

**STUDY SESSION MEETING NOTICE
TOWN COUNCIL OF DEWEY-HUMBOLDT
Tuesday, October 14, 2014, 2:00 P.M.**

**COUNCIL STUDY SESSION MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Roll Call.

2.1. Town Council. Town Council Members Jack Hamilton, Mark McBrady, Dennis Repan, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan.

3. Study Agenda. No legal action to be taken.

3.1. Community Development Block Grant (CDBG) overview for the upcoming funding cycle. Isabel Rollins, Northern Arizona Council of Governments (NACOG), D-H CDBG Administrator, presenting.

3.2. Revisit process of “Ethics Process” & Draft Submitted by VM Alen plus consideration of optional Mediation of Complaints. (Continued from 9/9/14 Work Session)

3.3. Whether to dispose of E. Antelope Way right-of-way in response to adjacent property owner(s) request.

3.4. Council consideration of obtaining Transaction Privilege Tax (TPT) Collection Consultant Service and direction to proceed with a service contract.

3.5. Council consideration of the need for a Banking Service Request for Proposal (RFP) and direction to proceed with advertising for bids.

3.6. Town’s 10th Year Anniversary of Incorporation Program Itinerary and Details.

3.7. Code Enforcement Process Staff Review Report and Council Direction in regards to Code Enforcement Operation.

4. Special Session. Legal Action can be taken.

4.1. Whether to hold additional special session(s) this month. This is an established agenda item for Council’s discussion on whether to add an additional special study session and if so, to set the date.

5. **Comments from the Public.** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is **3** minutes per person. The audience is asked to please be courteous and silent while others are speaking.

6. **Adjourn.**

For Your Information:

Next Town Council Meeting: Tuesday, October 21, 2014, at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, November 6, 2014, at 6:00 p.m.

Next Town Council Work Session: Tuesday, December 9, 2014, at 2:00 p.m.

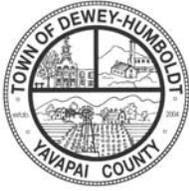
If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2014, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL STUDY SESSION

October 14, 2014, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.1. Community Development Block Grant (CDBG) overview for the upcoming funding cycle.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

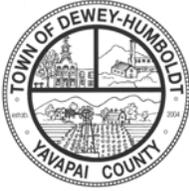
Date submitted: October 7, 2014

Summary:

Dewey-Humboldt is eligible to receive regional CDBG funding in 2015. I understand that this would be an automatic allocation for D-H. The funding level is approximately \$266,600 (less administration fees).

The town would not want to miss this funding opportunity. Like all federal programs, CDBG has a demanding process, which involves the entire community. It was about four years ago when the town utilized this funding last. In order to enhance everyone's knowledge of CDBG, I invited Isabel Rollins from NACOG to give us an overview of the program. Ms. Rollins has been the Town's CDBG Administrator since the Town's incorporation and is very knowledgeable about this program. She will be giving some details, such as what can and can not be done through the grant, during her presentation.

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TOWN OF DEWEY-HUMBOLDT
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COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: next available

Date of Request: 9.1.14

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Revisit process of "Ethics Process" & Draft Submitted by VM Alen plus
consideration of optional Mediation of Complaints

Purpose and Background Information (Detail of requested action). _____

Fine-tune process through draft submitted at last Work Session and discuss addition of optional
Mediation by outside party with costs paid by Parties to Complaint. Also discuss times appropriate
for responses by ethics committee members, parties to complaint to calls and emails and protests

Staff Recommendation(s): to members of committee/dates etc by parties to complaint

Budgeted Amount: _____

List All Attachments: copy of draft process

Type of Presentation: verbal

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: Arlene Alen

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

Process and Procedures for hearing Ethics Complaints filed in Dewey-Humboldt

1. Complaint Filed with Clerk
2. Complaints must be filed upon discovery...or within 30 calendar days of alleged incident
3. Ethics Committee Chair notified (or in succession order of seniority if named or recused) and documents copied to all committee members for review pre meeting by Clerk
4. Chair calls committee meeting to discuss complaint and determine if it should move forward to a hearing and if so, what if any additional materials, statements or witnesses might need to be called For that hearing. Original docs maintained and secured by Staff
5. Notices sent out as to hearing date and for materials, appearances, statements etc by Town Clerk. Two weeks given for all materials to be aggregated and copied to and reviewed by committee prior to hearing. Exceptions can be made and hearing rescheduled by consensus of hearing panel for unforeseen circumstances. (witness out of town etc) *(Refusal to appear or participate? What remedy) Discussion needed*

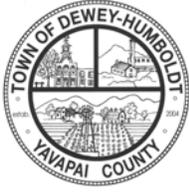
Hearing Process

1. Called to order by Chair
2. Complaint or outline of complaint read into record/and to those present
3. Complainant then respondent make opening statements explaining their positions
4. The complainant and respondent in that order may present their case and evidence
5. Committee can ask questions at any time
6. Committee calls witnesses they have requested and asks questions. Both complainant and respondent may ask questions of these witnesses
7. Chairperson may eliminate any questions they feel argumentative or irrelevant to proceedings. Must be agreed to by consensus of ethics committee. All testimony must be in support of complaint or rebuttal of same
8. After witnesses are excused and all material reviewed and there are no further questions form the hearing panel
9. Both complainant and respondent in that order may make a uninterrupted closing statement (summation of case or rebuttal of same)
10. The chair will then close the comments portion of the hearing and the hearing panel will enter discussion and come to a conclusion.

11. Their conclusion and recommendation will then be sent via the town clerk for inclusion on the next to the Town Council meeting agenda for discussion and legal action. (a vote to approve or amend).

DRAFT

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TOWN COUNCIL STUDY SESSION

October 14, 2014, 2:00 p.m. Town Council Chambers

Agenda Item # 3.3. Whether to dispose of E. Antelope Way right-of-way (ROW) in response to adjacent property owner(s) request.

To: Town Council

From: Connie Dedrick, Community Development Coordinator & Ed Hanks, Public Works Supervisor

Recommendation: Consider the requested ROW as unnecessary and direct Staff to proceed with disposal in response to a property owner's request.

Date Submitted: October 7, 2014

Summary:

D-H resident and property owner, Victor Hambrick, has requested acquiring a portion of town right-of-way (ROW), E. Antelope Way, located in the Sierra Dells subdivision, due north of Lots 136 & 137, recorded in Book 17 of Maps and Plats, Page 2 Records of Yavapai County. Mr. Hambrick's property is located adjacent to the requested ROW at 1655 River Road, APN: 402-24-136A in Dewey, Arizona. Mr. Hambrick stated that he has been using the ROW for his driveway since he bought the property.

In discussions with Ed Hanks, Public Works Supervisor, historically the portion of E. Antelope Way, abuts Mr. Hambrick's property to the north and has historically been used as a means of ingress/egress to the subject property. The Town does not maintain this portion of the right-of-way due to the fact that it is located on private property, only serves one property owner and is not a through street whereby maintenance would be required. Mr. Hanks does not foresee E. Antelope Way ever becoming a through street due to the wash, serving one property owner and the issue of steep slopes limiting the ability of constructing a bridge.

It is Staff's recommendation to proceed with Mr. Hambrick's request to allow him to acquire the portion of right-of-way abutting his property to the north. Staff has conferred with the Town Attorney as to the processes available if the Town Council is inclined to move forward with disposition of the ROW. Town Code Section 50.16 stipulates that the decision to dispose of unnecessary right-of-way lies solely with the Town Council and shall be made upon receipt of staff's recommendation.

Oct. 14 meeting agenda item 3.3 Attachment 1

Town Code of Ordinances Title V, Section 50.16 Disposition of Unnecessary Rights-Of-Way states:

(A) If the Town Council determines that a public right-of-way owned by the town is no longer necessary for public use, it may dispose of the right-of-way either by sale, vacation or exchange of such right-of-way in accordance with the requirements of state law.

(B) *Reservation of easements.* In the event there are existing utility lines, pipes; canals, ditches or appurtenances in any unneeded right-of-way being sold, vacated or exchanged, or if in the sole discretion of the town it is probable that there will be a need for a public utility easement in such right-of-way, the town shall reserve an easement or easements for such purposes and of such size as the town may determine.

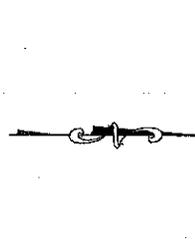
(C) *Initiation of disposition of right-of-way.* Vacation, sale or exchange of unnecessary right-of-way shall be initiated by the Town Engineer or Public Works Director. The initiation may be in response to a request from an adjacent property owner, in which case the applicant shall submit an application in such form and with such information as may be required by administrative regulation and shall pay such fees as are established by resolution approved by the Town Council.

(D) *Decision to dispose of roadway.* The decision to dispose of unnecessary right-of-way lies solely with the Town Council and shall be made upon receipt of staff's recommendation.

Ord. 05-12, passed 7-12-2005; Am. Ord. 12-95, passed 11-20-2012)

RECORD OF SURVEY

DEPENDENT RE-SURVEY AND PARCEL DIVISION OF OR ASSASSORS PARCELS 402-24-24-1364, BEING LOT 136 & A PORTION OF LOT 137, SIERRA DELS AS RECORDED IN BOOK 17 OF DEEDS & PLATS, PAGE 2, LOCATED IN SECTION 11, TOWNSHIP 28 NORTH, RANGE 1 E., GILA & SULLY TWP, MARICOPA COUNTY, ARIZONA



LEGEND

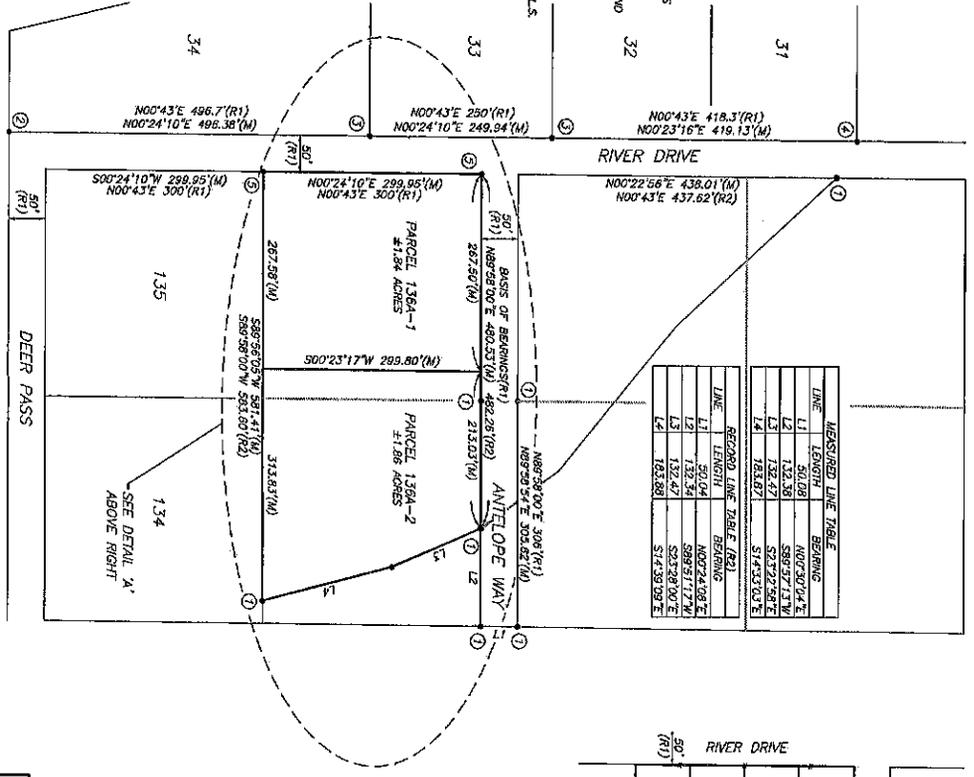
- (R1) RECORD INFORMATION PER SIERRA DELS AS RECORDED IN BOOK 17 OF DEEDS & PLATS PAGE 2
- (R2) RECORD INFORMATION PER BOOK 59 OF LAND SURVEYS, PAGE 47.
- (M) MEASURED INFORMATION
- (C) COMPUTED INFORMATION
- ① FOUND 1/2" REBAR CAPPED OR TAGGED R.L.S. 22287
- ② FOUND 1/2" REBAR NO CAP OR TAG
- ③ FOUND 1/2" REBAR CAPPED R.L.S. 33876
- ④ FOUND 1/2" REBAR CAPPED R.L.S. 33876
- ⑤ SET 1/2" REBAR CAPPED R.L.S. 21754
- M METAL FENCE LINE
- C CONCRETE

YAVAPAI COUNTY RECORDS

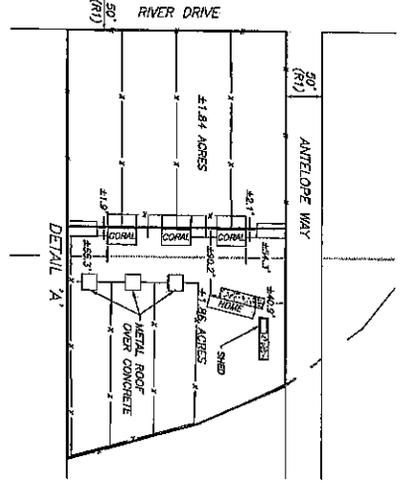
This was Recorded at request of
 Meridian Land Surveys
 on _____ AD 2007
 of _____ o'clock M
 Book _____ of Land Surveys
 Page _____

Notary of Yavapai County, Arizona
ANN WAINWRIGHT-THORNTON
 County Recorder
 Deputy Recorder

REDUCED COPY NOT TO SCALE



MEASURED LINE TABLE		RECORDED LINE TABLE (R2)	
LINE	LENGTH	BEARING	BEARING
L1	50.08	N07°30'04"E	N07°30'04"E
L2	132.38	S89°17'11"W	S89°17'11"W
L3	132.47	S23°22'58"E	S23°22'58"E
L4	183.87	S14°33'03"E	S14°33'03"E



ZONING

R1-70 DENSE HUBBOLDT ZONING

NOTES

1. DIMENSIONS OF RECORD MAY NOT BE SHOWN ON THIS PLAT.
2. BEARINGS AND DISTANCES ON ADJACENTS ARE SHOWN AS CORROBORATIVE EVIDENCE ONLY AND SHOULD NOT BE CONSIDERED AS A SOURCE OF THESE PROPERTIES.
3. ALL DOCUMENTS REFERRED TO HEREON ARE ON FILE AT THE YAVAPAI COUNTY RECORDERS OFFICE.

SURVEYORS STATEMENT

THE DEPENDENT RE-SURVEY AS SHOWN ON THIS PLAT WAS MADE BY ME AND MY ASSISTANT, AND WE HAVE BEEN ADVISED BY THE ADJACENT SURVEYS THAT THE BEARINGS AND DISTANCES SHOWN ARE CORRECT AND SUFFICIENT TO ALLOW THE SURVEY TO BE RETRACED.



ADN 408-24-1364
 SIERRA DELS LOT 136 & A PORTION OF LOT 137
 Meridian Land Surveys LLC
 216 808 546 Avenue 12, Superior, Arizona 85380
 (520) 739-0000
 www.meridianland.com

BOOK 1 OF 1
 DRAWN BY: ADN
 DATE: DEC 16, 2007
 REVISIONS:
 DATE: MAY 2009

S & PLATS,

58 OF LAND

32

M
N00

RIVER L

N00°22'5"
N00°43'

TAGGED R.L.S.

2 TAG

L.S. 33876

L.S. 33876

21754

33

34

N00°43'E 250'(R1)
N00°24'10"E 249.94'(M)

N00°43'E 496.7'(R1)
N00°24'10"E 496.38'(M)

N00°24'10"W 299.95'(M)
N00°43'E 300'(R1)

N00°24'10"E 299.95'(M)
N00°43'E 300'(R1)

PARCEL 136A-1
±1.84 ACRES

267.58'(M)

50'
(R1)
BASIS OF BEARINGS(R1)
N89°58'00"E 480.53'(M)

500°23'17"W 299.80'(M)

PARCEL 136A-2
±1.86 ACRES

589°56'05"W 581.41'(M)
589°58'00"W 583.60'(R2)

313.83'(M)

N89°58'00"E 306'(R1)
N89°58'54"E 305.82'(M)

ANTELOPE WAY

267.50'(M)

482.26'(R2)
213.03'(M)

SEE DETAIL 'A'
ABOVE RIGHT

134

135

LAND DESCRIPTION
(Proposed Abandonment)

All that portion of 'Antelope Way' according to the Plat of record of 'Sierra Dells' as recorded in Book 17 of Maps and Plats, Page 2, Records of Yavapai County, located in Section 11 Township 13 North, Range 1 East, Gila & Salt River Meridian described as follows:

BEGINNING at the northwest corner of Lot 136 of said Sierra Dells. Said point also being at the intersection of the southerly line of said Antelope Way and the easterly line of 'River Drive' as recorded in said Sierra Dells Plat;

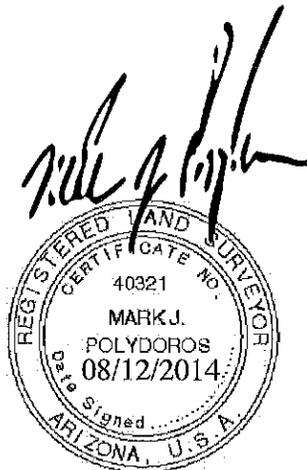
THENCE N89°58'00"E, 480.53 feet along said line;

THENCE N23°22'58"W, 54.46 feet to a point on the northerly line of said Antelope Way;

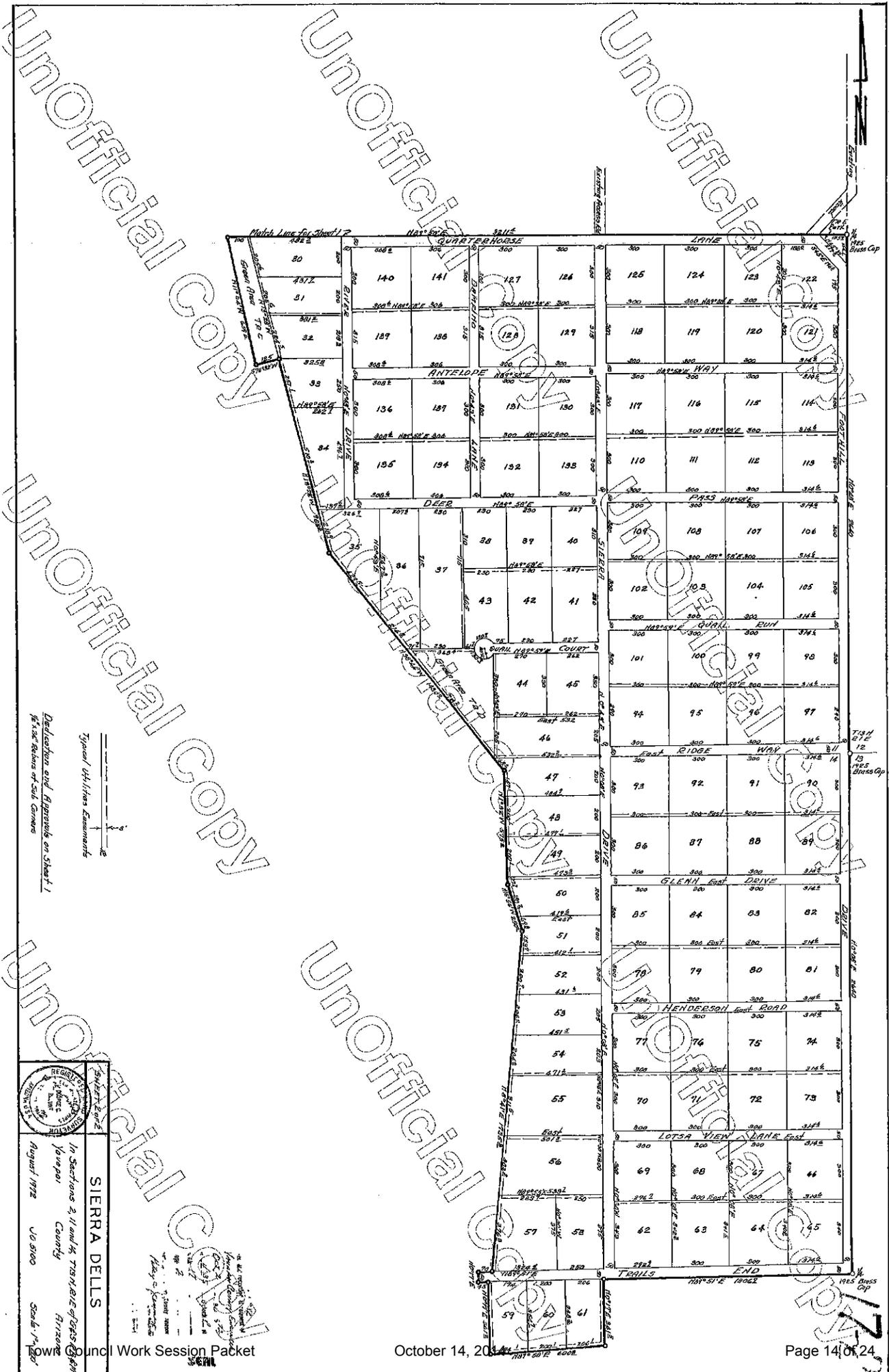
THENCE S89°58'00"W, 458.53 feet along said line to a point on the easterly line of said River Drive;

THENCE S00°43'00"W, 50.00 feet along said line to the TRUE POINT OF BEGINNING.

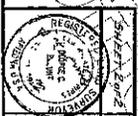
Containing 23,494 sq.ft. or 0.539 Acres.



Expires 3/31/2016



Declaration and Approval on Sheet 1
 1/8" x 3/4" Section of Sub. Comm. No. 1
 Typical Utility Line Easements



SIERRA DELLS
 In Sections 3, 11 and 14, T14N, R10E, S20S
 August 1972
 County of Fresno
 Scale: 1" = 200'

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TOWN COUNCIL STUDY SESSION

October 14, 2014, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.4. Council consideration of obtaining Transaction Privilege Tax (TPT) Collection Consultant Service and direction to proceed with a service contract.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: October 7, 2014

Recommendation: acknowledge the need for TPT auditing/enhancement services and direct staff to prepare a service contract

Summary:

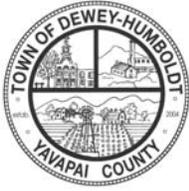
D-H is a program city in local Transaction Privilege Tax (TPT) collections. AZ Department of Revenue (DOR) collects TPT for the town. Town staff has recognized the complexity of TPT collection. In January 2015, the state is looking into a TPT collection reform which would inevitably add complexity to the already complicated system.

For the last three years, during my tenure with the town, I have seen the increasing need for additional and specialized TPT collection monitoring. Small municipalities, like D-H, do not normally have in-house expertise to handle this specialized area. In light of the imminent TPT reform, engaging a consulting TPT service has emerged to the surface. In speaking with colleagues in the states, I found that TPT enhancement services (TPT auditor) is commonly used by municipalities and has proven beneficial for those municipalities. Usually, by engaging the service, municipalities can expect a return of the contract amount in actual recovered tax revenue. Additionally, the service would provide enhanced customer services for TPT collection.

The enhancement service will include: TPT auditing services, assisting taxpayers in complying with the Town's model tax code, conduct research and prepare reports related to TPT as requested by the town.

Deni Thompson, Town Accountant, will provide her perspective on this issue at the meeting. We recommend Council directing staff to proceed with a service contract with a qualified TPT Enhancement service firm.

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TOWN COUNCIL STUDY SESSION

October 14, 2014, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.5. Council consideration of the need for a Banking Service Request for Proposal (RFP) and direction to proceed with advertising for bids.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: October 7, 2014

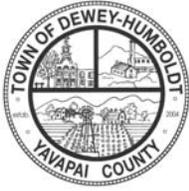
Recommendation: Direct staff to proceed with the bidding process for banking services.

Summary:

The Town has been banking with Bank of America since 2010.

Many changes have happened since then – staff, level of services, etc. Town Finance Staff feels that it would be advisable to proceed with a bidding process for banking services. I support Staff's desire for efficiency reasons. Town Accountant, Deni Thomson will give you details.

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TOWN COUNCIL STUDY SESSION

October 14, 2014, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.7. Code Enforcement Process Staff Review Report and Council Direction in regards to Code Enforcement Operation.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: October 7, 2014

Summary: Recently staff conducted a Code Enforcement overview aiming at finding a path that leads to more effective and efficient Code Enforcement given our constraints. As a result, I prepared a report.

I. A few General Principles of Code Enforcement

There are three kinds of code violations pursuant to the Town Code of Ordinances: 1. general Town Code violations outlined in Title I General Provisions Chapter 10 Section 10.99 Penalties, Chapter 130 General Offenses. 2. Building Code violations which are handled through the procedures set forth in Title XV Land Usage, Sections 153.019, 153.020 and 153.999. 3. Zoning code violations are handled by Title XV Land Usage, Sections 153.019, 153.020 and 153.999. Most of code enforcement complaints staff receive pertain to building code and zoning code violations. Building Code and Zoning Code violations are the focus of this report.

The Town of Dewey-Humboldt has adopted its Codes in order to protect the public safety and welfare of its residents and visitors to the community. Blight and deteriorating conditions negatively impact neighborhoods by giving a visual impression of neglect, apathy and disregard for property that may also encourage anti-social or criminal behavior. Enforcement of the Codes is important to protect the public welfare and property values of the residents.

The Town encourages its residents to abide by the Codes. Town staff always desires to work with residents to correct violations without resorting to citations and formal enforcement procedures. However, when a resident refuses to work with town staff or correct a violation, it is necessary and in the best interest of the Town and community to proceed with formal enforcement. The Code Enforcement process requires staff to document almost every encounter related to the violation on staff's part. Town staff greatly appreciates cooperation, understanding and patience of those residents who are involved.

II. Recent Review

Presently, the Town's Code Enforcement is complaint- driven. In general, anonymous complaints are not processed. Once a complaint is filed and investigated and there is a reasonable belief that probable cause exists, a formal code enforcement process will be initiated.

Currently, our code enforcement cases are generally addressed through a civil violation approach which eventually ends up with taking violators to a hearing before the Hearing Officer. The (civil) sentencing usually includes imposing fines. Due to the notices involved, the process is time consuming for the town and residents. It sometimes takes up to years to achieve compliance. Interestingly, staff found that under the current process although previous notices may have not generated any responses, responses are often given by property owners when a hearing date has been set.

In response to internal and external frustration over the process, staff conducted a review of the code enforcement procedure hoping to find a faster and more effective process that we can realistically utilize within our limited resources. Town staff, including the administration, Magistrate, and the legal counsel, examined the current procedure, town code sections pertaining to violations and enforcement, and examples from other municipalities. We found that the current code supports Building and Zoning violations to be handled through either civil or criminal offense approach.

After a rather rigorous review and discussion, we came up with an expedited process whereby a code violation starts out as a civil offense and ends in the Municipal Court as a criminal offense, if all other measures fail to bring about compliance. Thankfully, having an in-house Magistrate Court has made the exploration of combining a criminal offense approach into the current code enforcement process, possible and successful. The expedited process is as follows:

1. Complaints alleging a code violation may be made by a citizen, town staff, elected officials, or anyone else. Complaints may be received by mail, email or in person as a signed complaint or form is required.
2. All information received will be forwarded to the Code Enforcement Officer for investigation and follow up.
3. The Code Enforcement Officer commences an investigation on the complaint. When possible, staff will work with residents to correct violations without resorting to cogitations and formal enforcement procedures.
4. When the alleged violation can be verified and/or there is a reason to believe there is a violation and need to proceed with formal procedures, a Notice of Compliant (NC) will be mailed to the property owner. NC provides for 10 days initially for abatement of the problem. If abatement is completed within the given days, the case is closed. If not,
5. Notice of Violation (NV) will be sent. NV usually provides for 30 days to abate the violation. If abatement is completed within given days, case is closed. If not,
6. The Code Enforcement Officer forwards evidence gathered to Town Prosecutor for the Prosecutor to determine whether there is sufficient information to establish a case. If so, the prosecutor files a complaint to the Magistrate Court for Court personnel to process. Thereafter, Court will handle the complaint just as any criminal case.

A chart illustrating this proposed and the current process is enclosed. Being able to have the Prosecutor and the Municipal Court involved and handle a difficult code violation as a criminal case greatly reducing the response time in the current all civil proceeding approach. Thereby the process is desirable for both staff and the community members who believe in the code enforcement services.

Attachment: Code Enforcement process chart

All said, the goal for a code enforcement process is for property owner to be in compliance; punishment is not what code enforcement is about. If possible, staff would always try our best to work with property owners for their voluntary compliance before resorting to a civil hearing or criminal proceedings.

III. Challenges (limited resources and code deficiency)

During our discussion, other effective code enforcement tools have emerged. When I weighed all “tools” against the reality of staffing and resource, I have to eliminate those that we are not equipped to use. The process we came up with is realistic.

In addition to resource challenges, we also detected weaknesses in Town Code. All reviewers agreed that the current town code regarding violation and enforcement is fragmented although it supports the expedited process outlined. The Town Attorney also pointed out the Code lacks effective definition of nuisances and the authority for Town to abate violations.

While the Court is effective in most cases to bring about abatement due to its authority to potentially impose severe punishment measures, the Court cannot conduct physical abatement. The Town, on the other hand, can do so at a high cost. This concern applies to the proposed process. The town attorney suggests that if the Town wants more abatement authority, Town Code sections regarding nuisance abatement needs to be strengthened first.

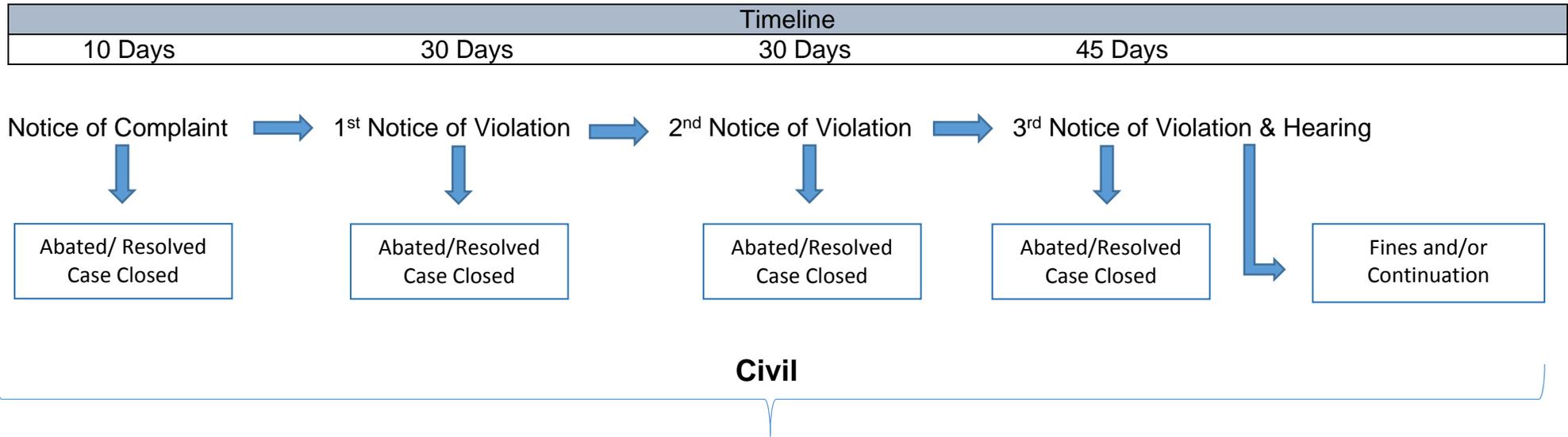
IV. Recommendations

1. With Council’s support, staff will begin to implement the above outlined expedited process. This process requires discretion and its success requires consistency. Council and staff need to share a mutual understanding and trust in order for this process (or any implementation of policy decisions) to work.
2. Council needs to consider how far Council wants to go with Code Enforcement including finding a violation, citing a violation, handling a violation and violation abatement. Based on your focus and the level of severity you would like to see, additional funding and human resources may be needed. For example, if you wanted to focus on violation abatement, additional funds should be allocated along with additional personnel. The Judge and I suggests that we focus on implementing the “expedited process” for now; if abatement remains a serious problem after a while, we can revisit the issue with a different focus.

A side note - Please note that animal related enforcement issues are handled a little differently. The Town’s Code Chapter 90 Animals is being enforced by Yavapai County Sheriff’s Office Animal Control Division. Complaints relating to Chapter 90 (such as dogs running at large, dog barking) are strongly encouraged to be filed with YCSO directly. Town staff is of a supporting role in enforcing Chapter 90 violations. However, zoning and land use related animal complaints, such as number of animals allowed are handled directly by town staff. When citizens do not know who they should call to file an animal related complaint, they are welcome to call town hall first. YCSO and town staff have been staying in close communication in order to address citizens’ concerns to the best of our ability.

Code Enforcement Procedure Current/Proposed Flow Chart

Current Procedure (Civil Violation & Hearing)



Proposed Procedure (Civil/Criminal Violation & Hearing)

