NOTICE OF MEETING

SPECIAL MEETING

COTTONWOODS MAINTENANCE DISTRICT

ACTION TAKEN

District Board Chairman Ginny Dickey

Vice Chairman Art Tolis
Director Dennis Brown
Director Sherry Leckrone
Director Alan Magazine
Director Mike Scharnow
Director David Spelich

TIME: **IMMEDIATELY FOLLOWING ADJOURNMENT OF THE EAGLE MOUNTAIN COMMUNITY FACILITIES DISTRICT BOARD SPECIAL MEETING, WHICH BEGINS AT 5:25 P.M.; AND PRIOR TO THE REGULAR MEETING OF THE TOWN OF FOUNTAIN HILLS TOWN COUNCIL**

WHEN: **TUESDAY, JUNE 18, 2019**

WHERE: **FOUNTAIN HILLS TOWN HALL – COUNCIL CHAMBERS**
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ

Directors of the District Board of the Cottonwoods Maintenance District 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 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 makes a video or audio recording of a minor child. Meetings of the District Board of the Cottonwoods Maintenance District 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 – District Chairman Ginny Dickey

2. ROLL CALL – District Chairman Ginny Dickey

3. CONSIDERATION OF approving the Cottonwoods Maintenance District Board Meeting Minutes of May 7, 2019, and June 4, 2019.

MOTION TO APPROVE; PASSED UNANIMOUSLY.

4. CONSIDERATION OF Resolution CMD 2019-03 assessing upon the individual lot and parcels within the District a certain sum sufficient to raise the amount estimated to be required in the annual budget, to provide funds for maintenance of certain pedestrian areas, parking and parkways, all for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

MOTION TO APPROVE; PASSED UNANIMOUSLY.

5. ADJOURNMENT

DATED this 13 day of June, 2019.

Elizabeth A. Burke

Elizabeth A. Burke, MMC, Town Clerk

COTTONWOODS MAINTENANCE DISTRICT
SPECIAL MEETING OF MAY 7, 2019
5:25 P.M.
FOUNTAIN HILLS TOWN HALL COUNCIL CHAMBERS
16705 EAST AVENUE OF THE FOUNTAINS
FOUNTAIN HILLS, ARIZONA

MINUTES

1. CALL TO ORDER – District Chairman Ginny Dickey

   Chairman Dickey called the meeting to order at 5:32 p.m.

2. ROLL CALL – District Chairman Ginny Dickey

   BOARD MEMBERS PRESENT: Chairman Ginny Dickey; Directors Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

   BOARD MEMBERS ABSENT: Vice Chairman Art Tolis

   STAFF PRESENT: District Manager Grady E. Miller; District Attorney Aaron D. Arnson; and District Clerk Elizabeth A. Burke.

3. CONSIDERATION OF approving the Cottonwoods Maintenance District Board Meeting Minutes of June 19, 2018.

   Director Scharnow **MOVED** to approve the minutes of June 19, 2018; **SECONDED** by Director Brown; passed unanimously.

4. PUBLIC HEARING AND CONSIDERATION OF Resolution CMD 2019-01 approving the Tentative Budget of the District for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020, and setting a hearing date for the budget and tax levy.

   Chairman Dickey opened the Public Hearing.

   Finance Director Craig Rudolphy said that this district was formed in June 1999 for the purpose of maintaining common areas within the Cottonwoods development. The work is done by the Town's Public Works Department through a contract with a local landscaping company.

   The reserve being accumulated is for a wall replacement as well as a ten-year painting of the common area wall. All is assessed to the 60 residents of the development. Their budget is $6,642.

   Chairman Dickey closed the Public Hearing.

   Director Brown **MOVED** to approve; **SECONDED** by Director Magazine; passed unanimously.

5. ADJOURNMENT

Director Scharnow **MOVED** to adjourn; **SECONDED** by Director Brown; passed unanimously.

The Special Meeting of the Cottonwoods Maintenance District Board held May 7, 2019, adjourned at 5:34 p.m.

District Chairman Ginny Dickey

ATTEST:

District Clerk Elizabeth A. Burke

COTTONWOODS MAINTENANCE DISTRICT
SPECIAL MEETING OF JUNE 4, 2019
5:29 P.M.
FOUNTAIN HILLS TOWN HALL COUNCIL CHAMBERS
16705 EAST AVENUE OF THE FOUNTAINS
FOUNTAIN HILLS, ARIZONA

MINUTES

1. CALL TO ORDER – District Chairman Ginny Dickey

   Chairman Dickey called the meeting to order at 5:29 p.m.

2. ROLL CALL – District Chairman Ginny Dickey

   BOARD MEMBERS PRESENT: Chairman Ginny Dickey; Vice Chairman Art Tolis (electronically) Directors Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

   BOARD MEMBERS ABSENT: None

   STAFF PRESENT: District Manager Grady E. Miller; District Attorney Aaron D. Arnson; and Acting District Clerk Angela Padgett-Espiritu.

3. CONSIDERATION OF approving the Cottonwoods Maintenance District Board Meeting Minutes of May 7, 2019.

   No discussion/action taken.

4. PUBLIC HEARING AND CONSIDERATION OF Resolution CMD 2019-02 approving the Tentative Budget of the District as the Final Budget of the District for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020.

   Chairman Dickey opened the Public Hearing.

   Mr. Miller said that this district was formed years ago for the installation of landscaping improvements and a wall for the Cottonwoods development. The total amount is $6,642.00, which is annually assessed to the property owners within the development, and staff recommended approval.

   Chairman Dickey closed the Public Hearing.

   Director Scharnow **MOVED** to adopt Resolution CMD 2019-02; **SECONDED** by Director Magazine; passed unanimously.

5. ADJOURNMENT

   Director Scharnow **MOVED** to adjourn; **SECONDED** by Director Brown; passed unanimously.

The Special Meeting of the Cottonwoods Maintenance District Board held June 4, 2019, adjourned at 5:31 p.m.

_____
District Chairman Ginny Dickey

ATTEST:

_____
District Clerk Elizabeth A. Burke

TOWN OF FOUNTAIN HILLS
Cottonwoods Maintenance District

AGENDA ACTION FORM

Meeting Date: 6/18/2019

Meeting Type: Special Session

Agenda Type: Regular

Submitting Department: Administration

Staff Contact Information: David Pock, District Finance Director, 480-816-5162, dpock@fh.az.gov

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REQUEST TO DISTRICT BOARD (Agenda Language): CONSIDERATION of RESOLUTION CMD 2019-03 ASSESSING upon the individual lots and parcels within the District a certain sum sufficient to raise the amount estimated to be required in the annual budget, to provide funds for maintenance of certain pedestrian areas, parking and parkways, all for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Applicant:

Applicant Contact Information:

Property Location:

Related Ordinance, Policy or Guiding Principle:

Staff Summary (background): The Cottonwoods Maintenance District was formed by the Town Council in June 1999 for the purpose of maintaining or improving the common areas of the Cottonwoods subdivision. The Town Council serves as the governing Board for the District. The Maintenance District provides for the maintenance of the common area, which is performed by the Town of Fountain Hills. The annual cost is repaid through an annual property tax assessment of $114.52 per property owner levied by the Town and collected by Maricopa County. The estimated levy includes the annual contract cost for landscaping as well as establishing a reserve amount for future exterior wall maintenance and an additional reserve for unplanned maintenance.

Risk Analysis (options or alternatives with implications):

Fiscal Impact (initial and ongoing costs; budget status): $6,642

Budget Reference (page number): p 323-325

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: Y ☒ N ☐

Staff Recommendation(s): Approve

List Attachment(s): Resolution CMD 2019-03

SUGGESTED MOTION (for District Board use): Move to approve Resolution CMD 2019-03.

Prepared by:

NA Click here to enter a date.

Director's Approval:

~~Craig Rudolphy~~, District Finance Director 6/4/2019
DAVID POCK

Approved:

Grady E. Miller, District Manager 6/4/2019

RESOLUTION CMD 2019-03

A RESOLUTION OF THE BOARD OF THE COTTONWOODS MAINTENANCE DISTRICT, MARICOPA COUNTY, ARIZONA, ASSESSING UPON THE INDIVIDUAL LOTS AND PARCELS WITHIN THE DISTRICT A CERTAIN SUM SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, TO PROVIDE FUNDS FOR MAINTENANCE OF CERTAIN PEDESTRIAN AREAS, PARKING AND PARKWAYS, ALL FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020

RECITALS:

WHEREAS, in accordance with ARIZ. REV. STAT. §§ 48-574 and 48-575, and following published notice, public hearings were conducted on May 7, 2019, and June 4, 2019, at which hearings any taxpayer was permitted to appear and be heard regarding the 2019-20 annual budget for the Cottonwoods Maintenance District, Maricopa County, Arizona (the "District");

WHEREAS, on June 4, 2019 the District Board adopted Resolution CMD 2019-02, approving the District's annual budget; and

WHEREAS, pursuant to ARIZ. REV. STAT. §§ 48-574 and 48-575, the District Board desires to levy such amounts as necessary for the District's 2019-20 annual budget.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. There is hereby levied on each lot and tax parcel within the limits of the District the amount listed on Exhibit A, which is incorporated herein by this reference, and which amount is sufficient to raise the aggregate amount of $6,642 for the purpose of providing maintenance for certain pedestrian areas, parking and parkways for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

SECTION 3. Failure by the officials of Maricopa County, Arizona, to properly return the delinquent list, any irregularity in the assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax or foreclosure deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him or to them, shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessment and levy of taxes or of the judgment or sale by which the collection of the same may be enforced or in any manner affect the lien of the District upon such property for the delinquent taxes unpaid thereon, and no overcharge as to part of the taxes or of costs shall invalidate any proceedings for collecting of taxes or the foreclosure, and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 4. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

SECTION 5. The District Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Maricopa County Board of Supervisors and to the Maricopa County Assessor.

SECTION 6. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 7. The District Chairperson, the District Clerk, and the District Counsel are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Cottonwoods Maintenance District, Maricopa County, Arizona, this 18th day of June, 2019.

_____
Ginny Dickey, District Chairperson

ATTEST:

_____
Elizabeth A. Burke, District Clerk

APPROVED AS TO FORM:

_____
Aaron D. Arnson, Pierce Coleman PLLC
District Counsel

CERTIFICATION

I, Elizabeth A. Burke, the duly appointed Clerk of the Cottonwoods Maintenance District, do hereby certify that the above and foregoing Resolution No. 2019-03 was duly passed by the Chairperson and District Board of the Cottonwoods Maintenance District, at a regular meeting held on June 18, 2019, and the roll call of the vote thereon was____Ayes and____Nays and that the Chairperson and____board members were present thereat.

_____

Elizabeth A. Burke, District Clerk
Cottonwoods Maintenance District

EXHIBIT A
TO
RESOLUTION CMD 2019-03

[Lot/Tax Parcel List; Levy Amount]

See following page.

Lot No.	Tax Parcel No.	Amount to be Levied*
1	176-03-923	$114.52
2	176-03-924	$114.52
3	176-03-925	$114.52
4	176-03-926	$114.52
5	176-03-927	$114.52
6	176-03-928	$114.52
7	176-03-929	$114.52
8	176-03-930	$114.52
9	176-03-931	$114.52
10	176-03-932	$114.52
11	176-03-933	$114.52
12	176-03-934	$114.52
13	176-03-935	$114.52
14	176-03-936	$114.52
15	176-03-937	$114.52
16	176-03-938	$114.52
17	176-03-939	$114.52
18	176-03-940	$114.52
19	176-03-941	$114.52
20	176-03-942	$114.52
21	176-03-943	$114.52
22	176-03-944	$114.52
23	176-03-945	$114.52
24	176-03-946	$114.52
25	176-03-947	$114.52
26	176-03-948	$114.52
27	176-03-949	$114.52
28	176-03-950	$114.52
29	176-03-951	$114.52
30	176-03-952	$114.52
31	176-03-953	$114.52
32	176-03-954	$114.52
33	176-03-955	$114.52
34	176-03-956	$114.52
35	176-03-957	$114.52
36	176-03-958	$114.52
37	176-03-959	$114.52
38	176-03-960	$114.52
39	176-03-961	$114.52
40	176-03-962	$114.52
41	176-03-963	$114.52
42	176-03-964	$114.52
43	176-03-965	$114.52
44	176-03-966	$114.52
45	176-03-967	$114.52
46	176-03-968	$114.52
47	176-03-969	$114.52
48	176-03-970	$114.52
49	176-03-971	$114.52
50	176-03-972	$114.52
51	176-03-973	$114.52
52	176-03-974	$114.52
53	176-03-975	$114.52
54	176-03-976	$114.52
55	176-03-977	$114.52
56	176-03-978	$114.52
57	176-03-979	$114.52
58	176-03-980	$114.52

* such sum may be paid in two installments, along with such parcel's other taxes