

AGENDA



4:30 P.M.

CITY COUNCIL MEETING

TUESDAY, MARCH 23, 2021

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

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:

- **It is strongly encouraged that public input on agenda items be submitted by sending an email to the City Clerk at sirvine@sedonaaz.gov in advance of the 4:30 p.m. Call To Order.**
- 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.

DUE TO CONTINUED PRECAUTIONS RELATED TO COVID-19, SEATING FOR THE PUBLIC WITHIN THE COUNCIL CHAMBERS IS ARRANGED IN COMPLIANCE WITH CDC GUIDELINES FOR PHYSICAL DISTANCING AND IS VERY LIMITED. THOSE WISHING TO COMMENT ON SCHEDULED AGENDA ITEMS MAY BE ASKED TO WAIT OUTDOORS OR IN AN ALTERNATE LOCATION IF THERE IS NOT ADEQUATE SEATING IN COUNCIL CHAMBERS. **COMMENTS IN ADVANCE OF THE 4:30 P.M. CALL TO ORDER ARE STRONGLY ENCOURAGED BY SENDING AN EMAIL TO [SIRVINE@SEDONAAZ.GOV](mailto:sirvine@sedonaaz.gov) AND WILL BE MADE PART OF THE OFFICIAL MEETING RECORD.** THE MEETING CAN BE VIEWED LIVE ON THE CITY'S WEBSITE AT WWW.SEDONAAZ.GOV OR ON CABLE CHANNEL 4.

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

2. CITY'S VISION

3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT =

- Minutes - March 9, 2021 City Council Special Meeting - Executive Session.
- Minutes - March 9, 2021 City Council Regular Meeting.
- Approval of Proclamation, National Service Recognition Day, April 6, 2021.
- AB 2661 Approval of award of a Professional Services Contract for design services for the Wastewater Collection System Improvements – Major Lift Station Upgrades Project to Carollo Engineers, Inc. in an amount not-to-exceed \$187,266.

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

- Presentation of Proclamation, National Service Recognition Day, April 6, 2021.
- Recognition of outgoing City Manager Justin Clifton.

8. REGULAR BUSINESS

- AB 2662 **Discussion/possible action** regarding a resolution approving a Developer Agreement between the City of Sedona and Inn Sedona, LLC which provides for a financial contribution from the City in the approximate amount of \$14,168 towards the construction of a workforce housing unit located at 87 Hart Road for a period of ten (10) years.
- AB 2660 **Discussion/possible action** regarding proposed amendments to the Sedona City Council Rules of Procedures and Policies.
- AB 2646 **Discussion/possible direction/action** regarding proposed State legislation and its potential impact on the City of Sedona.
- AB 2571 **Discussion/possible direction** regarding issues surrounding the COVID-19 pandemic and the City's response.
- Reports/discussion** regarding Council assignments.

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.



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- f. **Discussion/possible action** regarding 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

Posted: 03/18/2021

By: DJ

Susan L. Irvine, CMC
City Clerk

Note: Pursuant to A.R.S. § 38-431.02 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 materials 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. 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
Vultee Conference Room, Sedona City Hall,
106 Roadrunner Drive, Sedona, Arizona
Tuesday, March 9, 2021, 3:00 p.m.**

1. Call to Order

Mayor Moriarty called the meeting to order at 3:00 p.m.

2. Roll Call

Council Present: Mayor Sandy Moriarty, Vice Mayor Scott Jablow, Councilor Kathy Kinsella, Councilor Tom Lamkin, Councilor Holli Ploog, Councilor Jessica Williamson.

Staff in attendance: City Manager Justin Clifton, Assistant City Manager/Director of Community Development Karen Osburn, City Attorney Kurt Christianson, City Clerk Susan Irvine.

3. Special Business

Motion: Councilor Williamson moved to enter into Executive Session at 3:01 p.m. Seconded by Vice Mayor Jablow. Vote: Motion carried unanimously with six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, and Williamson) and zero (0) opposed.

- a. **Discussion/consultation regarding personnel matters specifically to discuss the process to fill a City Council vacancy and review applications. This matter is brought in executive session pursuant to A.R.S. § 38-431.03(A)(1).**

Reconvened in open session at 3:36 p.m.

- b. **Return to open session. Discussion/possible action regarding executive session items.**

Motion: Councilor Williamson moved to not consider any applications that were incomplete as of the filing deadline. Vice Mayor Jablow seconded. Vote: Motion carried unanimously with six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, and Williamson) and zero (0) opposed.

By majority consensus, Council directed staff to arrange for interviews on March 24th. The results for applicant interviews were as follows:

- **Kurt Gehlbach – three (3) in favor (Kinsella, Lamkin, Ploog) and three (3) opposed (Moriarty, Jablow, Williamson). Result - do not interview.**
- **Chris Nichols – six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Williamson) and zero (0) opposed. Result - interview.**
- **Robert O'Donnell – two (2) in favor (Kinsella, Ploog) and four (4) opposed (Moriarty, Jablow, Lamkin, Williamson). Result - do not interview.**
- **Robert Porter – six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Williamson) and zero (0) opposed. Result - interview.**
- **Jeanette Smith – six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Williamson) and zero (0) opposed. Result - interview.**

- **Jon Thompson – six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Williamson) and zero (0) opposed. Result - interview.**

4. Adjournment

Mayor Moriarty adjourned the meeting at 3:47 p.m.

I certify that the above are the true and correct actions of the Special City Council Meeting held on March 9, 2021.

Susan L. Irvine, CMC, City Clerk

Date

Action Minutes
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, March 9, 2021, 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.

Council Present: Mayor Sandy Moriarty, Vice Mayor Scott Jablow, Councilor Kathy Kinsella, Councilor Tom Lamkin, Councilor Holli Ploog, Councilor Jessica Williamson.

Staff Present: City Manager Justin Clifton, Assistant City Manager/Director of Community Development Karen Osburn, City Attorney Kurt Christianson, Public Works Director/City Engineer Andy Dickey, Engineering Supervisor Stephen Craver, City Clerk Susan Irvine.

2. City's Vision

Mayor Moriarty read the City's Vision.

3. Consent Items

- a. **Minutes - February 23, 2021 City Council Regular Meeting.**
- b. **Minutes - February 24, 2021 City Council Special Meeting.**
- c. **Approval of Proclamation, National Vietnam Veterans Day, March 29, 2021.**
- d. **AB 2657 Approval of a recommendation regarding an application for a Series 12 Restaurant Liquor License for Szechuan Restaurant located at 1350 W HWY 89A, #21, Sedona, AZ (File# 138374).**
- e. **AB 2658 Approval of Final Plat Amendment for Lots 4, 5, and Tract C of Hillside Vista Estates, PZ21-00001 (SUB).**
- f. **AB 2659 Approval of appointment of Karen Osburn as City Manager and of the employment agreement.**

Motion: Councilor Lamkin moved to approve consent items 3a, 3b, 3c, 3d, 3e, and 3f. Seconded by Councilor Kinsella. Vote: Motion carried unanimously with six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Williamson) and zero (0) opposed.

4. Appointments – None.

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

Vice Mayor Jablow expressed his appreciation to City staff for their work controlling traffic and parking on Back O'Beyond Road this past weekend. Councilor Lamkin advised that a 1-hour parking sign has been installed at the Sedona Dog Park to discourage hikers from using the parking lot. Mayor Moriarty read a statement from Arts and Culture Coordinator Nancy Lattanzi advising that, in honor of Women's History Month, the City is participating in a challenge via social media called #5womenartists following the lead of the National Museum of Women in the Arts (NMWA) in Washington, D.C. for the second year in a row. The City has selected the following five Sedona women artists whose work will be featured on the National Women in the Arts website for the month of March, as

well as our website, Facebook and Instagram pages: Susan Kliewer – sculpture, Betty Carr – painting, Syri Hall – painting and sculpture, Grazina Wade – photography, and Sumati Colpitts – ceramics. Councilor Williamson recognized that 1 year ago was the last normal meeting where all of Council sat at the dais and acknowledged how different and difficult the past year has been due to the pandemic.

6. Public Forum – None.

7. Proclamations, Recognitions, and Awards

a. Presentation of Prop 202 Funds by the Yavapai-Apache Nation.

Jon Huey, Chairman of the Yavapai-Apache Nation, and Aaron Moss, General Manager of Cliff Castle Casino, presented a check in the amount of \$14,863.17 to the City of Sedona for Prop 202 Funds. Mayor Moriarty accepted the check on behalf of the City and thanked them for their generous donation.

b. Presentation of Proclamation, National Vietnam Veterans Day, March 29, 2021.

Mayor Moriarty read the Proclamation and presented it to Ed Uzumeckis. Dr. Uzumeckis thanked the City Council for their recognition. He advised that they had to reschedule the Vietnam Veteran’s Memorial Traveling Wall until 2022 because too many of the veterans fall into the high-risk category for COVID-19.

8. Regular Business

a. AB 2653 Discussion/possible action regarding approval of a minor plat amendment for the AAA Industrial Park Subdivision and approval of award of a construction contract for the Shelby Drive Roadway Improvements Project with Eagle Mountain Construction, Inc. in the approximate amount of \$1,839,300.

Presentation by Stephen Craver.

Questions and comments from Council.

Motion: Councilor Williamson moved to approve the minor plat amendment for the AAA Industrial Park subdivision, PZ20-00002 (SUB). Seconded by Councilor Kinsella. Vote: Motion carried unanimously with six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Williamson) and zero (0) opposed.

Motion: Councilor Williamson moved to approve award of a construction contract for the Shelby Drive Roadway Improvements Project to Eagle Mountain Construction, in the amount of \$1,839,300, subject to approval of a written contract by the City Attorney’s Office. Seconded by Councilor Lamkin. Vote: Motion carried unanimously with six (6) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Williamson) and zero (0) opposed.

b. AB 2646 Discussion/possible action regarding proposed State legislation and its potential impact on the City of Sedona.

Presentation by Kurt Christianson and Justin Clifton.

Questions from Council.

Presentation and discussion only.

- c. AB 2571 Discussion/possible direction regarding issues surrounding the COVID-19 pandemic and the City's response.**

Presentation by Justin Clifton.

Questions and comments from Council.

Presentation and discussion only.

- d. Reports/discussion regarding Council assignments**

Councilor Ploog advised that the Verde Valley Caregivers received the donation of a vehicle from a private party.

- e. Discussion/possible action regarding future meeting/agenda items**

Susan Irvine stated that the meeting on March 24th for Council interviews would begin at 1:00 p.m. Mayor Moriarty advised that there is not a work session tomorrow.

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 5:31 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on March 9, 2021.

Susan L. Irvine, CMC, City Clerk

Date



City of Sedona Proclamation Request Form

Full Name of Contact Person	Molly Spangler
Contact Phone Number	203-5117
Contact Mailing Address	City of Sedona
Contact Email Address	mspangler@sedonaaz.gov
Group, Organization, Activity or Event Being Recognized (Please make sure you provide complete and current information about the group or event)	National Service Recognition Day 2021
Website Address (if applicable)	
Name of the sponsor(s) of the Proclamation (2 Council members or the City Manager)	Justin Clifton
What is the proclaimed day, days, week or month? (e.g. 10/11/12, October 11-17, 2012, October 2012)	April 6th, 2021
Would you like to attend a Council meeting for formal presentation of the Proclamation or would you like to pick it up?	<input checked="" type="checkbox"/> Presentation at Meeting <input type="checkbox"/> Pick up Proclamation
If you would like the Proclamation presented at a Council meeting, please provide the full name and contact information (phone number and email address) of the party who will accept it on behalf of the group.	Sean Brooks, Americorp VISTA Volunteer currently serving in the economic development department

Provide information about the organization/event including a mission statement, founding date, location and achievements.

AmeriCorps VISTA is a national service program designed specifically to fight poverty through community and economic development for over 50 years.

Please explain why this Proclamation and any events accompanying it are important to the Community and are consistent with the City's vision statement and Community Plan goals. What is the clear reason for the Proclamation and why are you requesting this honor? What activities/events are planned around this Proclamation and how do you plan to promote this to the community?

AmeriCorps VISTA volunteers have served the city both the areas of sustainability and economic development. The VISTAs serve in a full-time work capacity as professional members of they city team. They make meaningful contributions towards city initiatives.

Please include a draft of the proposed Proclamation with this request, preferably a Word file in electronic format.

*Office of the Mayor
City of Sedona, Arizona*



**Proclamation
National Service Recognition Day
April 6, 2021**

WHEREAS, service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet challenges by volunteering in their communities; and

WHEREAS, AmeriCorps provides opportunities for approximately 270,000 Americans to serve their communities through an intensive commitment to service at nonprofits, schools, public agencies, and community and faith-based groups across the country; and

WHEREAS, AmeriCorps enriches the lives of its members and volunteers, building habits that create engaged citizens who are active participants in civic matters affecting their communities long after their service terms are completed; and

WHEREAS, AmeriCorps members and volunteers encourage collaboration and partnerships, leveraging additional volunteers in service and acquiring the support of businesses, foundations, and public and community agencies to increase the effectiveness of their initiatives; and

WHEREAS, in Arizona, more than 2,400 AmeriCorps members and volunteers of various ages and backgrounds help meet local needs at more than 550 locations by tutoring or mentoring children and youth; supporting veterans and military families; combating the opioid epidemic; restoring the environment; and, responding to disasters; and

WHEREAS, in exchange for their service, AmeriCorps members and volunteers develop valuable work skills; earn money for continuing education; and strengthen the lives of their families, communities, and the State of Arizona; and

WHEREAS, since AmeriCorps was founded in 1994, more 24,000 AmeriCorps members in Arizona served more than 26 million hours and qualified for Segal AmeriCorps Education Awards totaling more than \$65.5 million; and

WHEREAS, National Service Recognition Day is an opportunity to recognize the dedication and commitment of the more than 1 million Americans who have chosen to serve their country through AmeriCorps, and to encourage more Americans to follow their footsteps in service.

NOW, THEREFORE, I, SANDY MORIARTY, MAYOR OF THE CITY OF SEDONA, ARIZONA, ON BEHALF OF THE SEDONA CITY COUNCIL, hereby proclaim Tuesday, April 6, 2021, as National Service Recognition Day in Arizona, and urge citizens to recognize AmeriCorps members, volunteers, and alumni for their service and to find their own ways to give back to their communities.

Issued this 23rd day of March, 2021.

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC, City Clerk



**CITY COUNCIL
AGENDA BILL**

**AB 2661
March 23, 2021
Consent Items**

Agenda Item: 3d
Proposed Action & Subject: Approval of award of a Professional Services Contract for design services for the Wastewater Collection System Improvements – Major Lift Station Upgrades Project to Carollo Engineers, Inc. in an amount not-to-exceed \$187,266.

Department Wastewater
Time to Present N/A
Total Time for Item
Other Council Meetings N/A
Exhibits A. Professional Services Contract

City Attorney Approval	Reviewed 3/15/21 KWC	Expenditure Required	
		\$	187,266
City Manager's Recommendation	Approve a design services contract with Carollo Engineers, Inc.	Amount Budgeted	
		\$	100,000 (FY 20-21 Design)
		\$	110,000 (FY 21-22 Contingency)
		Account No. (Description)	59-5252-89-6818 Major Lift Station Upgrades
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: The sewer collection system utilizes 17 lift stations to convey sewer uphill in areas of variable terrain where gravity sewer is not possible. There are fourteen (14) minor lift stations and three (3) major lift stations. The minor lift stations collect sewer from small areas such as neighborhoods and work in succession to transport sewage to the larger, major lift stations. The three major lift stations have higher pumping capacities, experience higher flows, and transport sewage from 3 separate regions of the City.

Lift Station	Location	Region Served	Total Pumping Capacity
Brewer	41 Ranger Rd.	<ul style="list-style-type: none"> SR179 corridor Uptown 	6,000 gallons per minute
Carrol Canyon	2240 Shelby Dr.	<ul style="list-style-type: none"> Flow from Brewer lift station Areas west of Airport Road to Shelby Dr., south of SR89A 	6,000 gallons per minute
El Camino	800 El Camino Rd.	<ul style="list-style-type: none"> Areas between Shelby Dr. and El Camino Rd., south of SR89A 	3,000 gallons per minute

The three major lift stations were constructed in 1993 and underwent major modifications to the electrical components, wet wells, and piping configurations in 2008. Wastewater staff has identified several improvements required at these lift stations including mechanical, structural, and instrumentation equipment replacements:

- Upgrade obsolete controls (Programming Logic Control rack, flow, and level meters)
- Replace variable frequency drives
- Replace panel views
- Replace check valves
- Replace wet well grating
- Replace obsolete level controls for surge tanks
- Evaluate existing pumps for potential replacement
- Repair bypass wet well (Carrol Canyon only)

The Selection Process

- The City requested qualifications for professional services to complete the design of required upgrades to all three major lift stations.
- Two responses to the City’s request for qualifications (RFQ) were submitted by consultants.
- A Selection Committee comprised of Wastewater and Public Works staff reviewed the proposals.
- Proposals were evaluated based on consultant qualifications and experience (weighted 35%), project team qualifications and experience (30%), project approach (25%), and available resources (10%).

The average scores for the proposals are summarized in the table below:

	Carollo Engineers	Valentine Environmental Engineers
Average Score	9.39	8.35
Overall Rank	1	2

Note: Scores included maximum possible 10 points.

Carollo Engineers received the highest average score. Staff recommends award of a professional services contract in the amount not-to-exceed \$162,266 to Carollo Engineers, Inc. to complete design services for the Wastewater Collection System Improvements – Major Lift Stations Upgrades Project.

The Scope of Work:

- Project Management/Quality Management
- Condition Assessment
- Preliminary, 50%, 90% and final design plans, specifications, and construction cost estimates
- Coordination with Construction Manager at Risk (CMAR) contractor
- The base budget for the scope of work is \$162,266
- Additional scope of work for a hydraulic analysis of existing pumps was identified as a potential task that may be needed during the course of the design process. The fee for the optional task is \$25,000, which will only be used if needed and with prior approval by the Project Manager. It is not anticipated the optional task will be required.

The timeframe to complete the design is 8 months. The design will begin in May 2021 and is anticipated to be complete in January 2022, with construction commencing immediately afterward. It is anticipated that a contractor will be selected to early on in the design process in order to provide valuable input on constructability and independent cost estimating with knowledge of market conditions.

Community Plan Consistent: Yes - No - Not Applicable

Approval of this item will support one of the Six Major Outcomes of the Sedona Community Plan related to Environmental Protection and will additionally support the Community Plans sustainability goal of Environmental Stewardship.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

Council could elect not to approve the contract for professional design services; however, this action would have the effect of either delaying or preventing the project from moving forward resulting in persisting inefficiencies and potential for failure of critical equipment, increasing the likelihood of sewage overflows. Sewage overflows would have a notable effect on the environment, cause an increase in operational costs and allocation of resources for site cleanup and decontamination, prompt permit violation notice(s) and correction directives from ADEQ, and lead to negative public opinion.

MOTION

I move to: approve award of a Professional Services Contract with Carollo Engineers, Inc. for design services to complete the Wastewater Collection System Improvements – Major Lift Station Upgrades Project in an amount not-to-exceed \$187,266, subject to approval of a written contract by the City Attorney’s office.

**CONTRACT FOR PROFESSIONAL SERVICES
FOR THE CITY OF SEDONA**

This contract is made and entered into on this ____ day of _____, 20 _____, by and between the City of Sedona ("CITY") and Carollo Engineers, Inc. ("CONSULTANT").

1. A. The CONSULTANT agrees to perform certain consulting and coordinating services for CITY, in connection with **Wastewater Collection System Improvements – Major Lift Station Upgrades**, as set forth in **Exhibit A** (attached).
 - B. CITY agrees to pay the CONSULTANT as compensation for services on a time and materials basis in accordance with the process and fee schedule set forth in **Exhibit A** not to exceed a total amount of **\$187,266**. If deemed necessary by CITY, the CONSULTANT and CITY will confer to further define specific tasks in the scope of work and estimate the amount of time to be spent on those tasks.
 - C. Any work that is different from or in addition to the work specified shall constitute a change in the scope of work. No such change, including any additional compensation, shall be effective or paid unless authorized by written amendment executed by the City Manager and by CONSULTANT. If CONSULTANT proceeds without such written authorization, CONSULTANT shall be deemed to have waived any claims of unjust enrichment, *quantum meruit* or implied contract. Except as expressly provided herein, no agent, employee or representative of CITY shall have the authority to enter into any changes or modifications, either directly or implied by a course of action, relating to the terms and scope of this contract.
2. Subject to Arizona Public Records Law, correspondence, reports and other documentation of CONSULTANT'S work shall be considered confidential information and will be distributed only to those persons, organizations or agencies specifically designated by CITY or its authorized representative, or as specifically required for completion of CONSULTANT'S task, or pursuant to a public records request under ARS 39-121 and related provisions. In the event such request is made for a commercial purpose, CITY will notify CONSULTANT for purposes of redaction or protection of proprietary work/confidential information.
 3. Except as otherwise set forth in this contract, billing and payment will be in accordance with the conditions set forth in **Exhibit A**. Invoices are due and payable upon receipt and are delinquent only thirty (30) days after the date received by CITY. Each invoice shall set forth a general description of the work performed, in accordance with the scope of work, for the hours billed. CONSULTANT may complete such work as it deems necessary, after termination, except that such work will be at its own expense and there shall be no "termination charge" whatsoever to CITY.
 4. Any fee required by any governmental agency in order for CONSULTANT to accomplish a task hereunder shall be provided by CITY and is not included in the hourly fee.
 5. In the event any term or provision of this contract is held to be illegal or in conflict with any law of the United States or Arizona or any local law, the validity of the remaining provisions shall not be affected, and this contract shall be construed and enforced as if it did not contain the particular term or provision,
 6. OWNERSHIP OF DOCUMENTS. All documents, including, but not limited to,

correspondence, estimates, notes, recommendations, analyses, reports and studies that are prepared in the performance of this contract are to be, and shall remain, the property of CITY and are to be delivered to CITY before the final payment is made to the CONSULTANT.

7. PROFESSIONAL RESPONSIBILITY. CONSULTANT hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law.
8. COMPLIANCE WITH LAW. It is contemplated that the work and services to be performed by CONSULTANT hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations that are in effect on the date of this contract. Any subsequent changes in applicable laws, ordinances, rules or regulations that necessitate additional work shall constitute a change in the scope of work. It is unlawful for any business to operate if it is (1) physically located within the city limits, or (2) if it has an obligation to pay transaction privilege taxes (TPT) to the City of Sedona for the business it is conducting, without first having procured a current business license from the City and complying with any and all regulations of such business specified in the Sedona City Code, Sedona Land Development Code (LDC), and Arizona Revised Statutes except as exempted pursuant to SCC 5.05.025. Said compliance shall include but not be limited to compliance with any and all zoning ordinances and specified building uses. A business license is in addition to the privilege tax license required by Section 8-300 of the Sedona City Tax Code.
9. INDEMNIFICATION. To the fullest extent permitted by law, CONSULTANT shall indemnify and hold harmless CITY, and each council member, officer, employee or agent thereof (CITY and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims") to the extent that such Claims (or actions in respect thereof) are caused by the negligent acts, recklessness or intentional misconduct of CONSULTANT, its officers, employees, agents or any tier of subcontractor in connection with CONSULTANT'S work or services in the performance of this contract. The amount and type of insurance coverage requirements set forth below will in no way be construed as limiting the scope of the indemnity in this paragraph.
10. INSURANCE.
 - A. The CONSULTANT agrees to procure and maintain in force during the term of this contract, at its own cost, the following coverages as may be requested by CITY, either in the initial bid, or prior to commencement of particular tasks.
 1. Worker's Compensation Insurance as required by the Labor Code of the State of Arizona and Employers' Liability Insurance.
 2. Commercial General or Business Liability Insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000.00) each occurrence and TWO MILLION DOLLARS (\$2,000,000.00) general aggregate.
 3. Automobile Liability Insurance with minimum combined single limits for bodily injury

and property damage of not less than ONE MILLION DOLLARS (\$1,000,000.00) for any one occurrence, with respect to each of the CONSULTANT'S owned, hired or non-owned automobiles assigned to or used in performance of the services. In the event that the CONSULTANT'S insurance does not cover non-owned automobiles, the requirements of this paragraph shall be met by each employee of CONSULTANT who uses an automobile in providing services to CITY under this contract.

4. Professional Liability coverage with minimum limits of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) each claim and ONE MILLION DOLLARS (\$1,000,000.00) general aggregate. If approved by CITY, evidence of qualified self-insured status may be substituted for one or more of the foregoing insurance coverages.
- B. CONSULTANT shall procure and maintain the minimum insurance coverages listed herein. Such coverages shall be procured and maintained with forms and insurers acceptable to CITY, acceptance of which shall not be unreasonably withheld. All coverages shall be continuously maintained to cover all liability, claims, demands and other obligations assumed by the CONSULTANT pursuant this contract. In the case of any claims made to the policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.
 - C. A Certificate of Insurance shall be completed by the CONSULTANT'S insurance agent(s) as evidence that policies providing the required coverages, conditions and minimum limits are in full force and effect, and shall be subject to review and approval by CITY. The Certificate shall identify this contract and shall provide that the coverages afforded under the policies shall not be canceled, terminated or limits reduced until at least 30 days prior written notice has been given to CITY. The City shall be named as an additional insured. The completed Certificate of Insurance shall be sent to:

City of Sedona
102 Roadrunner Drive
Sedona, AZ 86336
ATTN: City Clerk
 - D. Failure on the part of CONSULTANT to procure or maintain policies providing the required coverages, conditions and minimum limits shall constitute a Material Breach of Contract upon which CITY may immediately terminate this contract or, at its discretion, CITY may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by CITY shall be repaid by the CONSULTANT to CITY upon demand, or CITY may offset the cost of the premiums against any monies due to CONSULTANT from CITY.
 - E. CITY reserves the right to request and receive a certified copy of any policy and any pertinent endorsement thereto. CONSULTANT agrees to execute any and all documents necessary to allow CITY access to any and all insurance policies and endorsements pertaining to this particular job.
11. NON-ASSIGNABILITY. Neither this contract, nor any of the rights or obligations of the parties hereto, shall be assigned by either party without the written consent of the other.

12. TERMINATION. This contract shall terminate at such time as the work in the scope of work

is completed or upon CITY providing CONSULTANT with seven (7) days advance written notice, whichever occurs first. In the event the contract is terminated by CITY'S issuance of said written Notice of Intent to Terminate, CITY shall pay CONSULTANT for all work previously authorized and performed prior to the date of termination. If, however, CONSULTANT has substantially or materially breached the standards and terms of this contract, CITY shall have any remedy or right of set-off available at law and equity. No other payments, including any payment for lost profit or business opportunity, and no penalty shall be owed by CITY to CONSULTANT in the event of termination upon notice.

13. VENUE. This contract shall be governed by the laws of the State of Arizona, and any legal action concerning the provisions hereof shall be brought in the County of Yavapai, State of Arizona.
14. INDEPENDENT CONTRACTOR. CONSULTANT is an independent contractor. Notwithstanding any provision appearing in this contract, and any exhibits and/or addenda, all personnel assigned by CONSULTANT to perform work under the terms of this contract shall be, and remain at all times, employees or agents of CONSULTANT for all purposes. CONSULTANT shall make no representation that it is the employee of CITY for any purpose.
15. NO WAIVER. Delays in enforcement or the waiver of any one (1) or more defaults or breaches of this contract by CITY shall not constitute a waiver of any of the other terms or obligations of this contract.
16. ENTIRE AGREEMENT. This contract, together with the attached exhibits, is the entire agreement between CONSULTANT and CITY, superseding all prior oral or written communications. None of the provisions of this contract may be amended, modified or changed except by written amendment executed by both parties.
17. NON-DISCRIMINATION. CONSULTANT, its agents, employees, contractors and subcontractors shall not discriminate in any employment policy or practice. "Discrimination" means to exclude individuals from an opportunity or participation in any activity or to accord different or unequal treatment in the context of a similar situation to similarly situated individuals because of race, color, gender, gender identity, sexual orientation, religion, national origin or ancestry, marital status, familial status, age, disability, or Veteran status. (Ordinance 2015-10) (2015).
18. COMPLIANCE WITH FEDERAL AND STATE LAWS:
 - A. Under the provisions of A.R.S. § 41-4401, CONSULTANT hereby warrants to CITY that CONSULTANT and each of its subcontractors will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. § 23-214(A) (hereinafter "Contractor Immigration Warranty").
 - B. A breach of the Contractor Immigration Warranty shall constitute a material breach of this contract and shall subject CONSULTANT to penalties up to and including termination of this contract at the sole discretion of CITY.
 - C. CITY retains the legal right to inspect the papers of any contractor or subcontractor employee who works on this contract to ensure that the contractor or subcontractor is

complying with the Contractor Immigration Warranty. CONSULTANT agrees to assist CITY in regard to any such inspections.

- D. CITY may, at its sole discretion, conduct random verification of the employment records of CONSULTANT and any subcontractors to ensure compliance with the Contractor Immigration Warranty. CONSULTANT agrees to assist CITY in regard to any random verification performed.
 - E. Neither CONSULTANT nor any subcontractor shall be deemed to have materially breached the Contractor Immigration Warranty if CONSULTANT or any subcontractor establishes that it has complied with the employment verification provisions prescribed by Sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. § 23-214, Subsection A.
 - F. The provisions of this article must be included in any contract that CONSULTANT enters into with any and all of its subcontractors who provide services under this contract or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.
 - G. CONSULTANT shall execute the required documentation and affidavit of lawful presence as set forth in ARS 1-502/8 USC § 1621 (**Exhibit B**).
 - H. CONSULTANT understands and acknowledges the applicability to it of the Americans with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The following is only applicable to construction contracts: CONSULTANT must also comply with A.R.S. § 34-301, "Employment of Aliens on Public Works Prohibited," and A.R.S. § 34-302, as amended, "Residence Requirements for Employees."
19. DISPUTE RESOLUTION. The parties agree in good faith to attempt to resolve amicably, without litigation, any dispute arising out of or relating to this contract. In the event that any dispute cannot be resolved through direct discussions, the parties agree to endeavor to settle the dispute by mediation. Either party may make a written demand for mediation, upon which demand the matter shall be submitted to a mediation firm mutually selected by the parties. The mediator shall hear the matter and provide an informal opinion and advise within twenty (20) days following written demand for mediation. Said informal opinion and advice shall not be binding on the parties, but shall be intended to help resolve the dispute. The mediator's fee shall be shared equally by the parties. If the dispute has not been resolved, the matter may then be submitted to the judicial system.
20. DELAYS. CONSULTANT shall not be responsible for delays which are due to causes beyond CONSULTANT'S reasonable control. In case of any such delay, any deadline established as part of the scope of work shall be extended accordingly.
21. ATTORNEYS' FEES AND COSTS. Should any legal action, including arbitration, be necessary to enforce any term of provision of this contract or to collect any portion of the amount payable hereunder, all expenses of such legal action or collection, including witness fees, costs of the proceedings and attorneys' fees, shall be awarded to the substantially prevailing party.

22. CONFLICT OF INTEREST. From the date of this contract through the termination of its service to CITY, CONSULTANT shall not accept, negotiate or enter into any contract or agreements for services with any other party that may create a substantial interest, or the appearance of a substantial interest in conflict with the timely performance of the work or ultimate outcome of this contract and/or adversely impact the quality of the work under this contract without the express approval of the City Manager and the City Attorney. Whether such approval is granted shall be in the sole discretion of the City Manager and the City Attorney. The parties hereto acknowledge that this Contract is subject to cancellation pursuant to the provisions of ARS § 38-511.

23. NOTICE. Any notice or communication between CONSULTANT and CITY that may be required, or that may be given, under the terms of this contract shall be in writing, and shall be deemed to have been sufficiently given when directly presented or sent pre-paid, first class United States Mail, addressed as follows:

CITY: City of Sedona
Attn: City Manager
102 Roadrunner Drive
Sedona, AZ 86336

CONSULTANT: Carollo Engineers, Inc.
4600 East Washington Street, Suite 50
Phoenix, AZ 85034

24. NOTICE TO PROCEED. Unless otherwise noted by CITY, acceptance of this contract is official notice to proceed with the work.

CITY OF SEDONA, ARIZONA

City Manager

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

CONSULTANT FIRM NAME

By: _____

Title: _____

I hereby affirm that I am authorized to enter into and sign this contract on behalf of CONSULTANT

EXHIBITS

Exhibit A

- Scope of Work and Associated Costs.

Exhibit B

- Affidavit of Lawful Presence as set forth in ARS 1-502/8 USC §1621.
- Affidavit of Lawful Presence not required as this consultant is a corporation (Inc., LLC, LLP).

EXHIBIT A
**WASTEWATER COLLECTION
SYSTEM IMPROVEMENTS**
**MAJOR LIFT STATIONS
UPGRADES**
CITY OF SEDONA, ARIZONA
SCOPE OF WORK
March 10, 2021

1.0 INTRODUCTION

The following Scope of Work describes the professional services to be performed by Carollo Engineers, Inc. (hereinafter referred to as "Carollo" or "CONSULTANT") associated with the Sedona Major Lift Stations Improvements Project (hereinafter referred to as the "Project"), as approved and executed by the City of Sedona (hereinafter referred to as the "CITY"). The purpose of the Project is to develop a detailed design to support construction of Major Lift Stations Improvements.

The Brewer, Carrol Canyon and El Camino Lift Stations are critical assets within the wastewater conveyance system for the City. The City's Wastewater Department has identified several improvements required at these lift stations including mechanical, structural, electrical and instrumentation equipment replacements:

- Upgrade controls (PLC rack, tie flow and level meters in with OMNI Crystal Ball);
- Replace four VFDs;
- Replace flow meters;
- Replace panel views;
- Replace check valves;
- Replace wet well grating;
- Replace obsolete level controls for surge tank;
- Evaluate existing pumps for potential replacement; and
- Repair leaking bypass wet well (Carrol Canyon only).

2.0 SCOPE OF WORK

The CONSULTANT will develop a detailed design package for construction using the Construction Manager @ Risk (CMAR) delivery method. CONSULTANT services during the Project include the following major tasks:

- Project Management.
- Condition Assessment.
- Preliminary Design.
- 50 Percent Design Development.

- 90 Percent Design Development (Agency Review Set).
- 100 Percent Final Design Development (Bid-ready Set).
- CMAR Coordination.

TASK 100 - PROJECT MANAGEMENT

CONSULTANT will perform various project management and monitoring activities throughout the Design Phase, as delineated in the following tasks and sub-tasks:

Subtask 110 - Project Reporting and Invoicing

Develop monthly progress reports and invoices throughout the Design Phase that identify the following:

- Project progress versus established milestones.
- Summary of coordination and/or information required, including responsible parties.
- Project logs documenting key decisions and action items throughout the Project duration.

In addition, this task also includes coordination with the CITY PM as necessary to keep the Project schedule updated by providing applicable information and updates during the Design Phase.

Deliverables:

- Monthly Progress Reports.
- Invoices.
- Decision Log (Electronic format only)

Subtask 120 - Project Meetings

The Engineer will conduct a total of eight (8) meetings and/or workshops with City staff to discuss specific technical aspects of the design; progress in the development of the design, drawings, and specifications; and related issues that may affect Project results. The meetings or workshops will consist of the following:

- Kick-off meeting
- Condition Assessment Workshop
- Alternatives Evaluation Workshop
- Review Meeting at completion of Preliminary Design Report (PDR)
- Progress Meeting between PDR and 50% submittal
- Review meeting at completion of 50% Construction Documents
- Review meeting at completion of 90% Construction Documents
- Review meeting at completion of draft Final Contract Documents

The Engineer will prepare and distribute meeting agenda and document meeting results for each meeting and workshop.

TASK 200 - CONDITION ASSESSMENT

Subtask 210 - Condition Assessment

In collaboration with the City's collection system and electrical/mechanical staff, Carollo's mechanical, structural and EI&C engineers will conduct an on-site condition assessment (1 day assumed for each discipline), focusing on the lift station components that have been previously identified in the Wastewater Master Plan and by City staff as potentially requiring replacement.

CONSULTANT will perform hydraulic performance tests at each lift station to assess the current pump conditions and verify the hydraulic design conditions for potential replacement pumps.

Subtask 220 - Condition Assessment Workshop

A virtual workshop will be held with City staff to present condition assessment recommendations and to develop a prioritization of improvements to ensure that the recommendations provide the highest possible value. Components with a lower priority may be identified as additive alternate items based on the City's available budget. As part of workshop, CONSULTANT will coordinate with the CITY to identify a list of preferred equipment suppliers, including equipment that should be sole-sourced.

Reference the attached subconsultant proposal for additional details.

Deliverables:

- Hydraulic Testing Results.
- Condition Assessment Workshop.
- List of preferred equipment suppliers.

TASK 300 - PRELIMINARY DESIGN

Subtask 310 - Site Survey

It is assumed that current record drawings are available and will be provided by the CITY. Current record drawings will be used as the background files for recommended improvements on this project.

Subtask 320 - Alternatives Evaluation

CONSULTANT will investigate and evaluate equipment replacement alternatives based on the design and operational criteria required, available footprint, and preferred list of suppliers identified in the Condition Assessment task. Major alterations of the existing lift station structures are not anticipated; therefore, replacement equipment options will be limited to those that will fit within the existing footprint. Alternatives may include pump sizes and types, electrical equipment options including layouts and instrumentation equipment selection. A virtual workshop will be held with City staff to review the Alternatives Evaluation results and recommendations.

Subtask 330 - Preliminary Design Report

CONSULTANT will develop a Preliminary Design Report (PDR) to document the recommended improvements. A draft PDR will be submitted for City review and comment. City comments will be addressed and a final PDR will be submitted.

Deliverables:

- Alternatives Evaluation Workshop.
- Draft and Final Predesign Report.

TASK 400 - DETAILED DESIGN DEVELOPMENT

The Detailed Design will consist of a multi-discipline design effort (Mechanical, Electrical, and Instrumentation & Controls). Civil/site, structural, landscaping, architectural, HVAC, fire protection, and plumbing discipline design is not anticipated to be necessary and is therefore excluded from this scope of work. A preliminary drawing list is included as Attachment 1.

Detailed design will be developed in a series of packages, with intermediate submittals and quality reviews by the Consultant and CITY as described below.

Subtask 410 - Intermediate 50 Percent Design Review Submittal Package

The 50 percent design review submittal will generally consist of the following:

- General Drawings - The General drawings will include title sheet with project location maps; preliminary drawing index; legends, symbols and abbreviations; mechanical and pipe identifiers; preliminary code classification information; preliminary design criteria; and preliminary plant hydraulic profile.
- Civil Drawings - The Civil drawings will include general notes and site plans for each lift station.
- Process/Mechanical Drawings - The Process/Mechanical drawings will include general notes and preliminary area top and bottom plans. Main sections and details will be included in this review submittal.
- Electrical Drawings - The Electrical drawings will include general notes, legends and abbreviations; preliminary single line diagrams; and preliminary area power and control plans.
- Instrumentation and Controls Drawings - The I&C drawings will include general notes, legends and abbreviations; and final process and instrumentation diagrams (P&IDs).
- Technical Specifications - Preliminary specifications for key equipment and materials will be submitted for review. Draft control descriptions will also be prepared for review and comment by the Integrator and CITY staff. Specifications will be based on CSI Division 1-17.
- Equipment and Instrumentation List - A preliminary Equipment and Instrumentation List will be developed.
- Preliminary Opinion of Construction Cost - CONSULTANT will coordinate with CMAR and review a preliminary opinion of construction cost developed by the CMAR for review and discussion.
- Typical Details - Not included in the 50 percent submittal.

Deliverables:

- Drawings.
- Technical Specifications.
- Equipment and Instrumentation (List Only).
- Decision Log.
- Opinion of Construction Cost.

Up to five (5) hard copies of submittals (half-size drawings) will be provided to the CITY for review. Documents will also be delivered to CITY electronically (PDF). CITY shall

provide a written log of comments for response by the CONSULTANT within 2 weeks following submittal, but prior to the Design Review Workshop.

Design Review Workshop:

- A 50 percent Design Review Workshop will be held virtually 2 weeks after submittal. It is assumed the City's SCADA Integration Contractor will attend the workshop to assist with coordination of Instrumentation and Control design issues.

Subtask 420 - Agency Review Set (90%) Design Review Submittal Package

The CONSULTANT shall prepare 90 percent (Agency Review) submittal documents which will complete the design efforts initiated in the 50 percent submittal and will incorporate applicable revisions from the CONSULTANT's and CITY's comments on the review of the 50 percent submittal. CITY will provide front-end (Div 0/Div 1) documents. CONSULTANT will provide a response to each comment in the 50 percent design submittal comments log with the 90 percent review submittal.

CONSULTANT will coordinate with CMAR and review a updated opinion of construction cost developed by the CMAR for review and discussion.

Deliverables:

- 90 Percent Review Drawings (incorporating Typical Details).
- Technical Specifications.
- Decision Log.
- 50 Percent Design Comment Resolution Log.
- Updated Opinion of Construction Cost.

Up to five (5) hard copies of submittals (half-size drawings) will be provided to the CITY for review. Documents will also be delivered to CITY electronically (PDF). CITY shall provide a written log of comments for response by the CONSULTANT within 2 weeks following submittal, but prior to the Design Review Workshop.

Design Review Workshop:

- A 90 percent Design Review Workshop will be held virtually approximately 2 weeks after submittal. It is assumed the City's SCADA Integration Contractor will attend the workshop to assist with coordination of Instrumentation and Control design issues.

Subtask 430 - Final (100%) Bid-Ready

The CONSULTANT shall prepare 100 percent (final) bid-ready documents, which will include applicable updates from the Agency Review submittal, as well as applicable comments provided by CITY at the 90 percent comment resolution meeting, and other applicable CITY Department and Agency Review comments. CONSULTANT will finalize, seal, and submit all design drawings and technical specifications in the appropriate format within thirty (30) days following receipt of all review comments provided by CITY and other review agencies.

Deliverables:

- Final Drawings and Specifications.
- Final Decision Log.
- 90 Percent Design Comment Resolution Log.

Up to five (5) hard copies of submittals (half-size drawings) will be provided to the CITY. Documents will also be delivered to CITY electronically (PDF). The CITY shall distribute bid documents to interested bidders.

Subtask 440 - Design-Phase Meetings

CONSULTANT shall conduct project conference calls with CITY representatives during the Design Phase per Subtask 120 to keep the CITY informed of the project progress and obtain input and direction as required.

TASK 500 - Coordination with CMAR

It is the City's intent to utilize the Construction Manager At Risk (CMAR) delivery method for this project. As such, the CITY will develop contract documents for CMAR selection. CONSULTANT shall review contract documents and provide comments to the CITY. In addition, CONSULTANT shall participate in the evaluation of proposals from prospective CMAR contractors.

The CMAR will be contracted to provide design phase (preconstruction) services as well as all services required of a general contractor during construction, start-up and commissioning. The relationship between the CMAR and the CONSULTANT is intended to be collaborative and proactive, both participating as advisors to the CITY during the design phase to maximize the value of the project.

Design Phase services by the CMAR may include:

- Provide a conceptual and progressively more detailed cost model to confirm budgets and guide design decisions;
- Provide detailed independent cost estimating and knowledge of market conditions;
- Provide a construction management plan and schedule;
- Provide alternate systems evaluation and constructability studies;
- Provide long-lead procurement studies and possibly initiate procurement of long-lead items;
- Assist in the permitting process, if required;
- Provide procurement services for selection of subcontractors and suppliers;
- Prepare the Cost Proposal for construction;

The CONSULTANT's effort to coordinate with the CMAR will consist of:

- Solicit CMAR input during design development as appropriate;
- Provide information for cost estimating;
- Provide assistance with long-lead procurement activities;
- Evaluate alternative systems suggested by CMAR;
- Respond to constructability review comments;
- Perform Cost Proposal review and provide comments to City.

Deliverables:

- Text and/or drawing revisions in response to CMAR input during design.
- Written recommendation to CITY regarding Cost Proposal acceptance.

2.1 Optional Tasks

- Hydraulic Analysis of Existing Pumps – It is understood that the existing pumps have been rebuilt multiple times, are at or near the end of their useful life, and likely need to be replaced. If the condition assessment findings indicate that pump conditions do not

warrant a full replacement, this optional task would provide a full hydraulic analysis of the pumps to determine recommended improvements.

3.0 QUALITY MANAGEMENT (QM)

The CONSULTANT shall provide quality control reviews of work product and deliverables throughout the duration of the Project. At the onset of the Project, a checklist will be developed outlining key milestones associated with the work efforts. These key milestones may include, but are not limited to, critical decision points, deliverables, and workshops. Project progress and overall schedule will be regularly monitored by the Project Management team.

Adjustments will be made as necessary to maintain the Project Schedule.

The CONSULTANT will also identify standards and legal requirements that may be applicable to the Project, such as design standards and local agency review requirements. These standards will be established early in the Project in order to facilitate effective implementation. The standards will be referenced while performing Project work to avoid deviation from the standards and help promote a quality product.

Each deliverable will undergo a formal internal quality review. The review will be completed by a senior staff member with specific knowledge relevant to the Project. The technical review team will provide feedback in accordance with the established standards at the identified key milestones to maintain the quality of the work.

In addition to review of deliverables, the CONSULTANT will also perform periodic peer reviews at critical points during the project to assist in ensuring the project direction, progress and schedule are consistent with the established goals for the project.

Good communication is an integral component of the CONSULTANT's QM strategy. Open lines of communication within the project team will reduce the need for changes in work product, minimize the opportunity for mistakes and help maintain schedules. Open communication with the CITY will also help minimize risks to the Project and will allow involvement of the CITY in the decision-making process as well as the review process.

(Note: The proposed key Project Team members will remain committed to the project in their assigned roles throughout the duration of the work effort. Changes in key personnel, including any Subconsultants, will not be made without prior, written approval of the CITY. The CITY shall not unjustly withhold permission for substitution of personnel for reasons outside of the control of the CONSULTANT.)

4.0 FEE

The person-hours and associated fee for the above scope of work is shown in Attachment 2, Fee Estimate (based on an attached hourly fee schedule with a not-to-exceed amount).

5.0 SCHEDULE

A preliminary schedule for this project is shown as Attachment 3. Approximate dates are based on a 5-3-2021 notice to proceed (NTP). All dates are approximate and subject to revision based upon actual NTP.

6.0 PROJECT ASSUMPTIONS

1. Project will be procured using the CMAR project delivery method.
2. CITY will provide Division 0 Contract Documents and General Conditions. CONSULTANT will provide Division 1 Special Conditions. Technical specifications will be based on Carollo standard specifications using Division 1-17.
3. CONSULTANT will utilize existing drawings and electric utility information (provided by the CITY) for the Project. The CONSULTANT shall not be responsible for the accuracy of information provided by others. Potholing is not included as part of this fee, but should be completed by the CMAR to verify the accuracy of the as-built information prior to construction.
4. A new site survey is not included in this SOW. It is assumed that the existing record drawings will be utilized as the background for new drawings generated by this project.
5. It is assumed that major structural improvements at the lift stations are not necessary.
6. It is assumed that the City's Integration/SCADA Contractor will coordinate with the CONSULTANT during design and perform SCADA integration services for this Project.
7. It is assumed that improvements to the Major Lift Stations primary power supply are not required. If improvements are required to the power supply, additional evaluations and associated fee will be necessary.
8. It is assumed that the hydraulic capacity of existing pumps is adequate and, if needed, pumps will be replaced with a similar capacity. As such, a detailed hydraulic analysis of the pumps and collection system is not included in the base fee. A hydraulic analysis of the pumps is included as an optional task in the event the condition assessment identified hydraulic challenges associated with the pumps.
9. Schedule extensions out of the CONSULTANT's control may necessitate additional fee.
10. For any required City of Sedona or Yavapai County Permitting: CITY will coordinate with other CITY Departments for plan reviews and approvals, including all applicable permit applications. It is assumed that Department of Environmental Quality permitting is not required.
11. It is assumed that CMAR will be primarily responsible for development of construction cost estimates. CONSULTANT will coordinate with CMAR to review and comment on cost estimates.
12. Construction phase services are excluded from this Scope of Work.
13. The electrical equipment feeding the VFDs will not need to be upsized.
14. The existing Omni Crystal Ball will be re-used for remote monitoring of each lift station.
15. The existing PLC panel drawings will be provided by the City for each lift station.
16. The existing PLC panels will not be replaced, only the PLC processor and the PanelView. The existing I/O will be sufficient for all modifications.

17. The existing generators will not need to be replaced.
18. The existing one-lines and electrical drawings are available for the project site.
19. No modifications will be made to the lighting at the projects site.

7.0 STANDARD OF CARE

The CONSULTANT shall be responsible to the level of competency and standard of care presently maintained by other practicing Professional Engineers performing the same or similar type of work at the time the notice to proceed is issued. The CONSULTANT and CITY mutually agree that standard of care, as applied to design professionals, shall be defined as the ordinary and reasonable care required and established by expert testimony of what a reasonable and prudent professional would have done under the same or similar circumstances.

8.0 COST ESTIMATING

As part of this Project, the CONSULTANT will be reviewing cost estimates/preliminary opinions of cost produced by others. It should be noted that the CONSULTANT has no control over the cost of labor, materials, equipment, or services furnished by others, or over a future Contractor's methods of determining prices, or other competitive bidding or market conditions, practices, or bidding strategies. Cost estimates provided as part of this Project are the CONSULTANT's opinion based on experience and judgment. The CONSULTANT cannot and does not guarantee that proposals, bids, or actual project construction costs will not vary from cost estimates prepared by the CONSULTANT.

ATTACHMENT 1: Preliminary Drawing List

GENERAL			
1	G	01	COVER SHEET
2	G	02	DRAWING INDEX AND GENERAL NOTES
3	G	03	ABBREVIATIONS, LEGENDS AND DETAIL REFERENCES
CIVIL			
4	C	01	GENERAL NOTES AND LEGEND
5	C	02	BREWER PUMP STATION SITE PLAN
6	C	03	CARROL CANYON PUMP STATION SITE PLAN
7	C	04	EL CAMINO PUMP STATION SITE PLAN
DEMOLITION			
8	D	01	BREWER PUMP STATION DEMO PLAN
9	D	02	CARROL CANYON PUMP STATION DEMO PLAN
10	D	03	EL CAMINO PUMP STATION DEMO PLAN
MECHANICAL			
11	M	01	SYMBOLS, LEGENDS AND FLOW STREAM IDENTIFIERS
12	M	02	BREWER PUMP STATION LOWER PLAN AND SECTIONS
13	M	03	CARROL CANYON LIFT PUMP STATION LOWER PLAN AND SECTIONS
14	M	04	EL CAMINO PUMP STATION LOWER PLAN AND SECTIONS
15	M	05	TYPICAL DETAILS
ELECTRICAL			
16	E	01	LEGEND AND SYMBOLS
17	E	02	ABBREVIATIONS
18	E	03	PANELBOARD SCHEDULES
19	E	04	BREWER MCC ONE-LINE DIAGRAM
20	E	05	CARROL CANYON MCC ONE-LINE DIAGRAM
21	E	06	EL CAMINO MCC ONE-LINE DIAGRAM
22	E	07	BREWER POWER AND CONTROL PLAN 1
23	E	08	BREWER POWER AND CONTROL PLAN 2
24	E	09	CARROL CANYON POWER AND CONTROL PLAN 1
25	E	10	CARROL CANYON POWER AND CONTROL PLAN 2
26	E	11	EL CAMINO POWER AND CONTROL PLAN 1
27	E	12	EL CAMINO POWER AND CONTROL PLAN 2
28	E	13	TYPICAL DETAILS
29	E	14	TYPICAL DETAILS
INSTRUMENTATION			
30	N	01	SYMBOLS AND ABBREVIATIONS - 1
31	N	02	SYMBOLS AND ABBREVIATIONS - 2
32	N	03	PLC PANEL ELEVATIONS - EXTERNAL
33	N	04	PLC PANEL ELEVATIONS - INTERNAL
34	N	05	LIFT PUMP SCHEMATIC
35	N	06	HARDWIRE LEVEL CONTROL SCHEMATIC
36	N	07	BREWER PUMP STATION P&ID 1
37	N	08	BREWER PUMP STATION P&ID 2
38	N	09	CARROL CANYON PUMP STATION P&ID 1
39	N	10	CARROL CANYON PUMP STATION P&ID 2
40	N	11	EL CAMINO PUMP STATION P&ID 1
41	N	12	EL CAMINO PUMP STATION P&ID 2
42	N	13	TYPICAL DETAILS

ATTACHMENT 2: Fee Estimate

Attachment 2 to Exhibit A
CITY OF SEDONA



WASTEWATER COLLECTION SYSTEM IMPROVEMENTS
MAJOR LIFT STATION UPGRADES

Tasks	Detailed Manhour Breakdown										Total Manhours	Total Cost	
	Project Manager	Quality Manager	Lead Electrical Engr	Lead I&C Engr	Lead Structural Engr	Staff E&C Engr	Staff Mechanical Engr	Staff Structural Engr	CAD Designer	WP/ Clerical			
	SKG	BDJ	MP	GB	DG	Sai/Jack	RM						
	\$235	\$210	\$195	\$235	\$210	\$140	\$140	\$140	\$116	\$99			
Task 1 Project Management												120	\$ 23,128
Project Coordination	8	4	4	4	4							24	\$ 5,280
Project Meetings	16	8	8	16	8	16	16		8			96	\$ 17,848
Task 2 Condition Assessment												70	\$ 12,734
Site Assessments	8		8	8		8	8					40	\$ 7,560
Data Analysis	2		4	4	4	4	4	4	4			30	\$ 5,174
Task 3 Preliminary Design												168	\$ 28,368
PDR	8	4	8	40	4	40	40		16	8		168	\$ 28,368
Task 4 Detailed Design												568	\$ 87,056
50% Design Documents	8	8	8	24	8	24	16	2	80	8		186	\$ 28,392
90% Design Documents	8	8	8	32	8	32	16	2	80	8		202	\$ 31,392
Final Design Documents	8	8	8	24	4	24	16		80	8		180	\$ 27,272
Task 5 CMAR Services												46	\$ 9,480
CMAR Coordination	16	8	8	4	2	4	4					46	\$ 9,480
Manhours/Cost	82	48	64	156	42	152	120	8	268	32		972	\$ 160,766
Subconsultants													
See Optional Tasks													
Expenses													
- Travel and Subsistence													\$ 1,500
Total Baseline Fee													\$ 162,266
Optional Tasks													
Pump Hydraulic Analysis													\$ 25,000
Total Optional Tasks													\$ 25,000
Total Baseline + Optional Tasks Fee													\$ 187,266

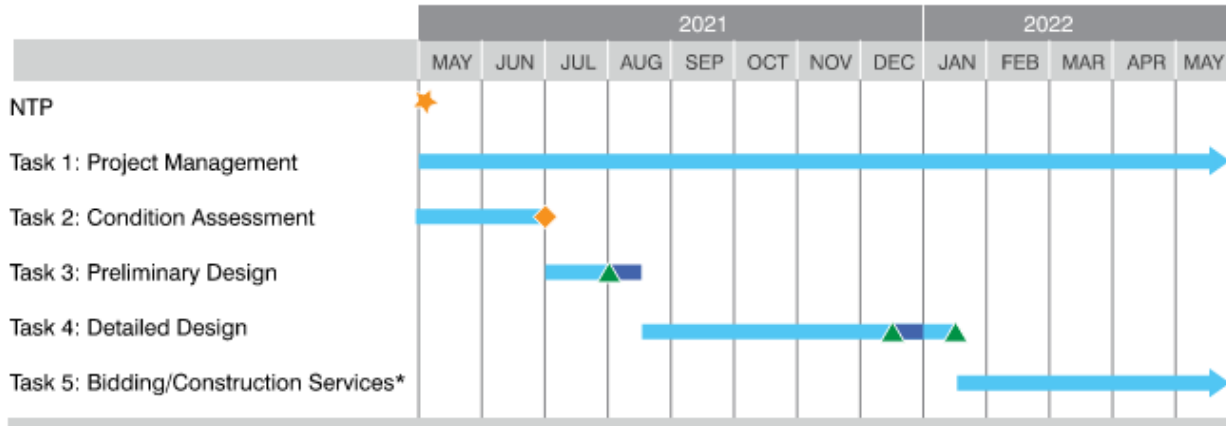
**CAROLLO ENGINEERS, INC.
FEE SCHEDULE
CITY OF SEDONA**

As of January 1, 2021

	<u>Hourly Rate</u>
Engineers/Scientists	
Assistant Professional	\$140
Professional	\$170
Project Professional	\$195
Lead Project Professional	\$210
Senior Professional	\$235
Technicians	
Technicians	\$116
Senior Technicians	\$141
Support Staff	
Document Processing / Clerical	\$99
 Other Direct Expenses	
Travel and Subsistence	at cost
Mileage at IRS Reimbursement Rate Effective January 1, 2021	\$.56 per mile*
Subconsultant	at cost
Other Direct Cost	at cost
Expert Witness	Rate x 2.0

This fee schedule is subject to annual revisions due to labor adjustments.

ATTACHMENT 3: Preliminary Schedule



*Construction duration will depend on equipment lead time, among other factors

█ Task Duration
 █ City Review
 ◆ Meeting
 ▲ Deliverable



**CITY COUNCIL
AGENDA BILL**

**AB 2662
March 23, 2021
Regular Business**

Agenda Item: 8a

Proposed Action & Subject: Discussion/possible action regarding a resolution approving a Developer Agreement between the City of Sedona and Inn Sedona, LLC which provides for a financial contribution from the City in the approximate amount of \$14,168 towards the construction of a workforce housing unit located at 87 Hart Road for a period of ten (10) years.

Department	Community Development
Time to Present	10 Minutes
Total Time for Item	45 Minutes
Other Council Meetings	N/A
Exhibits	A. Resolution approving the Development Agreement B. Development Agreement between City and Inn Sedona, LLC

City Attorney Approval	Reviewed 3/15/2021 KWC	Expenditure Required	
		\$	10,208 paid by City 3,960 waived (foregone revenue)
City Manager's Recommendation	Approve a development agreement outlining a contribution toward development fees for the Inn Sedona, LLC affordable housing unit.	Amount Budgeted	
		\$	800,000
		Account No. (Description)	12-5246-01-6761 (Spendable Contingencies – Affordable Housing Fund)
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: One of the six major outcomes identified in the Sedona Community Plan is housing diversity. The Plan suggests that in 2020 and beyond success will have been achieved if Sedona has fostered the building of different housing types to provide more options for all ages and income levels by using innovative public policies and programs and nurturing partnerships with private developers (Community Plan Introduction Section - Major Outcomes). In its Land Use, Housing, and Growth section, the Plan also sets a goal to encourage diverse and affordable housing options (Section 3, page 17).

Ensuring an adequate supply of affordable housing in Sedona is also a key interest of City Council, established as one of the current Council priority areas. In the citizen survey conducted in Fall 2017, 63% of the respondents rated the availability of affordable quality housing in Sedona as poor. In the same National Citizen Survey conducted in 2020, 73% of respondents rated the availability of affordable quality housing as poor.

The City of Sedona has also adopted a Development Incentives and Guidelines for Affordable Housing (DIGAH) policy to provide guidelines and offer incentives to encourage the construction and retention of affordable housing in Sedona. Through the administration of the DIGAH, an affordable housing fund was established. Initially, the fund consisted of housing in-lieu fees paid by developers as part of their community benefits package when they sought new entitlements. In recent years, the City Council has also made general fund contributions to augment the affordable housing fund. The DIGAH guidelines further specify that these funds will be spent for activities that directly support the creation and maintenance of affordable housing in Sedona. The current account balance in the dedicated affordable housing fund is approximately \$2,065,000.

The Community Development Department is currently processing a building permit application for the construction of a new affordable housing unit on existing property at Hart Road in Sedona. The owner of that property and of the new unit, Inn Sedona, LLC, has asked the City to partner with them on this project and has requested that the City provide financial support to pay and/or waive the development review, permit and building inspection fees, development impact fees (DIF), and sewer capacity fees associated with this permit application.

These fees are estimated as follows:

<u>Description</u>	<u>Total Fees</u>
Sewer Capacity Fee	\$8,622
Parks Development Impact Fee	\$358
Police Development Impact Fee	\$234
Streets Development Impact Fee	\$994
Subtotal DIF and Sewer	\$10,208
Development Review Fees (estimated)	\$1,563
Building Permit Fees (estimated)	\$2,397
Subtotal Permit Fees	\$3,960
Total	\$14,168

Based on state statute and City Code, development impact and sewer capacity fees must be paid. Therefore, instead of waiving these fees, staff is proposing that the City use its affordable housing fund to pay these fees on the owner's behalf. The construction of affordable units directly supports the creation and maintenance of affordable housing in Sedona, and a financial contribution to support of this project is consistent with the City's DIGAH. The total amount of development impact and sewer capacity fees to be paid by the City on the owner's behalf is \$10,208.

Building permit and development review fees are estimated at \$3,960. These fees are set by the City Council and can be waived by the City Council. Staff is therefore requesting City Council approval to waive these fees.

Although affordable housing units may be eligible for a modification or reduction in development standards as established by DIGAH, no such requests have been made.

Key requirements of the development agreement (full agreement included as Exhibit B) include:

- *Workforce Unit Eligible Rental Process.* The Workforce Unit shall be rented to an employee working in the City of Sedona earning a gross household income between eighty (80%) and one hundred (100%) percent of Area Median Income for the household size in Coconino County. Income from all adults who occupy the property shall be included in the household income.
- *Rental Restrictions.* Total costs for rental payments for the workforce unit and the cost of utilities (gas, electric, water and wastewater services, phone, modem and cable services, and solid waste pick-up) will be capped at thirty-five percent (35%) of the gross income for the household. During the term of affordability, rent increases shall be proportionate to increases in the Area Median Income for the household size in Coconino County.
- *Affordability Covenant.* Owner shall record an affordability covenant (the "**Affordability Covenant**") for the Workforce Unit. The Affordability Covenant is effective for a minimum period of ten (10) years during which the Workforce Unit shall be rented to an employee working in the City of Sedona earning a gross household income between eighty (80%) and one hundred (100%) percent of Area Median Income for the household size in Coconino County.

The City will benefit from the addition of a workforce unit with a rent cap as opposed to the addition of another market-rate rental unit. The benefit can be further quantified by calculating the difference between the restricted rent and what would otherwise be charged to lease the unit. The table below, from the City's Affordable Housing Action Plan (Dec 2020), shows various incomes and affordable housing costs for Coconino County based on area median incomes (AMI). Using an example for illustrative purposes, and making certain assumptions to do so, suppose this unit is rented to a single individual making up to 100% of the AMI, the rent and utility costs would be capped at \$1,318 monthly. A market rate unit of the same size would likely rent for a minimum \$1,600 plus utilities. Conservatively, utilities could be estimated at another \$100/month for a total monthly rental cost of \$1,700. The value therefore of the delta between a restricted and non-restricted unit in this scenario would be \$382 monthly, or \$4,584 annually. Over ten years this equates to \$45,840 in direct financial benefit to the moderate-income employee(s), in exchange for a one-time city contribution of \$14,168. Other scenarios are also possible under this agreement, all of which yield greater financial benefit to local workforce than the amount of the City's contribution.

2020 HUD Incomes & Affordable Housing Cost By Family Size								
Coconino County Area Median Income (AMI):								
Coconino County Area Median Income (AMI):		\$75,200						
% AMI	Persons in Family							
	1	2	3	4	5	6	7	8
Income								
120%	\$63,240	\$72,240	\$81,240	\$90,240	\$97,520	\$104,720	\$111,920	\$119,120
100%	\$52,700	\$60,200	\$67,700	\$75,200	\$81,260	\$87,260	\$93,270	\$99,270
80%	\$42,150	\$48,150	\$54,150	\$60,150	\$65,000	\$69,800	\$74,600	\$79,400
60%	\$31,620	\$36,120	\$40,620	\$45,120	\$48,780	\$52,380	\$55,980	\$59,580
Maximum Affordable Housing Cost								
Persons/Room	1	1.5	3	4.5	6	7.5		
Unit Size	0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm		
120%	\$1,581	\$1,694	\$2,031	\$2,347	\$2,618	\$2,888		
100%	\$1,318	\$1,411	\$1,693	\$1,956	\$2,182	\$2,407		
80%	\$1,054	\$1,129	\$1,354	\$1,564	\$1,745	\$1,925		
60%	\$790	\$846	\$1,015	\$1,173	\$1,309	\$1,444		
Source: HUD 2020								

Indirect benefits of creating affordable housing units include the increases to the employee's net disposable income; the employer's retention of an employee(s) who otherwise may not be able to work locally, the reduction of commuter traffic, and the spillover benefits for the local economy. The Verde Valley Regional Economic Organization and the Sedona Economic Development Department cite lack of affordable housing as the most significant impediment to economic development and economic diversification.

Community Plan Consistent: Yes - No - Not Applicable

One of the six major outcomes identified in the Sedona Community Plan is housing diversity. The Plan suggests that in 2020 and beyond success will have been achieved if Sedona has fostered the building of different housing types to provide more options for all ages and income levels by using innovative public policies and programs and nurturing partnerships with private developers. The Plan envisions this housing diversity will attract more young people, families, and professionals to become a vital part of our community life (Community Plan Introduction Section - Major Outcomes). The Plan also identifies encouraging diverse and affordable housing options as a goal in its Land Use, Housing, and Growth section (Section 3, page 17).

The Housing section of the Community Plan (page 23) states that diversity of housing choices is essential for a prosperous, sustainable, and healthy place to live. It recognizes that:

- A sustainable community offers a range of housing types by providing opportunities for people to live near jobs, shopping and services, which enable shorter trips, the use of alternative transportation, and a reduction in traffic congestion.
- There are economic benefits associated with housing diversity such as the ability to attract and retain businesses and employees.
- Housing choices are also important to seniors whose needs change as they age.
- Families and young people who grew up in Sedona may relocate due to lack of housing choices.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): The City Council can choose not to approve the financial contribution or fee waiver and this unit will be built as a market-rate, unrestricted housing unit that may be used as a short-term vacation rental.

MOTION

I move to: approve Resolution 2021-__ authorizing a Development Agreement between the City of Sedona and Inn Sedona, LLC which provides for a financial contribution from the City in the amount of \$14,168 towards the construction of an affordable housing unit located at Hart Road, Sedona, Arizona.

RESOLUTION NO. 2021-__

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, APPROVING A DEVELOPMENT AGREEMENT WITH INN SEDONA, LLC,
FOR CONSTRUCTION OF AN AFFORDABLE HOUSING UNIT.**

WHEREAS, the City is authorized pursuant to A.R.S. § 9-500.05 to enter into development agreements with businesses or landowners located in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA as follows:

SECTION 1. That it is deemed in the best interest of the City of Sedona and its citizens that the City enter into a Development Agreement (Segner Workforce Housing) with Inn Sedona, LLC, which provides for a financial contribution from the City towards the construction of an affordable housing unit located at 87 Hart Road, Sedona, Arizona, which Agreement is now on file in the office of the City Clerk of the City of Sedona.

SECTION 2. That the Mayor is authorized and directed to execute and deliver said agreement on behalf of the City of Sedona.

ADOPTED AND APPROVED by the Mayor and Council of the City of Sedona, Arizona, this 23rd day of March, 2021.

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney

**DEVELOPMENT AGREEMENT
(Segner Workforce Housing)**

THIS DEVELOPMENT AGREEMENT for the Segner Workforce Housing (“**Agreement**”) is entered into this ____ day of _____, 2021 by and between the CITY OF SEDONA, and Arizona municipal corporation (“**City**”) and Inn Sedona, LLC, an Arizona limited liability company (“**Owner**”).

RECITALS

- A. Owner owns that real property located within the municipal boundaries of the City of Sedona in Coconino County, Arizona, consisting of approximately 0.16 acres, as depicted on the map attached hereto as **Exhibit A** and legally described in attached **Exhibit B** (the "**Property**").
- B. The Owner will be constructing a minimum 900 square foot unit (“Workforce Unit”) on a piece of the Property located at 87 Hart Road, Sedona, AZ 86336. Owner desires to restrict the occupancy of this Workforce Unit for workforce housing pursuant the requirements of this Agreement.
- C. City desires to ameliorate the housing shortage and affordable housing issues by partnering with private developers to buy down the value of rental units to create affordable rents for persons who work in the community.
- D. The City will receive direct benefit from the addition of a workforce unit with a rent cap rather than the addition of another market-rate rental unit. The direct benefit can be quantified by calculating the difference between the restricted rent and the market rate that could otherwise be charged to lease the unit over the same period as a long or short-term rental.
- E. The City will receive the indirect benefits of creating an affordable housing unit, including the increase to the employee’s net disposable income; the employer’s retention of an employee(s) who otherwise may not be able to work locally, the reduction of commuter traffic, and the spillover benefits for the local economy.
- F. Arizona Revised States Section 9-500.05 allows a municipality and a landowner or any other person having an interest in real property located in a municipality to enter into a development agreement pertaining to any matter relating to the use of such real property.

AGREEMENT

NOW, THEREFORE, in consideration of the premises above and the mutual covenants and agreements contained herein, the parties, intending to be legally bound, covenant and agree, for themselves, and their successors-in-ownership and assigns, as follows:

By its consenting signature hereto, Owner agrees to recordation of this Agreement on the Property.

- 1. Recitals. The Recitals set forth above are acknowledged by the Parties to be true and correct and are incorporated herein by this reference.

2. Workforce Unit. Owner agrees to construct one (1) residential Workforce Unit pursuant to the approved building permit B-04786, attached as Exhibit C and as shown on the attached Exhibit A. The Workforce Unit is to be rented to an individual working in the City of Sedona with a gross household income between 80% and 100% of the Area Median Income in Coconino County.
- a. *Design.* The design of the Workforce Unit including the site design shall conform to the issued Building Permit B-04786 meeting all the City's Land Development Code, and the City's Building Code *Use Restrictions*. The maximum number of occupants shall conform to City's LandDevelopment Code definition of "family" and shall not exceed the maximum occupancy requirements established in applicable Building and Fire Codes.
 - b. *Workforce Unit Eligible Rental Process.* The Workforce Unit shall be rented to an employee working in the City of Sedona earning a gross household income between eighty (80%) and one hundred (100%) percent of Area Median Income for the household size in Coconino County. Income from all adults who occupy the property shall be included in the household income. The City will provide assistance in determining the Area Median Income for Coconino County upon request.
 - c. *Rental Restrictions.* Total costs for rental payments for the workforce unit and the cost of utilities (gas, electric, water and wastewater services, phone, modem and cable services, and solid waste pick-up) will be capped at thirty- five percent (35%) of the gross income for the household. During the term of affordability, rent increases shall be proportionate to increases in the Area Median Income for the household size in Coconino County.
 - d. *Affordability Covenant.* Owner shall record an affordability covenant (the "**Affordability Covenant**") for the Workforce Unit. The Affordability Covenant is effective for a minimum period of ten (10) years during which the Workforce Unit shall be rented to an employee working in the City of Sedona earning a gross household income between eighty (80%) and one hundred (100%) percent of Area Median Income for the household size in Coconino County. By its consenting signature hereto, Owner agrees to recordation of this Agreement on the Property.
 - e. *Fee Waiver.* City agrees that it shall not charge plan review fees, permit fees, building fees, sewer fees, grading or development impact fees for the one Workforce Unit. These fees total approximately \$14,168.00.
 - f. *Conversion.* The Workforce Unit shall not be converted to a condominium use or used as a short-term rental for the duration of the Affordability Covenant.

3. Effective Date and Term. This Agreement shall be effective (the "**Effective Date**") upon (i) execution by the parties hereto and (ii) recordation in accordance with ARS Section 9-500.05.
- a. The term of this Agreement shall commence on the Effective Date and shall automatically terminate on the tenth (10th) anniversary of occupancy of the Workforce Unit.
 - i) Notwithstanding Section 3.a., if building permits are not obtained, this Agreement shall automatically terminate on the first (1st) anniversary of the Effective Date. The Affordability Covenant does not expire with the Agreement if terminated pursuant to this Section 3.a.i.
 - b. This Agreement cannot be changed, amended, or altered without the written agreement of the Owner and the City except at renewal period. Either party requesting a change in the Agreement must submit the request in writing a minimum of six months prior to the expiration of Agreement.
 - c. Should the Owner wish to terminate this Agreement prior to the conclusion of the ten (10) year Affordability Covenant period, the Owner shall reimburse the City all waived fees.
 - d. Should a federal or state law regarding housing that may be determined to override any agreements between the City and Owner be enforced, the Owner will have the option to terminate this Agreement with six months' notice. If no notice is submitted, it is assumed the new jurisdiction is accepted by Owner.

4. Miscellaneous.

- a. *Notice.* Unless otherwise specifically provided in this Agreement, all notices, demands or other communication to be given shall be in writing and shall be deemed to have been duly delivered upon personal delivery or three (3) business days after deposit in the U.S. Postal System or one (1) business day after the sending of email notice (given between the hours of 8 am and 5 pm on a business day):

To City:

City of Sedona

Attn: Sedona Community Development Director

102 Roadrunner Drive

Sedona, Arizona 86336

kosburn@sedonaaz.gov

Copy To:

Sedona City Attorney

102 Roadrunner Drive

Sedona, Arizona 86336

kchristianson@sedonaaz.gov

To Inn Sedona, LLC:
Steve Segner
PO Box 1750
Sedona, Arizona 86339
Steve@elportalsedona.com

Either party may change the notice recipient or address by giving written notice to the other party as provided above.

- b. *Governing Law; Venue; Waiver of Jury Trial.* This Agreement shall be governed by and enforced using the law of the State of Arizona. The parties agree that any judicial action brought to enforce the terms or conditions of this Agreement shall be brought in a court of competent jurisdiction in Coconino County, Arizona. Both parties hereby waive any right to a jury trial which they may otherwise have in the event of litigation arising out of this Agreement or the subject matter thereof and consent to a trial to the court.
- c. *Waiver.* No waiver by either party of a breach of any of the terms, covenants or conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant, or condition.
- d. *Severability.* If any phrase, clause, sentence, paragraph, section, article, or other portion of this Agreement shall become illegal, null, or void or against public policy for any reason, or shall be held by any court of competent jurisdiction to be illegal, null, or void or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect to the fullest extent permissible by law, provided that the fundamental purposes of this Agreement are not defeated by such severability.
- e. *Exhibits.* All exhibits attached to this Agreement are incorporated herein by reference as though fully set forth in this Agreement. The exhibits are as follows:
 - Exhibit A: Map of Property
 - Exhibit B: Legal Description of Property.
 - Exhibit C: Building Permit B-04786
- f. *Entire Agreement.* This Agreement and the referenced exhibits and collateral materials constitute the entire agreement between the parties pertaining to the subject matter and all prior and contemporaneous agreements, representations, negotiations, and understandings of the parties, oral or written, are superseded and merged in this Agreement.
- g. *Mutual Benefits.* City and Owner agree that in making the promises contained in this Agreement that certain benefits and advantages will accrue to both parties as a result of the performance of this Agreement, and that this Agreement is entered into in reliance upon the actual benefits afforded each of the parties.
- h. *Conflict of Interest.* No member, official or employee of City may

have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law. All parties acknowledge that this Agreement is subject to cancellation pursuant to the provisions of ARS Section 38-511.

- i. *Assignment and Successors.* This Agreement shall be binding upon and shall inure to the benefit of the parties and their successor and assigns.
- j. *No Third-Party Beneficiaries and No Partnership.* This Agreement is made and entered into for the sole protection and benefit of the parties. No person other than the parties and their successors in interest shall have any right of action based upon any provision of this Agreement. Nothing contained in this Agreement shall create any partnership, joint venture, or agency relationship between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF SEDONA, ARIZONA, an Arizona municipal corporation

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney

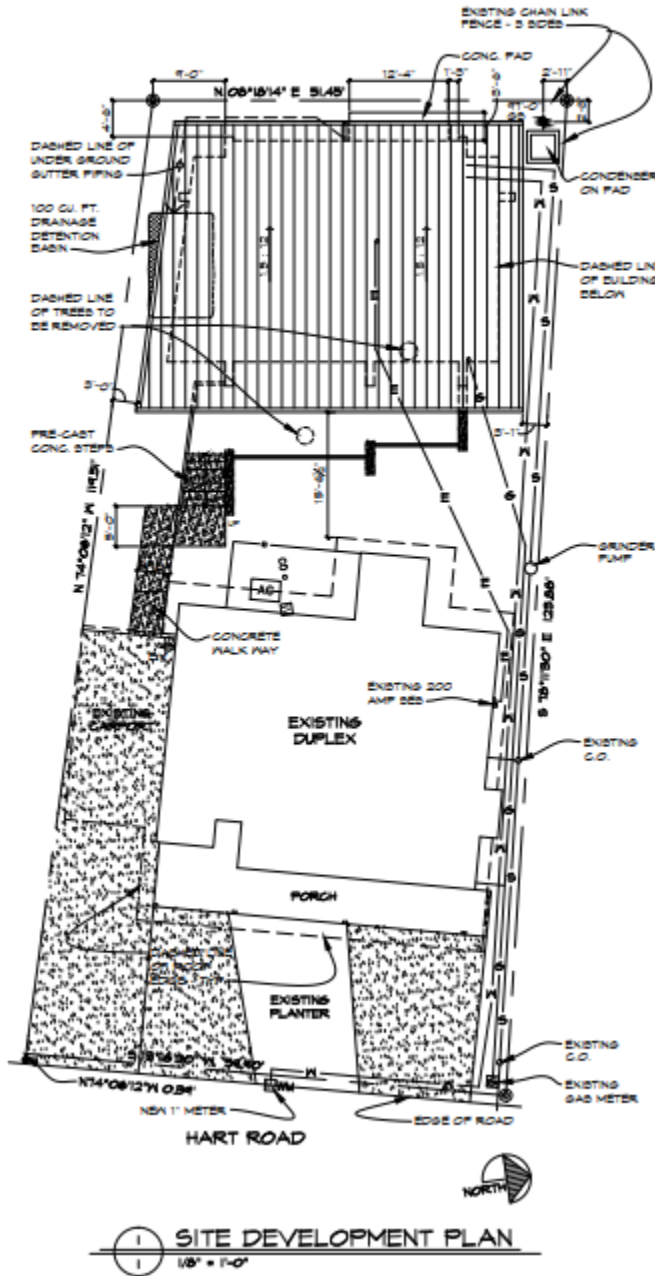
INN SEDONA, LLC, an Arizona limited liability company

By: _____
Steve Segner
Its: President

EXHIBIT A Map of Property

STORMWATER POLLUTION PREVENTION

- A. CONSTRUCTION PHASE: IMPLEMENT STRAIN PATTLES, SILT FENCING, OR OTHER APPROPRIATE BEST MANAGEMENT PRACTICES (BMP) TO MITIGATE STORMWATER POLLUTION & PREVENT EROSION ON-SITE & SEDIMENT LEAVING THE PROPERTY & ENTERING THE CITY OF SEDONA NSD.
- B. POST-CONSTRUCTION PHASE: BMP'S SHALL BE IMPLEMENTED TO PREVENT STORMWATER POLLUTION & SITE EROSION ONCE ACTIVE CONSTRUCTION IS COMPLETED. THESE BMP'S INCLUDE REVEGETATION, GENTLE SLOPING, TERRACING & LANDSCAPING. THIS SHOULD BE IN CONJUNCTION WITH THE REQUIRED STORMWATER MEASURES ADDRESSING VOLUME, SUCH AS RETENTION/DETENTION BASINS, SPALES AND RIPRAP PADS.



BUILDING DATA*

1. LIVABLE AREA: 1,080 SQ. FT.
 2. CUT / FILL CALCS: CUT: 24 CUBIC YARDS
FILL: 10 CUBIC YARDS
 3. GAS SERVICE: UNSOURCE ENERGY SERVICES
 4. ELECTRICAL SERVICE: EXISTING 200 AMP, SEB
 5. WATER SERVICE: ARIZONA WATER COMPANY, NEW 1" SERVICE
 6. SEWER: SEDONA WASTEWATER SERVICES
 7. PARCEL DESIGNATION: APN 401-10-088
 8. PARCEL SIZE: 18 ACRES (8,181 SF)
 9. ZONING CATEGORY: CO - COMMERCIAL
 10. APPLICABLE CODES: 2010 IRC
2010 EGC
 11. CLIMATE ZONE: ZONE 4
- * THESE NUMBERS ARE ESTIMATES FOR BUILDING PERMIT PURPOSES ONLY, NOT FOR BIDDING OR CONSTRUCTION.

GENERAL NOTES

1. TOPOGRAPHY AND TREE LOCATIONS PER SURVEY BY LANDMARK ENGINEERING SURVEYING INC., DATED AUG. 2, 2011
2. ALL VEGETATION SHOWN IS TO BE PROTECTED UNLESS DASHED FOR REMOVAL, EVEN THOSE TREES WITHIN THE CONSTRUCTION AREA. EXISTING TREES WITHIN THE CONSTRUCTION AREA SHOULD BE PROTECTED TO THE MAXIMUM EXTENT POSSIBLE. DO NOT WASH CONCRETE OR MORTAR INTO ANY VEGETATION.
3. THE TOP OF CUT SLOPES SHALL BE MADE NOT NEARER TO A SITE BOUNDARY LINE THAN 1/2 OF THE VERTICAL HEIGHT OF THE CUT WITH A MINIMUM OF 2 FEET. THE TOE OF FILL SLOPES SHALL BE MADE NOT NEARER TO A SITE BOUNDARY LINE THAN 1/2 OF THE VERTICAL HEIGHT OF THE FILL WITH A MINIMUM OF 2 FEET. ALL CUT SLOPES STEEPER THAN 2:1 SHALL BE STABILIZED WITH RIPRAP.
4. FIRE PROTECTION IS NOT REQUIRED FOR THIS PROJECT. SEPARATION BETWEEN NEW STRUCTURE AND EXISTING DUPLEX IS GREATER THAN 10' AND THE COVERED SQUARE FOOTAGE UNDER ROOF IS LESS THAN 3,600 SF. AS PER RICK EVANS, SEDONA FIRE DISTRICT, 923-204-0828. ADDITIONALLY, THIS PARCEL IS NOT CURRENTLY IDENTIFIED AS PUL.
5. SOIL / AGGREGATE TEST REPORT BY WESTERN TECHNOLOGIES INC. (SEP. 11, 2010, JOB # 284019712 CONTACT CRAIG WEDDEMAN AT 923-774-0100 (R = 12)
6. ON-SITE STORM WATER DETENTION WILL BE ACCOMMODATED IN (1) 100 CU. FT. BASIN MADE OF RIP-RAPPED EARTHEN BERM. IT DERIVED RUN-OFF FROM APPROXIMATELY 1,642 SF ROOF AREA. ALL ROOF WATER IS CONVEYED TO THE BASIN VIA BUTTER, DOWNSPOUTS & BELOW GRADE SOLID PIPING.
7. UTILITY LINES SHOWN ARE DIAGRAMMATIC; ACTUAL PATHS MAY VARY BASED ON SUBSURFACE CONDITIONS AND SUB-CONTRACTOR FEEDBACK. VERIFY ANY MAJOR CHANGES WITH ARCHITECT.
8. THE HIGHEST POINT ABOVE GRADE IS 17' AT THE SOUTHEAST CORNER OF THE ROOF.
9. THE SITE IS 8,181 SF. BUILDING COVERAGE IS 1,284 SF EXISTING & 1,080 SF NEW, EQUALS 2,402 SF = 29% COVERAGE. TOTAL COVERAGE IS 3,781 SF = 46% COVERAGE.

DRAWING INDEX

1. SITE DEVELOPMENT PLAN
2. FLOOR PLAN & BUILDING SECTIONS
3. BUILDING & CABINET ELEVATIONS
4. ARCHITECTURAL DETAILS & WALL SECTION
5. MECHANICAL & ELECTRICAL PLANS & SPECIFICATIONS
6. PLUMBING PLAN
7. PLUMBING SPECIFICATIONS & SCHEDULES
8. PLUMBING & GAS ISOMETRICS
9. SPECIFICATIONS
01. GENERAL STRUCTURAL NOTES
- 01.1. STRUCTURAL SCHEDULES & TYPICAL DETAILS
02. FOUNDATION, FLOOR FRAMING & ROOF FRAMING PLANS
03. STRUCTURAL DETAILS
04. STRUCTURAL DETAILS

EXHIBIT B
Legal Description of Property

87 Hart Road Sedona, AZ 86336

Coconino County APN: 40118055

Subdivision: HARTS VILLAGE Block: 7 PT OF LOTS 10 & 11 BLK 7; BEG AT COR 1
WH IS

A PNT ON E LINE OF LOT 10 THAT LIES SLY 40' FROM THE NE COR OF LO
T 10; TH WLY ON A LINE THAT RUNS TO A PNT 28.2' SLY FROM THE NW CO
R OF LOT 10 125.5' TO COR 2; TH NLY PAR TO THE E LINE OF LOT 10 5
1.47' TO A PNT THAT IS 22' N OF THE S LINE OF LOT 11 FOR COR 3;
TH ELY 125' TO INTRSEC THE E LINE OF LOT 11 AT A PNT 20' N OF S
E COR OF LOT 11 FOR COR 4; TH SLY ON E LINE OF LOTS 11 & 10 60' T

OPOB Sixteenth: SE Quarter: SE Section: 07 Township: 17N Range: 06E

Neighborhood 08.02 - SIERRA VISTA-MOUNTAIN VILLAS-CHIMNEY FLATS-
ORCHARDS-HARTS V- JUNIPER HILLS - BRADLEY YAVAPINO-SEDONA VISTA

EXHIBIT C
Building Permit

(see attached)



**CITY COUNCIL
AGENDA BILL**

**AB 2660
March 23, 2021
Regular Business**

Agenda Item: 8b
Proposed Action & Subject: Discussion/possible action regarding proposed amendments to the Sedona City Council Rules of Procedures and Policies.

Department	City Attorney's Office
Time to Present	15 minutes
Total Time for Item	60 minutes
Other Council Meetings	October 9, 2018 (changes to Rules 5.B.2 and 5.D.1)
Exhibits	A. Council Rules of Procedure and Policies with Proposed Changes

City Attorney Approval	Reviewed 3/15/2021 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	Approve amendments to the City Council Rules of Procedure and Policies.	Amount Budgeted	
		\$	0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: Multiple members of City Council have requested updates and changes to the City Council Rules of Procedure and Policies. Currently, the proposed changes include:

1. Proposed changes to the Council Rules of Procedures requires support of two Councilors. Rule 1.B. on page 2.
2. Delineating Councilor's policy responsibilities versus City staff administrative responsibilities. Rule 2.G. on page 4.
3. Councilor Succession. Rule 2.M. on page 6.
4. Changing annual Council/Commission meetings to as needed. Rule 2.P. on page 16.
5. Explaining authority to remove disruptive persons at public meetings. Rule 2.Q. on page 17.
6. Agenda Setting. Rule 3.R. on page 18.
7. Appointing a Vice Mayor. Rule 4.B. on page 21.
8. Noting Council has delegated review of some liquor licenses to City staff on page 30.
9. Updating numbering and correcting typos.

Other areas Councilors have expressed an interest in reviewing include:

1. Council Liaison Assignments.
2. Emergency Powers.
3. Council Meeting Times.

This agenda item is for discussion and possible adoption of the proposed changes as shown on Exhibit A and any other changes suggested by Councilors.

Community Plan Compliant: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): N/A

MOTION

I move to: approve the amendments to the City Council Rules of Procedure and Policies as shown on Exhibit A.



CITY OF SEDONA

CITY COUNCIL

RULES OF PROCEDURE

AND POLICIES

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CITY OF SEDONA PRINCIPLES OF ETHICAL CONDUCT FOR ELECTED OFFICIALS

The following principles are meant to reflect a commitment to the integrity, responsibility, and leadership required of those holding public office. Council members pledge to uphold these Principles of Ethical Conduct in their behavior and actions in order to merit the trust bestowed upon them by the citizens they serve.

1. I will put forth honest effort in the performance of my duties.
2. I will make no unauthorized commitments or promises of any kind purporting to bind the City of Sedona Government.
3. I will not use public office for private gain.
4. I will act impartially and not give preferential treatment to any private organization or individual.
5. I will disclose waste, fraud, abuse, and corruption to the appropriate authorities.
6. I will treat everyone with respect and fairness at all times.
7. I will endeavor to avoid any actions creating the appearance that I am violating the law or these ethical standards.

RULE 1

RULES OF PROCEDURE

A. PURPOSE

1. The purpose of these Rules is to provide standard methods and general policy guidelines for the City Council to use when conducting business with City staff, the general public, and its own members. These Rules should be read and interpreted to be in harmony with the provisions of the Sedona City Code and State and Federal law. However, in every case where a conflict of interpretation may arise, the City Code and State and Federal law will control. These Rules shall be in effect upon their adoption by the Council by motion until such time as they may be amended.
2. Where the term Mayor is used throughout this document, it shall be deemed to include, when appropriate, the Vice Mayor or other designated persons acting in the capacity of Mayor.

B. PROCEDURE FOR INITIATING OR AMENDING RULES

~~Any~~ Two Councilors may propose a new or amended Rule. To do so, the following procedure shall be followed:

1. Present the new or amended Rule(s) in draft, written form to the City Clerk.
2. The proposed draft will be submitted to the City Attorney for review before it is released.
3. The City Council will discuss or take action on the proposed or amended Rule(s) at a regularly scheduled Council meeting.
4. Suspension of These Rules: Any provision of these Rules not governed by ordinances or the City Code may be temporarily suspended, for that meeting, by a majority vote of those eligible to vote. The vote on any suspension shall be taken by "ayes" and "nays" and entered upon the record.
5. Amendment of These Rules: These Rules may be amended, or new rules adopted, by a majority vote of all members of the Council.

C. MASTER FILE OF ORIGINALS

The Clerk will maintain a Master File of all Rules contained herein and any amendments thereto.

D. REFERENCE MANUAL – RULES OF PROCEDURE

A reference manual containing these Rules will be kept in electronic and loose-leaf form in the City Hall for City staff and public use.

E. COUNCILORS' RULES OF PROCEDURE MANUALS

All new and amended Rules will be issued to each Councilor. The Rules will be issued in electronic form.

RULE 2

CONDUCT OF COUNCILORS AND ENFORCEMENT

A. CITY COUNCILOR ATTENDANCE AT SCHEDULED CITY MEETINGS

1. Councilors will notify both the Mayor and City Manager's Office in writing (email is appropriate) of their inability to attend any scheduled City Council meeting.
2. Should a Councilor be unable to attend any scheduled City Council meeting by unforeseen circumstances, that Councilor will notify the Mayor and the City Manager's Office as soon as possible after the meeting.
3. The second failure by a Councilor to notify the Mayor and City Manager's Office of anticipated or unforeseen absences may result in actions as outlined in Section L below.

B. EQUAL VOICE AND VOTE

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. All Councilors should be treated with equal respect.

C. GENERAL RULES OF DECORUM

1. Councilors shall fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
2. At all times, Councilors shall be respectful of other people's time, and shall attempt to stay focused and act efficiently during public meetings.
3. Councilors shall conduct themselves so as to serve as a model of leadership and civility to the community, inspire public confidence in Sedona government, and demonstrate honesty and integrity in every action and statement.
4. Councilors will strive to always be on time for Council meetings.

D. CONDUCT IN PUBLIC MEETINGS

During all regular and special Council meetings, the following rules of decorum shall apply:

1. The role of the Mayor shall be recognized in maintaining order.
2. Councilors shall refrain from distraction during the "moment of silence".
3. Councilors shall refrain from dominating the discussion.
4. Personal attacks on other Councilors shall be avoided.
5. Councilors shall demonstrate effective problem solving approaches.
6. Councilors shall be polite to speakers and treat them with respect.
7. Councilors shall actively listen when others speak.
8. Councilors shall refrain from debating and arguing with the public.
9. Everyone attending Council meetings will turn off all cell phones. If an imminent emergency or serious family matter is anticipated, cell phones may be set on vibrate.
10. Councilors shall refrain from eating at the dais.

11. "Business Casual" is the appropriate dress standard for all scheduled meetings of the full Council.
12. Councilors should be respectful of citizens, citizen opinions, and citizen issues.

E. CONDUCT IN UNOFFICIAL PUBLIC SETTINGS

1. Councilors will continue to practice respectful behavior in unofficial public settings.
2. Councilors will always be aware that conversations can have a public presence, and therefore ensure that all City-related conversations are appropriate and respectful.
3. All Councilors will refrain from making promises on behalf of the City Council unless such promises have been approved by official action.
4. Councilors shall refrain from making negative personal comments about other Councilors that go beyond appropriate criticism of another Councilor's opinion or position on a matter.

F. PUBLIC COMMUNICATIONS

1. When speaking publically regarding City issues, Councilors will inform their listeners that **"any expressions of opinion can only be attributed to me and do not necessarily represent the position or opinion of the City Council or City staff,"** or words to that effect.
2. When writing an item for publication, such as a letter to the editor, Councilors will conclude their written statement with the disclaimer **"Any expression of opinion that may be read into this article can only be attributed to me as the author and does not necessarily represent the position or opinion of the City Council or City staff,"** or words to that effect.
3. Articles assigned to be written by Councilors, such as City Talk, will include the disclaimer as outlined in Section F, Paragraph 2 above, and will be distributed to all local media through the City Manager's Office.

G. COUNCILOR CONDUCT WITH CITY STAFF

1. Councilors shall treat all City staff as professionals.
2. Councilors shall refrain from personal public criticism of an individual employee that goes beyond appropriate criticism or questioning of his/her position on a City matter. Concerns about an employee's performance should be discussed in private and should be brought to the attention of the City Manager.
3. Councilors should attempt to avoid unnecessary or prolonged disruption of City staff from their jobs. Councilors should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their duties, unless there is a compelling time-sensitive concern that must be addressed immediately.
4. The role of each Councilor, as an individual, is to represent the community and to share their ideas, recommendations, and point of view forward during consideration of matters before Council. Councilors must respect and adhere to the Council-manager structure of the Sedona City government as outlined in City Code. In this structure, the City Council determines the policies of the City with

the advice, information and analysis provided by the public, boards, commissions, committees and City staff. Councilors therefore may not interfere with the administrative functions of the City or the professional duties of City staff; nor impair the ability of staff to implement Council policy decisions. Councilors may ask City staff members about the status of a matter and may ask for information, but shall not expressly or implicitly give orders or direction to staff, except through their participation on Council.

5. Councilors shall ~~not~~ refrain from involvement in administrative functions. No Councilor shall request any City staff to spend more than one hour researching, compiling information or otherwise spending staff time to answer a question raised by an individual Councilor without approval by a majority vote of the Council. Councilors should also refrain from individually directing the City Manager and City Attorney in the performance of his/her job responsibilities.

3-6. Councilors must not attempt to unduly influence City staff on the making of appointments, awarding of contracts, selecting consultants, processing of development applications, or granting City licenses and permits. However, this does not preclude City Council members from being involved in such decisions when they are part of a committee that has been formed for the purpose of recommending the selection of a professional firm or recommending the hiring of a key staff member. In being part of that committee it is understood that they will be impartial and make their recommendation based on the merits of the applicants and will recuse themselves from the process if there is a conflict of interest.

4-7. Upon receipt of a citizen's complaint, a Councilor may refer the complaint to the City Manager for review and response. Before responding to a citizen complaint, Councilors should check with the Mayor or City Manager to see if any action has already been taken on the issue. Copies of any response may be provided to other Councilors and the City Manager.

H. RESPONSE TO COMMUNICATIONS FROM THE PUBLIC

1. Councilors are strongly encouraged to acknowledge telephone, letter and electronic communications from the public.
2. When responding to such inquiries regarding City issues, Councilors should indicate a disclaimer such as: **"Any expression of opinion that may be read into this response can only be attributed to me as the author and does not necessarily represent the position or opinion of the City Council or City staff,"** or words to that effect.
3. Individual Councilors may respond to correspondence that has been directed to the entire City Council. Councilors should qualify any response they make which contains their personal opinions as opposed to any official position of the City.
4. Councilors shall always be courteous and professional in any correspondence or interaction with members of the public.

I. REFERRAL OF CITIZEN COMPLAINTS CONCERNING CITY SERVICES

When contacted by a citizen concerning a complaint regarding a City service, Councilors will notify the City Manager of the complaint and inform the citizen that

his/her concern has been forwarded to the City Manager's Office. The City Manager should inform the referring Councilor of what action may have been taken.

J. IMPROPER INFLUENCE

1. A Councilor may not use City staff or letterhead to support personal or non-City functions or fundraisers.
2. Councilors shall not use their official office as a means of advancing personal opinions through public statements whereby an inference can be drawn that they are speaking on behalf of the City. Any such public statements shall contain clear language indicating that such statements are the opinions and comments of the individual and are not necessarily the position of the City of Sedona.

K. GIFTS

1. Councilors shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City of Sedona, and whose interests may be substantially affected by the performance or nonperformance of the Councilor's duties.

L. ENFORCEMENT OF THE RULES OF PROCEDURE

1. City Councilors who fail to follow these Rules of Procedure are subject to both private reprimand and formal censure. It is at the discretion of the Mayor to initiate action if a Councilor's behavior is called into question by another Councilor. When this occurs, the Mayor will discuss the behavior with the concerned Councilor whose actions are being questioned and may issue a private reprimand. If the Mayor is the individual whose actions are being questioned, the same procedure will be followed after a Councilor expresses a concern to the Vice Mayor.
2. If, after a second private reprimand concerning the same behavior, the conduct continues, the matter shall be referred to the City Council to consider whether a public censure is appropriate. Any public censure for violation of these Rules of Procedure can only take place upon a (two-thirds) vote of the entire City Council.

M. COUNCILOR SUCCESSION

1. Upon the death or resignation of a City Councilor, the City Clerk shall immediately advertise the vacancy, request applications from all interested and qualified citizens and accept applications for a period of not less than three weeks.
2. After the application period is closed, City Council shall meet to determine which applicants will be interviewed. Applicants who receive a majority vote of Councilors present in a regular, open session shall be interviewed. A tie vote results in an applicant not being interviewed.
3. Appointments to City Council shall be made after an open session interview with the City Council and through a majority vote of Councilors present.

RULE 3

MEETINGS

A. GENERAL RULES CONCERNING MEETINGS

1. Meetings and Minutes to be Public: All meetings of the Council shall be open to the public, except that upon approval of a majority vote of the Council, the Council may meet in an executive session in a manner pursuant to the requirements of state law. Minutes of all open meetings shall be available for inspection by the public.
2. Regular Meetings: The Council shall meet on the second and fourth Tuesday of each month at 4:30 p.m. except for the fourth Tuesday in August and December.
 - a. If the regular meeting falls upon a legal holiday, then the Council shall meet at the regular time on the next succeeding day not a holiday.
 - b. All regular meetings of the Council shall be held at the Sedona City Hall or such place as determined by the Mayor or Council and as designated in the meeting notice. A regular meeting may be canceled due to lack of a quorum; in such a case, the reason for cancellation shall be conveyed to the Council and the public.
3. Special Meetings: The Mayor, upon his/her own initiative, the Clerk, upon the written request of three (3) members of the Council, or the Council, by majority vote, may convene the Council at any time by notifying the members of the date, hour, place, and purpose of the special meeting. Notice of the meeting must be made pursuant to state law.
4. Work Sessions: The Council may meet in work sessions at the call of the Mayor or any three (3) members of the Council on the day following a regularly scheduled Council meeting at 3:00 p.m. except for the Wednesday following the second regular Council meeting in November. Work sessions are open to the public and are designed to allow the Council to obtain detailed information and public input, on issues of major significance so any final decision made at the regular Council meeting may be expedited. No official action may be taken at a work session unless so stated on the agenda for that meeting.
5. Executive Session: The Council may meet in executive session pursuant to the requirements of A.R.S. § 38-431 et seq. The Council may vote to go into executive session, pursuant to § 38-431.03A(3), for discussion and consultation for legal advice with the City Attorney on the matter(s) set forth in the agenda item, or for other purposes as set forth in A.R.S. § 38-431.03.
 - a. The only persons allowed to attend the executive sessions are members of the Council and those employees and agents whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities. Upon reconvening in public session, following an executive session, the Council may take formal action on matters considered in that executive session.

6. Council Meeting - Quorum: State statute (A.R.S. § 9-233) specifies that, “A majority of the councilmen shall constitute a quorum for transacting business.” A vote of a majority of the quorum of those present is required in order to take official action.
7. Recessed Meetings: A properly called regular or special meeting may be recessed and resumed the following day with less than twenty-four (24) hours’ notice by announcing the time and place for resumption of the meeting in open session. Any such recess shall be made by a procedural motion in open session during the regular or special meeting. To accommodate possible continuations of regular Council meetings to the following day, all Wednesday Special Meeting and Work Session agendas shall contain an item at the beginning of the agenda giving notice of the possible continuation of any uncompleted business from the regular Council meeting that was held on the previous day. If a meeting is recessed or continued to a time longer than twenty-four (24) hours, the continued meeting will be noticed and posted in accordance with normal statutory procedures.

B. PRESIDING OFFICER, DUTIES AND FUNCTIONS

1. Presiding Officer: The Mayor shall preside at all Council meetings if he/she is present. The Mayor shall have the right to vote on all issues. In order to address the Council, a member must be recognized by the Mayor. If the Mayor is absent, the Vice Mayor shall preside. The Vice Mayor or another member who is temporarily presiding retains all of his/her rights as a member of the City Council, including the right to make motions and the right to vote. The Mayor or other presiding officer shall have the following powers:
 - a. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
 - b. To determine whether a speaker has gone beyond reasonable time limits or standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
 - c. To resolve questions of parliamentary law or procedure;
 - d. To call a brief recess at any time;
 - e. To adjourn in an emergency.
2. A decision by the presiding officer under any of the first three powers listed may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member moving the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

C. RIGHT OF FLOOR

1. The Mayor will call the agenda item and open the floor for discussion by the Council.
2. During the question and answer session, Councilors shall be recognized by the Mayor before speaking. The Mayor will make every attempt to allow each

Councilor the opportunity to ask questions before recognizing a Councilor who has already asked his/her questions.

3. The Mayor shall moderate the Council's discussion and comment session by recognizing individual Councilors in the order in which they have indicated the desire to speak. The Mayor will make every attempt to allow each Councilor the opportunity to comment before recognizing a Councilor who has already commented.
4. When a Councilor desires to ask a Councilor who has just finished speaking a question to clarify a point, he/she should immediately address the Mayor requesting the opportunity to ask the question.
5. If one or more Councilors wish to further explore a particular point made by another Councilor, he/she should address the Mayor requesting the opportunity to do so. The Mayor at his/her discretion may allow the exploration of a specific point by allowing Councilors to speak to that point before resuming the original moderated discussion.
6. During that exploration (see 4. above), the Mayor shall monitor the discussion to preclude protracted arguments over those points encouraging instead that Councilors use their moderated discussion turn to continue their argument.
7. With or without a request from a Councilor, the Mayor may announce that the Council is in "open discussion" to facilitate a freer form of conversation and debate on an issue. During open discussion, Councilors may speak without being recognized and may address each other but will adhere to the conventions of respectful, civil dialogue. The Mayor may set a time limit for the open discussion and may end it at any time.

D. ACTION BY THE COUNCIL

1. Any member, including the Mayor, may make a motion.
2. A motion may only address a single point. Where a series of actions or decisions are required, each action or decision shall be a separate motion.
3. Last minute extended editing or "word crafting" of complex motions during Council meetings is discouraged. However, when it is necessary for the Council to "word craft" a complex motion, that motion shall be made available to the Council in writing, either on screen or in hard copy, prior to their voting. If the issue is not time sensitive, the motion may be tabled to the Consent Item Section of the next regular Council meeting to allow City staff to properly formulate the motion.
4. If the motion is time sensitive requiring immediate action by the Council, the Mayor will request a recess to allow City staff to prepare the motion on screen or in hard copy.
5. A substantive motion is out of order while another substantive motion is pending.
6. No further discussion will be allowed after a motion has been voted on, unless there is a motion to reconsider.

E. PROCEDURAL MOTIONS

Certain Other Motions Allowed: In addition to substantive motions, generally only the following procedural motions are in order. Unless otherwise noted, each motion is

debatable, may be amended, and requires a majority of votes cast for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted. In order of priority, the procedural motions are:

1. Motion to Appeal a Procedural Ruling of the Presiding Officer: A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council as specified in Rule 3.B.2. This appeal is in order immediately after such a decision is announced and at no other time. The member moving the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.
2. Motion to Adjourn: This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 3(A)(7).
3. Motion to Take a Brief Recess: This motion, which allows the Council to pause briefly in its proceedings, is similar to the motion to recess. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending. Under these Rules, the Mayor or other presiding officer has the power to call a brief recess at any time in accordance with Rule 3(B)(1) (d).
4. Motion to Follow the Agenda: This motion must be made at the first reasonable opportunity. It is intended to ascertain by a vote of the Council whether the open meeting laws are being adhered to with regard to the discussion being pursued by the City Council. Prior to voting on this motion, the Council may request and receive legal advice from the City Attorney.
5. Motion to Suspend the Rules of Procedure: This motion is made per Rule 1(B)(4) above.
6. Motion to Go Into Executive Session: The Council may go into executive session for one or more of the permissible purposes set forth in A.R.S. § 38-431.03(A), so long as such purpose and a description of the subject matter or issue being discussed is set forth in the meeting agenda. The motion should cite for the record the purpose of the executive session.
7. Motion to Come Out of Executive Session: This motion provides a procedural mechanism for returning from an executive session to an open meeting.
8. Motion to Defer Consideration: The Council may defer a substantive motion for later consideration at an unspecified time, or in order to ensure that a motion is duly considered, may defer consideration to a date and time certain.
9. Motion to Suspend Discussion and Vote on the Motion at Issue: This motion is not in order until there has been at least ten (10) minutes of debate, any members of the public wishing to speak on the issue have been given an opportunity to do so, and every member of the Council has had an opportunity to speak once. If this motion passes, then a vote will immediately thereafter be taken on the substantive motion at issue.
10. Motion to Amend a Pending Motion: An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect

as rejection of the original motion. A friendly amendment to a motion may be accomplished if the maker of the original motion indicates agreement to amend his/her motion in accordance with the proposed amendment. Upon such agreement, the motion is deemed amended. Absent a “friendly amendment,” a motion may be amended only upon a majority vote.

11. Motion to Reconsider a Past Action of the Council: The following rules will govern any matter coming up for reconsideration after it has been acted upon by the Council.

- a. After a matter has been voted upon by the entire Council, any Councilor who voted in the majority may, within seven (7) days, request that the City Manager place the issue of reconsideration on the next regular Council meeting agenda. The motion to reconsider will be debated and voted upon by the Council, and if passed, the Council will then deliberate anew on the substantive issue being reconsidered.
- b. At any time after sixty (60) days that an issue was acted upon, any Councilor may request that the item be placed on the Council agenda. Then, in accordance with Section R (1) (e) of this Rule, the matter will be placed on a future Council agenda. The agenda will indicate that the motion for reconsideration will be considered and voted upon by the Council, and if passed, the Council will then deliberate anew on the substantive issue being reconsidered.
- c. Certain issues may or may not be subject to reconsideration depending on whether or not reconsideration would create a potential claim of equitable estoppel against the City. Examples of matters that could potentially give rise to such a claim include, but are not limited to:
 - 1) Reconsideration of decisions involving the rezoning of property, where a previously made decision has created vested rights in favor of the property owner.
 - 2) Reconsideration of bid awards where an awardee has reasonably relied on a previous Council decision and has committed money and or resources to the project.
- d. The City Attorney will review any request for reconsideration to determine whether or not it creates a potential legal liability for the City and will advise the entire City Council either by way of privileged written communication or in executive session.

F. ATTENDANCE BY STAFF

The City Manager, City Attorney or Assistant City Attorney, and the City Clerk or Deputy City Clerk shall attend all regular meetings of the Council unless excused by the Mayor. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council. If the City Clerk and Deputy City Clerk are excused from an executive session, an alternate Clerk will be appointed. The City Clerk shall keep the official minutes and perform such other duties as may be required by the Council. The attendance of other staff members

will be as directed by the City Manager. Notwithstanding the above, the City Attorney and City Manager need not attend City Council meetings wherein the only business transacted concerns interviews for Commission or Committee positions. In addition, neither the City Manager, City Attorney, or City Magistrate shall attend annual Council evaluations outside of their own evaluation.

G. CLARIFYING COUNCIL DIRECTION

When the Council gives general direction to the staff without voting on a motion, the City Manager will restate for the record the final direction given by the Council in order to avoid any confusion. If the Council disagrees with the restatement, they may make corrections setting forth the direction to be given.

H. RECORDING VOTES

1. On all voting matters, if the vote is other than unanimous, the Mayor shall state for the record, and the Clerk shall have recorded in the minutes, all yea and nay votes. In the case of a tie vote on any motion, the motion shall be considered lost. A roll-call vote shall be taken upon the request of any Councilor.
2. If the Mayor calls out a vote count and a Councilor believes the vote count is incorrect, he/she must ask for a roll call at the time of the vote. Once announced, the vote total is final. If a Councilor wishes to abstain from voting, that member must do so prior to the issue being discussed and explain the abstention. A Councilor indicating an intention to abstain from voting may not participate in the discussion and should leave the dais.

I. MINUTES OF THE MEETINGS

1. Minutes of all open meetings of the Council shall be kept by the Clerk and shall be entered in a book constituting the official record of the Council.
2. Appropriate technology recordings of all open Council meetings shall be retained for a minimum of three years and may, within the City Clerk's discretion, be retained for a longer period after the minutes of the meeting are approved.
3. If a person needs to refer to the details of a discussion, he/she should refer to the meeting's recording, in accordance with Section M of this Rule. The City Clerk will exercise his/her best discretion, in accordance with appropriate minute taking procedures, to assure that the substance of the meeting is recorded accurately and that the name of each person speaking is recorded.
4. If a member of the Council or the public presents written material they wish to have included in the official record of the meeting, this will be done. The material will be attached to the original minutes that will be kept on permanent file in the Clerk's office.
5. Copies will not be included with the minutes that are distributed. Copies of attachments will be made available to Councilors upon request.
6. The City Clerk will tape record executive sessions whenever possible. Either the recording or minutes will be maintained in accordance with A.R.S. § 38-431.03, and shall be kept confidential. If the City Clerk or Deputy City Clerk cannot attend an executive session due to a conflict of interest, the tapes or minutes for that

session shall be retained in the City Manager's Office until the conflict has been resolved.

J. READING OF MINUTES

Minutes will not be read unless requested by a quorum of Councilors. Copies of the minutes shall be distributed to Councilors upon request. A master copy of the minutes is available for review in the City Clerk's Office prior to the meeting at which they are to be approved.

K. CORRECTIONS TO COUNCIL MINUTES

1. If a Councilor has corrections, other than substance, such as spelling or punctuation, he/she may call them into the City Clerk or present them in writing before the next meeting and they will be corrected accordingly.
2. All corrections that have been approved by the Council at a Council meeting will be made to the original minutes in question before the City Clerk signs the certification form.

L. ORDINANCES: CONFINED TO ONE SUBJECT: EXCEPTIONS

No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances shall relate to more than one subject, which shall be clearly stated in its title.

M. APPROPRIATE TECHNOLOGY OF MEETINGS

Councilors have the right, if they wish verbatim portions of a particular meeting, to use copies of the official media to obtain this information for themselves. An appointment shall be made for the appropriate media use. (If a Councilor requests the City Clerk to perform this task, it will be done when the Clerk can judiciously do it without impeding the City Clerk's official daily work.) Master recordings shall not be removed and must physically remain in the possession of the City Clerk's Office.

N. CONFLICTS OF INTEREST

1. Each Councilor has responsibility for compliance with the provisions of A.R.S. Title 38, Chapter 3 Article 8¹, concerning conflicts of interest. When a Councilor recognizes a conflict of interest, the member shall announce the conflict, refrain from discussion or voting on the matter and shall leave the dais. A Councilor should consult with the City Attorney well in advance of any decision where there may be a potential conflict of interest.
2. A Councilor may in certain situations choose to abstain from participation in a matter even though he/she does not have a legal conflict of interest. However, such abstentions, absent compelling personal convictions or a strong perception

¹ A.R.S. § 38-501 et. seq.

of a moral conflict of interest, are discouraged. Ultimate discretion concerning personal abstentions are, however, left to the discretion of the individual Councilor. In such cases, the Councilor should announce his/her decision to abstain before any discussion of the item in question begins, and should thereafter refrain from discussion and voting on the matter, and should leave the dais. By participating in discussion of an item, Councilors thereby waive their right to abstain from voting.

O. MEETING TIME LIMITS

The Council will make every effort to comply with the proposed time limits established for each item on the agenda. However, any Councilor, after four (4) hours of meeting time has elapsed, may make a motion to continue the meeting to a date and time certain. Any Wednesday Work Session or Special Meeting shall contain an item at the beginning of the agenda providing for consideration of items continued from the prior meeting.

1. General

- a. The Mayor may remind Councilors of these guidelines during a meeting.
- b. Councilors are encouraged to read the packet ahead of time and submit questions to staff by the Monday of Council week.
- c. As much as possible each Councilor should be given the opportunity to speak before a Councilor speaks a second time.

2. Time Monitoring

- a. It is not necessary to speak on every issue. When you do speak, do not ask questions that have already been answered, do not repeat information, make your point as quickly as possible, and be mindful of the time you take.
- b. The Mayor may interrupt a Councilor if he/she is repetitious or not on topic.
- c. The Mayor may remind the Council about time.
- d. The Mayor may limit discussion when it appears that statements are redundant and that the time has come to vote.

3. Agendas

- a. Agendas may include a recommended time limit next to each item. The Mayor may remind Councilors when the time limit is being approached.
- b. Placing items on the agenda that could be handled administratively should be avoided.
- c. Less time-sensitive items may be delayed to a later meeting when major substantive issues are on the agenda.
- d. Agendas may be chronologically rearranged by the mayor after consulting with other Council members if it is determined to be in the best interest of facilitating the meeting while also ensuring compliance with Open Meeting laws.

4. Public Input and Presentations

- a. Presentations and reports shall include detailed, written materials in the Council's packet. Speakers should present the key points only and not just read what is already in the Council packet.
- b. Presenters shall make every attempt to stay within the time designated on the agenda bill. Additional time may be granted at the discretion of the Mayor.
- c. The Mayor may manage public input by asking the public:
 - 1) To not repeat what previous speakers have said on the issue.
 - 2) That if they have nothing new to add to what other speakers have said, then to simply indicate they are for or against the item.
 - 3) For the next speaker to stand "on deck" to save time.

P. ORDER OF BUSINESS

1. Generally: The general order of business in regular meetings shall be as follows:
 - a. Call to Order/Pledge of Allegiance/Moment of Silence
 - b. Roll Call
 - c. City's Vision Statement/Moment of Art
 - d. Consent Items
 - e. Appointments
 - f. Citizens Engagement Program Update – Discussion/Report
 - g. Summary of Current Events by Mayor/Council/City Manager
 - h. Public Forum
 - i. Proclamations, Recognitions, and Awards
 - j. Regular Business
 - k. Reports/discussion on Council assignments
 - l. Discussion/possible action on future meetings/agenda items. Councilors should be apprised of topics/issues that are being prepared for future Council agendas or possible executive session items
 - m. Executive Session
 - n. Return to Open Session
 - o. Adjournment
2. Consent Items: Many items of business require action by the Council, but are of a routine and non-controversial nature. In order to expedite the public business and provide time for deliberation of non-routine matters, a Consent Items Section shall be used as follows:
 - a. When any item of business requires action by the Council, but is routine, such items may be presented as part of the Consent Items Section.
 - b. Any member of the Council, City staff, or the public may request that an item be removed from the Consent Items. All such items shall be considered individually and acted upon with a motion in the order in which they appeared in the Consent Items Section.

- 1) Whenever possible, Councilors should attempt to notify the Mayor and the City Manager, at least one hour before the meeting commences, of their intent to remove any item from the Consent Items Section.
 - c. Following the removal of items from the Consent Items Section, there shall be no debate or discussion by any Councilor regarding any items remaining in the Consent Items Section beyond asking questions for simple clarification.
 - d. The Consent Items shall be introduced by a motion “to approve the Consent Items” and shall be considered by the Council as a single item.
 - e. The motion to approve the Consent Items Section shall be equivalent to approval, adoption, or enactment of each motion, resolution, or other item of business exactly as if each has been acted upon individually. The motion of approval is only for those items that have not been removed from the Consent Items Section.
3. Proclamations: Proclamations may be placed on the agenda by the City Manager or with the sponsorship of any two Council members.
 - a. Before placing a Proclamation on the agenda, due consideration should be given concerning whether the Proclamation is consistent with the City’s vision statement and the goals of the Community Plan. Those that promote a particular political or religious agenda will not be accepted.
 - b. All Proclamations must be submitted in accordance with the City’s established timeline for placing items on a Council agenda and must be approved as part of the Consent Agenda prior to being presented. Proclamations will be read and presented only when the recipient of the Proclamation so requests and is present to receive it at the Council meeting where it is considered.
 4. Summary of Current Events: This portion of the agenda should be confined to items such as recent or upcoming meetings or events of interest to Councilors and the public. It should not be used to state a position or deal with an issue. Such items should be agendized for future meetings.
 5. Commission Annual Meeting and Written Reports: The City Council will meet individually with each commission annually as needed for a directional meeting. For this meeting, each commission chair is required to submit, a written status report summarizing accomplishments and major issues for his/her commission. The Council liaison for each commission or the Mayor, may at his/her discretion, bring back to the Council a request for an additional Council meeting if it appears to be warranted.

Q. TIME LIMITATIONS REGARDING PUBLIC PARTICIPATION

1. Public Forum: Normally, during the “Public Forum,” each member of the public will be limited to three minutes. If at the expiration of three minutes a request for additional time is made, the request will be considered at the sole discretion of the Mayor. During an open call to the public, individual Councilors may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, or may ask that a matter be put on a future agenda. However,

Councilors shall not discuss or take legal action on matters raised during an open call to the public unless the matters were properly noticed for discussion and legal action.

2. Public Input Concerning Agenda Items: During the “Agendized Portion” of the meeting, each member of the public will be limited to three minutes, unless granted additional time by the Mayor. In the event a Councilor verbally objects, a vote will be taken.
 - a. Individuals opposed to or supporting an agenda item will be recognized by the Mayor and must state his/her name and city of residence or county, then speak the issue. In the interest of time, the Mayor may request that he/she does not repeat statements presented by previous speakers. If the person does not wish to speak, the person can simply state his/her name and position on the issue.
 - b. In all cases, ~~The~~ the Mayor may grant the speaker additional time if the Council feels it is appropriate.
 - c. Any Councilor may make a procedural motion to re-open the public comment period, if it is perceived that members of the public wish to offer additional comments or rebuttal to matters presented after the original public comment period is closed. The Council will vote on the motion and if passed, the public comment period will be re-opened.

3. Public Disruption: The Mayor has the authority to preserve order at all Council meetings, and may call for recess and/or remove or cause the removal of any person from any Council meeting. A member of the public who disrupts and is ordered removed from a Council meeting shall be excluded from the remainder of that meeting.

3.4. Planning and Zoning Appeals: If the item before the City Council concerns an appeal of a planning and zoning issue, the appealing party and the party defending the prior decision will each be given ten (10) minutes to present their position and respond to questions from the Council. The Council will then allow public comment in accordance with the three-minute rule governing such comment. Following the public comment period, the appealing and defending parties will have five (5) minutes for rebuttal. The Council will then deliberate and reach a decision on the appeal.

- a. After an appeal has been filed in a matter where the Council is acting in a quasi-judicial capacity, and during the pendency of an appeal before the City Council, a member of the City Council may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the appeal, except at a meeting of the Council.
- b. Notwithstanding Section a. above, no decision or action of the City Council shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision making body receiving the contact:

- 1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
- 2) Gives notice before or at the hearing of the parties' right to rebut the substance of the communication.

R. AGENDAS

1. Determination of Specific Items to be Included. ~~Council members~~Two Councilors, the City Manager ~~and or a~~ Department Heads may have items placed on the agenda. Council members wishing to place an item on a future agenda may make the request at a City Council meeting during Future Meeting/Agenda Items. As an alternative or if the item is of a time sensitive nature, the Councilor may contact the City Manager with the request. The City Manager shall be notified of all upcoming agenda requests from Councilors so that staff can be prepared. In the case of Council members, support of two (2) Councilors ~~members~~ is required. If the City Manager determines the item will require substantial research and/or staff time (generally more than two hours), the item will initially be agendized as an introductory item and a majority support of Council will be required to pursue the item further.
 - a. The general public may have items placed on the agenda only through Councilors.
 - a.b. -Requests by Councilors for information or reports concerning the administration of the City or matters having to do with actions of or failure to act by the administrative staff or amenable to administrative disposition shall not be placed on the agenda of any Council meeting until the City Manager shall have been given a reasonable opportunity to resolve the matter and to furnish the interested Councilor or Councilors with an explanatory statement.
 - b.c. The City Council may, by majority vote, identify items to be added to the agenda of a specified future Council meeting.
 - c.d. Items submitted by Department Heads for consideration as possible agenda items shall be presented to the City Manager and City Clerk under cover of a transmittal form, "Request for a City Council Agenda Item."
 - d.e. An agenda team comprised of at least the City Manager, Mayor, Vice Mayor, City Attorney, and City Clerk shall meet prior to the regular meeting to select, discuss, and prioritize the draft agenda items and decide their placement on future agendas.
 - e.f. An agenda item submitted by any Councilor shall be placed on a regularly scheduled Council meeting agenda within two (2) meetings of the submitted request. The agenda item may be postponed because of other agenda item priorities as determined by the agenda team.
 - f.g. As soon as the "draft agenda" is set, the City Clerk shall distribute it by email to all members of the City Council.
 - g.h. Only in extraordinary circumstances and after approval of the Mayor should any additional agenda items be added to the City Council packet after its distribution.
 - h.i. Once Councilors receive their meeting packets, any typographical or housekeeping errors in ordinances or resolutions under consideration should be

presented in writing to the Clerk before the meeting at which they are considered and the necessary changes will be made by the Clerk for consideration by the Council at the Council meeting.

2. Posting of Agendas: All agendas for regular meetings shall be posted in ~~three~~ one (31) official public places as well as the City's website. All agendas will be publicized in the local newspaper on the Friday prior to the scheduled meetings. Agendas published in the newspaper will be marked "tentative," and will have the following disclaimer "This is an unofficial tentative agenda and is subject to change until twenty-four (24) hours before the actual meeting. To review the final agenda(s), please consult with officially posted agenda(s) within twenty-four (24) hours of the meeting time." Agendas will be posted by Friday, but in no case (other than an emergency meeting) later than twenty-four (24) hours prior to the meeting.

RULE 4

MAYOR, VICE MAYOR, DUTIES & SUCCESSION

A. MAYOR

1. Preservation of Order: The Mayor shall preserve order and decorum, decide all questions of order, prevent intrusion upon personalities or the impugning of members' motives, confine members in debate to the question under discussion, and conduct the meetings in accordance with parliamentary rules contained in Robert's Rules of Order (Revised). These Rules shall prevail in cases of conflict with Robert's Rules of Order.
2. Questions to be Stated: The Mayor shall state all questions submitted for a vote and announce the results. The recording of votes shall be in accordance with Rule 3, Section H.
3. Voting: The Mayor shall vote as a member of the Council.
4. Powers and Duties: The powers and duties of the Mayor shall include the following:
 - a. Serve as the chief executive officer of the City;
 - b. Be the chairman of the Council and preside over its meetings. He/she may make and second motions and shall have a voice and vote in all its proceedings;
 - c. Enforce the provisions of these Rules;
 - d. Execute and authenticate by his/her signature such instruments as the Council or any statutes, ordinances, or these Rules shall require;
 - e. Make such recommendations and suggestions to the Council as he/she may consider proper;
 - f. Declare, by proclamation, a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the City. After declaration of such emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the City, including but not limited to:
 - 1) Imposition of a curfew in all or any portion of the City;
 - 2) Ordering the closing of any business;
 - 3) Closing to public access of any public building, street, or other public place;
 - 4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
 - g. Perform such other duties required by state statute and these Rules as well as those duties required as chief executive officer of the City.

B. VICE MAYOR

1. Designation/Election: At the first meeting of the Council following an election, the Council shall designate one of its members as Vice Mayor, who shall serve, at the pleasure of the Council, until the next general election. The designation process shall be as follows:

- a. The Mayor will solicit a single nomination from the Mayor and each Councilor desiring to nominate until all nominations have been made. Nominations do not require a second. When it appears that no one else wishes to make a nominations, the Mayor will declare the nominations closed. A motion to close the nominations is not necessary.
- b. After nominations have been closed, each nominee will have an opportunity to speak. If the nominee chooses to speak, it may not be for longer than three minutes. Any person so nominated may at this time withdraw his or her name from nomination.
- c. Then voting for Vice Mayor will take place in the order nominations were made. Councilors will be asked for a voice vote and a raise of hands. As soon as one of the nominees receives a majority vote of the Councilors present, then the Mayor will declare that individual elected. No votes will be taken on the remaining nominees.
- d. If none of the nominees receives a majority vote of Council, the Mayor will call for nominations again and repeat the process until a candidate receives a majority vote.
- e. A tie vote results in a failed nomination.

4-2. Duties: The Vice Mayor shall have the powers to perform the duties of the Mayor during his/her absence or disability. In addition, the Mayor may delegate any of his/her ministerial duties to the Vice Mayor, including but not limited to, attendance and participation on non-City boards and committees.

2. Acting Mayor: In the absence or disability of both the Mayor and Vice Mayor, the Council shall designate another of its members to serve as Acting Mayor who shall have all the powers, duties, and responsibilities of the Mayor during such absence or disability.

C. MAYOR SUCCESSION

1. Upon the death or resignation of the Mayor, the Vice Mayor shall assume the duties of the Mayor until an interim Mayor is appointed by the City Council. The Council will fill any such vacancy by selecting the interim Mayor from among its members by majority vote. The person selected will serve until the next general election.
2. After making an interim appointment of the Mayor, the Council shall then immediately select one of its members as interim Vice Mayor, who shall serve at the pleasure of the Council until a new Mayor is elected and seated.
3. If the Councilor selected as Mayor is in his/her first or second year of a four year Council term, then upon fulfilling the remainder of the former Mayor's two-year

term, he/she will re-assume his/her position as a Councilor and complete the remainder of his/her term. If such an appointee desires to run for the office of Mayor, upon declaring his/her candidacy, he/she will be required to relinquish his/her right to re-assume his/her former position as Councilor. Upon declaring a candidacy for Mayor, because a vacancy will be created for his/her former Council seat, the Council will fill that vacancy per the options set forth in A.R.S. § 9-235.

4.5. _____ Any person appointed to fill the vacancy created by a Councilor assuming the position of Mayor, will serve only until the next general election, unless appointed for a longer term per the provisions of A.R.S. § 9-235.

RULE 5

CREATION OF COMMITTEES, BOARDS & COMMISSIONS

A. COMMITTEES, BOARDS AND COMMISSIONS

The Council may create Committees, Boards, and Commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify which are not inconsistent with the City Code. No member of the City Council including the Mayor shall be allowed to independently form an official City committee, subcommittee, task force, or other body however designated, without the prior approval of the City Council.

B. MEMBERSHIP AND SELECTION OF COMMISSION OR BOARD MEMBERS

1. Individuals applying for a Board or Commission must fill out and submit the City application form by the established deadline.
2. The Mayor, Mayor's designee from City Council, and the Chair (or Vice Chair if the Chair is applying for reappointment) will interview applicants for commission seats and forward a recommendation for appointment to the Council.
3. If an existing Committee member is seeking re-appointment and is the sole applicant, he/she shall be interviewed, but the interview can be done in a summary fashion within the discretion of the reviewing body.
4. In situations where a replacement is being selected who will fill less than six (6) months of a remaining term, the reviewing body may recommend to the Council that the selected candidate be appointed to serve for the remaining term, plus the next full term for that position.
5. The recommendation will be placed in the Appointments Section of the next available Council agenda for approval.
6. Any Committee, Board, or Commission created shall cease to exist when abolished by a majority vote of the Council.

C. MEMBERSHIP AND SELECTION OF COUNCIL COMMITTEE MEMBERS

1. Council Committees may be formed and members appointed at the discretion of the Council or in the manner in which Boards and Commissions are formed.
2. Committees created through Council action are subject to the open meeting laws.
3. No Committee so appointed shall have powers other than advisory to the Council except as otherwise specified by ordinance, the City Code, or State Statute.

D. RESIDENCY REQUIREMENTS

1. Planning and Zoning Commission and Personnel Board members shall be residents of the City of Sedona. The Historic Preservation Commission and any Committees it may appoint, may have a maximum of two members each who are not residents of the City of Sedona, but only if they have a direct connection to the City corporation limits, including but not limited to, situations such as being an

employee within the City limits or owning a business or property within the City limits.

2. Special, single issue, Committees set up by the City Council shall be comprised primarily of City residents, but may have up to two non-resident members, but only if they have a direct connection to the City corporate limits such as being an employee within the City limits or owning a business or property within the City limits.

E. REMOVAL OF MEMBERS OF COMMITTEES, BOARDS & COMMISSIONS

The Council may remove any member of any Committee, Board or Commission by a majority vote of the Council, or as otherwise provided by ordinance or City Code.

F. INAPPROPRIATE ACTION/BEHAVIOR OF BOARD, COMMITTEE, OR COMMISSION MEMBERS

1. Any Committee, Board, or Commission member may not use City staff or letterhead to support personal or non-City functions or fundraisers.
2. Members of any Board, Committee, or Commission shall not use his/her official office as a means of advancing personal opinions through public statements whereby an inference can be drawn that they are speaking on behalf of the City. Any such public statements shall contain clear language indicating that such statements are the opinions and comments of the individual and are not necessarily the position of the City of Sedona.

G. ATTENDANCE AT COUNCIL, COMMISSION, COMMITTEE, BOARD OR TASK FORCE MEETINGS

In order to ensure that open meeting laws are complied with, the following procedures will govern the attendance of Council, Commission, Committee, Board and Task Force members at meetings other than those of the body that the public official serves on.

1. All notices of official City meetings will contain appropriate wording regarding the possible attendance by City Council, Commission, Committee, Board or Task Force members, such as the following example:
"This is to notify the public that a quorum of members of the City Council or various other City Commissions, Committees, Boards, or Task Forces may be in attendance.
2. If, despite the precautions taken in Paragraph 1 above, a quorum of City Council, Commission, Committee, Board, or Task Force members appear at a public meeting, event, or private gathering, they will not congregate in a manner that would create a perception that the majority may be conducting City business.

The Mayor and City Councilors may from time to time be invited to attend and participate in staff initiated committees, task forces, or CEP work group meetings that are not subject to open meeting laws, and they may always attend as observers; however, they may not serve as regular members of those committees, task forces, or work groups.

RULE 6

CITIZENS' INTERACTION

A. ADDRESSING THE COUNCIL

1. Following submission of a Citizen Information Card and when recognized by the Mayor, anyone may address the Council on any subject not on the agenda during the "Public Forum" portion of the meeting. There shall be no Council discussion of such unagendized issues, other than to refer the matter to staff, respond to a personal criticism, or have the matter placed on a future agenda.
2. To speak on specific agenda items at other times throughout the meeting, a member of the public must fill out a "Public Comment Card" and present it to the City Clerk before or during the time that agenda item is discussed. The person must fill out his/her name, physical address, phone number, the agenda item he/she wishes to address, and the name of the group he/she represents, if any.
3. Oral or written remarks are limited to three minutes, although additional time may be granted by a majority vote of the City Council in accordance with provisions of Rule 3, Section Q, Paragraphs 1 and 2.
4. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council.

B. PERSONAL AND SLANDEROUS REMARKS

Any person who becomes disruptive while attending a Council meeting in a manner that constitutes disorderly conduct per A.R.S. § 13-2904², may be requested to leave the meeting and, if necessary the Mayor may request that the police escort the person from that particular meeting.

C. RESPONSE TO CITIZENS' COMPLAINTS

In response to a citizen's complaint, the Councilor may refer the complaint to the City Manager in accordance with provisions of Rule 2, Section I.

² A person commits disorderly conduct if, with the intent to disturb the peace or quiet of a ...person, or with knowledge of doing so, such person:

1. Engages in fighting, violent or seriously disruptive behavior; or
2. Makes unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of business of a lawful meeting, gathering or procession; or
5. Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.

D. WRITTEN COMMUNICATIONS

Interested parties or their authorized representatives may address the Council, in writing, regarding any matter concerning business over which the Council has control.

RULE 7

PROCEDURE FOR COUNCIL AND CITY MANAGER (OR DESIGNEE) LIAISONS/REPRESENTATIVES TO PROVIDE INPUT TO REGIONAL BOARDS AND COMMITTEES

A. APPOINTMENT

Appointments shall be made at the Mayor's discretion with input from the City Manager. Appointments will be revisited and possibly reassigned following City Council elections. Councilors may express interest in certain liaison roles; however, the final determination for the appointment will be a decision of the Mayor. New liaison roles will be approved by the Mayor and City Manager. City staff may be assigned in lieu of a City Councilor.

B. ROLES

Roles are defined in the categories of Informal Voluntary, Financial Relationship, and Shared Governance.

1. Informal Voluntary - liaisons to these organizations are voluntary based on interest from Councilors. Liaisons should limit activity to attending meetings, collecting information, and reporting back to Council. Councilors are discouraged from giving general reports except those that are limited to information relevant to the organization to which the liaison serves or as otherwise directed by Council.
2. Financial Relationship - liaisons to these organizations are established based on a significant, ongoing financial contribution, often resulting in a service contract, MOU, IGA, or a specific service rendered in exchange for a fee. Liaisons should play a more active role in observing and assessing fiscal stewardship and alignment between funding and any stated goals or outcomes associated with funding from the City. Whenever practical, Council should provide input to liaisons so they can more effectively represent the City. Input could be related to seeking specific information from the organization such as annual reports or audits or direction given to advocate for certain outcomes. Liaisons should never vote or make commitments on anything without delegation from Council. The Council liaison and staff liaison should coordinate efforts to maximize effectiveness of both positions and eliminate possible conflicting information.
3. Shared Governance - liaisons should play the most active role; influencing the organization through voting, lobbying, and other means in the interest of the City. Whenever practical, Council should provide input to liaisons so they can more effectively represent the City. Input could be related to seeking specific information from the organization such as annual reports or audits or direction given to advocate for certain outcomes. Liaisons should never vote or make commitments on anything without delegation from Council. The Council liaison and staff liaison should coordinate efforts to maximize effectiveness of both positions and eliminate possible conflicting information.

C. REPORTS TO STAFF

After appointment by the City Council to a regional Board or Committee, the Council representative should periodically report items of significance to the Council as part of the Council Assignments portion of City Council meetings and may also wish to provide periodic updates to appropriate Department Heads.

D. DIRECTION FROM COUNCIL

1. Upon the request of the Council representative, issues may be agendaized for Council consideration before the next regional meeting so the representative may receive instruction and direction from the Council. Staff may also participate in and make a recommendation to the Council.
2. The City Council will deliberate and indicate by motion the instruction and direction which the representative is to present in representing the City before regional bodies and Committees.

E. SPEAKING ON BEHALF OF COUNCIL

1. If a Councilor appears before any federal, state, regional, county or other governing body, board or committee, and has not received any direction from the City Council as a whole concerning matters which are being discussed, any comments or statements made by said Councilor should clearly indicate that the Councilor is speaking only as an individual and that his/her comments should not be construed as representing the views of the City of Sedona or the Sedona City Council. (See Rule 2, Section F, Paragraphs 1 and 2)
2. Where time constraints require immediate input on behalf of the City, and where the Councilor has a substantial good-faith basis for assuming that there would be strong Council support and there is support for the particular issue in the Community Plan and/or Strategic Plan, the Councilor may proffer a tentative City position and shall thereafter give, within twenty-four (24) hours, written notice to other Councilors and the City Manager of the position taken.

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CITY OF SEDONA

POLICIES

POLICY A

LIQUOR LICENSE APPLICATIONS

The Sedona City Council shall consider all applications for Liquor Licenses in accordance with Arizona Revised Statutes, Title 4, [unless that authority has been delegated to City staff through an official Council Resolution.](#)

POLICY B

ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY

A. COUNCIL SPECIFIC PROVISION

City Councilors may communicate with each other via e-mail concerning City business under the following conditions:

1. E-mail communications concerning City business or City related issues are considered public records. If an email related to City business is received by an account other than a City email account, this email shall be forwarded to the official City email account for records preservation. The email will be preserved and made available for public inspection.
2. E-mail cannot be used as a means of discussion of City business between all or a quorum of members of the City Council.
3. E-mail cannot be used as a means of taking straw polls on City issues.
4. E-mail cannot be used to facilitate a form of “hub and spoke” communication whereby one Councilor acts as a go-between disseminating communications between other Councilors. In summary, communication by e-mail cannot be used as a means of circumventing the open meeting laws.
5. A Councilor may use e-mail to distribute informational material to all other Councilors through the City Clerk. However, such distribution should not be made with the intent to initiate responses from other Councilors. Any discussion of such informational communication should be reserved for public City Council meetings.
6. E-mail communication to or from the City Attorney concerning pending litigation or legal advice should contain a warning in the subject line stating: “Confidential Attorney-Client Privileged.” A corresponding copy of the e-mail should also be sent to the City Clerk’s direct e-mail address. The Clerk will make a hard copy of the e-mail and maintain it in a confidential non-public file. Such communications should also contain the following boilerplate at the end of the communication:

The information contained in this message is attorney/client privileged and/or confidential information intended only for the use of the individual or individuals named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or printing of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 928-____ (or by reply e-mail) and delete this message.
Thank you.

B. CITY WIDE E-MAIL INTERNET POLICY

1. Purpose

- a. This policy sets forth the parameters for the proper use, preservation, disclosure and disposition of electronic mail (e-mail). It also establishes appropriate standards for use of the Internet within the City.
- b. This policy applies to all employees and public officials including City Councilors and members of City Committees or Commissions who access e-mail or the Internet through the City computer network, either by way of a City computer or through a remote connection to the City computer network.
- c. E-mail is a communications tool that, when made available to City employees, is provided for performance of their duties. E-mail is to be used for official business purposes. Personal messages shall be kept to a minimum. No solicitations shall be conducted through e-mail.
- d. The City's connection to the Internet exists to facilitate the official work of City staff members. The Internet facilities and services are provided for staff members for the efficient exchange of information and the completion of assigned responsibilities.
- e. Employees shall not be granted access to the e-mail system until they have read this policy and signed and have returned the Policy Consent Form to Human Resources.

2. General Policy Statement for E-mail

- a. The City of Sedona maintains an electronic mail system in order to facilitate expeditious communication among City employees, public officers, citizens and persons or companies doing business with the City. The contents of all electronic mail messages composed, sent or received on the City electronic mail system are the intellectual property of the City of Sedona, and are not the private property of any employee or public official. The use of the e-mail system is a privilege; therefore, acceptable use of the e-mail system is based on good judgment and common sense. Employee e-mail accounts are not to be used as the sole or primary e-mail address for personal correspondence.
- b. The confidentiality of any e-mail message should not be assumed. Even when a message is deleted, it may still be possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. The City reserves the right to review, audit, intercept, access and disclose all e-mail messages created, received, or sent over the City's electronic mail system. Except as noted in Par. A(3) below, the contents of electronic mail may be disclosed without the notice or permission of the sender. Notwithstanding the City's right to retrieve and read any electronic mail messages, such messages shall be treated as confidential by other employees and public officers and shall be accessed only by the intended recipient. No electronic messages may be monitored, reviewed, audited, intercepted, accessed, or disclosed without the authorization of the City Manager.

- c. No electronic messages created, received or sent over the electronic mail system by any employee or agent of the Sedona City Attorney's office may be monitored, reviewed, audited, intercepted accessed or disclosed without the prior written authorization of the Sedona City Attorney. This policy complies, in all respects, with the provisions of the Rules of the Supreme Court, Rule 42, Professional Conduct, including, but not limited to the provisions of ER 1.6, Confidentiality of Information.
- d. The City Clerk's Office is responsible for creating and distributing the e-mail records policy, in accordance with State Statute and City requirements.

C. DEFINITIONS

1. Electronic Mail (e-mail): Electronic Mail is any transmission of messages, including attachments and imbedded objects, through the City's computer information network by electronic means.
2. Public Records: For purposes of this policy, Public Record means any e-mail communication made or received by any City employee or public officer in pursuance of law or in connection with the transaction of public business including, but not limited to, communications that concern the City's organization, functions, policies, decisions, procedures, operations or other activities or which are of informational or historical value. Few records in the possession or control of an employee or public officer will not be considered "Public Records." Exceptions include routine e-mail communications of a personal nature, spam, or communications containing information that is not related in any way to City business.
3. Routine E-mail: Routine E-mail Communications include communications that are routine in nature such as those used to schedule meetings or conference calls, notices of vacations, times away from the office, etc., and which have little relevance in terms of recording official actions or decisions made by City staff or public officials.

D. SECURITY, PRIVACY AND OWNERSHIP ISSUES

1. E-mail is Not Secure. E-mail transmitted inside the City is more secure than e-mail transmitted via the Internet. If additional security is needed for sensitive information, such as for health records information, then additional security measures, such as encrypted e-mail messages, must be taken to secure the contents of the message or another form of communication should be used.
2. Expectation of Privacy: Employees using e-mail shall have no expectation of privacy related to the use of this technology. E-mail may be a public record subject to disclosure under the Arizona Public Records Law (Arizona Revised Statutes (A.R.S.) § 39-121). Confidential messages should never be sent electronically for two reasons:
 - a. Messages may be sent to the wrong addressee.
 - b. E-mail should always be used with the assumption that messages will be read by someone other than the intended recipient.

3. Property Rights: E-mail is an information technology/computer service and is the property of the City. All messages created in the system belong to the City, not employees, vendors or customers. The City reserves the right to monitor e-mail use by any user at any time.

E. GUIDELINES FOR USING E-MAIL

1. E-mail shall be used primarily for official business purposes.
2. All City e-mail addresses should not be used on any non-official business related website form.
3. E-mail communications shall be professional in content, and consistent with City policies and procedures.
4. When communicating with the City Attorney about a legal issue, always insert the phrase "Attorney-Client Privileged" in the subject line.
5. City work rules governing use of City property, record keeping and communications with others apply to the use of e-mail. Employees should never send an e-mail communication they would not feel comfortable communicating face-to-face or over the phone.
6. No e-mail communications shall be created or sent that might constitute discriminatory, harassing, intimidating, hostile or offensive communications on the basis of gender, race, color, national origin, sexual orientation, disability, or other grounds.
7. Employees shall not read the e-mail of another employee without a legitimate business purpose consistent with the City's policies and business communications practice.
8. No employee shall send e-mail under another person's name without that person's authorization, and the sender shall indicate his/her identity in the message.
9. Examples of Unacceptable Use:
 - a. E-mail shall not be used for personal business beyond that allowed in paragraph 9 below, or for personal gain.
 - b. E-mail shall not be used for soliciting or for issuing or forwarding serial or "chain mail"-type messages or advertisements of any commercial nature.
 - c. E-mail shall not be used for soliciting or recruiting membership for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
 - d. E-mail shall not be used for creating any offensive or disruptive messages which contain sexual implications or comments that offensively address race, color, religion, gender, national origin, ancestry, marital status, sexual orientation, age, physical or mental disability, medical condition or veteran status, or are otherwise considered unethical, illegal, unprofessional or disruptive.
 - e. E-mail shall not be used for any activity that would jeopardize the legitimate interests of the City or the citizens of the City of Sedona.
10. Personal Use of E-mail: In addition to the use of electronic mail in the performance of their job duties, employees may make limited personal use of

electronic mail in circumstances similar to those appropriate for personal phone communication such as the following:

- a. Scheduling of personal appointments as an effective extension of ones overall time management, i.e. lunches, meetings, medical appointments, etc.
- b. Sharing of event-driven information and planning of work-related social events where the intent is to enhance employee morale, i.e. birthdays, marriages, birth announcements, etc.
- c. Limited personal use in corresponding to associates or family members during allowed break or lunch time.

F. E-MAIL RECORDS, RETENTION AND DISPOSITION

1. Public Record: E-mail communications may be public records. Any e-mail communication that meets the definition of a “public record” shall be preserved in accordance with this policy and the records retention and disposition, as approved from time to time by the State Department of Archives.
2. E-mail Retention: You are responsible for saving the e-mail record and any attachments if you are (a) the sender of the message or (b) the person receiving an e-mail record from a source outside the City. The sender includes the person who sent the original message, the sender of a response and the person forwarding a message with comment. Employees who transmit e-mail shall determine whether to preserve or delete the e-mail communication as follows:
 - a. Routine e-mail, communications of a transitory value, may be deleted after being read and after the required action is taken, subject to the limitations set forth in paragraphs 3, 4, and 5 below.
 - b. Communications that meet the definition of a “public record” transmitted on the City’s electronic mail system, or received from outside the City, through the City’s electronic mail system, shall either be printed and preserved in the appropriate file, in permanent paper format or, shall be preserved, unedited, in the employee’s or public official’s e-mail system without printing in a manner that will enable it to be easily retrieved upon request. With every communication that qualifies as a “public record,” the sender shall ensure that the following information is included and preserved.
 - 1) The time and date the message was sent and received.
 - 2) The complete sender and receiver identification.
 - 3) An accurate description of the subject matter of the e-mail and whether or not the e-mail is attorney-client privileged or confidential in the “Subject” section of the e-mail message.
 - 4) The complete message, and any and all attachments to the message. The content of the message, not the medium, determines whether and how long you save it.
3. Examples of E-mail Messages that Should be Saved as a Record:

- a. E-mail discussions with colleagues on how to deal with an issue or case are part of the public record and should be saved.
- b. If documentation is needed for a project, then save the e-mail messages related to the project.
- c. If you would save and file a message transmitted on paper, you should also save and file it if it is transmitted via e-mail.

4. Examples of E-mail Messages that Should be Deleted:

- a. E-mail messages related to routine phone calls, or routine announcements such as bulletins about social or recreational events can be deleted when you have acted on them.
- b. If you invite coworkers to a business meeting, then the messages should be deleted as soon as they are not needed.
- c. E-mail messages between you and a supervisor about a memo you are drafting for his/her signature and the various drafts of the memo itself do not need to be saved. The supervisor should save a copy of the final signed memo.

5.6. Records Management Manual: Each department has a Records Management Manual that has a Department of Library and Archives approved Records Disposition schedule. If you have a question about records retention and disposition, call the City Clerk's Office.

- a. Communications subject to an existing public record request, or to formal discovery in ongoing litigation, will be preserved in the appropriate file or the e-mail system.
- b. If an e-mail message has been saved in another authorized medium, it may be deleted from the e-mail system.

6.7. _____ The volume of e-mail received daily builds quickly and can affect e-mail system performance. Employees should practice good file management by regularly deleting routine e-mails when their value has been served, and consider printing a paper copy of records to retain for the length of time required for that record series, as noted in the City of Sedona's Records Management Manual.

7.8. _____ Records saved in the e-mail system should be organized by topic within folders inside the employees e-mail cabinet, in which folders are named appropriately to clearly describe the contents.

8.9. _____ The Information Technology Division (IT) is responsible for a weekly backup of the data of the entire e-mail system, in accordance with the following procedures:

- a. The system administrator will structure the e-mail system so that all City users will not be able to permanently delete e-mails that are moved to the "trash" folder on their individual systems. E-mails in the "trash" folder will be deleted monthly by the System Administrator in accordance with the procedure set forth below.
- b. Full data backups of the e-mail system server will be performed weekly.

- c. Each of these weekly backups will be maintained for a period of four weeks.
- d. On the first weekend of every month, the complete e-mail system backup, as required in paragraph b. above, will be made and preserved for a period of three years. This is to insure that no e-mail that is to be preserved for at least three years under the City's retention policy is inadvertently deleted. Following the successful completion of this monthly system backup, the system administrator will delete all e-mail placed in every City user's "trash" during the preceding month.

G. SPAM MANAGEMENT

1. The City of Sedona may use e-mail filtering, blocking, and or management software to limit, minimize, and/or delete e-mail messages that are not in accordance with the City's E-mail and Internet policy. Examples of e-mail messages that may be filtered or blocked include:
 - a. Messages that are obscene in nature;
 - b. Messages that are personal and are not relevant to business conducted at the City of Sedona;
 - c. Messages that have a blank subject line;
 - d. Messages that are from a randomly generated address;
 - e. Messages that have content that is randomly generated;
 - f. Messages that do not have a message body;
 - g. Messages that have an attachment that may contain a virus;
 - h. Messages that have embedded HTML comments
2. The rules for filtering and blocking messages are centralized through software. However, all employees are responsible for managing the release of all and/or any messages that have been filtered or blocked by the software. The software provides a method for employees to perform release messages from the software directly and unreleased messages will be deleted from the City's system after a specified number of days.
3. The City is not responsible for any personal messages that are blocked and/or deleted in accordance to these policy guidelines.

H. GENERAL POLICY STATEMENT FOR INTERNET USE GUIDELINES

1. Access to the Internet is provided to City employees for the primary purpose of conducting official City business. Employees should use the Internet to accomplish job responsibilities more effectively. The Internet may not be used for prohibited purposes, such as but not limited to, conducting private business, political campaigning, any illegal uses, or any actions listed in Section 2: Unacceptable Use. Personal use of the Internet should not have any cost to the City, be excessive in time, or interfere with an employee or co-worker's work. Employee e-mail addresses are not to be used during personal Internet usage.
2. Certain features of the Internet can clog the City's network and e-mail system, and should be used strictly for work-related purposes, such as:

- a. Subscriptions to a listserv. In order for an employee to join a work related listserv, the employee must gain permission from his/her supervisor. Then, IT must be notified in writing with the e-mail address, web address, and purpose of the listserv in order to ensure delivery of listserv e-mail.
 - b. Streaming media, which uses a large amount of bandwidth (for example, Internet Radio).
3. Use of the Internet is a privilege and not a right. Users should be aware that monitoring of Internet usage, including sites visited, occurs without user consent or prior notice on a regular basis. If inappropriate use is determined, the City may deny, revoke, or suspend Internet access to any user at any time.
- a. Acceptable Internet use includes the following:
 - 1) Communications and information exchanges directly relating mission, goals and work tasks of the City.
 - 2) Use for advisory, standards, research, analysis, professional society or development activities related to the user's job duties and responsibilities.
 - 3) Official legal or law enforcement investigations.
 - 4) Those specifically instructed by supervisors
 - b. Examples of Unacceptable Use
 - 1) It is unacceptable for an Internet user to view, submit, publish, display, or transmit on the network, or any agency computer system, any unauthorized information that:
 - i. Violates or infringes on the rights of any other person.
 - ii. Contains defamatory, false, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material.
 - iii. Violates any applicable laws, including federal, state and agency regulations, prohibiting sexual harassment.
 - iv. Uses the system for any illegal purpose.
 - 2) It is also unacceptable use of the Internet or City e-mail address to:
 - i. Conduct personal or unapproved business, or personal business transactions.
 - ii. Solicit any activity prohibited by law.
 - iii. Transmit material, information, or software in violation of any law.
 - iv. Conduct any political activity.
 - v. Conduct any gambling, betting or gaming activity.
 - vi. Conduct any activity for personal gain.
 - vii. Make unauthorized purchases.
 - viii. Download software or browser plug-ins without obtaining pre-authorization from IT.

c. Personal Responsibility

- 1) Some Internet sites routinely keep logs of who visits their website. Individual users must be aware of and at all times attempt to prevent potential City liability in their use of the Internet. For that reason, all Internet communication, wherein the employee is expressing a personal opinion and which does not reflect the official position of the City or department, must include the following disclaimer: "The opinions expressed here are my own and do not necessarily represent those of the City of Sedona."
- 2) Employees should be aware that there is a wide variety of information on the Internet. Some individuals may find some information on the Internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over and can therefore not be responsible for the content of information available on the Internet.

d. Records Retention. The same policy for retention of records, set forth in the City of Sedona E-mail and Internet Policy, shall apply to all records obtained or received via the Internet. City employees who transmit or receive material via the Internet shall determine whether to preserve or delete the material and communications consistent with the records retention schedule and records retention policy of their department.

e. Copyrighted Material

- 1) All communications and information accessible via the Internet should be assumed to be private property. Internet users shall honor copyright laws including those protecting software and intellectual property.
- 2) Duplicating, transmitting, or using software not in compliance with software license agreements is considered copyright infringement.
- 3) Users shall not make copies of software or literature without authorization and the full legal right to do so.
- 4) Unauthorized use of copyrighted materials, or another person's original writings, is considered copyright infringement.
- 5) Internet users shall not transmit copyrighted materials, belonging to others, over the Internet without permission.
- 6) If the agency permits, users may download copyrighted material from the Internet, but its use must conform to the restrictions posted by the author or current copyright law.
- 7) Copyrighted information used on websites must be clearly identified as such.

f. Public Domain Material. Internet users may download public domain materials for business related use. Redistribution of public domain materials is done so with the assumption of all risks regarding the determination of whether or not the materials are in the public domain. Any redistribution of public domain materials is strictly limited to non-commercial use.

I. SOFTWARE ACQUISITIONS AND USE

1. IT must review, approve, and purchase or acquire all software to be used or installed on City owned computers. Employees who wish to download software or browser plug-ins must obtain authorization from their department head prior to contacting IT.
2. No games other than the standard ones supplied with Windows will be approved for purchase or installation.
3. A valid license or shareware documentation must be held for all software. Illegal duplication of software will not be allowed.
4. Only IT personnel or an approved alternate may install software. It is the responsibility of IT for tracking and recording all software licenses for the City. If shareware products are being used, documentation should certify that the registration fee has been paid or that the software is provided free of charge.

J. HARDWARE USAGE

1. The City's computer systems are a valuable resource, and they should not be abused or wasted. Examples would include excessive use of printer supplies and disk space.
2. Food and beverages can damage a computer, and therefore are prohibited in the immediate computer workstation area. Any other activities that may result in damage to the hardware or software must be avoided.
3. Employees are responsible for periodically reviewing files and removing those that are unnecessary or obsolete.
4. All screen savers and background should be professional and not display any offensive messages. For purchasing, please see the City of Sedona's Purchasing Manual.

K. REGULATION AND ENFORCEMENT

Department Heads (or their designee) shall be responsible for agency compliance with the provisions of this policy and for investigating suspected non-compliance. Violation of any element of this policy may result in disciplinary action, which will follow the guidelines of the Employee Manual.

POLICY C

TRAVEL POLICY FOR COUNCILORS

A. INTRODUCTION

The City of Sedona provides its Councilors with adequate accommodations when traveling on City business, while maintaining an obligation for reasonable use of public funds. The procedures contained herein are designed to provide guidelines for appropriate use of such funds. (Refer to the City's Purchasing Policy for further rules)

B. TRAVEL AUTHORIZATION

Each Councilor has the primary responsibility to ensure validity of travel, and that all expenses are properly documented and correctly incurred within the guidelines of the City's Travel Policy. Management is also responsible for providing/communicating City travel guidelines to Councilors.

C. ELIGIBLE EXPENDITURES

1. All expenses for travel, hotels, mileage, telephone, etc., should be submitted promptly, and accompanied, where applicable, by receipts attached to expense forms provided by the City Clerk. These expense forms should be submitted within two weeks of the activity.
2. Generally, eligible expenditures include travel and living costs incurred by the Councilor while away from the City, and expenses incurred within the City necessitated by City business. If a spouse, friend or any one not employed by the City accompanies a Councilor, the other person's expenses are not covered.
3. Approval must be obtained for training, conferences, and travel expenses prior to the intended travel. A copy of the conference/registration form and supporting documentation, indicating the purpose/business nature of the trip, should be submitted for review by the City Manager and Finance Manager prior to payment.

D. ELIGIBILITY FOR PURCHASING CARD CHARGES

Eligibility for purchasing card charges and expense reimbursement will be based on the following conditions:

1. Registration:
 - a. The actual cost of registration of any Councilor at a meeting, conference, or convention which is specifically for City business is an eligible expense.
 - b. Receipts must be submitted for reimbursement, or accompany the credit card billing statement if paid with City purchasing card. If a check is needed, the request must be submitted at least three weeks in advance of the deadline for

registration to the Finance Department so that it will be processed with the regular accounts payable procedures.

2. Air Travel:

- a. Air coach transportation will be considered standard for out-of-state travel. All airfare arrangements must be made by the traveler or a department representative. Since travel agents charge varying "ticketing fees," it is suggested that travelers look for an agent that offers low fares and reduced fees.
- b. In some cases, the lower airfare may require the traveler to endure a connecting flight or slightly longer layover between flights. Travelers are encouraged to attempt this whenever it makes business sense and helps to contain expenses.
- c. Travelers are expected to make travel arrangements in advance (at least twenty-one (21) days prior to travel) to take advantage of less expensive flight options. Waiting until the last minute becomes extremely costly to the City. Travel arrangements made less than twenty-one (21) days in advance should be supported by an explanation as to the business necessity for last minute travel arrangements.
- d. Criteria for flight selection must always be based on the lowest-priced airfare rather than the opportunity for personal benefit of the traveler. A Councilor must check a minimum of two airline quotes to ensure the best rate. Councilors should maintain documentation supporting the airline and flight chosen was procured using the best possible rate to the City (using a twenty-one (21) day advance, coach fare, non-refundable ticket).
- e. When a traveler makes personal stops enroute to a business destination point, the traveler will only be reimbursed for the round-trip coach fare from Phoenix to the business destination point.

3. Lodging:

- a. All hotel arrangements must be made by the Councilors traveling or the appropriate department representative. It is suggested that Councilors try to make arrangements to stay at a hotel that is close to the business meeting or training facility. It is even possible, in a lot of instances, to stay in the hotel where the event is taking place. This will reduce the need for a rental car or other ground transportation expenses.
- b. When making the room reservation, travelers should also inquire about a government room discount rate and the event's discount rate and select the lesser of the two.

4. Meals and Incidentals:

- a. Meals for City Council, Boards, Commissions, and staff conducting formal City business during meal times are specifically authorized, not to exceed \$45.00 per day. While traveling, individuals must submit detailed receipts (not a summary that only shows the total) for all reasonable meals and incidentals

- incurred. No alcohol, tobacco, reading material, personal items, etc. may be included. Gratuity may not exceed 20% of the total bill.
- b. Except for lodging where individuals share the same room or transportation conveyance (cab, rental car, etc.), each individual seeking reimbursement must incur his/her own expense and seek individual reimbursement. The only exceptions are group meals arranged for working sessions or banquets arranged by a department.
 - c. In the case of group meals, each Councilor does not have to be broken out separately.

5. Ground Transportation:

- a. It is the traveler's responsibility to use the most economical means for ground transportation and parking in order to maintain control over the departmental travel budget.
- b. In most cases, it is more reasonable to take a taxi, public transportation, or hotel transportation instead of renting a car. Travelers should also check ahead to see if a shuttle service is available for airport pick-up to conference or seminar locations.

6. Personal Auto Usage:

- a. Travelers will be reimbursed for use of their personal vehicle for City business only if a City vehicle is not available and the travel is greater than ten (10) miles outside of the City limits. However, if the absence is to be more than three (3) days, a City vehicle may not be used. The mileage reimbursement rate will be updated periodically in accordance with the approved IRS guidelines. To find out what the current reimbursable rate is, contact Financial Services. The origination and destination of the trip, total number of miles, and odometer reading must be indicated on the Standard Expense Voucher.
- b. Though a personal vehicle may be used in lieu of air travel, only the lesser of the mileage reimbursement or airfare, rental car, and parking will be paid.

E. CITY POOL VEHICLE

1. Vehicle Usage: Vehicles shall be used for City of Sedona business only. City pool vehicle(s) shall be available to all on a first come first serve basis. "Pool Vehicle" is defined as a vehicle which is not designated to a specific department. Pool vehicle(s) may be used for in town or out of town City business not to extend beyond a three (3) working day period without written approval of the City Manager.
2. Passengers: Passengers shall not be permitted in City vehicles unless such passengers are in the vehicle in regard to official City business or serve as City officials. A spouse or other family member may accompany the City official on City related business, however, only the City official may operate the City vehicle.
3. Licensing: All operators of City vehicles shall possess a valid Arizona driver's license. Proof of valid registration and automobile insurance is located in each City vehicle.

4. Safety: Vehicles shall be operated in a safe and responsible manner at all times. All drivers and passengers shall wear seat belts at all times.

F. VEHICLE ACCIDENTS

1. Incident Report: In the event of an accident, Councilors are required to complete an Incident Report form located in each City vehicle or obtained from the Legal Department. The Incident Report is used to provide information about the incident and is required by the insurance company. Report this information to the Legal Department at the earliest possible time (928-204-7200).
2. Damage to a Personal Vehicle: Damage to a traveler's personal vehicle that was used while on City business is a non-reimbursable City expense.

G. RENTAL CARS

1. Most transportation needs are met through air travel, taxi, personal vehicles, or motor pool vehicles.
2. Conferences and seminars usually do not require attendees to do extensive driving during the event. However, should the need for a rental car arise, the C
3. In addition to the twenty-four (24) base rate, other items to ask about include:
 - a. Mileage costs, if any.
 - b. Hourly pro-rata cost beyond the twenty-four (24) period.
 - c. Availability of grace periods (each agency has their own policy).
 - d. Any special or discount rates available.
4. Non-City individuals (guests) are not permitted to use/drive a City rented vehicle.

H. NON-REIMBURSABLE EXPENDITURES

The following expenditures are considered personal, not directly related to business travel, and therefore non-reimbursable. If any of the following expenses are inadvertently paid for by the City, the Councilor or Commissioner must reimburse the City for the expense.

This is not meant to be an all-inclusive list.

1. Beauty parlor or barber,
2. Personal entertainment, social events, sporting events, golf, movies, etc. including those at a business conference,
3. Liquor,
4. Theft, loss, or damage to personal property,
5. Personal postage, reading materials, or phone calls,
6. Personal toiletry articles,
7. Fines or penalties for parking or traffic violations,
8. Hotel charges for failure to notify and/or cancel reservations,
9. Valet parking and services.

I. PURCHASING CARDS

With pre-approval of the Mayor, a Councilor will be issued a purchasing card. Purchasing cards should be used for payment of travel, lodging, registration, and meal approval in attending training classes or conferences.

J. TRAVEL AND TRAINING PURCHASE ORDER REQUISITION (PRE-TRIP PAPERWORK)

A Travel and Training Purchase Order Requisition is required in all cases where a Councilor will be traveling or attending a workshop, seminar or conference. This requisition process is completed in the Finance Department's Caselle program, Accounts Payable, Data Entry, Requisition Entry.

K. STANDARD EXPENSE VOUCHER (POST-TRIP PAPERWORK)

This form is used to report reimbursable expenses such as mileage, meals, lodging, and any other expenses paid out of pocket. Receipts must be attached to the Standard Expense Voucher. Do not include City purchasing card charges. These charges will be accounted for on your monthly statement. This form is available on the Intranet, Department Documents area, in the Finance folder under Forms, Standard Expense Voucher (SEV).

CITY OF SEDONA

APPENDIX

APPENDIX A

SERVICE CONTRACT POLICY LANGUAGE

The City of Sedona has a long established practice of using public funds to support not-for-profit organizations through contractual agreements. The organizations funded through these service contracts provide services to City residents that the City does not provide. While all of the services within this category are not mandatorily provided by a municipality, it has been determined that the desire/need for those services has broad based citizen support and provides a community benefit. It has also been determined that in the absence of these organizations, the City may provide these services directly.

There may be other not-for-profit organizations that also provide strong community benefits, and may be desirous of entering into a contractual arrangement with the City of Sedona for ongoing operational support. At this time the City has determined that the list of existing services/service contracts are beneficial to the community and sustainable by the City. Given the City's longstanding commitment to the existing service contract organizations, the contract program for these organizations should be maintained. Expansion of the service contract program is not warranted at this time.

If other not-for-profit organizations came forward with a compelling justification for a new community service contract, prior to being presented to the Sedona City Council, a sustainable funding source would need to be identified to sufficiently fund the service into the future.

New service contract requests must also meet the following criteria:

- Be a not-for-profit organization as defined by the IRS
- Be seeking funding for a program/project that is non-religious and non-political
- Provide a benefit for the entire community
- Principally serve community needs within the boundaries of the City
- Demonstrate a broad based citizen support for funding that service with public funds.

Should an organization meet the above criteria, the City Manager and/or two City Councilors may request the item be placed on a City Council agenda for further discussion/consideration.



**CITY COUNCIL
AGENDA BILL**

**AB 2646
March 23, 2021
Regular Business**

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

Department	Legal
Time to Present	15 Minutes
Total Time for Item	30 Minutes
Other Council Meetings	January 26, 2021, February 9, 2021, February 23, 2021, March 9, 2021
Exhibits	None

City Attorney Approval	Reviewed 3/15/2021 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	None.	Amount Budgeted	
		\$	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 League of Arizona Cities and Towns and City staff routinely monitor bills of interest as they progress through the legislative process. This item is scheduled to provide a summary update on relevant bills, to answer questions that the City Council may have regarding 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.

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 issue.



**CITY COUNCIL
AGENDA BILL**

**AB 2571
March 23, 2021
Regular Business**

Agenda Item: 8d
Proposed Action & Subject: Discussion/possible direction regarding issues surrounding the COVID-19 pandemic and the City's response.

Department	City Manager
Time to Present	15 minutes
Total Time for Item	30 minutes
Other Council Meetings	March 24, 2020, April 14, 2020, April 28, 2020, May 12, 2020, May 26, 2020, June 9, 2020, June 23, 2020, July 14, 2020, July 28, 2020, August 11, 2020, September 8, 2020, September 22, 2020, October 13, 2020, October 27, 2020, November 10, 2020, November 24, 2020, December 9, 2020, January 12, 2021, January 26, 2021, February 9, 2021, February 23, 2021, March 9, 2021
Exhibits	None

City Attorney Approval	Reviewed 3/15/2021 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	For discussion and possible direction only.	Amount Budgeted	
		\$	0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: This item was added to ensure opportunity to discuss the latest updates with the COVID-19 pandemic and the City's response.

The City continues regular communication with state and county health departments, hospitals, other healthcare providers, emergency responders, emergency managers, and policy experts.

City staff continues to evaluate how the economic slowdown will impact City finances. Staff will be prepared to discuss the latest revenue data and forecasts.

During the meeting staff will present up to date information on COVID-19 related data, regulatory changes, and news on city finances.

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 only.