

# AGENDA REVISED 4:30 P.M.

CITY OF SEDONA, CITY COUNCIL MEETING

TUESDAY, FEBRUARY 13, 2018

## NOTES:

- Public Forum:  
Comments are generally limited to **3 minutes**.
- Consent Items:  
Items listed under Consent Items have been distributed to Council Members in advance for study and will be enacted by one motion. Any member of the Council, staff or the public may remove an item from the Consent Items for discussion. Items removed from the Consent Items may be acted upon before proceeding to the next agenda item.
- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:  
[www.SedonaAZ.gov](http://www.SedonaAZ.gov)

## GUIDELINES FOR PUBLIC COMMENT

### PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.

### PROCEDURES:

- Fill out a "Comment Card" and deliver it to the City Clerk.
- When recognized, use the podium/microphone.
- State your:
  1. Name and
  2. City of Residence
- Limit comments to **3 MINUTES**.
- Submit written comments to the City Clerk.

## 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE/ROLL CALL

## 2. CITY'S VISION/MOMENT OF ART

## 3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT = 

- a. Minutes - January 17, 2018 City Council Special Meeting. 
- b. Minutes - January 23, 2018 City Council Regular Meeting. 
- c. AB 2333 Approval of appointment of the City Magistrate to serve as a Juvenile Hearing Officer for Yavapai County. 
- d. AB 2339 Approval of a resolution authorizing an Intergovernmental Agreement between the City of Sedona and the Coconino County Sheriff's Office for limited law enforcement services by the Sedona Police Department for the residents, visitors, and business owners in Oak Creek Canyon. 

## 4. APPOINTMENTS - None.

## 5. SUMMARY OF CURRENT EVENTS BY MAYOR/COUNCILORS/CITY MANAGER

## 6. PUBLIC FORUM

(This is the time for the public to comment on matters not listed on the agenda. The City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

## 7. PROCLAMATIONS, RECOGNITIONS & AWARDS - None.

## 8. REGULAR BUSINESS

- a. AB 2335 **Discussion/possible direction** on the topic of Tobacco 21, an emerging policy to increase the age from 18 to 21 to legally purchase all tobacco products and to protect youth from early tobacco addiction from the Yavapai Anti-Tobacco Coalition of Youth. 
- b. AB 2340 **Discussion/possible action** regarding a resolution and ordinance amending Chapter 8.25, Sound Regulations, Sound Control of the Sedona City Code. 
- c. AB 2336 **Discussion/possible action** regarding proposed State legislation and its potential impact on the City of Sedona. 
- d. **Reports/discussion** on Council assignments.
- e. **Discussion/possible action** on future meeting/agenda items.

## 9. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

## 10. ADJOURNMENT

**CITY COUNCIL CHAMBERS  
102 ROADRUNNER DRIVE, SEDONA, AZ**

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

# AGENDA

REVISED

# 4:30 P.M.

CITY OF SEDONA, CITY COUNCIL MEETING

TUESDAY, FEBRUARY 13, 2018

## Page 2, City Council Meeting Agenda Continued

Posted: \_\_\_\_\_

By: \_\_\_\_\_

Susan L. Irvine, CMC  
City Clerk

Note: Pursuant to A.R.S. § 38-431.02(B) notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with material relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at [www.SedonaAZ.gov](http://www.SedonaAZ.gov). The Council Chambers is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made **forty-eight hours** prior to the meeting.

CITY COUNCIL CHAMBERS  
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

**Action Minutes  
Special City Council Meeting  
Joint Meeting with the Sedona Chamber of  
Commerce & Tourism Bureau  
City Council Chambers, Sedona City Hall,  
102 Roadrunner Drive, Sedona, Arizona  
Wednesday, January 17, 2018, 2:00 p.m.**

**1. Call to Order/Pledge of Allegiance/Moment of Silence**

Mayor Moriarty called the meeting to order at 2:03 p.m.

**2. Roll Call**

**Roll Call:** Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor John Currivan, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, and Councilor Joe Vernier.

**Staff Present:** City Manager Justin Clifton, Assistant City Manager Karen Osburn, City Attorney Robert Pickels, Jr., Economic Development Director Molly Spangler, Parks and Recreation Manager Rachel Murdoch, Communications Manager Marty Macurak, Deputy City Clerk JoAnne Cook.

**Sedona Chamber of Commerce and Tourism Bureau Board of Directors Present:** Chairman Lonnie Lillie, Vice Chairman Stephanie Giesbrecht, Treasurer Marc Sterling, Linda Goldenstein, Desiree Brackin, Al Comello, Whitney Cunningham, Darla DeVille, Mike Hermen, Kyle Larson, Jennifer Perry, and Ralph Woellmer.

**3. Special Business**

- a. AB 2287 Discussion/possible direction regarding destination marketing and tourism promotion goals, objectives, and approach for the FY2018-2019 contract year. This will take place in the form of a joint meeting between the Sedona City Council and the Sedona Chamber of Commerce and Tourism Bureau's Executive Committee.**

Presentation by Karen Osburn, Justin Clifton, and Jennifer Wesselhoff, President/CEO Sedona Chamber of Commerce and Tourism Bureau. Steve Segner, Sedona Lodging Council, was available to answer questions from Council.

Questions and comments from Council.

The following members of the Sedona Chamber of Commerce Board of Directors added comments: Linda Goldenstein, Ralph Woellmer, Lonnie Lillie, Kyle Larson, Al Comello, Marc Sterling, and Mike Herman.

**Break at 3:54 p.m. Reconvened at 4:09 p.m.**

Questions and comments from Council.

**By majority consensus, Council directed the Sedona Chamber of Commerce and Tourism Bureau (SCoC&TB) to simplify the budget report that is brought forward for consideration; agreed to an increase in certain budget areas if it would help fulfill overarching strategies; and preferred the SCoC&TB use a quality versus quantity approach in their marketing strategies.**

**4. Discussion/possible action on future meeting/agenda items - None.**

**5. Executive Session**

**Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. Return to open session. Discussion/possible action on executive session items.**

No Executive Session was held.

**6. Adjournment**

Mayor Moriarty adjourned the meeting at 6:00 p.m. without objection.

**I certify that the above are the true and correct actions of the Special City Council Meeting held on January 17, 2018.**

\_\_\_\_\_  
JoAnne Cook, Deputy City Clerk

\_\_\_\_\_  
Date

**Action Minutes**  
**Regular City Council Meeting**  
**City Council Chambers, Sedona City Hall,**  
**102 Roadrunner Drive, Sedona, Arizona**  
**Tuesday, January 23, 2018, 4:30 p.m.**

**1. Call to Order/Pledge of Allegiance/Moment of Silence/Roll Call**

Mayor Moriarty called the meeting to order at 4:30 p.m.

**Roll Call:** Mayor Sandy Moriarty, Vice Mayor Martinez, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, and Councilor Joe Vernier. Councilor John Currivan was absent and excused.

**Staff Present:** Assistant City Manager Karen Osburn, City Attorney Robert Pickels, Jr., Associate City Attorney Rob Pollock, Director of Finance Cherie Wright, Chief of Police David McGill, City Clerk Susan Irvine.

**2. City's Vision**

A video of the City's Vision was played.

**3. Consent Items**

- a. **Minutes - January 9, 2018 City Council Special Meeting.**
- b. **Minutes - January 9, 2018 City Council Regular Meeting.**
- c. **Approval of Proclamation - Keep Sedona Beautiful Day, January 31, 2018.**
- d. **AB 2326 Approval of a Special Event Liquor License for Sedona Arts Center for a 60th anniversary dance party scheduled for Saturday, February 10, 2018, from 6:00 to 10:00 p.m. at The Sedona Arts Center Barn, 15 Art Barn Road, Sedona, AZ.**
- e. **AB 2334 Approval of a Special Event Liquor License for a Sedona Chamber of Commerce & Tourism Bureau mixer scheduled for Thursday, February 15, 2018 from 5:30 to 7:00 p.m. located at Sedona Art Center, 15 Art Barn Road, Sedona, AZ.**

**Motion: Councilor Thompson moved to approve consent items 3a, 3b, 3c, 3d, and 3e. Seconded by Vice Mayor Martinez. Vote: Motion carried unanimously with six (6) in favor and zero (0) opposed.**

**4. Appointments**

- a. **AB 2337 Discussion/possible action regarding the appointment of a commissioner to the Historic Preservation Commission.**

Presentation by Mayor Moriarty.

**Motion: Vice Mayor Martinez moved to appoint James Curry to a seat on the Historic Preservation Commission with a term beginning immediately and ending on October 30, 2020, or until a successor is appointed. Seconded by Councilor Thompson. Vote: Motion carried unanimously with six (6) in favor and zero (0) opposed.**

**5. Summary of Current Events by Mayor/Councilors/City Manager**

Councilor Thompson stated that the Sedona VegFest was a resounding success with over 500 in attendance. Mayor Moriarty attended a ceremony in Clarkdale recognizing first responders throughout the Verde Valley for their service.

**6. Public Forum**

**7. Proclamations, Recognitions, and Awards – None.**

**8. Regular Business**

**a. AB 2332 Presentation/discussion regarding the Annual Audit findings and Comprehensive Annual Financial Report (CAFR) for the City of Sedona for Fiscal Year 2016-17.**

Presentation by Cherie Wright and Sandy Cronstrom of CliftonLarsonAllen LLP.

Questions and comments from Council.

**Presentation and discussion only. No action taken.**

**b. AB 2304 Discussion/possible direction regarding the City Council Small Grants Program Review Committee's recommendations for the City's Small Grants Program.**

Presentation by Karen Osburn.

Questions and comments from Council.

**By majority consensus, Council directed staff to use the previous year's budget amount as a starting number for the next year's grants budget and not increase by the CPI.**

**c. AB 2336 Discussion/possible action regarding proposed State legislation and its potential impact on the City of Sedona.**

Presentation by Robert Pickels, Jr.

Questions and comments from Council.

**By majority consensus, Council directed staff to continue the practice of allowing staff and the Mayor to weigh in on issues at the Legislature on behalf of the City and notify via email of issues on which the City takes a position; to oppose SB 1119 Judicial Retention if it assigned to a committee calendar; and to sign in supporting SB 1487 revisions depending on what is contained in the proposed bill.**

**d. Reports/discussion on Council assignments**

Vice Mayor Martinez stated that a meeting regarding the USGS and Verde Valley water was cancelled due to the Federal Government shutdown.

**e. Discussion/possible action on future meeting/agenda items – None.**

**9. Executive Session**

**Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

No Executive Session was held.

**10. Adjournment**

Mayor Moriarty adjourned the meeting at 6:24 p.m. without objection.

**I certify that the above are the true and correct actions of the Regular City Council Meeting held on January 23, 2018.**

\_\_\_\_\_  
Susan Irvine, CMC, City Clerk

\_\_\_\_\_  
Date

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**CITY COUNCIL  
AGENDA BILL**

**AB 2333  
February 13, 2018  
Consent Items**

**Agenda Item:** 3c  
**Proposed Action & Subject:** Approval of appointment of the City Magistrate to serve as a Juvenile Hearing Officer for Yavapai County.

<b>Department</b>	Magistrate Court
<b>Time to Present</b>	N/A
<b>Total Time for Item</b>	
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	A. Juvenile Hearing Officer Fact Sheet B. Yavapai County Superior Court Administrative Order

City Attorney Approval	Reviewed 02/05/18 RLP	<b>Expenditure Required</b>	\$ 0
City Manager's Recommendation	N/A	<b>Amount Budgeted</b>	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

**Background:** The Yavapai County Superior Court has requested and approved the appointment of Judge Goimarac to serve as a Juvenile Hearing Officer. This appointment would allow Judge Goimarac to hear juvenile misdemeanor cases that occur within the Sedona City Limits. Judge Goimarac has already been handling Juvenile Civil Traffic offenses, which constitute the majority of juvenile cases. This appointment allows Judge Goimarac to hear limited other juvenile misdemeanors such as curfew violations, truancy, or other City code violations. The change is not expected to create any substantial new workload. The statutory explanation of the duties of a judicial hearing officer is set forth in A.R.S. § 8-323 and detailed in Exhibit A. No additional compensation would result from this appointment. City Council must approve this appointment prior to it becoming effective.

**Community Plan Consistent:**  Yes -  No -  Not Applicable

**Board/Commission Recommendation:**  Applicable -  Not Applicable

**Alternative(s):** Deny the appointment.

**MOTION**

**I move to:** appoint City Magistrate Michael Goimarac to serve as a Juvenile Hearing Officer for Yavapai County.

David L. Mackey  
Presiding Superior Court Judge

Anna Young  
Presiding Juvenile Judge



SCOTT MABERY  
Director of Juvenile Court Services

TELEPHONE  
(928) 771-3156  
FAX (928) 771-3445

## Arizona Superior Court

YAVAPAI COUNTY JUVENILE COURT CENTER  
1100 Prescott Lakes Parkway, PRESCOTT, ARIZONA 86301

### JUVENILE HEARING OFFICER FACT SHEET

#### 1. Civil Traffic

The Superior Court has declined jurisdiction of juvenile civil traffic violations. These cases shall be cited directly into your court and are handled in your capacity as Justice of the Peace or Magistrate rather than as Juvenile Hearing Officer. Civil traffic violations are processed, heard and disposed of in the same manner and with the same penalties as adult civil traffic violations pursuant to ARS § 8-202E. Copies of civil traffic citations or dispositions **should not** be sent to the Juvenile Court. If the juvenile fails to appear or comply with the court order as the result of a civil traffic violation penalties shall be imposed by the Justice of the Peace or Magistrate and shall not be sent to Juvenile Court.

#### 2. Criminal Traffic

- A. Any provision of the motor vehicle code not declared to be a felony, excluding D.U.I., should be cited by law enforcement directly into the Juvenile Hearing Officer.
- B. Within 5 days after receiving the citation, the Juvenile Hearing Officer will send a copy of the citation to the Juvenile Court.
- C. The parent, guardian or custodian of the juvenile is required to appear in court with the juvenile at the time of disposition of the charge. The court may waive this requirement for good cause and, if waived, shall send written notice to the parent, guardian or custodian, if known, of the charge and the disposition of the charge.
- D. If the juvenile fails to appear or comply with the court's order as a result of a criminal traffic referral, the Juvenile Hearing Officer shall suspend the juvenile's drivers license pursuant to statute. The Juvenile Hearing Officer may refer the matter to the Juvenile Court for further action, as appropriate.
- E. Within 5 days after disposition, the Juvenile Hearing Officer will transmit a copy of the citation with the findings and disposition to the Juvenile Court for record keeping purposes

### 3. Other Violations

- A. All delinquent, incorrigible and D.U.I. violations, other than non-felony traffic, shall be cited by law enforcement directly into the Juvenile Court. The Juvenile Court will record these violations and may transfer appropriate cases to the Juvenile Hearing Officer having jurisdiction. If you receive one of these citations directly from law enforcement, please send it to the Juvenile Court.
- B. Juvenile Hearing Officers may handle the following violations pursuant to ARS § 8-323:
1. Any provision of the motor vehicle code not declared to be a felony.
  2. The purchase, possession or consumption of spirituous liquor by a juvenile.
  3. Boating or game and fish.
  4. Curfew.
  5. Truancy.
  6. The damage or disfigurement of property by graffiti or the purchase or possession of materials used for graffiti.
  7. The purchase or possession of tobacco.
  8. Any city, town or political subdivision ordinance.
  9. Interference with judicial proceedings involving disobeying or resisting the lawful order, process or other mandate of a juvenile hearing officer or failure to appear related to any offense listed above.
- C. As general practice, the Juvenile Court will only transfer the following violations to the Juvenile Hearing Officer:
1. Any provision of the motor vehicle code not declared to be a felony, excluding D.U.I.
  2. Boating or game and fish.
  3. Curfew.
  4. Purchase or possession of tobacco.
  5. Any city, town or political subdivision ordinance.
- The Juvenile Court may transfer other authorized violations to the Juvenile Hearing Officer on a case by case basis and subject to the approval of the Juvenile Hearing Officer.
- D. If the juvenile fails to appear or comply with the court's order resulting from a criminal traffic referral, the Juvenile Hearing Officer shall suspend the juvenile's drivers license pursuant to statute. The Juvenile Hearing Officer may refer the matter to the Juvenile Court for further action, as appropriate.
- E. Within 5 days after disposition, the Juvenile Hearing Officer will transmit a copy of the citation with the findings and disposition to the Juvenile Court for record keeping purposes.

## **Notification to Juvenile Court**

Please send copies of citations and dispositions to the following addresses:

### **West Yavapai County**

Yavapai County Juvenile Court Center  
1100 Prescott Lakes Parkway  
Prescott, Arizona 86301

### **Verde Valley**

Yavapai County Juvenile Probation Department  
10 S. 6<sup>th</sup> Street  
Cottonwood, Arizona 86326

## **5. Prior offenses**

Cases transferred by the Juvenile Court to Juvenile Hearing Officers will be accompanied by a listing of prior offenses/ dispositions involving the juvenile. This listing may assist the Juvenile Hearing Officer in determining appropriate disposition.

## **6. Cross-Jurisdictional Matters**

Juvenile Hearing Officers may handle violations occurring outside their precinct. It is our practice to transfer matters to the Juvenile Hearing Officer having jurisdiction where the juvenile resides rather than where the offense is committed (this includes city/town ordinance violations).

## **7. Citation vs. Complaint/Referral**

Juvenile offenses, subject to transfer to Juvenile Hearing Officers, are occasionally submitted to the Juvenile Court by law enforcement on a Complaint/Referral form rather than on a Citation form. Either form may be used to transfer the matter to the Juvenile Hearing Officer.

## **8. Resources**

Juvenile Hearing Officer may access Juvenile Court resources and programs. Please contact Scott Mabery, Director of Juvenile Court Services, 771-3156, to discuss your specific requests.

## **9. Questions/Problems**

If you have any procedural questions or specific problems, please call Scott Mabery, Director of Juvenile Court Services, 771-3156.

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R02/15

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2:18 FILED P.M.  
O'Clock

DEC 15 2017 ✓

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DONNA McQUALITY, Clerk  
By: J. DEROIS

IN THE MATTER OF:

ADMINISTRATIVE ORDER

APPOINTMENT OF  
JUVENILE HEARING OFFICER

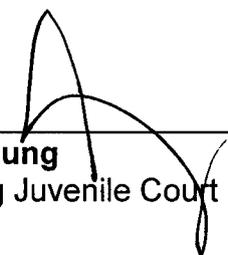
No. 2017-38

Pursuant to A.R.S. § 8-323,

IT IS ORDERED appointing Michael Goimarac as Juvenile Hearing Officer for Yavapai County, commencing immediately upon approval of the Town of Sedona.

IT IS FURTHER ORDERED that Michael Goimarac shall serve without additional compensation.

DATED at Prescott, Arizona, the 14 day of December, 2017.

  
\_\_\_\_\_  
Anna Young  
Presiding Juvenile Court Judge

- c: All Divisions of the Superior Court
- Donna McQuality, Clerk of Court
- C. Rolf Eckel, Court Administrator
- Scott Mabery, Director of Juvenile Court Services
- Sedona Municipal Court

Arch of Court (e)  
 Chief Deputy (e)  
 Court Administrator (e)  
( ) \_\_\_\_\_  
( ) \_\_\_\_\_  
( ) \_\_\_\_\_ ( ) Other \_\_\_\_\_

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**CITY COUNCIL  
AGENDA BILL**

**AB 2339  
February 13, 2018  
Consent Items**

**Agenda Item:** 3d  
**Proposed Action & Subject:** Approval of a resolution authorizing an Intergovernmental Agreement between the City of Sedona and the Coconino County Sheriff's Office for limited law enforcement services by the Sedona Police Department for the residents, visitors, and business owners in Oak Creek Canyon.

<b>Department</b>	Police
<b>Time to Present</b>	N/A
<b>Total Time for Item</b>	
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	A. Resolution B. Intergovernmental Agreement with Coconino County Sheriff's Office

City Attorney Approval	Reviewed 02/05/18 RLP	<b>Expenditure Required</b>	\$ 0 (Plans are to manage the additional calls within existing staffing levels, and no additional overtime would be incurred.)
City Manager's Recommendation	Approve an IGA with Coconino County for law enforcement services.	<b>Amount Budgeted</b>	\$ 0 Account No. N/A (Description) Finance <input checked="" type="checkbox"/> Approval

**SUMMARY STATEMENT**

**Background:** Officers from the Sedona Police Department (SPD) are dispatched to emergency calls for service outside the city boundaries on occasion when the local jurisdiction is unable to respond to the call in a timely manner and public safety is threatened. These calls have not significantly impacted our level of service to the residents and visitors in Sedona. To date, the SPD has not asked for or received reasonable compensation for these responses.

In the Oak Creek Canyon area in 2017, SPD officers responded to 43 emergency calls for services, spending approximately 30 hours outside the City of Sedona. This roughly equates

to less than four calls per month in that area, with the average call outside the City lasting approximately 30-45 minutes.

Approximately three months ago, Coconino County Sheriff Jim Driscoll and SPD Chief David McGill began discussing the issue of SPD officers responding to calls for service in the Oak Creek Canyon area. During these discussions, it was learned that reductions in staffing at the Coconino County Sheriff's Office (CCSO) and the retirement of a resident deputy assigned to the Oak Creek Canyon resulted in the CCSO having difficulty responding to calls for service in the Canyon in a timely manner, jeopardizing the health and safety of the people who live, work, and recreate in this area. Interestingly, for the first time in quite some time, the SPD patrol force has been fully staffed throughout 2017, and we have been able to handle the minimal number of calls for service without significantly impacting the safety of the Sedona community.

Sheriff Driscoll and Chief McGill negotiated this Intergovernmental Agreement (IGA) in response to this public safety situation. The IGA allows SPD officers to continue to respond to emergency calls for service in the Oak Creek Canyon communities, but also delineates provisions for fair compensation for those services provided. In addition, this IGA expands the types of calls for service to possibly include urgent calls for service when the response time for a CCSO deputy is significantly delayed. As a result of this change, the total number of calls for service that SPD officers may respond to will likely increase, although the exact number will not be known until implementation of this IGA. Our best estimate is that SPD will respond to 65-80 calls for service in a year, an increase of approximately 20-35 calls for service, or about two more calls per month.

It is important to note that this IGA allows Sedona PD to properly manage their law enforcement resources by authorizing a field supervisor to determine if and when to respond to a call in the Canyon. When making this determination, the supervisor will consider how many SPD officers are available at that time, and whether a sufficient number of other SPD officers are available to respond to other calls for service within the City limits. It is also important to note that this agreement can be terminated by either party at any time for any reason.

**Community Plan Consistent:** Yes - No - Not Applicable

**Board/Commission Recommendation:** Applicable - Not Applicable

**Alternative(s):**

#### **MOTION**

**I move to:** approve Resolution No. 2018-\_\_\_\_\_ authorizing an intergovernmental agreement (IGA) between the City of Sedona and the Coconino County Sheriff's Office for limited law enforcement services for the Oak Creek Canyon.

**RESOLUTION NO. 2018-\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE COCONINO COUNTY SHERIFF'S OFFICE FOR LIMITED LAW ENFORCEMENT SERVICES WITHIN OAK CREEK CANYON.**

WHEREAS, the Coconino County Sheriff's Office (CCSO) has primary law enforcement responsibility for unincorporated areas within Coconino County, including the Oak Creek Canyon area; and

WHEREAS, A.R.S. § 13-3871(1) allows for peace officer authority to be extended to another law enforcement agency with prior consent of the Sheriff of the county with primary jurisdiction; and

WHEREAS, A.R.S. § 11-952 allows for two or more public agencies to contract for services or jointly exercise any powers common to the contracting parties by entering into an intergovernmental agreement; and

WHEREAS, there exists a need in the Oak Creek Canyon area of Coconino County to supplement law enforcement services provided by CCSO with staffing provided by the Sedona Police Department ("SPD"); and

WHEREAS, for such purposes, an Intergovernmental Agreement conforming with A.R.S § 11-952 in all respects has been negotiated with the CCSO for limited law enforcement services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF SEDONA, ARIZONA, that the City of Sedona, through its Mayor and Council, hereby approves the Intergovernmental Agreement with the Coconino County Sheriff's Office for law enforcement services and authorizes the Mayor to execute said agreement on behalf of the City of Sedona, Arizona.

PASSED AND ADOPTED this 13<sup>th</sup> day of February, 2018 by the Mayor and Council of the City of Sedona, Arizona.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney

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**INTERGOVERNMENTAL AGREEMENT  
FOR LAW ENFORCEMENT SERVICES BETWEEN THE  
COCONINO COUNTY SHERIFF’S OFFICE AND THE SEDONA  
POLICE DEPARTMENT**

**This Intergovernmental Agreement (“IGA”)** is made as of \_\_\_\_\_, 2018 (the “Effective Date”) by and between **COCONINO COUNTY**, by and through its duly elected Board of Supervisors and Sheriff, and **SEDONA POLICE DEPARTMENT**, by and through its duly elected City Council and Police Chief, pursuant to authority granted to each entity under A.R.S. § 11-952 and A.R.S. § 13-3872.

**Whereas**, Coconino County Sheriff’s Office (“CCSO”) has primary law enforcement responsibility for unincorporated areas within Coconino County as authorized by A.R.S. § 11-441; and,

**Whereas**, A.R.S. § 13-3871(1) allows for peace officer authority to be extended to another law enforcement agency with the prior consent of the Sheriff of the county with primary jurisdiction; and,

**Whereas**, A.R.S. § 13-3872 provides that any two or more public agencies having and maintaining peace officers may enter into mutual aid agreements with respect to law enforcement and that a peace officer acting within the jurisdiction of any other public agency pursuant to a mutual aid agreement shall have full authority to act as a peace officer to the same extent as if he were a duly appointed, qualified and acting peace officer of such public agency; and,

**Whereas**, there exists a need in southern Coconino County to supplement law enforcement services provided by CCSO with staffing provided by the Sedona Police Department (“SPD”); and,

**Whereas**, SPD has adequate law enforcement staffing adjacent to southern Coconino County to provide this supplemental law enforcement assistance and activity,

**Now, therefore**, the parties enter into this IGA upon the following terms and conditions:

1. **Purpose.** The purpose of this IGA is to establish terms and conditions under which SPD will provide law enforcement assistance and activities in southern Coconino County.
2. **Compensation.**
  - A. For the sum of the average hourly rate for the position level applied to the actual burdened hours (including response time, call time, and report writing) SPD agrees to provide law enforcement response to calls for

service in the Oak Creek Canyon area of Coconino County in the following situations:

- i.** When a CCSO deputy assigned is on vacation and unavailable.
  - ii.** When no other CCSO deputies are immediately available.
  - iii.** When a CCSO deputy is committed to another call for service, court appearance, training, or is out of the area for any reason.
- B.** Should SPD personnel be needed for court appearances, interviews, investigative purposes or other activities resulting from conducting law enforcement activities pursuant to this IGA, lodging and other actual costs incurred shall be reimbursed to SPD within 30 days after receipts are received by CCSO. In rare cases in which court appearances, follow up investigations, attorney interviews, or any activities related to SPD personnel, any ongoing time commitments or utilization of SPD resources shall be compensated at the actual cost or rate for such services as determined by SPD.
- C.** Payment to SPD for responses to calls for service under this IGA shall be made quarterly beginning on July 1 of each year. Billing for calls for service shall be sent to the Finance Division of CCSO at 911 Sawmill Road, Flagstaff, AZ 86001. The billings shall include a list of the calls for service, dates, associated department report numbers for each call, and a breakdown detailing hours, rates and supporting documentation.
- D.** Any expenses of SPD which are not specifically identified in this IGA will be negotiated in good faith and authorized prior to payment.
- E.** Annual budgeted amount not to exceed \$20,000.00.

**3. Services to be provided.**

- A.** In the circumstances described in paragraph 2.A above, and at the complete discretion of SPD, SPD will respond to the following calls for service from Coconino County:
  - i.** Crime reports.
  - ii.** Crimes in progress.
  - iii.** Search and rescue incidents.
  - iv.** Domestic violence calls.
  - v.** Traffic or public accidents.



- i. Whenever a call for service is received in the dispatch center for an incident or request in Oak Creek Canyon, the dispatcher shall immediately contact the on-duty Patrol supervisor for CCSO and provide the information relating to the call for service. The on-duty supervisor shall make the determination whether to send CCSO deputies or to request dispatch to contact SPD and request the response. The on-duty supervisor has the responsibility to determine and communicate to dispatch who will respond to the call.
- ii. Whenever a call for service in the Oak Creek Canyon District is transferred to SPD, the responding SPD officer may either utilize SPD communications or communicate through the CCSO dispatcher in Flagstaff. Radio usage of any necessary Coconino County frequencies is authorized to any responding SPD personnel.

4. **Term and Termination.**

- A. This IGA shall commence on the Effective Date and remain in effect until December 31, 2019.
- B. Either party may choose to terminate this IGA at any time for any reason upon 30 days' written notice to the other party.

5. **Amendment.** Renegotiation of the terms of this IGA may be necessary for financial or operational reasons. This IGA may be amended only by a written agreement signed by both parties.

6. **Extending Duration of IGA.** This IGA will automatically renew every two years for an additional two-year term, unless terminated by either party.

7. **Waiver and Indemnification.**

Each party hereby waives any and all claims, demands and causes of action against the other party arising out of activities undertaken pursuant to this IGA. Each party shall be solely responsible for any claims, demands and causes of action filed by third parties arising out of the activities of its personnel pursuant to this IGA (including but not limited to, the costs of investigating and defending against such claims, demands, and causes of action and the costs of paying any compromise settlements, judgments, assessed costs, or fees, including attorney's fees). Each party shall indemnify and hold harmless the other party from and against any and all claims, demands, causes of action, costs or expenses arising out of the activities of its personnel pursuant to this IGA, but only to the extent of the percentage of fault attributed to the indemnifying party's personnel.

**8. Insurance:**

Both parties will maintain adequate liability insurance for law enforcement liability, general liability, and automobile liability sufficient to support the indemnification clause within this IGA, and workers' compensation insurance as required by State law for its staff.

**9. Cancellation for Conflict of Interest.**

This Agreement may be cancelled in accordance with the provisions of A.R.S. § 38-511.

**10. Non-Discrimination.**

In their performance of this Agreement, both parties shall comply with Executive Order 2009-09, which mandates that all persons regardless of race, color, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act.

**11. Applicable Law.**

This Agreement shall be governed and interpreted by the laws of the State of Arizona.

**12. Audit.**

In addition to the report requires as provided for above, the parties shall retain all data, books, and other records (“records”) relating to this Agreement for a period of five (5) years after completion thereof. All records shall be subject to inspection and audit by the parties at reasonable times. Upon request, the parties shall produce the original of any or all such records for inspection and/or copying.

**13. Certification of Contracting Agencies**

As certified by their signatures below, this Agreement has been reviewed pursuant to A.R.S. § 11-952 by the undersigned attorneys who have determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties of the Agreement represented by the undersigned attorneys.

**IN WITNESS WHEREOF**, the duly authorized representatives of the parties have executed this IGA as of the Effective Date.

**CITY OF SEDONA:**

Sedona Police Department

\_\_\_\_\_  
Chief David W. McGill

Date \_\_\_\_\_

\_\_\_\_\_  
Mayor Sandra J. Moriarty

Date \_\_\_\_\_

ATTEST

\_\_\_\_\_  
Susan L. Irvine, CMC, Sedona City Clerk

Approved as to form and found to be within the powers granted to Arizona cities.

\_\_\_\_\_  
Robert L. Pickels, Jr., Sedona City Attorney

**COCONINO COUNTY:**

Coconino County Sheriff's Office

\_\_\_\_\_  
Sheriff Jim Driscoll

Date \_\_\_\_\_

Coconino County Board of Supervisors

\_\_\_\_\_  
Matt Ryan, Chairman

Date \_\_\_\_\_

ATTEST

\_\_\_\_\_  
Coconino County Clerk of the Board

Approved as to form and found to be within the powers granted to Arizona counties.

\_\_\_\_\_  
Deputy Coconino County Attorney



CITY COUNCIL  
AGENDA BILL

AB 2335  
February 13, 2018  
Regular Business

**Agenda Item:** 8a  
**Proposed Action & Subject:** Discussion/possible direction on the topic of Tobacco 21, an emerging policy to increase the age from 18 to 21 to legally purchase all tobacco products and to protect youth from early tobacco addiction from the Yavapai Anti-Tobacco Coalition of Youth.

<b>Department</b>	City Manager
<b>Time to Present</b>	15 minutes
<b>Total Time for Item</b>	30 minutes
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	A. Letter from Cottonwood Mayor Tim Elinski

City Attorney Approval	Reviewed 02/05/18 RLP	<b>Expenditure Required</b>	\$ 0
City Manager's Recommendation	For discussion and possible direction.	<b>Amount Budgeted</b>	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

**Background:** The Yavapai Anti-Tobacco Coalition of Youth (YATCY) will present on the topic of Tobacco 21, an emerging policy to increase the age from 18 to 21 to legally purchase all tobacco products and to protect youth from early tobacco addiction.

**Community Plan Consistent:**  Yes -  No -  Not Applicable

**Board/Commission Recommendation:**  Applicable -  Not Applicable

**Alternative(s):** N/A

**MOTION**

I move to: for discussion and possible direction.

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January 9, 2018

Honorable Mayor Moriarty  
City of Sedona  
102 Roadrunner Drive  
Sedona, AZ 86336

Dear Mayor Moriarty:

I have been asked to supply a letter to the Yavapai Anti-Tobacco Coalition of Youth (YATCY) members about the impact the City of Cottonwood has experienced when our city council enacted a Tobacco 21 ordinance. As you are aware, this ordinance prohibits the sale of tobacco products to anyone under the age of 21.

When our council heard the proposal for such an ordinance, the council was very impressed with the data presented and the quality of the presentation provided by the YATCY members. We did receive some oppositions from some retailers in our community and from a statewide representative for tobacco retailers. However, our city council did support the passage of the ordinance based on the health evidence provided along with the example of other municipalities and states that enacted such laws. The new ordinance has been in effect since May of 2016.

Following approval, the city council directed that staff work with the retailers to ensure there was education provided to both local retailers and customers regarding the new ordinance. Each tobacco retail location was provided with a sign that could be displayed to advise customers of the new requirements. There was wide media attention to ensure that customers who were impacted by the new law were notified. Also, our police department has never taken a proactive approach toward enforcement of the ordinance with a strategy of only responding to complaints about non-complaint retailers and those who are underage and using.

Obviously, those tobacco users under 21 years of age who were denied access within the city could simply travel outside the city to make a purchase so we have always been hopeful that other cities and the county would adopt this law. We recognized that the passage of the Tobacco 21 ordinance would not deter all of those under 21 years of age to stop or never start using tobacco products, but our city council felt strongly that the ordinance supported a strong message to our youth and provided them with another reason not to begin the use of tobacco products. While we do not have empirical data to demonstrate that youth usage of tobacco has decreased because of this ordinance; according to the 2016 Arizona Youth Survey youth tobacco usage continues to decline at our high school and middle school.

Thank you for your interest in considering the Tobacco 21 initiative. We are sure you will find the YATCY presentation very compelling as this is a health concern impacting our youth. YATCY is made up of youth presenting a recommendation that has proven to have a positive impact on protecting youth from the long term harmful effects of tobacco use.

Sincerely,

Tim Elinski, Mayor  
City of Cottonwood

Cc: Cottonwood City Council members

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**CITY COUNCIL  
AGENDA BILL**

**AB 2340  
February 13, 2018  
Regular Business**

**Agenda Item:** 8b  
**Proposed Action & Subject:** Discussion/possible action regarding a resolution and ordinance amending Chapter 8.25, Sound Regulations, Sound Control of the Sedona City Code.

<b>Department</b>	Community Development
<b>Time to Present</b>	5 minutes
<b>Total Time for Item</b>	30 minutes
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	A. Resolution with Draft Chapter 8.25, Sound Regulations B. Ordinance

City Attorney Approval	Reviewed 02/05/18 RLP	<b>Expenditure Required</b>
		\$ 0
		<b>Amount Budgeted</b>
		\$ 0
City Manager's Recommendation	Approve amending Chapter 8.25 of the Sedona City Code.	Account No. N/A (Description)
		Finance <input checked="" type="checkbox"/> Approval

**SUMMARY STATEMENT**

The purpose of the proposed amendment is to reduce the frequency of recertification required for Sound Control Officers and add flexibility for the obligation to review and revise provisions of the code. Additionally, a few minor clean-up items are addressed.

**Background:**

The City's Sound Code was originally adopted on February 11, 1992. As part of the City's 2001 fiscal year priorities, the City's sound regulations were revised to address community noise issues. The City worked with Noise Technical Assistance Center at New Jersey's Rutgers State University to draft the original sound regulations and subsequent amendments. The Rutgers Noise Center is part of the Air and Noise Training Program which trains enforcement officers from all across the United States in sound level measurement for the purposes of enforcing municipal noise codes. They are the only facility in the United States to provide such training. The certifications conferred by these training courses are an important component of enforcement activities and are recognized by the courts. The training is specifically designed to help officers become comfortable with the techniques, strategies, and

technology of sound level measurement and investigation for evidentiary purposes. Rutgers Noise Center has been providing noise assistance for over 35 years and is the only remaining noise technical assistance center originally contracted by the US Environmental Protection Agency's Office of Noise Abatement and Control. Since the closure of the Noise Abatement and Control in the early 1980's, all other regional centers have closed.

The City's current sound regulations require a biennial training certification at Rutgers or a similar training facility. The cost to attend the training is roughly \$2,500 per employee. The City currently has two code enforcement officers trained and certified in the usage of sound meters and enforcement of the City's sound regulations. However, in speaking with current code enforcement staff and Professor Eric Zwerling at Rutgers State University, it is up to the jurisdiction to determine if recertification is necessary, and, if so, the timeframe in which to do so. Staff believes that the frequency of biennial recertification is excessive and recommends that the code be revised to require recertification every five years. Staff believes that this recommendation provides a more reasonable timeframe that balances the need of recertification training and responsible management of taxpayer's dollars. Amending the requirement for recertification from every two years to every five years saves the City \$15,000 over a ten-year period.

Staff is also recommending two minor housekeeping items. The first relates to the City's Sound Control Administrator. Currently the code references the Development Services Supervisor or designee as the Sound Control Administrator. With the recent reorganization of the Community Development Department, this position no longer exists. Staff is recommending changing the definition to be the Community Development Director or designee. The next relates to the language that requires the City to review and recommend revisions to the sound regulations at least every three years. Staff recommends removing the "every three year" language and replacing it with "periodically review".

**Community Plan Consistent:** Yes - No - Not Applicable

**Board/Commission Recommendation:** Applicable - Not Applicable

**Alternative(s):**

#### **MOTION**

**I move to:** approve Resolution No. 2018-\_\_\_, a Resolution of the Mayor and Council of the City of Sedona, Arizona, establishing as a public record the terms of proposed amendments to the City Code Chapter 8.25, Sound Regulations, Sound Control.

*After first reading:*

**I move to:** approve Ordinance No. 2018-\_\_\_, an Ordinance of the City of Sedona, Arizona, amending Chapter 8.25, Sound Regulations, Sound Control of the Sedona City Code; providing for a savings clause; and providing for repeal of any Ordinance or parts of Ordinances or Code provisions in conflict herewith.

**RESOLUTION NO. 2018-\_\_**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,  
ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF PROPOSED  
AMENDMENTS TO SEDONA CITY CODE, CHAPTER 8.25  
(SOUND REGULATIONS – SOUND CONTROL).**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the terms set forth in that document attached hereto as Exhibit A and entitled “2018 Amendments to Sedona City Code (Sound Regulations – Sound Control)” constitute a public record to be incorporated by reference into Ordinance No. 2018-\_\_.

At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.

PASSED AND ADOPTED this 13<sup>th</sup> day of February, 2018 by the Mayor and Council of the City of Sedona, Arizona.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney

**EXHIBIT A**  
**2018 Amendments to Sedona City Code (Sound Regulations – Sound Control)**

Chapter 8.25  
**SOUND REGULATIONS – SOUND CONTROL**

Sections:

<a href="#"><u>8.25.010</u></a>	Declaration policy.
<a href="#"><u>8.25.020</u></a>	Definitions.
<a href="#"><u>8.25.030</u></a>	Applicability.
<a href="#"><u>8.25.040</u></a>	Sound control administrator.
<a href="#"><u>8.25.050</u></a>	Sound control officers.
<a href="#"><u>8.25.060</u></a>	Maximum permissible sound levels.
<a href="#"><u>8.25.070</u></a>	Procedures for the determination of sound levels.
<a href="#"><u>8.25.080</u></a>	Inspections.
<a href="#"><u>8.25.090</u></a>	Exceptions.
<a href="#"><u>8.25.100</u></a>	Restricted uses and activities.
<a href="#"><u>8.25.110</u></a>	Enforcement.
<a href="#"><u>8.25.120</u></a>	Temporary sound permit.
<a href="#"><u>8.25.130</u></a>	Severability.

**8.25.010 Declaration policy.**

- A. Whereas noise has been proven to have demonstrable adverse physiological, biochemical and psychological impacts on humans; and
- B. Whereas the noxious stimulus of noise has long been used as a laboratory model for producing stress; and
- C. Whereas noise has been clearly implicated in sleep disturbance resulting in a cascade of negative effects; and
- D. Whereas the stress, tension and fatigue associated with long-term exposure to noise has destroyed marriages, cost people their jobs and forced other people to sell their houses at significant losses; and
- E. Whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and
- F. Whereas the people have a right to, and should be ensured of, an environment free from excessive sound; and
- G. Whereas every citizen has a right to the peaceable enjoyment of their private property, and the usability of their commercial and industrial property.

Now therefore, it is the policy of the city of Sedona to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life. [Res. 01-29, 7-24-2001. Code 2006 § 9-4-1].

### **8.25.020 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“A’ weighted sound level” means the sound level as measured using the “A” weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(A). Sounds measured with the “A” weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity.

“ANSI” means the American National Standards Institute which serves as the administrator and coordinator of the United States private sector voluntary standardization system. ANSI facilitates development of American National Standards (ANSs) by establishing consensus among qualified groups. ANSs in the fields of acoustics and sound measurement are developed by the Acoustical Society of America in order to standardize practices and equipment.

“Boom box” means a colloquial term for self-contained, portable, handheld music or sound amplification or reproduction equipment emitting sound that is audible at distances exceeding the permissible limits established within this chapter.

“Boom car” means a colloquial term for a personal or commercial vehicle with music amplification or reproduction equipment emitting sound that is audible at distances exceeding the permissible limits established within this chapter.

“C’ weighted sound level” means the sound level as measured using the “C” weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The “C” weighting network is more sensitive to low frequencies than is the “A” weighting network.

“Commercial facility” means uses located within C1, C2, and C3 zoning districts, as defined in the city of Sedona Land Development Code.

“Community service facility” means any nonresidential facility used to provide services to the public, including but not limited to:

1. Club meeting halls, offices and facilities;
2. Organization offices and facilities;

3. Facilities for the support and practice of religion;
4. Private and parochial schools;
5. Libraries, hospitals, medical facilities.

“Construction” means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

“Continuous sound” means any sound with a duration of more than one second, as measured with a sound level meter set to the “slow” meter response. Impulsive sounds that are rapidly repetitive and have a duration of one second or longer, such as a jack hammer or hammer hoe, shall be measured as continuous airborne sound.

“Decibel (dB)” means a relative unit for the measurement of sound pressure. It is based upon a reference pressure of 20 micropascals (zero decibels) which is the average threshold of hearing for a human with acute hearing.

“Demolition” means any dismantling, destruction or removal of buildings, structures, or roadways.

“Emergency energy release device” means a device used specifically to release excess energy on a nonscheduled basis as necessary for purposes of safety and not as a part of routine process control.

“Emergency work” means any work or action necessary to deliver essential public services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging or repairing in any floodway or flood hazard area, or abating life-threatening conditions.

“Enforcement agency” means the city of Sedona code enforcement officer, sound control administrator, city of Sedona police officer or any other said persons as designated by the sound control administrator, or police department.

“Engine compression braking” means the action taken by the operator of a diesel truck or bus to reduce speed by activating a device in order to secure compression braking of the engine.

“Extraneous sound” means a sound which is relatively intense, intermittent and of short duration and is neither part of the neighborhood residual sound, nor comes from the sound source under investigation. These sources of sound are noted, but excluded from all measurements.

“Frequency” means the time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz). “Frequency” is sometimes colloquially referred to as “pitch.” Low frequency sounds can correspond to the bass notes in music. Low frequency sound waves travel farther and penetrate structures more efficiently than high frequency sound waves.

“Holiday” or “legal holiday” means any federal, state or city recognized holiday.

“Impulsive sound” means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second such as a car backfire, dynamite blast or other such single burst.

“Industrial facility” means any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

“Motor vehicle” means any vehicle that is propelled other than by human or animal power on land.

“Muffler” means a properly functioning sound dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment. A motor vehicle is not considered to be properly muffled if its muffler is either malfunctioning or if it is equipped with an after-market muffler designed to increase the intensity of sound emissions over those of the stock muffler which was installed by the vehicle’s manufacturer.

“Multi-dwelling unit building” means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple-family houses, townhouses, and attached residences.

“Multi-use property” means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

“Neighborhood residual sound level” means that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. Neighborhood residual sound level is synonymous with background or ambient sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are more steady state, although they may not be continuous.

“Plainly audible” means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, boom box or boom car, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The sound control officer or police officer need not determine the title, specific words, or the artist performing the song and shall not require the use of a sound meter to determine plainly audible.

“Private right-of-way” means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a nongovernmental entity.

“Public right-of-way” means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

“Public service facility” means any facility and its related premises, property or equipment used to provide governmental services to the public including, but not limited to:

1. Maintenance centers;
2. Offices and buildings of agencies or instrumentalities of government;
3. Schools, parks, recreation centers;
4. Waste collection centers;
5. Waste recycling centers;
6. Water and sewage facilities.

“Public space” means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

“Real property line” means either:

1. The imaginary line, including its vertical extension that separates one parcel of real property from another;

2. The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or

3. On a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (such as if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

“Residential property” means property used for human habitation, including, but not limited to:

1. Private property used for human habitation;
2. Commercial living accommodations and commercial property used for human habitation;
3. Recreational and entertainment property used for human habitation;
4. Community service property used for human habitation;
5. Hospitals or long-term care medical facilities.

Sound Control Administrator. The ~~development services supervisor~~Community Development Director or designee shall act as the sound control administrator, “SCA,” for the purposes of this chapter.

“Sound control officer” means a government employee who has received noise enforcement training and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a civil citation in order to be considered a sound control officer. The provisions of this code that do not require the use of a sound level meter may be enforced by any code enforcement or police officer.

“Sound level meter” means an instrument that conforms to ANSI S1.4-1983 or its successors.

“Sound reproduction device” means any machine or device by which the human voice, music or any other sound is amplified. Sound reproduction device shall not include warning devices on any vehicle traveling to do emergency work or used for traffic safety purposes.

“Sound sensitive” means a facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include but are not limited to:

1. Schools;
2. Houses of worship;
3. Outpatient medical facilities, hospitals, or nursing home;
4. Library.

“Steady pure tone” means a sound for which the sound pressure is a simple sinusoidal function of the time and characterized by its singleness of pitch.

“Total sound level” means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

“Weekday” means Monday through Friday, inclusive.

“Weekends” means Saturday and Sunday. [Code 2006 § 9-4-2].

#### **8.25.030 Applicability.**

This code applies to all sound sources within the city unless otherwise exempted. [Code 2006 § 9-4-3].

#### **8.25.040 Sound control administrator.**

The sound control administrator shall have the power to:

A. Coordinate the noise control activities of all departments in the city and cooperate with all other public bodies and agencies to the extent practicable; and

B. Review the actions of the city and advise of the effect, if any, of such actions on noise control; and

C. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this chapter; and

D. Promulgate and publish rules and procedures, in accordance with the Sedona City Code, to establish techniques for measuring noise and to provide for clarification, interpretation, and implementation of this chapter; and

E. ~~Periodically R~~review ~~at least every three years~~ the provisions of this chapter and recommend revisions consistent with technology to reduce noise or to address new sound sources within the city. [Code 2006 § 9-4-4].

**8.25.050 Sound control officers.**

The provisions of this section shall be enforced by sound control officers. A person shall be qualified to be a sound control officer if the person meets the criteria set forth in the definition in SCC [8.25.020](#) and completes, with a passing grade, a sound enforcement certification course and thereafter a ~~biennial~~-recertification course every five years as offered by the Rutgers Noise Technical Assistance Center, Department of Environmental Science, the State University of New Jersey at Rutgers, or other similar noise enforcement certification course as approved by the administrator. The provisions of this code that do not require the use of a sound level meter may be enforced by any code enforcement officer, police officer or designated police department employee. Sound control officers shall have the power to:

A. Investigate and pursue possible violations of this chapter for sound levels which equal or exceed the sound levels set forth in Table I, when measured at a receiving property located within the designated jurisdiction of the sound control officer, in accordance with SCC [8.25.060](#);

B. Cooperate with sound control officers of adjacent jurisdictions in enforcing one another's noise ordinances. [Code 2006 § 9-4-5].

**8.25.060 Maximum permissible sound levels.**

A. Continuous Sound.

1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in SCC [8.25.020](#) in such a manner as to create a sound level that exceeds the sound level limits listed in Table I, as measured at any location at or within the property line of the receptor property. Sound pressure levels in excess of those established in Table I shall constitute prima facie evidence that such sound is in violation of this code.

**TABLE I**

**MAXIMUM PERMISSIBLE  
SOUND LEVEL LIMITS**

**dB(A)**

<b>Residential and All Other Zones 7:00 a.m. – 10:00 p.m.</b>	<b>Residential and All Other Zones 10:00 p.m. – 7:00 a.m.</b>	<b>C1, C2, C3 Zone Districts 24 hours</b>
60	50	65

2. These limits may not be exceeded by any single incident representing the normal, usual operation of the sound source, during any three sampling intervals, the duration of which shall be no less than one-half minute, within any one-hour period. If the total duration of the sound under investigation is less than one and one-half minutes, the requirement for three measurements shall be waived. For example, if a motor fan belt was to squeal for 20 seconds upon starting, but the sound was emitted with regularity from this source, a single measurement shall be sufficient.

3. Nothing in this section supersedes the requirements of employers to comply with the Occupational Noise Exposure Standard of the Occupational Safety and Health Administration (29 C.F.R. Part 1910.95). Compliance will help conserve workers' hearing and reduce potential liability for the source.

**B. Impulsive Sound.**

1. Between 7:00 a.m. and 10:00 p.m., impulsive sounds which occur less than 10 times in an hour shall not equal or exceed 20 decibels above the permissible sound level limits in Table I. Impulsive sound which repeats 10 or more times in any hour shall not exceed the permissible sound level limits in Table I.

2. Between the hours of 10:00 p.m. and 7:00 a.m., impulsive sounds which occur less than four times in an hour shall not equal or exceed 20 decibels above the permissible sound level limits in Table I. Impulsive sound which repeats four or more times in any hour shall not exceed the permissible sound level limits in Table I.

**C. Amplified Sound Reproduction Device.** If the source of sound is an amplified sound reproduction device, and the complainant states that the rhythmic bass component of the music is disturbing within their residence, then the noise enforcement officer may take sound level measurements within the residence of the complainant. No person shall cause, suffer, allow, or permit the operation of any amplified source of sound in such a manner that it raises the total sound levels above the permissible sound level

limits set forth in Table II when measured within the residence of a complainant. These sound level measurements shall be conducted with the sound level meter set for “C” weighting, “fast” response. Such measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms. For the purposes of these measurements, the neighborhood residual sound level is that sound level which is measured in the residence when the sound source under investigation is not prominent, or in a room on the same floor that is relatively unaffected by the sound source under investigation. The C-scale is more sensitive to low frequency sound levels than the A-scale. An increase of three dB is perceived by humans as being perceptibly louder, while an increase of five dB is perceived as being plainly louder. At the lower bass frequencies of music an increase of six dB is perceived as a doubling of loudness.

**TABLE II**

**AMPLIFIED SOUND REPRODUCTION  
DEVICE MAXIMUM PERMISSIBLE  
SOUND LEVEL LIMITS INDOOR  
ACROSS A REAL PROPERTY LINE  
dB(C) ABOVE NEIGHBORHOOD  
RESIDUAL SOUND LEVEL**

<b>10:00 p.m. to 7:00 a.m.</b>	<b>All Other Times</b>
<b>3 dB(C)</b>	<b>5 dB(C)</b>

D. Steady Pure Tones. If the sound source under investigation is a mechanical device, and is in the investigating officer’s opinion emitting a sound with a steady tonal quality, the permissible sound level limits in Table I shall be reduced by five dBA. The sound emissions must be comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum, or buzz. The measured sound levels of such a source must not fluctuate by more than plus or minus three dB. Such sound sources include, but are not limited to: heating, ventilating or air-conditioning units; refrigeration units; transformers and pumps. [Code 2006 § 9-4-6].

**8.25.070 Procedures for the determination of sound levels.**

A. The sound level shall be measured with a sound level meter. The sound level meter and calibrator must be recertified annually at a laboratory approved by the administrator. A field check of meter calibration and batteries must be conducted before and after every set of measurements and at least every hour as necessary.

B. Total and neighborhood residual sound level measurements shall be taken in accordance with procedures approved by the administrator. Calculation of source sound levels shall conform with accepted practice. [Code 2006 § 9-4-7].

#### **8.25.080 Inspections.**

A. For the purpose of determining compliance with the provisions of this chapter, the administrator or his or her authorized representatives are hereby authorized to make inspections of all noise sources and to take sound level measurements and tests whenever necessary. If any person refuses or restricts entry and free access to any part of a premises, or refuses inspection, testing, or sound level measurement of any activity, device, facility, motor vehicle or process where inspection is sought, the administrator or their authorized representative may seek from a court of competent jurisdiction a warrant for inspection requiring that such person permit entry and free access without interference, restriction or obstruction (at a reasonable time) for the purpose of inspecting, testing, or measuring sound levels. The court shall have power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

B. It shall be unlawful for any person to refuse to allow or permit the administrator or their authorized representative free access to any premises when he or she or her or his authorized representative is acting in compliance with a warrant for inspection.

C. No person shall hinder, obstruct, delay, resist, prevent or in any way interfere, or attempt to interfere, with any authorized person while in the performance of their duties under this chapter.

D. It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any way attempt to deceive the administrator or their authorized representative in order to avoid compliance with the provisions of this chapter. [Code 2006 § 9-4-8].

#### **8.25.090 Exceptions.**

The operational performance standards established in this chapter shall not apply to any of the following noise sources:

A. Unamplified bells, chimes or carillons while being used in conjunction with an ongoing religious service;

B. Emergency energy release devices; or any emergency or safety warning devices, such as, but not limited to, vehicle horns or back-up beepers;

C. Emergency work;

D. National Warning System (NAWAS): systems used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane;

E. Noise of aircraft operation;

F. Sound from the locomotion of properly muffled motor vehicles on a public right-of-way or residential driveway;

G. Sound from any mobile garbage collection vehicle;

H. Fireworks on Independence Day are allowed until 11:00 p.m. [Code 2006 § 9-4-9].

**8.25.100 Restricted uses and activities.**

Notwithstanding the provisions of Table I and the exceptions above, the following standards shall apply to the activities or sources of sound set forth below:

A. Noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 8:00 p.m. and 7:00 a.m., unless such activities can meet the applicable limits set forth in Table I. All engine-driven equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Table I do not apply to noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment.

B. Commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on a residential property or within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Table I. In addition, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Table I between the hours of 10:00 p.m. and 6:00 a.m. All engine-driven equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Table I do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.

C. For construction and demolition activity, the limits set forth in Table I do not apply between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday, at all other times the limits set forth in Table I shall apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler. Construction tools or equipment shall be in good working condition and shall be operated properly according to the manufacturers' instructions and applicable federal and state regulations. The delivery, placement and finishing of concrete and stucco may begin

one-half hour before sunrise during the period from May 1st through September 30th of each year.

D. An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated. At all times, the limits set forth in Table I do not apply.

E. Domesticated or caged nonfarm animals may not bark, squeal, crow, howl or make any other such noises for more than five minutes if continuous or more than 15 minutes if intermittent. At all times, the limits set forth in Table I do not apply.

F. Personal or commercial vehicular music amplification or reproduction equipment, including but not limited to vehicles referred to as "boom cars" or "broadcast vehicles," shall not be operated in such a manner as to be plainly audible at a distance of 75 feet in any direction from the equipment between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., such equipment shall not be operated in such a manner that it is plainly audible at a distance of 25 feet in any direction.

G. Self-contained, portable, handheld music or sound amplification or reproduction equipment, including but not limited to devices referred to as "boom boxes," radios stereos, or any similar device shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator. [Code 2006 § 9-4-10].

#### **8.25.110 Enforcement.**

A. This section governs the initiation of enforcement actions and the imposition of civil penalties for violations of this code.

B. If a person violates any provision of this code, or an order issued by the enforcement agency, the agency may institute an action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in the action in a summary manner.

C. Any person who violates any provision of this code shall be subject, upon order of a court, to a civil penalty of not more than \$2,500 for each offense, and each day during which the violation continues shall constitute an additional, separate and distinct offense.

D. The enforcement agency must determine whether the violation is a major or minor violation for the purposes of issuing an enforcement and compliance grace period. A violation is deemed to be minor if:

1. The violation is not the result of purposeful, reckless or criminally negligent conduct of the violator; or
2. The activity or condition constituting the violation has not been the subject of an enforcement action against the violator in the immediately preceding 12 months; and
3. The violation is not the result of the operation of a sound reproduction or amplification device of any kind, with the exception of safety warning devices.

E. If the violation is deemed to be minor, the enforcement agency shall notify the violator that the activity or condition must be corrected and compliance achieved at the discretion of the enforcement agency, not to exceed 180 days, to be determined based upon the nature, extent and impact of the violation and a reasonable estimate of the time needed to correct the violation. The violator may request, from the enforcement agency, an extension of the compliance deadline and the enforcement agency may approve any reasonable request for an extension if the violator can demonstrate that a good faith effort has been made to achieve compliance. The sound control administrator shall offer special consideration, during the six-month period immediately following final enactment of this code, for preexisting sound sources, which will require physical modifications to come into compliance.

F. If the violation is deemed to be minor, the enforcement agency shall notify the violator that if he or she achieves compliance within the period of time specified in the enforcement document, the enforcement agency shall not seek to collect a civil penalty from the violator for that violation.

G. If, during the grace period, the sound emissions for which the violation has been assessed increase in duration or intensity, the sound control administrator may revoke the grace period. In determining whether to revoke the grace period, the sound control administrator may consider the following factors: the relative increase intensity; whether the change of sound emissions is directly related to ongoing sound abatement measures; and the anticipated duration of the increased sound levels.

H. If the violator does not correct a minor violation within the period of time specified in the enforcement document, the enforcement agency may seek injunctive relief and/or a penalty for a violation of this code. If the enforcement agency has reason to believe that the violator is not acting in good faith during the grace period, they may conduct further investigations during that period, and if the violator has not achieved compliance within

the period of time specified in the enforcement document, the enforcement agency may prosecute any violations documented during the grace period.

I. If the violation is not deemed to be minor, it shall be deemed major and the enforcement agency shall notify the violator that he or she will not be allowed a period of time to correct the violation before a penalty is sought, and that he or she may be liable to a class 1 misdemeanor of no more than \$2,500 for that violation and that the enforcement agency may seek summary injunctive relief.

J. Any claims for a civil penalty may be compromised and settled based upon the following factors:

1. Mitigating or other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator. [Code 2006 § 9-4-11].

#### **8.25.120 Temporary sound permit.**

A. Any person who owns or operates a sound source in one of the following categories may apply for a temporary sound permit from the sound control administrator to temporarily exceed sound levels as set forth in Tables I and II, or any other provisions of this code:

1. Private or public celebrations;
2. Nighttime construction projects;
3. Homeowner construction projects;
4. Any other activity as determined by the sound control administrator.

B. Applications for a temporary sound permit shall supply information including, but not limited to:

1. The nature and location of the noise source for which such application is made;
2. The reason for which the temporary sound permit is requested, including the hardship that will result to the applicant, his client, or the public if the temporary sound permit is not granted;

3. The nature and intensity of noise that will occur during the period of the permit;
4. A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom; and
5. The name, address and means of contacting a responsible party during the hours of operation for which the temporary sound permit is issued.

C. In making the determination on granting a permit and in the sole discretion of the sound control administrator, the administrator may consider the following:

1. The character and degree of injury to, or interference with, the health and welfare of the reasonable use of property which is caused or threatened to be caused by the sound, to result from the temporary sound permit;
2. The social and economic value of the activity for which the permit is sought;
3. The ability of the applicant to apply best practical noise control measures.

D. The temporary sound permit shall enumerate the conditions of the permit, including:

1. Specific dates, times, duration, and distances for which the permit is valid;
2. Sound level limits which may not be exceeded at the nearest affected residential property;
3. Or any other such conditions that may mitigate any adverse impact upon the parties, as determined by the sound control administrator.

E. The temporary sound permit may be revoked by the sound control administrator, if terms of the permit are violated.

F. A permit may be revoked by the sound control administrator, and the issuance of future permits withheld, if there is:

1. Violation of one or more conditions of the permit;
2. Material misrepresentation of fact in the permit application; or
3. Material change in any of the circumstances relied upon by the sound control administrator in granting the permit. [Code 2006 § 9-4-12].

#### **8.25.130 Severability.**

If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated. [Code 2006 § 9-4-13].

**ORDINANCE NO. 2018-\_\_**

**AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE SEDONA CITY CODE CHAPTER 8.25 (SOUND REGULATIONS – SOUND CONTROL); PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH.**

**WHEREAS**, it is the intention of the City Council to provide further clarity and ease of administration of those provisions set forth in Chapter 8.25 relating to Sound Regulations – Sound Control.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Amendment of Chapter 8.25 (Sound Regulations – Sound Control)

Section 8.25 of the Sedona City Code is hereby amended by incorporating by reference those changes set forth in that public record entitled “2018 Amendments to City Code (Sound Regulations – Sound Control)” and established as a public record by Resolution No. 2018-\_\_ as though said provisions are fully set forth herein.

Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona, this 13<sup>th</sup> day of February, 2018.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney

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**CITY COUNCIL  
AGENDA BILL**

**AB 2336  
February 13, 2018  
Regular Business**

**Agenda Item:** 8c  
**Proposed Action & Subject:** Discussion/possible action regarding proposed State legislation and its potential impact on the City of Sedona.

<b>Department</b>	Legal
<b>Time to Present</b>	10 Minutes
<b>Total Time for Item</b>	30 Minutes
<b>Other Council Meetings</b>	January 23, 2018
<b>Exhibits</b>	None

City Attorney Approval	Reviewed 02/05/18 RLP	<b>Expenditure Required</b>	\$ 0
City Manager's Recommendation	None.	<b>Amount Budgeted</b>	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

**Background:** During the course of the State Legislative Session, many bills are introduced that have a potential impact on the City of Sedona. The Arizona League of Cities and Towns and City staff routinely monitor bills of interest as they progress through the legislative process.

This item is scheduled in order to provide a summary update on relevant bills, to answer questions that the City Council may have in regard to any individual bill and to consider the need for the City Council to take a formal position in support or opposition of any particular bill.

On January 23, 2018, Council agreed by majority consensus to continue to allow staff and the Mayor to weigh in on issues at the Legislature on behalf of the City through the same process established on February 11, 2014. Council will be notified via email of issues on which the City takes a position. Such a practice is a very effective method of ensuring appropriate City involvement with legislative issues.

**Community Plan Consistent:**  Yes -  No -  Not Applicable

**Board/Commission Recommendation:**  **Applicable** -  **Not Applicable**

**Alternative(s):**

**MOTION**

**I move to:** for informational purposes only, unless there is a preference to take a position on a particular bill.