while being operated or utilized for official business.

Fountain Hills Town Code

- a. If on a first response to a nuisance party, any of the following crimes are being committed:
 - i. Minor in possession of alcohol;
 - ii. Minor in consumption of alcohol;
 - iii. Possession or use of illegal drugs;
 - iv. Weapons misconduct, in violation of A.R.S. Section 13-3102; or
 - v. Any felony offense;
 - b. Then the Responsible Person(s) and Owner shall be assessed a fine commensurate with a second nuisance party, as set forth in subsections (5) and (6) of this section.
4. Notice of violation. If an Enforcement Officer issues a citation to an Owner or any Responsible Person(s) under this section, the officer shall notify the Town in writing. Upon such notification the Town shall issue a Notice of Violation to the Owner in the same manner as set forth in Subsection 1-8-3(c) of this Code.
5. Non-Owner liability for nuisance parties.
- a. Any of the following Responsible Person(s) may be liable for a civil infraction:
 - i. The person(s) who organized or sponsored the event constituting a nuisance party;
 - ii. Any person engaged in any conduct causing the gathering to be a nuisance party.
 - b. Civil penalties for Responsible Person(s)
 - i. For a first nuisance party violation the fine is two hundred fifty dollars (\$250.00), inclusive of any applicable fines, fees, assessments or surcharges.
 - ii. Subsequent Nuisance Parties. If the Responsible Person(s) found liable for a nuisance party have previously been found responsible for a nuisance party, regardless of the location of the prior violation, the penalties are as follows:
 1. For a second nuisance party violation within one hundred twenty (120) days of the first nuisance party the fine is five hundred dollars (\$500.00), inclusive of any applicable fines, fees, assessments or surcharges.
 2. For a third or subsequent nuisance party within one hundred twenty (120) days of the second nuisance party the fine is one thousand dollars (\$1,000.00), inclusive of any applicable fines, fees, assessments or surcharges.
 3. If on response to a third or subsequent nuisance party, any of the following crimes are being committed at the party:

Fountain Hills Town Code

- c. Within ten (10) business days of receipt of a citation or notice of violation, the Owner may petition the Presiding Magistrate for a waiver of the civil fine, under any of the following circumstances:
 - i. The Owner has taken steps reasonably necessary to prevent a subsequent nuisance party or to exclude the uninvited person from the premises, or the Owner is actively attempting to evict the Responsible Person(s) from the premises.
 - ii. The Owner of a property with over fifty (50) individually rented units obtains and maintains private security services for the entire property.
 - iii. If an Owner evicts tenants from a premises where a nuisance party occurred and new tenants at the same premises are given notice of a nuisance party violation, the Owner must be re-notified in the same manner as set forth in Subsection 1-8-3(c) of this Code.
7. Enforcement. Enforcement Officers are authorized to enforce the provisions of this section provided that enforcement is initiated by a complaint from a member of the public or as otherwise provided by law. The complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible. Enforcement Officers shall enforce the provisions of this section using their sound discretion and the consideration of the totality of the circumstances, including but not limited to the uses of the premises (e.g. residential, commercial, etc.).
8. Other remedies. Nothing in this section shall be construed as affecting the ability of the State to initiate or continue concurrent or subsequent criminal prosecution of any Responsible Person(s) or Owner for any violations of the provisions of the Town code or State law arising out of the circumstances necessitating the application of this section.

(18-09, Amended, 06/19/2018; 16-10, Amended, 12/15/2016, and Restated)

Section 11-1-8 Obstruction of View

It is unlawful for any person to maintain or allow any tree, hedge, billboard or other obstruction which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

Section 11-1-9 Offensive Premises

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him, or any cellar, privy, vault, pool, sewer or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort.

Section 11-1-10 Searchlights

It is unlawful for any person to operate within the town any incandescent or arc-type searchlight, beacon



TOWN OF FOUNTAIN HILLS TOWN COUNCIL RETREAT AGENDA

Mayor Ginny Dickey

Vice Mayor Art Tolis

Councilmember Alan Magazine

Councilmember Dennis Brown

Councilmember Mike Scharnow

Councilmember Sherry Leckrone

Councilmember David Spelich

WHEN: THURSDAY, FEBRUARY 7, 2019

TIME: 9:00 AM to 3:00 PM

**WHERE: FOUNTAIN HILLS COMMUNITY CENTER, BALLROOM #4
13001 N. LA MONTANA DRIVE, FOUNTAIN HILLS, ARIZONA**

Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call; a quorum of the Town's various Commission, Committee or Board members may be in attendance at the Council meeting.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

-
- 1. CALL TO ORDER - Mayor Ginny Dickey**
 - 2. ROLL CALL - Mayor Ginny Dickey**
 - 3. RETREAT AGENDA ITEMS**

All Items are listed for discussion only. No Action can or will be taken. The primary purpose of this meeting is to provide the Council with the opportunity for an in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by the consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

- A. The Town Manager will provide an overview of the Council Retreat
 - B. Review of the 2017 Fountain Hills Strategic Plan
 - C. Proposed FY2019/20 Budget, Capital Improvement Program, and Five-year Financial Forecast
 - D. Discussion of Council Rules of Procedure (including Boards/Commissions)
 - E. Discussion:
 - i. Special Event Liquor Licenses
 - ii. Hillside Protection Easement
 - iii. Party Nuisance Ordinance
 - F. Summary of Council discussions by the Town Manager
4. Adjournment

DATED AND POSTED this 31st day of January, 2019.

Elizabeth A. Burke, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting or to obtain agenda information in large print format. *Supporting documentation and staff reports furnished the Council with this agenda are available for review in the Clerk's office.*



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 6/19/2018

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Administration

Staff Contact Information: Grady E. Miller, Town Manager

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF RESOLUTION 2018-46 Declaring Section 11-1-7(J) Entitled Nuisance Party A Public Record; and CONSIDERATION OF ORDINANCE 18-09 which provides the Town of Fountain Hills with tools to address offenses caused by Nuisance Party Houses; and declaring an emergency.

Applicant: NA

Applicant Contact Information: NA

Owner: NA

Owner Contact Information: NA

Property Location: NA

Related Ordinance, Policy or Guiding Principle: Ordinance 18-09, Amending Section 11-1-7 of the Town Code

Staff Summary (background): Over the past several months, residents have been disturbed by parties and other events that have taken place in neighboring single family homes. The homes are typically rented out on a short-term basis which often include large numbers of people. Due to the size and scale of the parties, excessive noise, traffic, crowds of people, fighting, and other behaviors have prevented nearby residents from the quiet enjoyment of their own properties.

Based on the negative impact that nuisance parties have had on neighborhoods in Fountain Hills, Town Attorney Mitesh Patel was asked to research how other communities have dealt with similar situations. The Town Attorney found that the cities of Flagstaff, Tempe, and Tucson have addressed these types of situations by having ordinances in place that regulate these types of nuisances. The Town Council is being asked to consider adopting Ordinance 18-09 which amends Town Code Chapter 11, entitled "Offenses."

The highlights of Ordinance 18-09 are as follows:

- A nuisance party is defined as a gathering of ten (10) or more persons on any private property that involves disturbances such as excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.
- Both the owner and non-owner responsible person(s) are held responsible for violations of the ordinance.
- Civil penalties range from a warning to an owner for the first violation up to \$1,000 for the third nuisance party violation.

Ordinance 18-09 applies to all private properties in Fountain Hills and will be enforced by the Maricopa County Sheriff's Office and the Town's Code Enforcement function. While it is intended to address the heart of the nuisance party issues impacting neighborhoods in Fountain Hills, it is possible that residents who hold the occasional private gathering, party, barbecue, or other functions may receive a warning from a Sheriff's deputy responding to the house. However, it is the belief of MCSO and staff that the way the ordinance is written, residents who have the occasional party will likely not be impacted.

Staff is requesting Council consideration of adopting Ordinance 18-09 with an emergency clause to enable the ordinance to go into effect immediately. It is the intent of staff to address the nuisance party matter with the Council in six months to evaluate the effectiveness of the ordinance.

Risk Analysis (options or alternatives with implications): NA

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): NA

Staff Recommendation(s): Staff recommends approval of Resolution 2018-46 and the adoption of Ordinance 18-09.

List Attachment(s): Resolution 2018-46 and Ordinance 18-0

SUGGESTED MOTION (for Council use): Move to APPROVE RESOLUTION 2018-46 AND ADOPT Ordinance 18-09.

Prepared by:

NA _____ 6/13/2018

Director's Approval:

NA _____ 6/13/2018

Approved:


Grady E. Miller, Town Manager _____ 6/13/2018

RESOLUTION NO. 2018-46

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "SECTION 11-1-7(J) NUISANCE PARTY."

BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document entitled "Section 11-1-7(J) Nuisance Party," attached hereto as Exhibit A, of which one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Maricopa County, Arizona, this 19th day of June, 2018.

FOR THE TOWN OF FOUNTAIN HILLS: ATTESTED TO:

Linda M. Kavanagh, Mayor

Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Mitesh V. Patel, Interim Town Attorney
Dickinson Wright PLLC

**EXHIBIT A
TO
RESOLUTION NO. 2018-46**

[TOWN CODE SECTION 11-1-7(J) NUISANCE PARTY]

See following pages.

PHOENIX 77018-1 469392v1

PHOENIX 77018-1 469392v1

Fountain Hills Town Code

Amendment to Chapter 11 of the Fountain Hills Town Code

Section 11-1-7 Noise

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J. Nuisance Party. A Nuisance party is unlawful and constitutes a civil infraction.

1. Definitions. For the provisions of Section 11-1-7(J) the following definitions apply:
 - a. "Minor" means any person under the age of twenty-one (21) years.
 - b. "Enforcement Officer" means either a (i) Town designated law enforcement officer or (ii) Town code enforcement officer.
 - c. "Notice of Violation" has the same meaning as the term is defined in Section 1-8-3.
 - d. "Nuisance Party" means a gathering of twelve (12) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.
 - e. "Owner" means the Owner of any property, as well as any agent of an Owner who acts on behalf of the Owner to control or otherwise regulate the occupancy or use of the property.
 - f. "Premises" means the property that is the site of a nuisance party. For residential properties, "premises" means the dwelling unit or units where the nuisance party occurs.
 - g. "Responsible person" means any person in attendance who engaged in a nuisance party, including any Owner who is in attendance, occupant, tenant, guest or any sponsor, host or organizer of the nuisance party. "Responsible person" does not include Owners or persons in charge of premises where a nuisance party takes place if the persons in attendance obtained use of the premises through illegal entry or trespassing.
2. Abatement of a nuisance party. An Enforcement Officer may abate a nuisance party by reasonable means including, but not limited to, warning, citation, or, in case of a law enforcement officer, arrest of violators under applicable ordinances or state statutes, and dispersal of the persons attending the gathering.

Fountain Hills Town Code

3. When an Enforcement Officer responds to the first nuisance party and while at the scene determines that there is a threat to the public peace, health, safety, or general welfare, the officer may issue a citation to any Responsible Person(s).
 - a. If on a first response to a nuisance party, any of the following crimes are being committed:
 - i. Minor in possession of alcohol;
 - ii. Minor in consumption of alcohol;
 - iii. Possession or use of illegal drugs;
 - iv. Weapons misconduct, in violation of A.R.S. Section 13-3102; or
 - v. Any felony offense;
 - b. Then the Responsible Person(s) and Owner shall be assessed a fine commensurate with a second nuisance party, as set forth in subsections (5) and (6) of this section.
4. Notice of violation. If an Enforcement Officer issues a citation to an Owner or any Responsible Person(s) under this section, the officer shall notify the Town in writing. Upon such notification the Town shall issue a Notice of Violation to the Owner in the same manner as set forth in Subsection 1-8-3(c) of this Code.
5. Non-Owner liability for nuisance parties.
 - a. Any of the following Responsible Person(s) may be liable for a civil infraction:
 - i. The person(s) who organized or sponsored the event constituting a nuisance party;
 - ii. Any person engaged in any conduct causing the gathering to be a nuisance party.
 - b. Civil penalties for Responsible Person(s)
 - i. For a first nuisance party violation the fine is two hundred fifty dollars (\$250.00), inclusive of any applicable fines, fees, assessments or surcharges.
 - ii. Subsequent Nuisance Parties. If the Responsible Person(s) found liable for a nuisance party have previously been found responsible for a nuisance party, regardless of the location of the prior violation, the penalties are as follows:
 1. For a second nuisance party violation within one hundred twenty (120) days of the first nuisance party the fine is five hundred dollars (\$500.00), inclusive of any applicable fines, fees, assessments or surcharges.

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2. For a third or subsequent nuisance party within one hundred twenty (120) days of the second nuisance party the fine is one thousand dollars (\$1,000.00), inclusive of any applicable fines, fees, assessments or surcharges.
3. If on response to a third or subsequent nuisance party, any of the following crimes are being committed at the party:
 - a. Minor in possession of alcohol;
 - b. Minor in consumption of alcohol;
 - c. Possession or use of illegal drugs;
 - d. Weapons misconduct, in violation of A.R.S. Section 13-3102; or
 - e. Any felony offense.

Then the Responsible Person(s) shall be assessed a fine commensurate with two (2) times the fine for a third or subsequent nuisance party, as set forth in this subsection.

6. Owner liability for nuisance parties.

- a. The Owner of the property where the nuisance party occurred may be liable for a civil infraction.
- b. Civil penalties for Owners
 - i. An Owner who is not in attendance at the nuisance party, and who did not organize or sponsor the nuisance party, may be issued a written notice of violation.

ii. Subsequent Nuisance Parties.

1. If, after a written notice of a violation is issued by the Town, an Enforcement Officer responds for a second time to the same premises for a nuisance party within one hundred twenty (120) days of the first response, such response shall be deemed a second nuisance party and the fine is five hundred dollars (\$500.00), inclusive of any applicable fines, fees, assessments or surcharges.
2. If, after a written notice of a second violation is issued, an Enforcement Officer responds to the same premises for a third or subsequent nuisance party within one hundred twenty (120) days of the second nuisance party response, such response shall be deemed a third or subsequent nuisance party and the fine is one thousand dollars (\$1,000.00), inclusive of any applicable fines, fees, assessments or surcharges.

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3. If on response to a third or subsequent nuisance party, any of the following crimes are being committed at the party:
 - a. Minor in possession of alcohol;
 - b. Minor in consumption of alcohol;
 - c. Possession or use of illegal drugs;
 - d. Weapons misconduct, in violation of A.R.S. Section 13-3102; or
 - e. Any felony offense.

Then the Owner shall be assessed a fine commensurate with two (2) times the fine for a third or subsequent nuisance party, as set forth in this subsection.

- c. Within ten (10) business days of receipt of a citation or notice of violation, the Owner may petition the Presiding Magistrate for a waiver of the civil fine, under any of the following circumstances:
 - i. The Owner has taken steps reasonably necessary to prevent a subsequent nuisance party or to exclude the uninvited person from the premises, or the Owner is actively attempting to evict the Responsible Person(s) from the premises.
 - ii. The Owner of a property with over fifty (50) individually rented units obtains and maintains private security services for the entire property.
 - iii. If an Owner evicts tenants from a premises where a nuisance party occurred and new tenants at the same premises are given notice of a nuisance party violation, the Owner must be re-notified in the same manner as set forth in Subsection 1-8-3(c) of this Code.
7. Enforcement. Enforcement Officers are authorized to enforce the provisions of this section provided that enforcement is initiated by a complaint from a member of the public or as otherwise provided by law. The complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible. Enforcement Officers shall enforce the provisions of this section using their sound discretion and the consideration of the totality of the circumstances, including but not limited to the uses of the premises (e.g. residential, commercial, etc.).
8. Other remedies. Nothing in this section shall be construed as affecting the ability of the State to initiate or continue concurrent or subsequent criminal prosecution of any Responsible Person(s) or Owner for any violations of the provisions of the Town code or State law arising out of the circumstances necessitating the application of this section.

ORDINANCE NO. 18-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING TOWN CODE CHAPTER 11 "OFFENSES" BY ADDING SECTION 11-1-7(J) "NUISANCE PARTY" AND DECLARING AN EMERGENCY.

WHEREAS, the Town Council for the Town of Fountain Hills ("Town") finds and determines that the control of large parties, gatherings or events on private property is necessary when such continued activity is determined to be a threat to the peace, health, safety, or general welfare of the public; and

WHEREAS, the Town Council has determined that it is in the best interest of the residents of the Town to amend Chapter 11 of the Town Code by adding Section 11-1-7(J); and

WHEREAS, the Town Council declared Section 11-1-7(J) of the Town Code, which is incorporated herein by this reference, a public record by Resolution No. 2018-46 and ordered one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 on file in the office of the town Clerk and open for public inspection during normal business hours; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

- SECTION 1.** The recitals above are hereby incorporated as if fully set forth herein.
- SECTION 2.** The gathering of ten (10) or more persons on any private property shall be subject to the requirements of Section 11-1-7(J) of the Town Code
- SECTION 3.** If any section, subsection, clause, phrase or portion of this Ordinance or any part of the newly adopted Town Code Section 11-1-7(J) is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- SECTION 4.** Because of the urgent need for the implementation of the Town's regulations concerning nuisance parties, and the immediate operation of this Ordinance is necessary for the preservation of the health, safety, and general welfare, an emergency is hereby declared to exist and this Ordinance, shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law and is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
June 19, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Linda M. Kavanagh, Mayor

Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Mitesh V. Patel, Interim Town Attorney
Dickinson Wright PLLC