

Regulation of Trash and Trash Containers

CITY COUNCIL REGULAR MEETING
JANUARY 26, 2021



Recent Data Collected

- Sept – Jan 2020, 183 issues submitted
- Of those, 80 (approximately 44%) were related to trash
- Trash complaints related to 35 unique properties, 12 properties had more than one complaint
- Seven trash complaints were not related to short-term rentals, all of these complaints were trash bins being left out too long before or after pick up
- Of the remaining 73 trash complaints related to short-term rentals, the trash complaints included:
 - 54 instances of trash being strewn about yards, streets and neighborhoods
 - 15 trash bins being left out too early or late
 - 4 trash bins overfilled





11/04/2020



12/15/2020

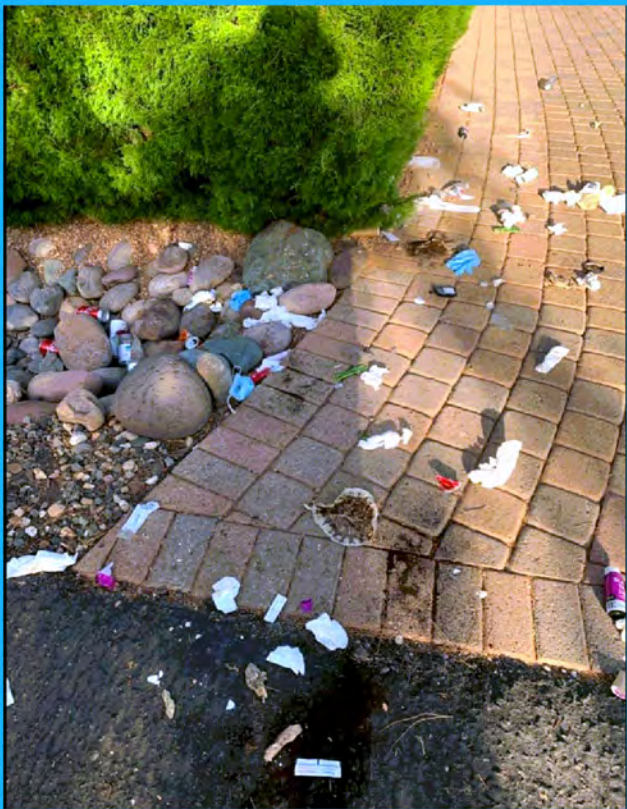






Proposed Regulations

- Material must be bagged and securely tied.
- All material must be fully contained within the waste receptacle with the lids fully closed and secure except when being loaded or emptied. Containers may not be overfilled.
- Containers may not be placed at the street prior to 6 p.m. the evening preceding the collection and must be retrieved by 11 p.m. on collection day.
- Outside of those set days/times containers must be stored out of sight of the street.
- A first violation of the ordinance shall result in a \$100 fine, second violation \$200 and subsequent violations a minimum of \$250 and maximum of \$2500.
- The property owner(s), occupant, or someone with control of the premises could all be considered the responsible party for violations of these regulations.





MEMORANDUM

Office of the Sedona City Attorney

TO: Mayor and City Council

CC: Justin Clifton, City Manager

FROM: Kurt Christianson, City Attorney

DATE: January 26, 2021

SUBJECT: Arizona Legislative Update

The following is a summary of legislative activity occurring in the Arizona State Legislature that may have an impact on the City of Sedona. This is not an exhaustive list.

General Information:

The 1st Regular Session of the 55th Arizona State Legislature began on January 11, 2021. The Senate Bill introduction deadline is Monday, **February 1, 2021**. The House Bill introduction deadline is Monday, **February 8, 2021**. The last day to hear bills in committees of the originating chamber is February 19, 2021. The last day to hear bills in committees of the opposite chamber is March 26, 2021.

As of Tuesday, January 26, 2021, 392 bills have been introduced in the Senate and 699 bills in the House for a total of 1,091. It is anticipated that roughly 1,500 bills will be filed, many are refiles from last year. Many bills have not yet been assigned to a committee.

April 20, 2020 will mark the 100th day of the Session. Per House rules, Legislature leadership is currently targeting the week of the 100th day of Session for adjournment, or Saturday April 24, 2021.

State Budget:

Governor: proposed FY22 budget includes a proposal for income tax cuts totaling \$1.2B over three fiscal years. The estimated impact (from the League) to the City of Sedona from the state shared revenue would be: -\$53,504 FY 2024; -\$107,008 FY 2025; and -\$160,512 FY 2026; for a total impact of -\$321,024.

LEAGUE RESOLUTIONS:

HB 2481 Short-Term Rentals; Enforcement; Penalties (Kavanagh) (SUPPORTS)

This bill would remove the current prohibition that states a “city of town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy...” and instead allow cities to regulate short-term rentals by adopting and enforcing “reasonable residential use and zoning ordinances.” It also requires the owner of a short-term rental to license or register the rental with the city.

Awaiting committee assignment.

HB 2562 Tax Credit; Affordable Housing (Cobb) (SUPPORTS)

This bill would establish an affordable housing tax credit and an affordable housing premium tax credit for qualified projects that would be set at 50% of the amount of the low-income federal tax credit allowed.

Awaiting committee assignment.

HB 2400 Municipal Ordinances; Posting (Osborne) (SUPPORTS)

This bill will allow the city to exclude exhibits to ordinances from publication if the city lists in the publication where the exhibits are available for public use and inspection. This would eliminate the need for the City to adopt the resolution declaring a document a public record and then incorporating that public record into the ordinance.

Awaiting committee assignment.

HB2458 Schools; Universities; Consular Identification Cards (Cook) (SUPPORTS)

This bill would require school districts, charter schools, community colleges and universities to accept consular identification cards as valid form of residency in the state or identification.

Awaiting committee assignment.

BILLS OF INTEREST:

HCR 2011 Enacting and Ordering the Submission to the People of a Measure Relating to Short-term Vacation Rentals (Lieberman)

A proposed referendum (House Concurrent Resolution) that would repeal A.R.S. §9-500.39 and exempt short-term vacation rentals regulations from A.R.S. § 12-1134 (the Private Property Rights Protection Act) diminution in value and just compensation claims. This is a repeat from last year.

HB 2482 Regulation; Short-term rentals (Kavanagh)

This bill is similar to a bill proposed last year. It would require the emergency contact information to be printed in bold and posted on the front door of the short-term rental and allow the city to restrict occupancy limits or not more than two adults per bedroom, up to four bedrooms, plus two additional adults per one thousand square feet of livable space in excess of three thousand square feet. It would also require the installation of safety and noise monitoring equipment.

Awaiting committee assignment.

SB 1257 State Liquor Board; Membership (Mesnard)

This bill would require one member of the State Liquor Board to be a currently elected municipal official.

Assigned to the Senate Commerce Committee.

HB 2317 Community Facilities Districts (Toma) (SUPPORTS)

This bill would allow the largest private property owner in a proposed CFD to appoint two permanent, nonvoting board members and would make it easier to obtain insurance on CFDs.

Awaiting committee assignment.

HB 2436 Motor Fuel Taxes; Inflation Adjustment (Carroll) (SUPPORTS)

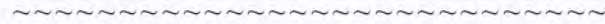
This bill would, on July 1, 2022, adjust the rates annually to reflect the average annual change in the consumer price index.

Awaiting committee assignment.

HB 2437 Fuel; Electric Cars; Hybrids; Taxes (Carroll) (SUPPORTS)

This bill would tax electric vehicles at the rate of \$111 per year for FY 2021-2022, \$139 per year for FY 2022-2023 and \$166 per year for FY 2023-2024. Thereafter the rate would increase by the annual change in the consumer price index.

Awaiting committee assignment.



HB 2248 / SB 1175 Corporation Commission; Electric Generation Resources
(Griffin/Kerr)

Prohibits the Arizona Corporation Commission from adopting or enforcing any policy, decision or rule that directly or indirectly regulates critical electric generation resources used or acquired by public service corporations within Arizona's energy grid without express legislative authorization. Defines critical electric generation resources as “any generation resource used...including solar, wind, biomass, geothermal, nuclear, hydroelectric, fuel-cell technology, natural gas or coal or any other petroleum fuel source.

This bill has been assigned to the House/Senate Natural Resources, Energy and Water Committee.

HB 2152 Police; Camera Recordings; Required Redactions (Kavanagh)

This bill would require law enforcement agencies to redact faces or identifiable body parts of persons in private locations, persons in a state of undress, or victims. Does not apply if the person provides a written waiver.

This bill has been assigned to the Military Affairs and Public Safety Committee.

HB 2211 TPT; Prime Contracting; Exemptions; Certificates (Cobb) (OPPOSES)

This bill would remove payment of taxes from the point of sale to a prime contractor who obtains the appropriate certificate. Also, it would change the definition of an “alteration” to any activity that causes a physical change to an existing property that does not increase the square footage of the property.

This bill has been assigned to the House Ways and Means Committee and is awaiting a hearing.

HB 2310 Municipalities; Counties; Law Enforcement Budgets (Roberts) (OPPOSES)

Upon the request of a legislator, this bill would require the AG to investigate municipalities who have taken action to reduce a law enforcement agency’s budget by at least 10%. State shared monies would be reduced in an equal amount of any reduction. Grants, or other one-time expenses that are not annually allocated could represent a reduction in a law enforcement budget.

Awaiting committee assignment.

HB 2420 Law Enforcement Budget; Reduction; Certification (Carroll) (OPPOSES)

This bill would require the city to certify in writing each year that there has be no disproportionate funding reductions to the city’s law enforcement agency.

Awaiting committee assignment.

SB 1333 Law Enforcement Budget; Reduction; Certification (Gowan) (OPPOSES)

This bill states that municipalities are prohibited from reducing the annual operating budget for a law enforcement agency by any amount below the previous year's budget. If a municipality reduces the annual operating budget for a law enforcement agency, the municipality must notify the State Treasurer of the reduction, and the State Treasurer is required to withhold any state shared monies from the municipality in an amount equal to the amount of the reduction of the annual operating budget for the law enforcement agency. Cuts of 25 percent or more to a municipal law enforcement budget would result in the local sheriff or DPS taking over law enforcement in the city or town.

Assigned to the Senate Appropriations Committee.

SB 1252 Corporate Income Tax; Phase-Out (Petersen) (OPPOSES)

This bill would phase out corporate income tax by 2030.

This bill has been assigned to the Senate Finance Committee and is awaiting a hearing.

HB 2108 Telecommunications; Public Highways; Use; Fees (Weninger) (OPPOSES)

This bill would prohibit the city from requiring a telecommunications corporation to pay an annual fee for underground facilities that are used for a small cell wireless facility. This is different from all other underground utilities that use public highways.

Passed the House Commerce Committee on January 19, 2021, 6-4. Passed the House Rules Committee 8-0.

HB 2049 Eminent Domain; Existing Contracts (Weninger) (OPPOSES)

This bill would require the city, when exercising the right of eminent domain to acquire a public utility business or enterprise, to assume all existing assets and contractual obligations associated with providing current and future utility service in the certificate of convenience and necessity that is being condemned, unless all the parties to the contractual obligation agree otherwise. This could cause the city to violate the Gift Clause or prevent the city from condemning the utility.

Passed the House Commerce Committee on January 20, 2021, 7-3 and the House Rules Committee, 8-0.

HB 2295 Law Enforcement Officers; Database; Rules (Payne) (OPPOSES)

This bill would require prosecuting agencies, including the Sedona City Attorney's Office, to notify a law enforcement officer at least 10 days prior to placing the officer's name in a Rule 15.1 database (Brady list). It would also prohibit a law enforcement agency from taking any disciplinary actions based solely on the placement of officer's name in the database.

This bill has been assigned to the Military Affairs and Public Safety Committee.

HB 2138 ABOR; Optional Retirement Programs (Kavanagh) (OPPOSES)

This bill would allow the Arizona Board of Regents to establish an optional retirement system for all employees of institutions under ABOR's jurisdiction. It used to be limited to faculty and administrative officers. This may have a negative impact on ASRS and State budget as any refund amounts for electing employees with less than five years would be refunded to the institution instead of the State.

This bill has been assigned to the House Government and Elections Committee.

Please contact me if you have any questions or if you are aware of proposed legislation that should be added to this list.

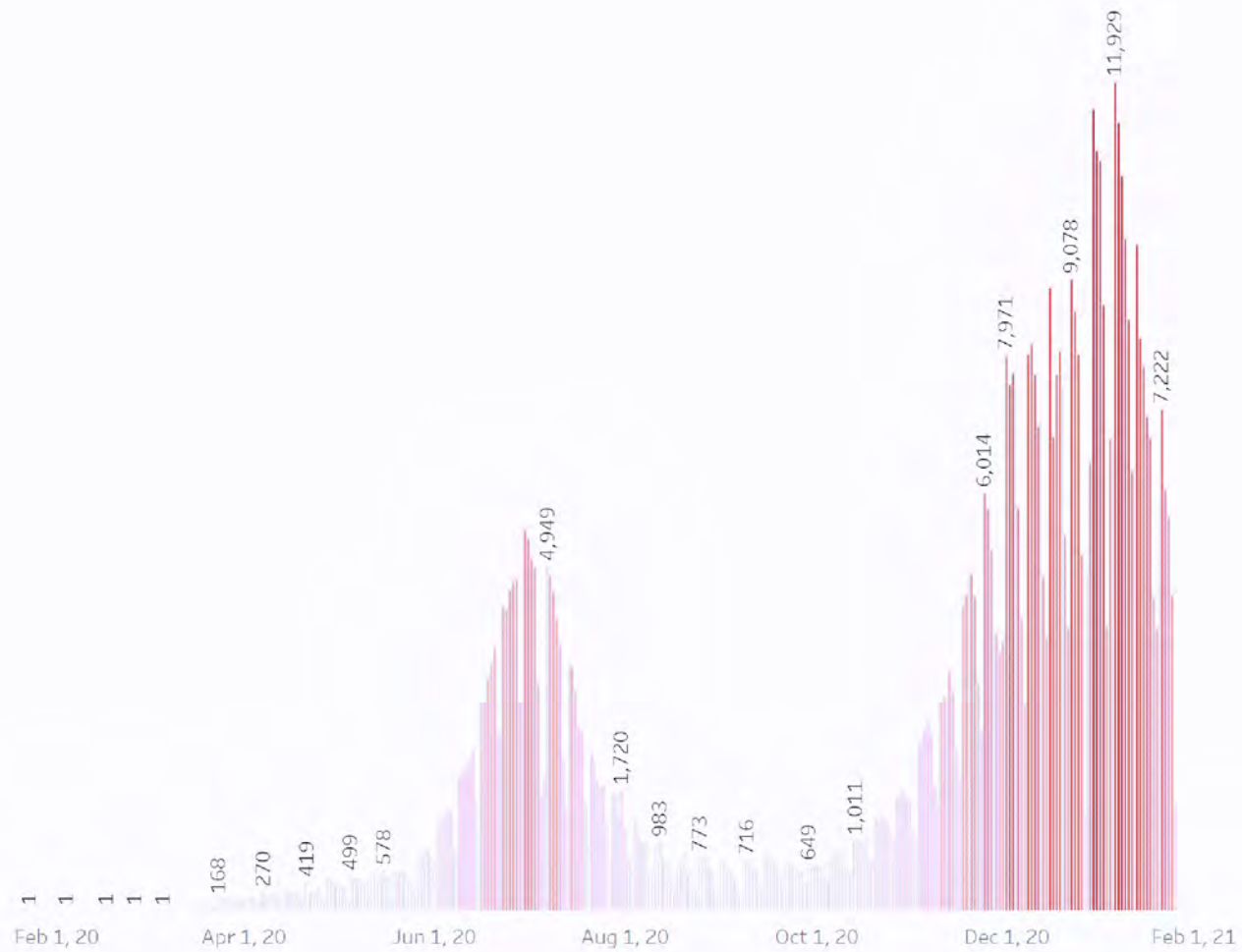
COVID-19 Update

Sedona City Council Meeting

1/26/21

Prepared by Justin Clifton, City Manager





*Illnesses in the last 4-7 days may not be reported yet

<https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>

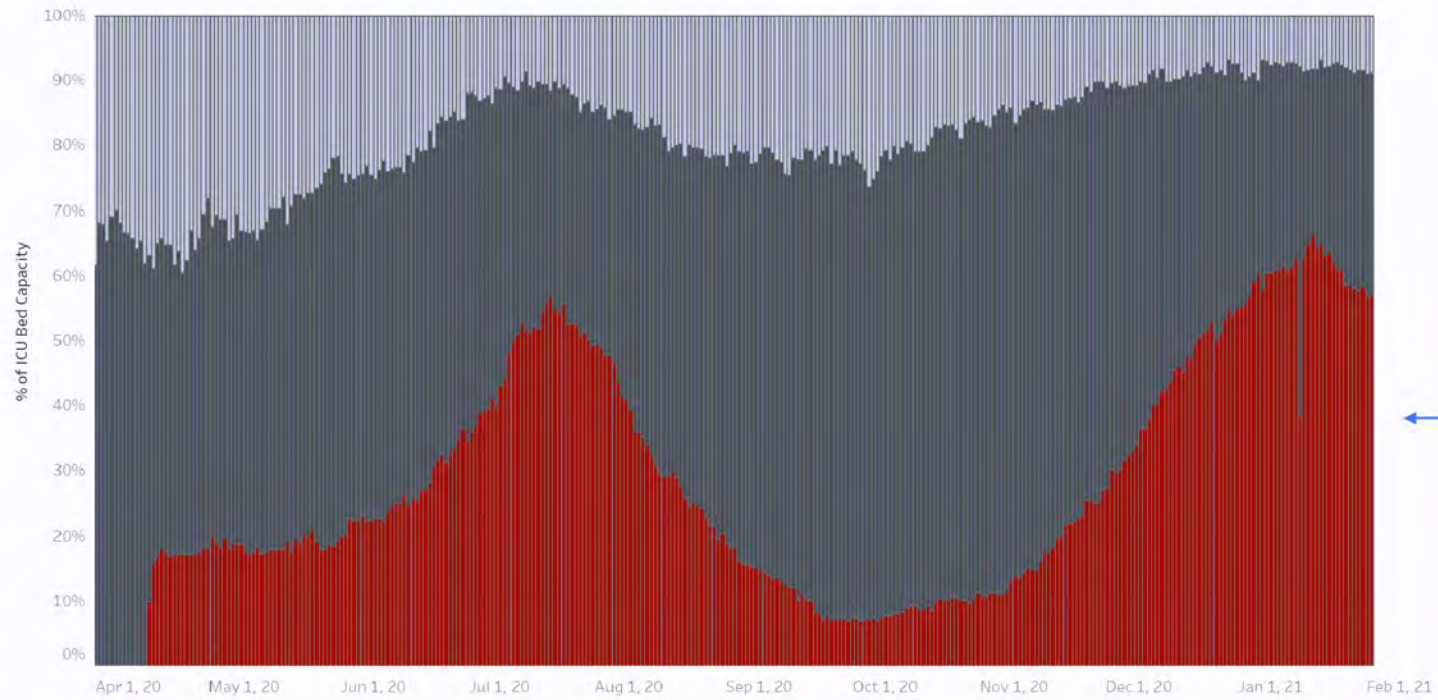


Number of Intensive Care Unit (ICU)* Beds Available and In Use at Arizona Hospitals

Hover over the icon to get more information on the data in this dashboard.



- Adult Intensive Care Unit Beds Available
- Adult Intensive Care Beds in Use by Non-COVID Patients
- Adult Intensive Care Beds in Use by COVID Patients



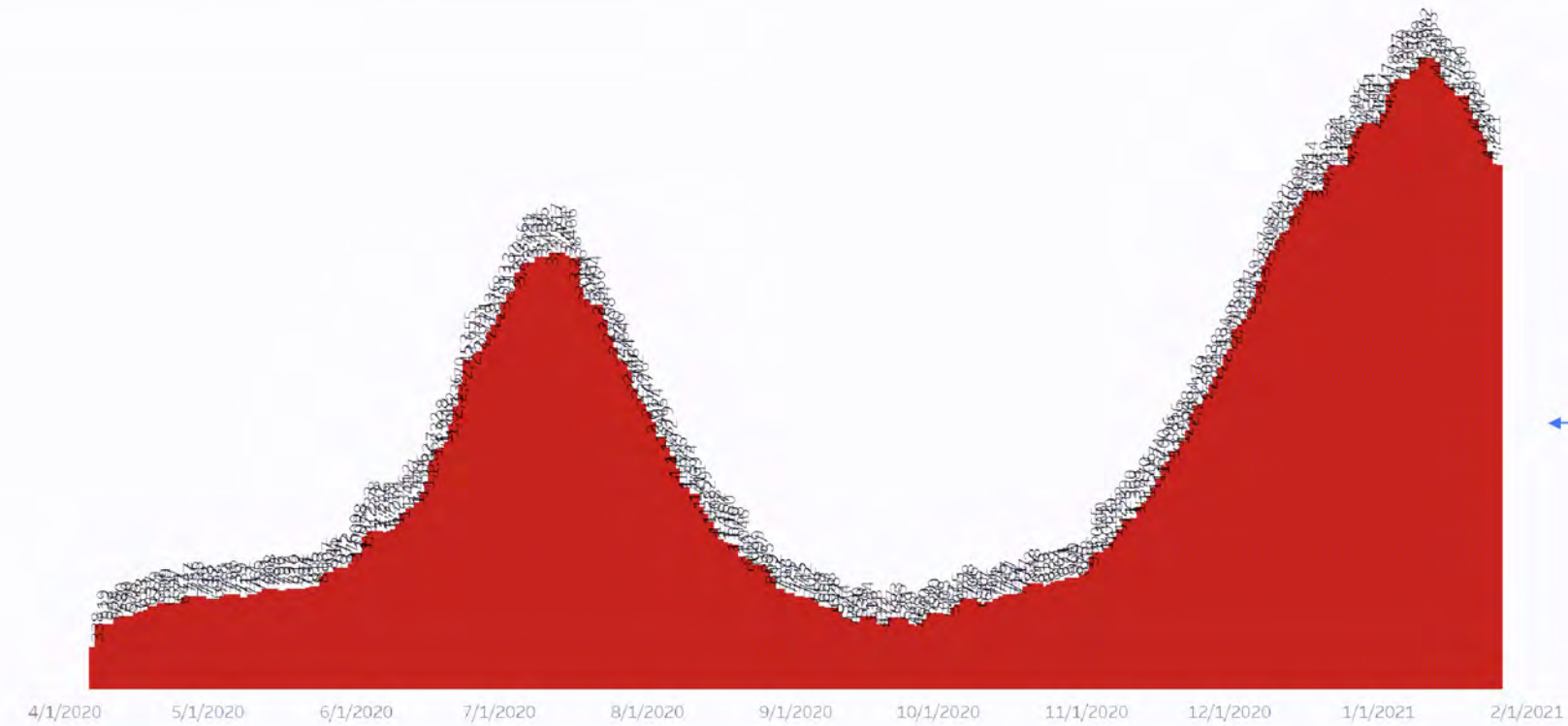
* COVID Use of ICU Beds not reported until 4/10

<https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>



Number of Positive or Suspected **Inpatient COVID-19 Patients**

Hover over the icon to get more information on the data in this dashboard.



← 4,221 down 17% from 1/12

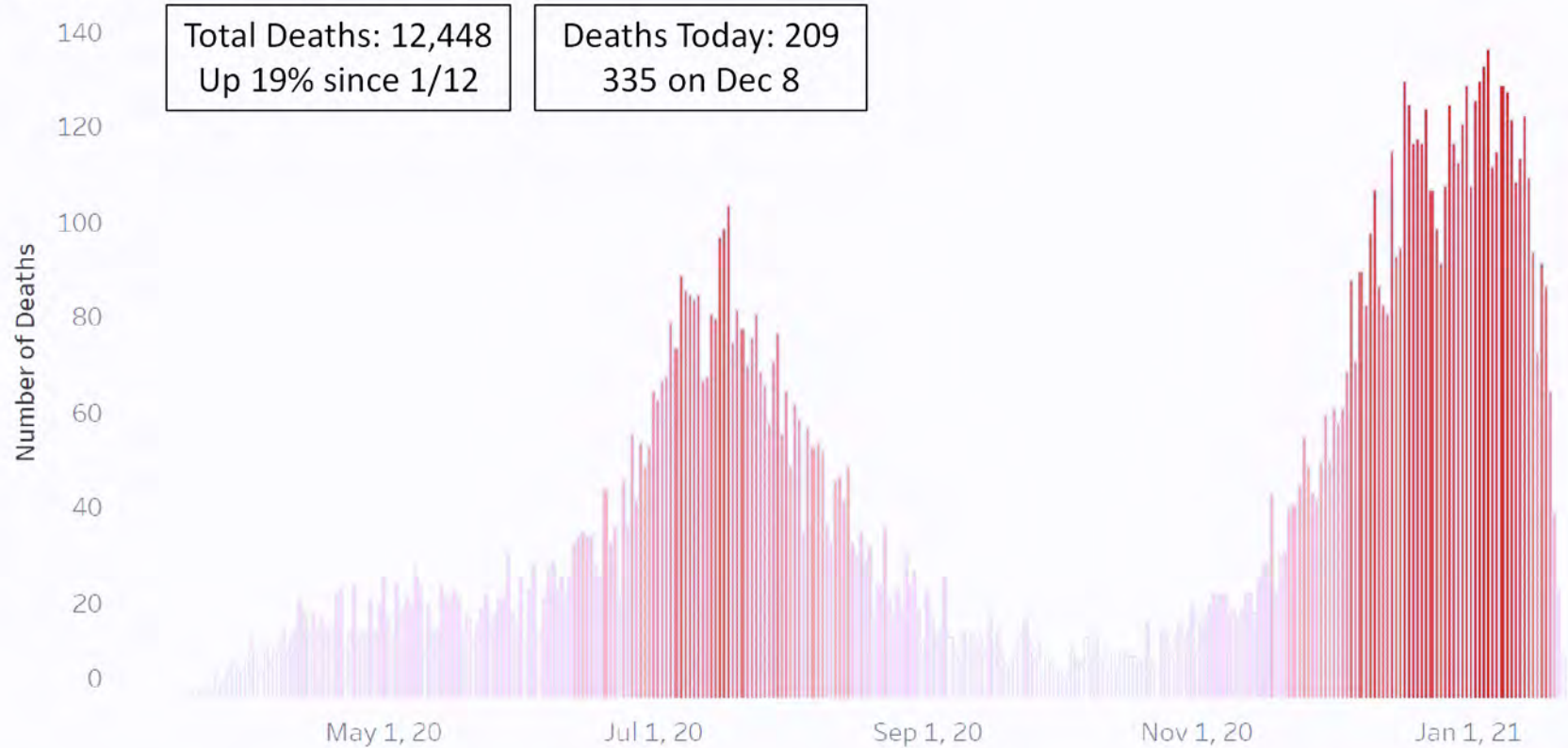
Date Updated: 1/25/2021

Large decreases or increases may be due to differences in self reporting

<https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>



COVID-19 Deaths by Date of Death



Recent deaths may not be reported yet. Cases missing the date of death are excluded from the graph above, but are included in all other numbers.

<https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>



AZ Changes in Total Deaths

Date	Total Deaths	Change	Deaths/day
8/11	4,199		
9/8	5,221	+1,022	36.5
10/13	5,767	+546	26
10/27	5,891	+124	8.9
11/10	6,192	+301	21.5
11/24	6,515	+323	23
12/8	6,973	+458	32.7
1/12	10,482	+3,509	100.3
1/26	12,448	+1,966	140.4

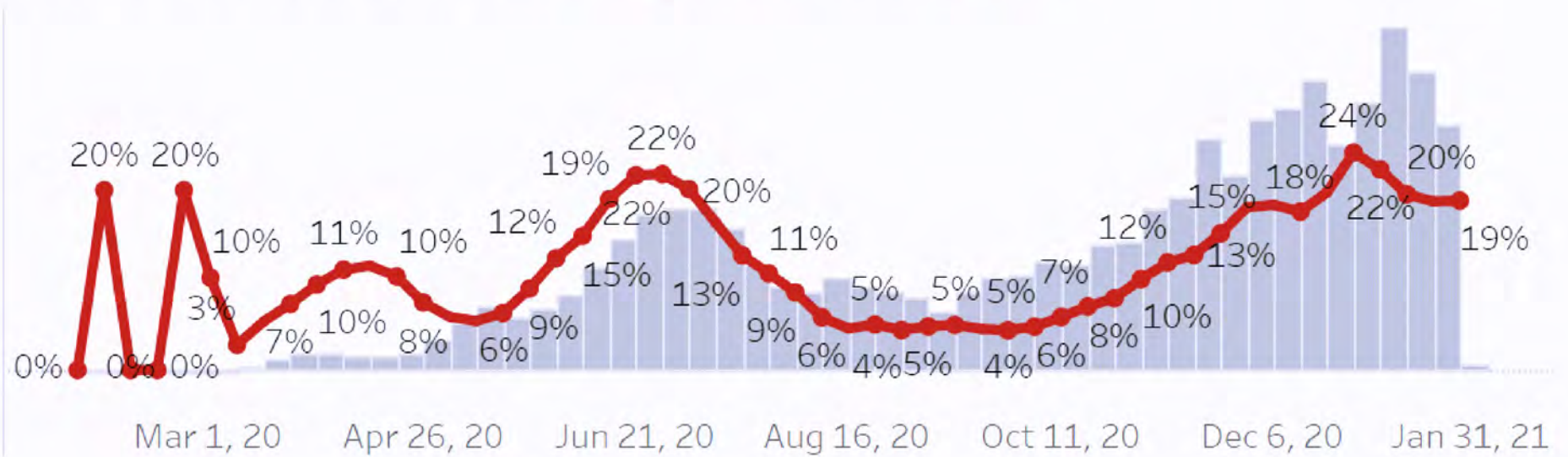
Data pulled from City Council reports 8/11 through 1/12



AZ Tests and Percent Positive

Total % Positive COVID-19 Diagnostic Tests: **14.7%**

206,806



<https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>



Local Data

Yavapai County Cases:

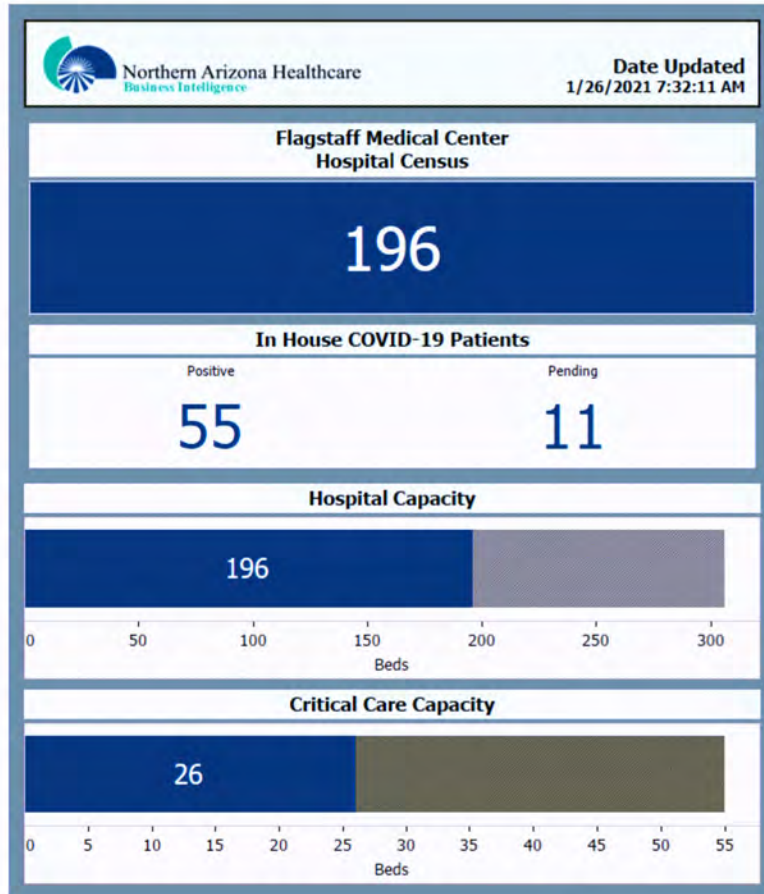
- **Coconino:** Cases as of 1/26: 14,720 - up from 12,910 on 1/12 (+14%)
- **Yavapai:** Total cases as of 1/26: 16,230 - up from 14,079 on 1/12 (+15%)
- **Greater Sedona:** Total cases as of 1/26: 1,030 - up from 876 on 12/8 (+18%)

# of Cases	Date	Days After	# of Cases	Date	Days After
500+	6/24	97	5,500+	11/30	0
1000+	7/10	16	6,000+	12/3	4
1500+	7/23	13	6,500+	12/7	4
2000+	8/10	18	7,000+	12/8	1
2500+	9/27	47	11,000+	12/29	
3000+	10/30	33	12,000+	1/4	6
3500+	11/13	14	13,000+	1/7	3
4000+	11/19	6	14,000+	1/12	5
4500+	11/23	4	15,000+	1/19	7
5,000	11/30	7	16,000+	1/26	7

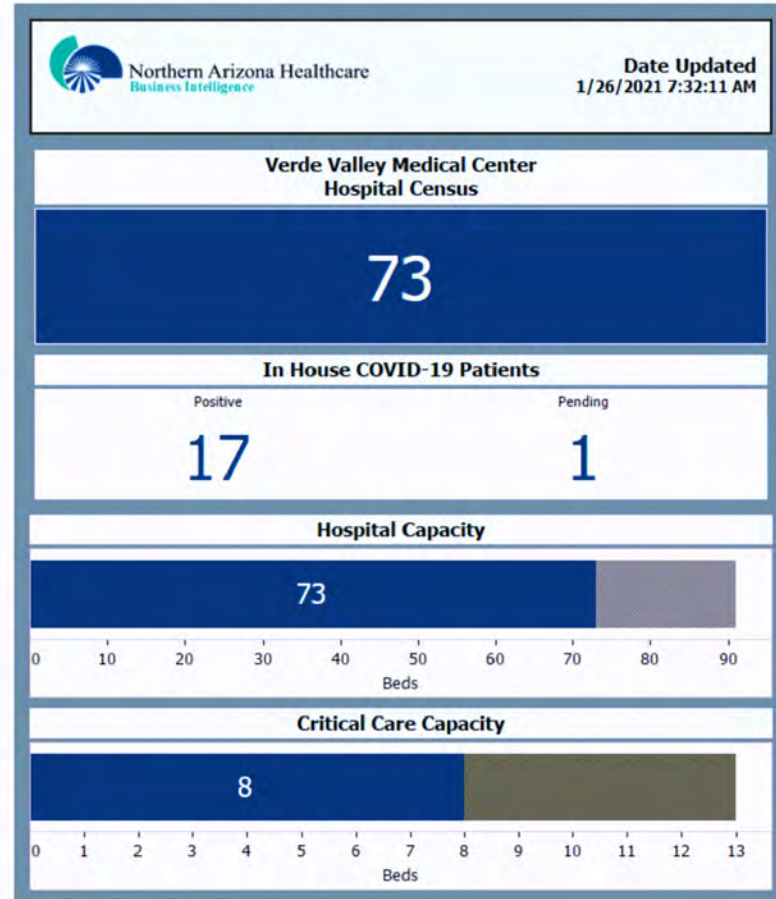


Local Hospital Data

Flagstaff Medical Center



Verde Valley Medical Center



<https://www.nahealth.com/covid-19-resources>



CDC definitions of transmission:

Minimal Community Spread: Evidence of isolated cases or limited community transmission, case investigations underway; no evidence of exposure in large communal setting.

Moderate Community Spread: Sustained transmission with high likelihood or confirmed exposure within communal settings and potential for rapid increase in cases.

Substantial Community Spread: Large scale, controlled community transmission, including communal settings (e.g., schools, workplaces).

ADHS definitions/ benchmarks of community transmission:

BENCHMARKS	Minimal	Moderate	Substantial
CASES	<10 cases/100,000	10-100 cases/100,000	>100 cases/100,000
PERCENT POSITIVITY	<5%	5-10%	≥10%
COVID LIKE ILLNESS	<5%	5-10%	>10%

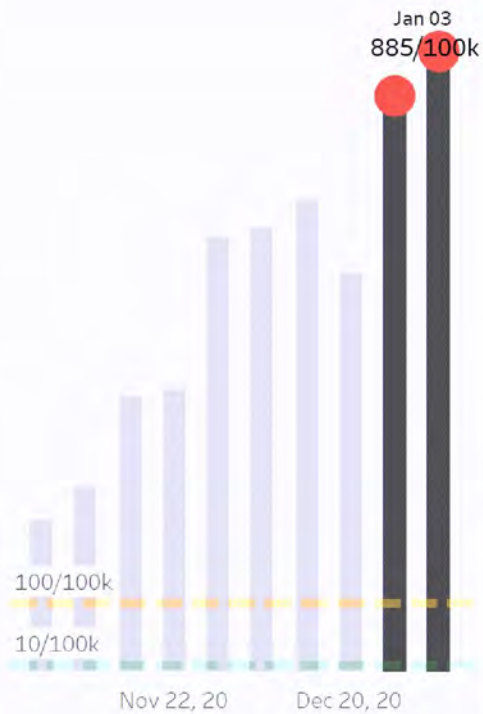
<https://azgovernor.gov/governor/news/2020/08/arizona-department-health-services-phased-reopening-plan-paused-industries>



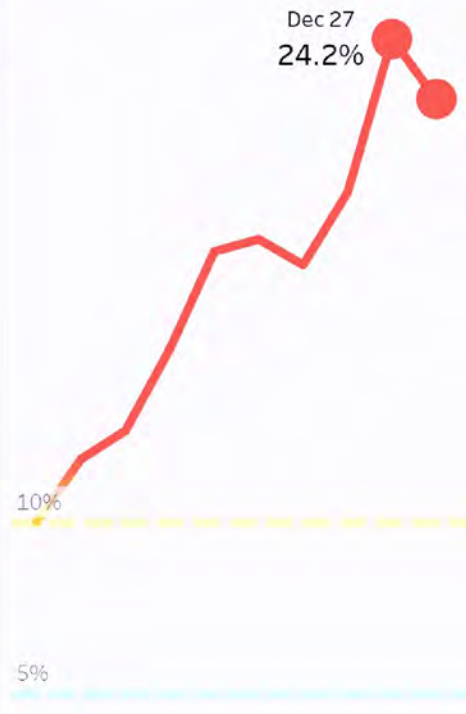
Showing data for **All Counties**

Business Reopening Status: **Substantial**

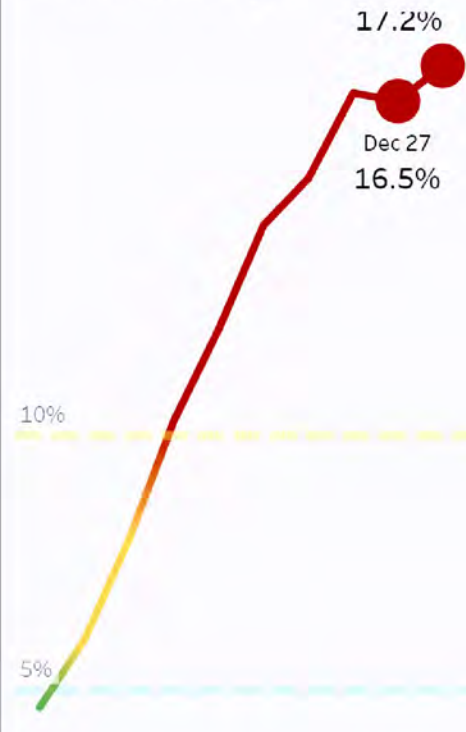
1) Cases per 100,000 individuals



2) Percent positivity



3) Hospital visits for COVID-like illnesses in the region



Date Updated: 1/21/2021

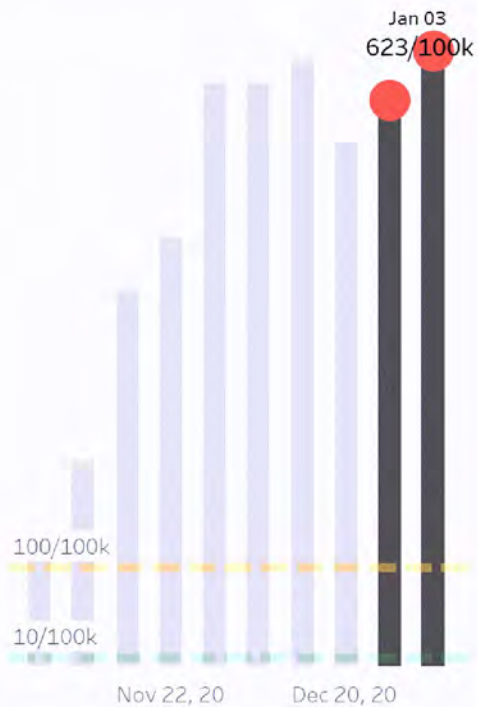
<https://azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-community>



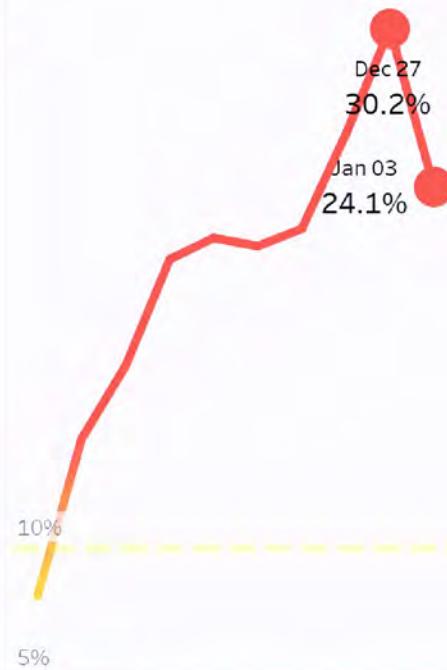
Showing data for **Yavapai County** (Northern Region)

Business Reopening Status: **Substantial**

1) Cases per 100,000 individuals



2) Percent positivity



3) Hospital visits for COVID-like illnesses in the region



Date Updated: 1/21/2021

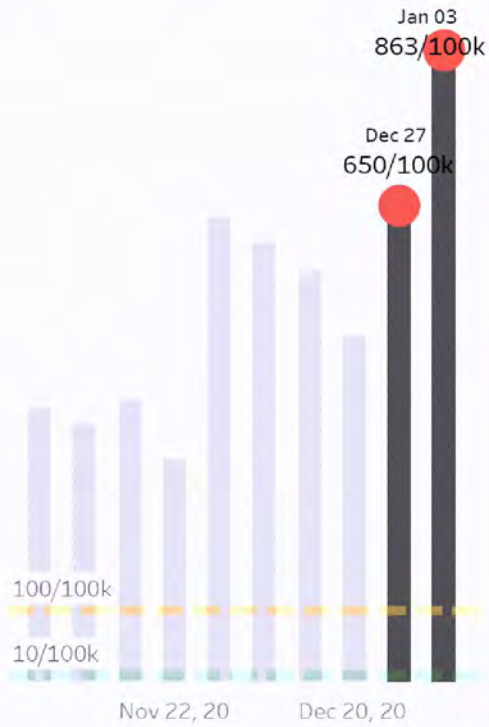
<https://azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-community>



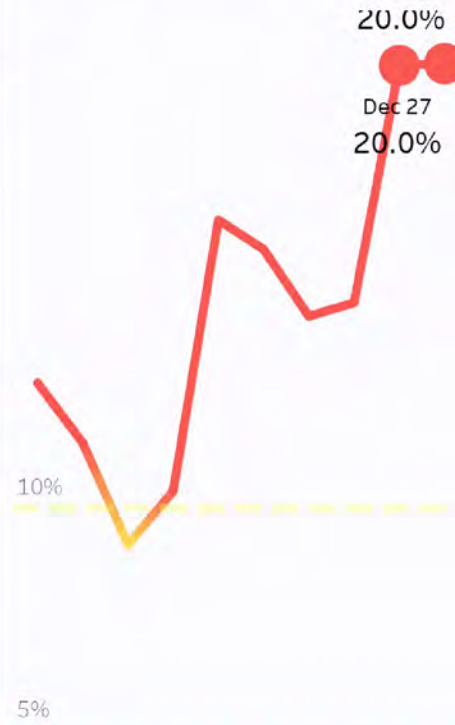
Showing data for **Coconino County** (Northern Region)

Business Reopening Status: **Substantial**

1) Cases per 100,000 individuals



2) Percent positivity



3) Hospital visits for COVID-like illnesses in the region



Date Updated: 1/21/2021

<https://azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-community>



Yavapai County Vaccinations

Covid-19 Hotline: 928-442-5103

Phase 1		
1A	1B	1C
85% Complete	CURRENT PHASE 0% Complete	PHASE BEGINS Spring 2021
Healthcare Workers & Healthcare Support Occupations	Education & Childcare Workers	Adults of Any Age with High-Risk Medical Conditions
Emergency Medical Services Workers	Protective Services Occupations	Adults Living in Congregate Settings
Long-Term Care Facility Staff & Residents	Adults 65 and Older	
	Essential Services/Critical Industry Workers	
	Adults with High-Risk Conditions in Congregate Settings	

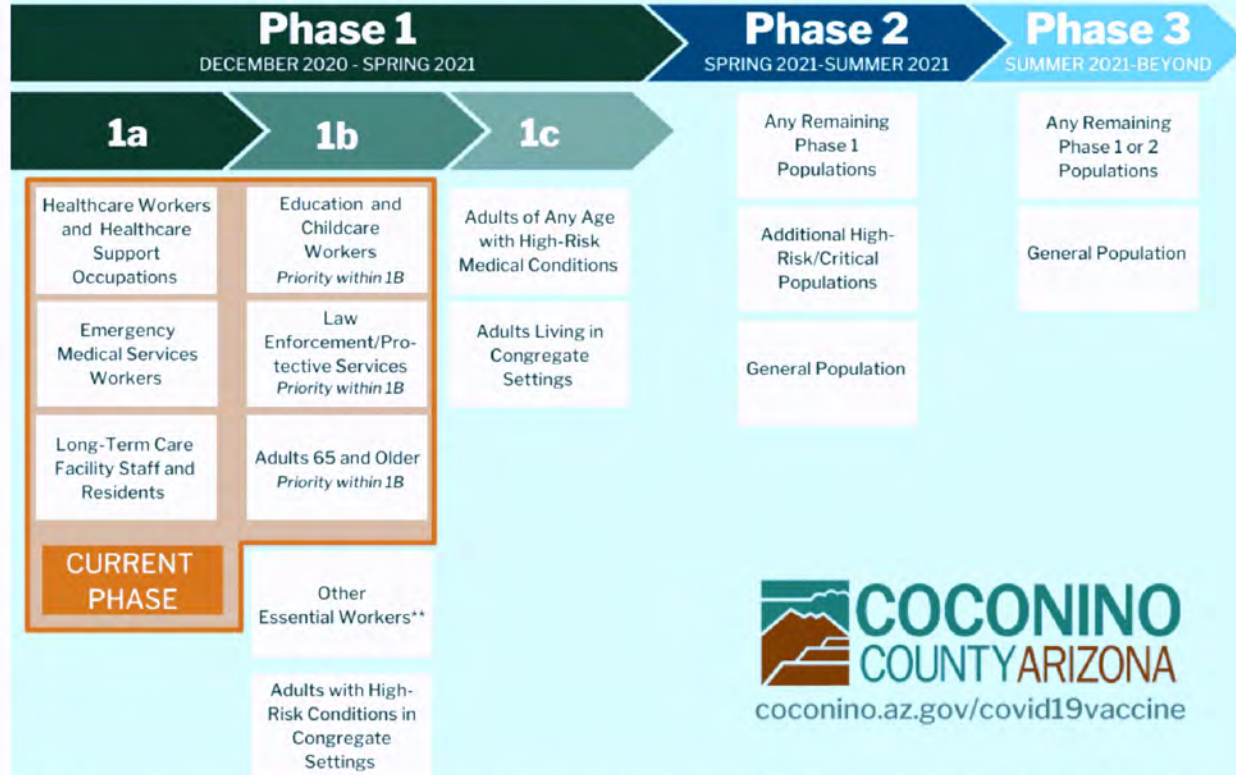
Phase 2
PHASE BEGINS Late Spring/Summer 2021
Any Remaining Phase 1 Populations
Additional High-Risk/Critical Populations
General Population

Phase 3
PHASE BEGINS Summer 2021
Any Remaining Phase 1 or 2 Populations
General Population

<https://www.yavapai.us/chs/Home/COVID-19/Vaccine>



Potential Coconino County COVID-19 Vaccine Prioritization



**Distribution groups and timelines of phases shown are tentative. This information is subject to change due to future vaccine distribution guidance recommendations, FDA approval of vaccines, and vaccine allocation/availability.*
***Power and utility workers; food and agriculture-related occupations; transportation and moving material occupations; state and local government workers providing critical services; other essential workers.*

<https://www.coconino.gov/2547/Vaccine-Info>



Latest Trends

- Vaccines clinics operating and potentially expanding
 - <https://www.yavapai.us/chs/Home/COVID-19/Vaccine>
 - <https://www.coconino.az.gov/2547/Vaccine-Info>
 - <https://podvaccine.azdhs.gov/>
- US Cases = 166k daily avg. last 7 days – downward trend for first time in months
 - https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases
- Data from Yavapai and Coconino Counties indicate 13 deaths in greater Sedona



Community Support

- Winter advertising markets in CA are on pause – Phoenix remains
 - Some ad campaigns target masks and other safety protocols
- Hotel Occupancy continues to improve
 - Weekly occupancy around 61% for the last 4 weeks
 - Approximately .6% below normal for the last 4 weeks
 - Average Daily Rate (ADR) is more about 11% above previous year for the last 4 weeks
- No new direct financial support to community organizations



City Finances and Operations

- June sales tax better than expected
- July sales tax down about 3%
- Aug sales tax up 13%
- September sales tax up 10%
- October sales tax up 12%
- Continuing limited open hours 8-12 Monday through Thursday
- Eight confirmed cases among team members
- Financial outlook: optimistic



Questions?

