



CONSENT ITEMS

These items have been distributed to City Council in advance for study and will be enacted by one motion with no discussion. Any member of the Council, staff, or the public may remove an item from Consent Items for discussion. Items removed may be acted upon before proceeding to the next agenda item.

- a. Minutes - March 26, 2024 City Council Special Meeting - Executive Session.
- b. Minutes - March 26, 2024 City Council Regular Meeting.
- c. Minutes - March 27, 2024 City Council Special Meeting.
- d. Approval of Stand With Me, Be Drug Free Proclamation, April 15-20, 2024.
- e. Approval of Fair Housing Month Proclamation, April 2024.
- f. AB 2981 Approval of a Resolution to enter into an Intergovernmental Agreement (IGA) with Coconino County Free Library District, for funding of the Sedona Public Library.
- g. AB 3044 Approval of a Resolution authorizing the execution of an Intergovernmental Agreement (IGA) with Yavapai County to allow for Yavapai County participation in household hazardous waste collection events.
- h. AB 3045 Approval of ADEQ Recycling Grant in the amount of up to \$53,650.02 for the procurement of smart recycling receptacles.
- i. AB 2973 Approval of a Resolution authorizing the execution of an Intergovernmental Agreement (IGA) between the City of Sedona's Police Department and the City of Phoenix's Police Department regarding the Internet Crimes Against Children (ICAC) Task Force.



Arts & Economic Prosperity 6



Presented by Julie Richard, CEO, Sedona Arts Center

Who Am I?

- Been here 3 years
- Ran Maine Arts Commission, West Valley Arts Council, others
- Cultural & Strategic Planning
- Program Development
- Arts Education
- National & State Boards and Councils

Why SAC?

- My 4th AEP study
- I obtained the funding from the Chamber (City)
- Knew data would be significant based on my knowledge of Sedona & Cultural Tourism
- A role SAC should play in the community

Who Participated?

Audience Surveys:

Sedona Arts Center
Sedona International Film
Festival
Emerson Theater
Collaborative
Arts Academy of Sedona
Sedona Heritage Museum
City of Sedona – Arts &
Culture Department

Organizational Surveys:

- City of Sedona Arts & Culture Department
- Emerson Theater Collaborative
- Sedona Arts Center
- Sedona Arts Festival
- Sedona Chamber Music Society
- Sedona Historical Society
- Sedona International Film Festival & Workshop
- Sedona Visual Artists' Coalition
- Verde Valley Sinfonietta NOW
- Sedona Symphony
- Verde Valley Weavers & Spinners Guild



ARTS &
ECONOMIC PROSPERITY 6

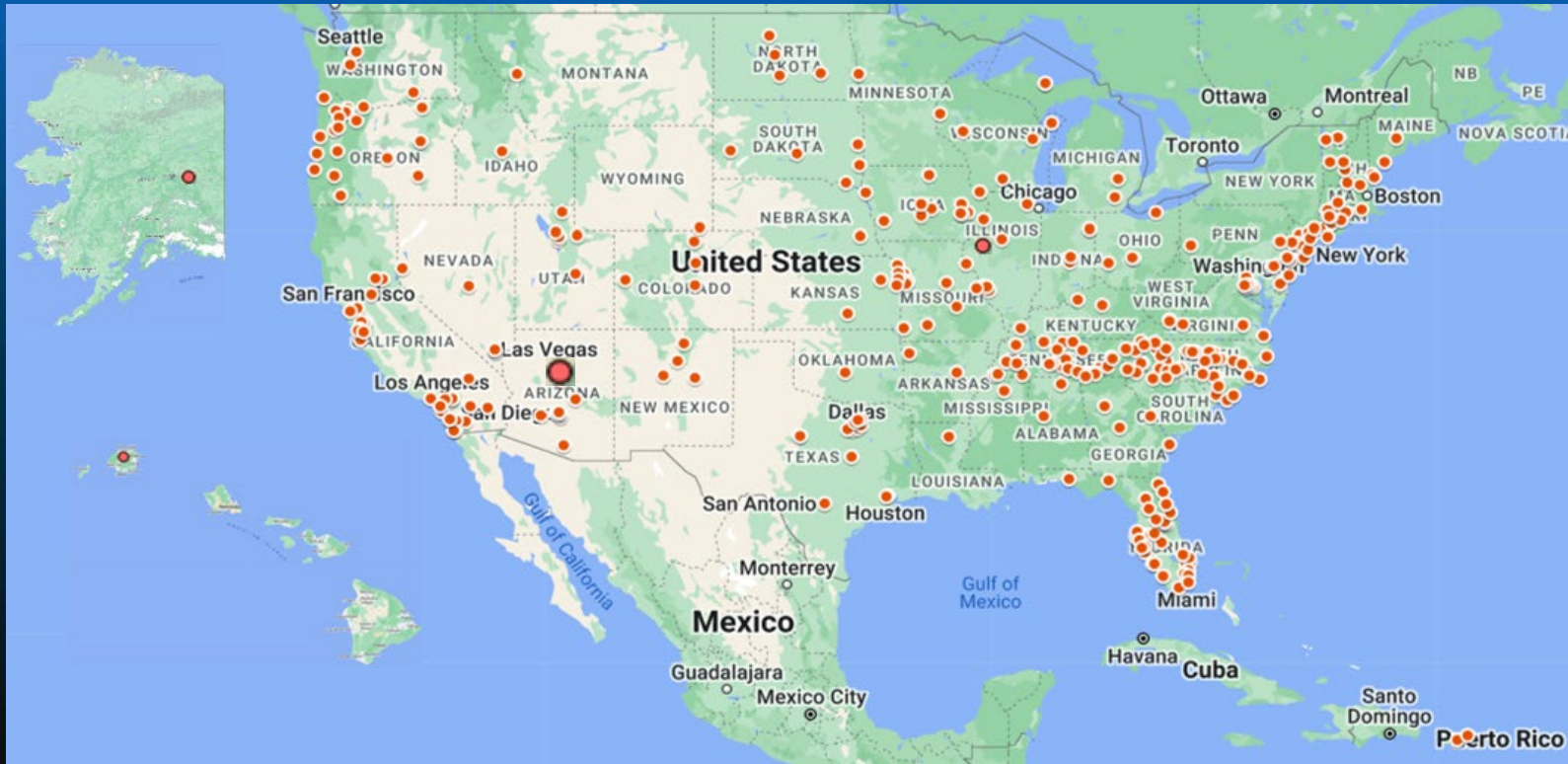
The Economic & Social Impact of Nonprofit Arts & Culture Industry

Sedona

@ArtsInfoGuy

Most Comprehensive Study Ever!

373 Study Regions in all 50 States and Puerto Rico.



\$13.5 Million in Spending (2022)

Organizations
\$5.9 Million



Audiences
\$7.6 Million



Jobs Supported

230



Government Revenue (Local, State, Federal)

\$3.0 Million

\$546,654 - LOCAL

\$587,636 - STATE

Attendees Spent \$89.23 Per Person, Per Event



Audiences: Local vs. Non-Local

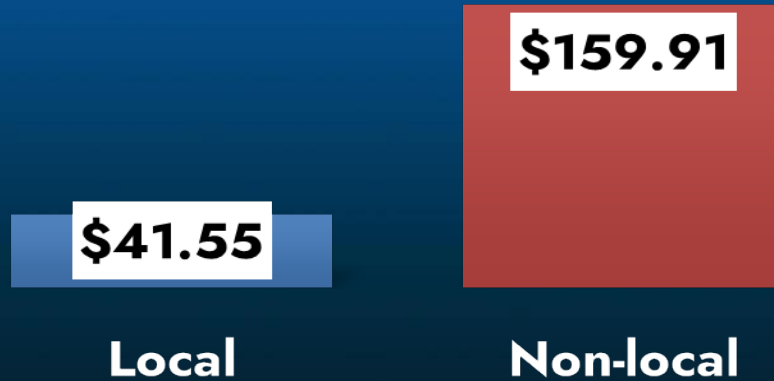
Local
60%



Non-Local
40%

(Nonlocal = Outside Coconino & Yavapai Counties)

Event-Related Spending Local vs. Non-Local



49.8% of nonlocal attendees said, “This arts event is the primary purpose for my trip.”





Social Impact Responses by Attendees

“This venue or facility is an important **pillar for me within my community.**” **80%**

“I would **feel a great sense of loss** if this activity or venue were no longer available” **85%**

“This activity or venue is **inspiring a sense of pride** in this neighborhood or community” **88%**

“My attendance is my way of ensuring that this activity or venue is **preserved for future generations**” **86%**



Arts Volunteerism

- **597 volunteers**
- **31,233 hours**
- **\$941,000 value**

(Value of 2022 volunteer hour in Arizona = \$30.13)

AEP6 National Partners



Arts & Culture is Valued by the Public



86%

say arts and culture is "important to their community's quality of life and livability."



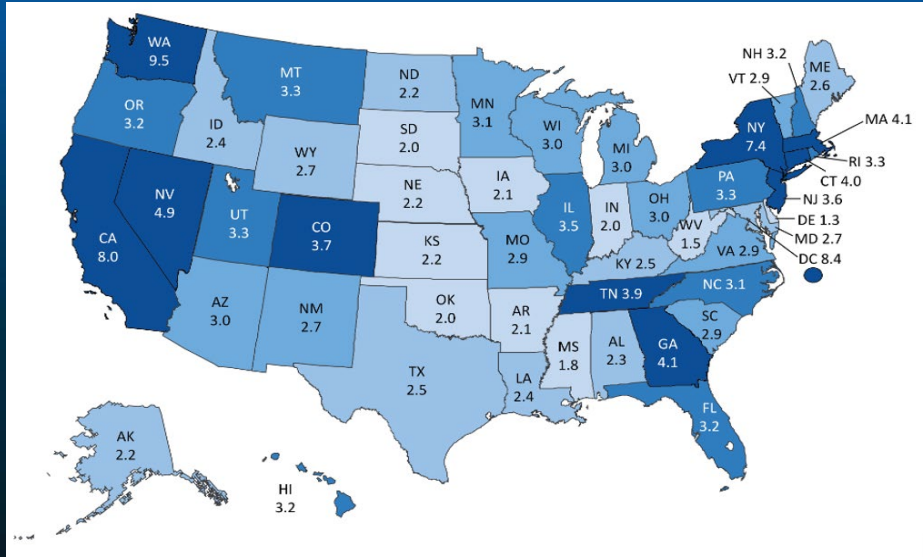
79%

believe arts and culture is "important to their community's businesses, economy, and local jobs."



Arts & Creative Economy in Arizona

\$14.2 Billion – 3.0% of GSP – 84,479 Jobs



Bigger than Utilities, Education, and Agriculture!

Accelerates economic recovery

Diversifies economy

Stimulates statewide job growth

U.S.: \$1.1 Trillion — 4.3% of GDP — 5.2 Million Jobs (2022)

Source: U.S. Bureau of Economic Analysis



Arts Build Empathy & Understanding

72%

agree that the arts and culture provide shared experiences with people of different races, ethnicities, ages, beliefs, etc.

63%

say that the arts and culture helps them better understand other cultures in their community.



“Investment in the nonprofit arts and culture industry builds the communities where people want to live and work. It is where entrepreneurs and creative economy businesses are launched and where nighttime economies flourish. When we prioritize diverse cultural expressions and traditions, it nurtures social connections, promotes community pride and identity, and boosts tourism by providing the authentic experiences that draw visitors to the community. If visitors have a positive experience, it may become a place to work—and ultimately one in which to live.

Creating livable communities is economic development .”



For FY25 we are requesting an investment
in the nonprofit
arts & culture sector in Sedona of:

\$550,000

(which is a small fraction of the overall economic impact we have on this City)

Thank You!



Julie A. Richard, CEO, Sedona Arts Center
julie@sedonaartscenter.org

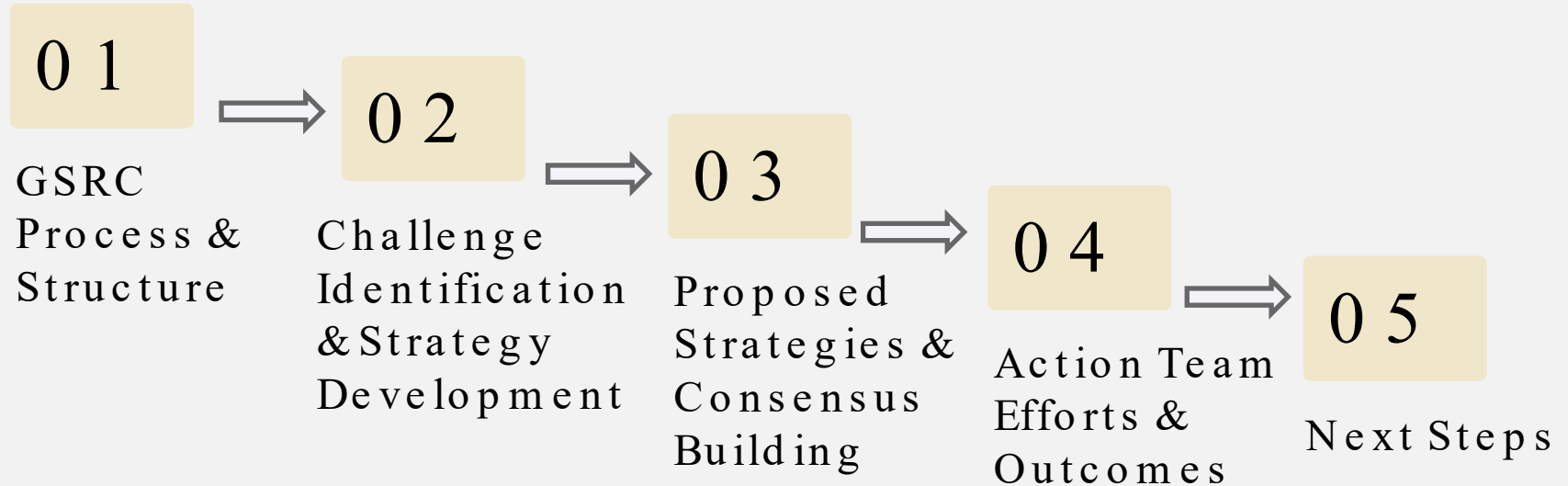
Greater Sedona Recreation Collaborative - Proposed Strategies



**Motorized Recreation Working Group:
Process and Strategies for Motorized
Visitor Use Management**
Sedona City Council, April 9th, 2024



Presentation Overview



Greater Sedona Recreation Collaborative

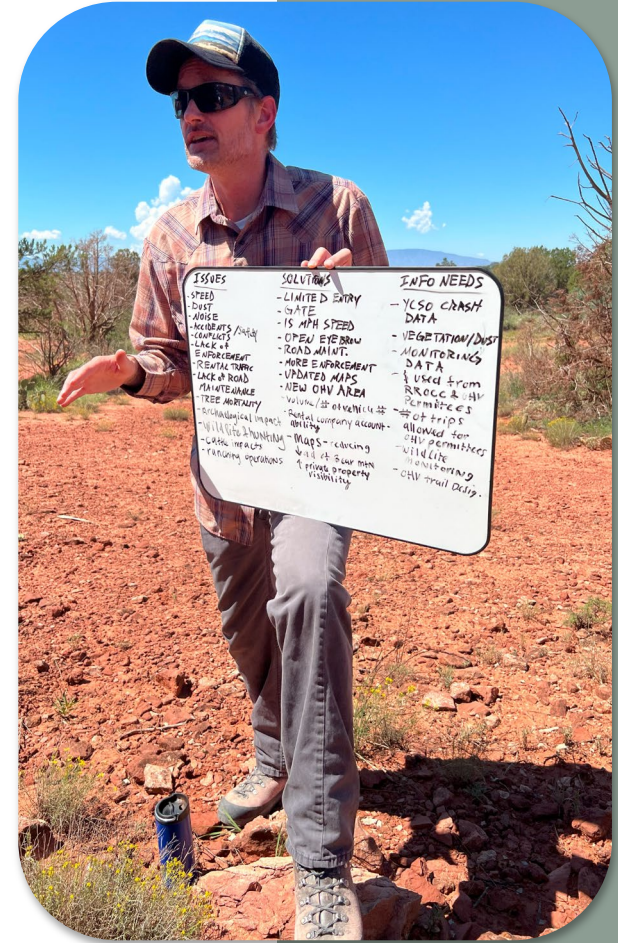
- Emerged from growing concerns, changing conditions, recognition of recreation's cross-jurisdictional nature, and the value of collaborating with diverse partners

Key objectives

- Identify and provide input on short- to long-term strategies
- Encourage broad participation, collaboration, and consensus
- Provide a platform for shared learning, analysis, and discussion
- Build upon, not replicate, previous efforts
- Utilize a holistic and balanced perspective

01

GSRC Process and Structure



GSRC Co-Conveners



Arizona Game & Fish: Tim Holt, Field Supervisor



Arizona State Parks & Trails : Matt Eberhart,
State Off - Highway Vehicle Coordinator



City of Sedona : Melissa Dunn, City Councilor



Coconino National Forest:

Red Rock Ranger District: Amy Tinderholt , Alex
Schlueter, Philip Walrod
Supervisor's Office: Brian Poturalski, Kevin Lehto



Yavapai County: Charley Pitcher, Planning &
Zoning Commissioner

GSRC Working Group Members

Environmental Organizations

Annie Glickstein , Friends of the Forest

Craig Swanson , Keep Sedona Beautiful

Melissa Pontikes , Friends of the Forest *(Alternate)*

Law Enforcement

John Johnson, Yavapai County Sheriff's Office

Steven Warburton , Yavapai County Sheriff's Office

Ranching Permittees

Becki Ross , Windmill Mountain Ranch

Dustin Ross, Windmill Mountain Ranch *(Alternate)*

Recreation User Groups

Amanda Maxwell, Sedona Westerners

Heather Klomprens , Verde Front Trails, Yavapai County Community Health *(Alternate)*

Kelley Malek , Sedona Westerners *(Alternate)*

Pete Sanders , Sedona Metaphysical Association

Stephanie Giesbrecht , Backcountry Horsemen, Verde Front Trails

Recreation NGOs

Kevin Adams , Red Rock Trail Fund Verde Valley Trail Fund

Matt Caldwell, Tread Lightly!

Red Rock OHV Conservation Crew

John Fitzgibbons , RROCC, Pink Jeep

Nena Barlow , RROCC, Barlow Adventures *(Alternate)*

Tim Angus , RROCC, Outback ATV

Residential Representatives

Carl Jackson , Broken Arrow Resident

Cliff Hamilton , Dry Creek Resident

DeAnna Bindley , Bear Mountain Resident

Janet Johnson , Bear Mountain Resident *(Alternate)*

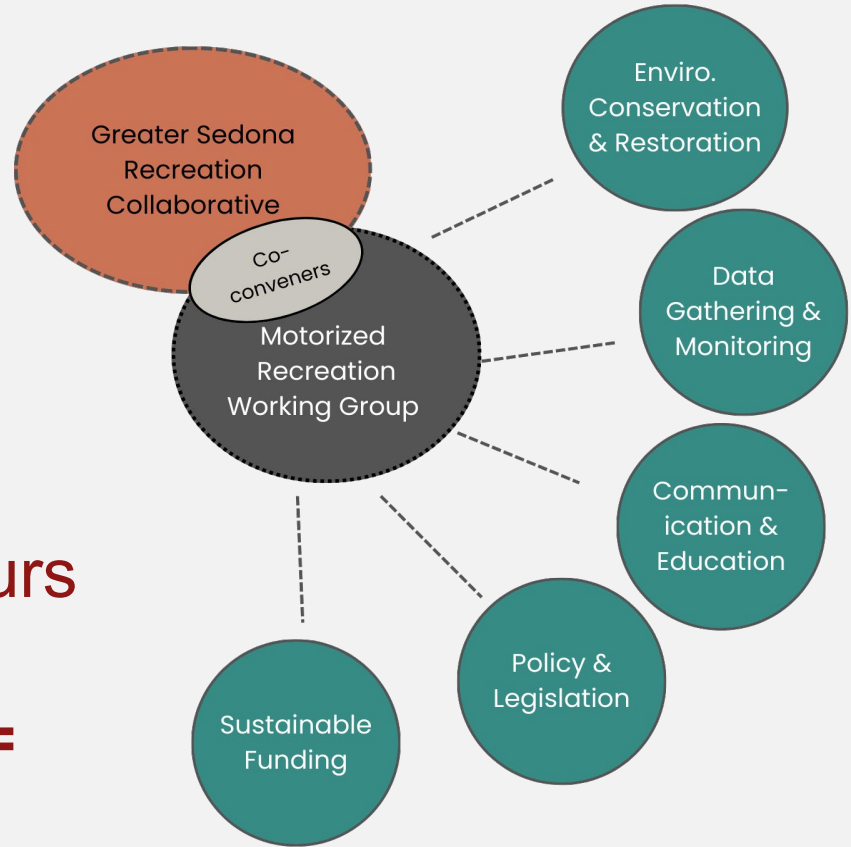
Pandora Harris , Schnebly Hill Resident

Rob Adams , Broken Arrow Resident *(Alternate)*

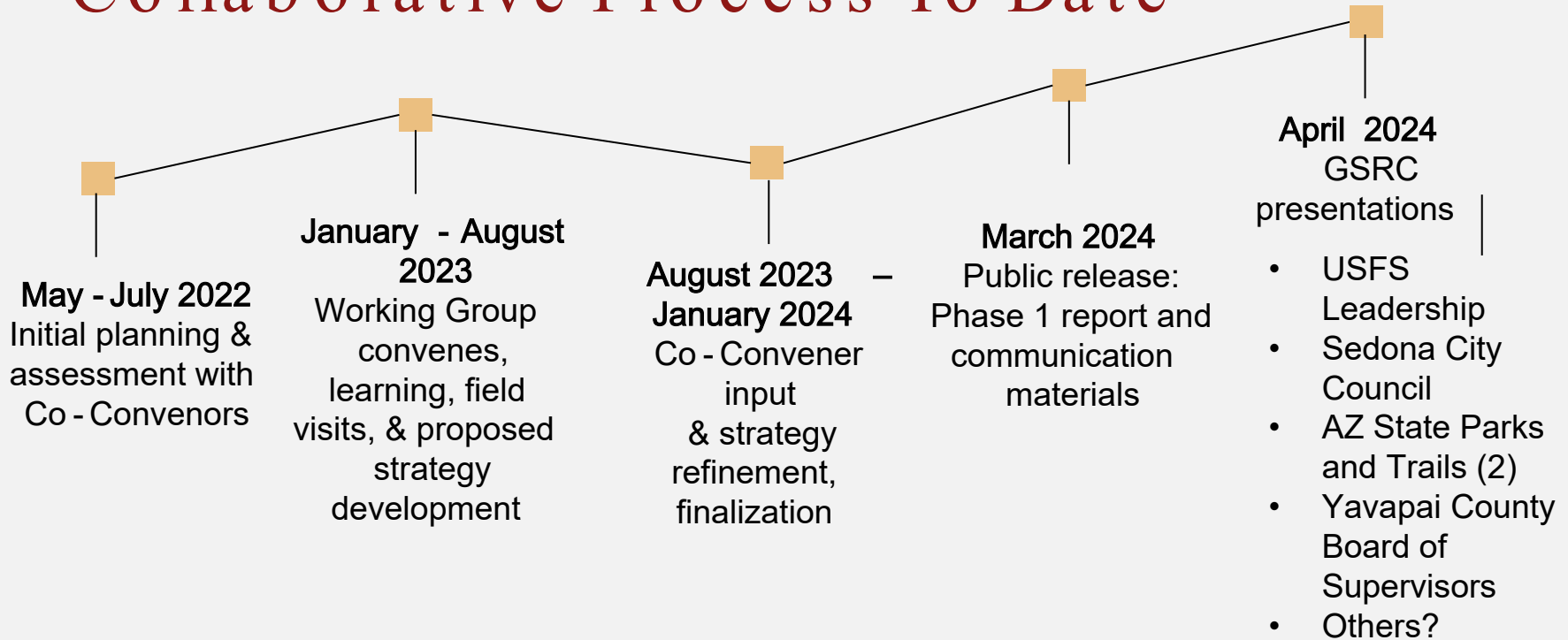
GSRC Collaborative Structure

- Co - Conveners
- Motorized Recreation Working Group
- 5 Topical Action Teams

17 WG members x 150 hours each in WG meetings and Action Team meetings = 2,500 hours

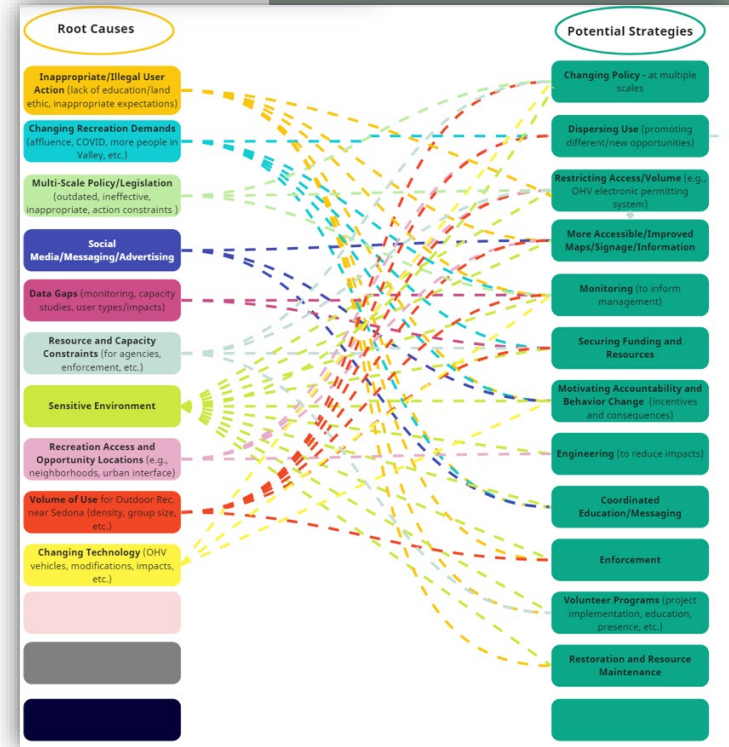


Collaborative Process To Date



0 2

Challenge Identification & Strategy Development



Challenges and Root Causes Addressed

Volume & Recreational Demand

- Proximity to residents & fragile ecosystems
- Popularity of area
- Day users (rentals) may lack education
- Lack of data
- Noise impacts

Physical Infrastructure & Environment

- “Routes” locations (near residential, natural/cultural resources)
- “Routes” not designed for recreational use
- Fragile ecosystem
- Use intensity

User Behavior

- Social media/ advertising
- Lack of ethics/ understanding
- Insufficient enforcement
- Lack of effective signage/barriers

03

Strategies & Consensus



Seeking Consensus

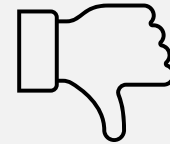
- General agreement among the members of a group after robust and balanced discussion
- “Everyone can move forward with the current decision”
allows everyone to acknowledge that while the decision they're making may not be perfect, it is acceptable
- Where consensus was not achieved, reservations or dissensions were documented



Support



**Support with
Reservations**



**Do not
support**

Proposed Strategies: Overview

Challenge	Strategies	Consensus
Volume/ Demand	Speed Limits	Partial most
Volume/ Demand	Permit System	Partial most
Volume/ Demand	Continue to Coordinate Voluntary Efforts with RROCC & Others	Full
Infrastructure/ Environment	Conduct Short - & Long - Term Motorized System Planning	Partial Most
User Behavior	Increase the Visibility of Existing Educational Programs & Create New	Full
User Behavior	Increase Effectiveness/Consistency of Signage & Barriers	Full
User Behavior	Increase Enforcement	Full

Speed Limits

Define and enforce a 15 MPH speed limit on Schnebly Hill Road, Morgan Road, and Forest Roads 525 and 152C.

Working Group Consensus: Partial (most). Dissention from 4 members

- Previous engineering study suggests 25 MPH more appropriate.
- Some proposed roads are major thoroughfares (e.g., FR 525)

- Tactics
1. Conduct relevant studies and processes to implement speed limits.
 - For Forest Service roads:
 - Contract an Engineering/Speed Study with routine re-evaluation
 - Re-evaluate desired conditions for speed limits and Road Maintenance Objective /Level
 - For roads within COS and/or County limits, complete any other required analyses

Permit System

Implement a permit system that, in conjunction with the other proposed strategies, will reduce adverse environmental and social impacts.

Working Group Consensus: Partial consensus (most). Dissention from 1 member – concern about impact to existing permitted businesses

Tactics

1. Include and define quotas for volume; when determining new quotas, consider volume holistically including permitted and non-permitted use.
2. Adaptively manage considering volume, environmental and social impacts, and seasonal trends
3. Effectively enforce the permit system with strong recommendations for the following tools:
 - Gates, intermittent law enforcement, future video/electronic capture
4. Investigate funding opportunities to support motorized recreation management (e.g., permit fee)

Voluntary Efforts

Continue to work with RROCC members, other OHV rental companies, and residents to implement the following voluntary elements:

Working Group Consensus: Full consensus

Tactics

1. Modify vehicles (mufflers, governors) to reduce noise and speed levels where possible
2. Explore options to direct rental users to go down Diamondback, then up to 525 to reduce the number of people on 152C
3. Implement a “voluntary” speed limit of 15 MPH on all dirt roads for rental companies and outfitters/guides
4. Explore and potentially develop a voluntary commercial permit system for OHV rental companies

Motorized System Planning

Pursue route planning to address existing use without attracting new users or creating a high volume “destination”. Work with a motorized recreation system planner and the WG to plan a system that align with specified criteria.

Working Group Consensus: Partial consensus (most). Dissention from 2 members - Concern over uncertainty of future locations, and the complexity of managing the system so as not to become a destination.

Tactics

1. Pursue managed route system, road, trailhead, and/or signage and barrier modifications that:
 - Enhance safety, keep users on the trail , reduce speed
 - Maximizes safety
 - Includes options for 2 - hour, 4 - hour, and full - day experiences
 - Maintains an appropriate speed limit
 - Directs users away from 525 and 152C where practical

User behavior - Education

Increase the visibility of existing positive educational programs and create new educational programs.

Working Group Consensus: Full

- Tactics
1. Require periodic, AGFD - managed motorized recreation education prior to OHV operation
 2. Expand the use of current and create new channels, platforms, and campaigns for positive messaging and education
 3. Develop or support existing brand standards for messaging
 4. Convey stewardship messaging by using positive restoration and landscape management techniques.
 5. Allocate more resources (funding, staff, administrative support) for ambassador, volunteer, and educational programs

User behavior - Signage/Barriers

Increase the effectiveness and consistency of signage/barriers to encourage improved user behavior.

Working Group Consensus: Full

- Tactics
1. Identify gaps in signage and barrier effectiveness and consistency
 2. Work with a motorized recreation system planner to implement a signage and barrier plan that:
 - Is consistent where possible while still meeting location specific needs
 - Includes both responsive and preventative options.
 - Follows defined effectiveness and best practices
 - Utilizes simple messaging that conveys preferred behavior
 3. Identify additional funding to support effective signage and barrier implementation

Law Enforcement

Increase enforcement in the GSRC footprint to cite illegal behavior and provide a presence to encourage positive user behavior.

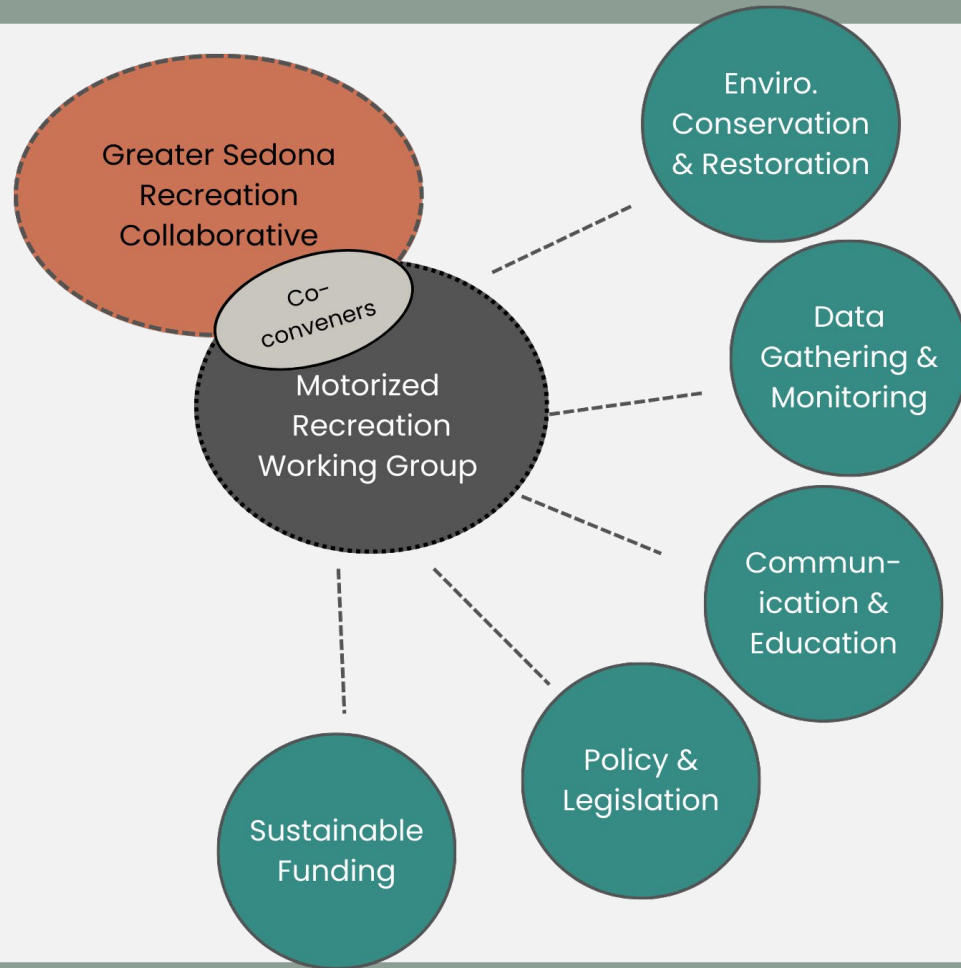
Working Group Consensus: Full

- Tactics
1. Secure sufficient resources for increased law enforcement
 2. Increase interagency coordination and pooling of resources

04

Action Team Efforts & Outcomes





Action Teams

- Smaller groups that worked outside (and in addition to) the Working Group settings. Goal was to problem solve, dive deeper and relay findings back to the larger group.

Key Action Team Outcomes

Communications and Education

- Website, press releases, FAQs, Exec summary

Sustainable Funding

- Development of funding source reference library

Environmental Conservation and Restoration

- Best practices for conservation, restoration, and monitoring, photo inventory, restoration projects

Key Action Team Outcomes

Data Gathering and Monitoring Efforts

- Vehicle counts (manual, TRAFx, game camera, monitoring on dust, noise and speed)

Data Gathering and Monitoring Key Proposed Strategies

- Establish monitoring team, install mufflers (they reduce single-seaters, conduct further dust and air quality monitoring)

Policy and Legislation Proposed Changes

- Holding parents more accountable, adding a 35 MPH speed limit unless otherwise posted while driving an OHV, Allocating jurisdiction to local authorities for setting decibel limits, requiring mandatory education for OHV operation

0 5

Next
Steps



Next Steps: Yavapai County

Charley Pitcher, Planning and Zoning Commissioner

- Continue to work at the state level, agencies and legislature, for effective OHV legislation
- Continue to work with the USFS, as appropriate
- Increase enforcement efforts as more funds become available
- Continue support for our local land stewards

Next Steps: AZ Game and Fish Dept.

Tim Holt, Region 2 Field Supervisor

- Recent hiring (March 2024) of dedicated OHV Law Enforcement Officer
- Continued OHV law enforcement and patrols including saturation patrols in Sedona area (especially during busy times of the year). Coordinated patrols with USFS Law Enforcement, Yavapai and Coconino County Sheriff's Office.
- Continued coordination with the OHV rental companies statewide for exhibition of the OHV safety video prior to vehicles being rented

Next Steps: AZ Game and Fish Dept.

Tim Holt, Region 2 Field Supervisor

- Continued distribution of OHV education materials in the field and at outdoor recreation events
- Participation with RROCC, USFS, landowners/ranchers for identification and restoration of areas damaged by OHV use
- Participation with GSRC and USFS for short and long term OHV route planning efforts
- Work with local courts to develop process for mandatory OHV education as part of sentencing for those found in violation of OHV laws

Next Steps: AZ State Parks and Trails

Matt Eberhart, State OHV Coordinator

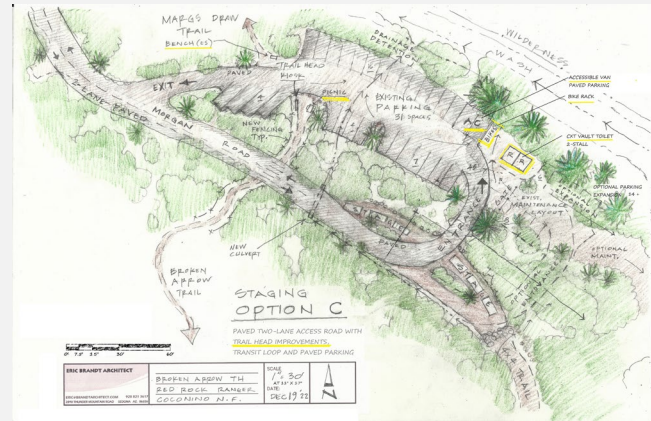
- Director Broscheid is currently serving on the Arizona Off - Highway Vehicle Legislative Committee
 - SB 1055 committee continuance – pending House of Representatives Vote
- Appreciate AZ Campaign with Arizona Office of Tourism and Tread Lightly!
- Arizona Off - Highway Vehicle Ambassador Program Development
- OHV Dealership Education Program
 - AZGFD, AOT, ASLD, Tread Lightly!
- ASPT Grant Programs

Next Steps: Coconino National Forest

Alex Schlueter, District Ranger

Short term (0 - 3 years):

- Continue Volunteer OHV Restoration Projects
- Hire OHV Coordinator
 - Develop OHV Operations, Monitoring & Maintenance, and Communication Plans
- 152C “Eyebrow Road” Realignment
- 152C/525 Speed Study
- Broken Arrow Trailhead Redesign



Next Steps: Coconino National Forest

Alex Schlueter, District Ranger

Medium term (2 - 5 years):

- Continue progress implementing plans and completing restoration projects
- Monitor results of Broken Arrow Trailhead Redesign
- Hire Recreation Planning Lead
 - Develop scope of work for OHV short and long-term motorized system planning OHV Working Group input into design will be extremely valuable
 - Seek funding for motorized system planning and implement modifications



Next Steps: City of Sedona

Melissa Dunn, City Councilor

Support is based on the directives found in the Sedona Community Plan
User Behavior: *Increase the visibility of existing positive educational programs and create new educational programs*

- Sedona would provide support for
 - The overall strategy of increasing awareness and education through existing and new channels and methods
 - Support has already been offered with the use of the City's State Lobbyists regarding the introduction of a mandatory education program
 - If there is a State law regarding mandatory education, Sedona Law Enforcement would enforce that law if the vehicle were stopped for some other reason

Next Steps: City of Sedona

Melissa Dunn, City Councilor

- Pursuit of shared resources and channels as the Tourism department begins to build out its strategy, branding and advertising
- The preservation and restoration of public lands through IGAs with the Forest Service or other governmental agencies.
 - Support may take the form of monies, agreement to fund a study, etc. with City Council approval
- the increased use of appropriate barriers and signage regarding OHV usage and behaviors
 - Any funding for testing, monitoring equipment or activity, barrier materials, installation of signs and barriers, etc., would require appropriate budgetary considerations and/or specific language within an IGA. Any placement of barriers and signage within the City limits would not require an IGA, but will require an appropriate City project and funding approved by Council

Next Steps: City of Sedona

Melissa Dunn, City Councilor

Support is based on the directives found in the Sedona Community Plan

User Behavior: *Increase the effectiveness of existing signage and barriers*

- Sedona would provide support for
 - the increased use of appropriate barriers and signage regarding OHV usage and behaviors
 - Any funding for testing, monitoring equipment or activity, barrier materials, installation of signs and barriers, etc., would require appropriate budgetary considerations and/or specific language within an IGA with appropriate authorities
 - Any placement of barriers and signage within the City limits will require an appropriate City project and funding approved by Council

Next Steps: City of Sedona

Melissa Dunn, City Councilor

Support is based on the directives found in the Sedona Community Plan

Motorized Route Planning

- Sedona would support
 - The concept of route replanning, where the new OHV routes focused on the preservation of the natural environment, wildlife and the local heritage sites, as well mitigating social and environmental impacts to human health and safety (e.g. Broken Arrow trailhead off Morgan)
 - Permitting to limit the overall numbers of allowed OHVs per trail
 - Understanding effectiveness of either voluntary or mandatory permitting systems is recognized by the City as a critical component

Next Steps: Continued WG Engagement

Craig Swanson (Keep Sedona Beautiful) and Nena Barlow (Barlow Adventures)

- Providing input on strategy prioritization (*e.g., heat map*) and action plan development (*e.g., motorized system planning, speed/engineering studies, potential permitting system*)
- Distribute existing/new communication and education efforts
- Seek funding when specific actions are committed to by Co - conveners
- Engage in monitoring:
 - Inventory of signage and barriers
 - On the ground user behavior/safety
 - Restoration/closure needs
- Lobbying for changes proposed by the Working Group (*e.g., policy recommendations, asking your representatives to support efforts*)
- **Next meeting May 9th**

Thank you!

Questions? Feedback?

Jessica Archibald jarchibald@swdresources.com

Mark Loeth mark@swdresources.com

Andi Rogers andi@swdresources.com



IMPROPER VEHICLE EQUIPMENT ORDINANCE

Sedona City Council Meeting
April 9, 2024



Timeline

1. April 11, 2023 - City Council Meeting
2. April 20, 2023 - Draft Improper Vehicle Equipment Ordinance
3. May 23, 2023 - First Council review
4. August 22, 2023 - Voluntary OHV Agreement Proposed
5. September 12, 2023 - Council voted to table proposed Improper Vehicle Equipment Ordinance
6. April 9, 2024 - ?



Background

- Motor vehicles operating without DOT approved tires
- Unsafe motor vehicles were operating within the City contrary to federal safety requirements and manufacturers intentions.
- ROHVA and SVIA urge that on-highway use of OHVs and ATVs be prohibited and that law enforcement efforts be strengthened to eliminate this dangerous practice.
- Consumer Product Safety Commission, US DOT, and NHTSA share safety concerns:
 - CPSC recommends to never ride OHVs, ATVs, etc. on public or paved roads
 - US DOT letter to Mayor Jablow on May 4, 2023: “We share your concern about the operation of off-road vehicles on public roads. NHTSA has developed various FMVSS over the years through research and testing to establish minimum safety standards for vehicles and equipment intended for use on public roads. The use of off-road vehicles and tires on public roads, which do not meet those minimum safety standards, places the occupants and other road users at a greater risk of crashes and injury or death in a crash.”
 - NHTSA letter to Mayor Jablow on May 23, 2023: “The use on public roads of off-road vehicles and tires that do not meet the FMVSS places occupants and other road users at a greater risk of harm.”



Manufacturer Positions

2024 POLARIS XPEDITION Owner's Manual

“Avoid Operating on Public Roads (Paved or Otherwise). This vehicle does not have highway safety features that on-road vehicles may have (air bags, anti-lock brakes, stability control, etc.). If another vehicle collides with you, the likelihood of a serious injury or death may be greater. Also, you may not be able to avoid a crash or rollover if you make sudden or abrupt maneuvers such as swerving or emergency braking. While it may be legal to drive on some public roads, it is recommended that you avoid on-road operation.”



Statutory Authority

1. A.R.S. § 28-626(B)(3): Local authorities “shall adopt ordinances or regulations relating to the control and movement of traffic...”
2. A.R.S. § 28-1174(A): “A person shall not drive an off-highway vehicle: ... 3. On roads, trails, routes or areas closed as indicated in rules or regulations of a federal agency, this state, a county or a municipality or by proper posting if the land is private land.”
3. A.R.S. § 28-1174(B): “A person shall drive an off-highway vehicle only on roads, trails, routes or areas that are opened as indicated in rules or regulations of a federal agency, this state, a county or a municipality.”



Voluntary Agreement

“Sedona OHV Commitments”

“Based upon recent discussions, below are commitments to be made by the local OHV rental companies to enhance the on-pavement vehicle safety completed in a timely manner:”

1. Turn Signals: 71%-100%
2. Enhanced customer education: 100%
3. Speed Governed to 35mph: 24%-100%
4. Quieter Mufflers: 29%-100% with the caveat that it is believed that Hondas and Can-Ams are already quieter due engine, muffler and transmission designs. Some current models cannot currently be made quieter without damaging the motors (which explains the 29% number). OHV rental companies continue to research alternatives.
5. Limit rental usage on Morgan Dr: 100%



Voluntary Agreement

“Sedona OHV Commitments”

“Based upon recent discussions, below are commitments to be made by the local OHV rental companies to enhance the on-pavement vehicle safety completed in a timely manner:”

6. Install tall, distinctive flags: 100%
7. Collaborate with GSRC and “work in unison with the city to promote safe use of OHVs within the city limits and on forest trails...continue to explore options for changing traffic patterns on paved roads used to access the forest to limit paved road usage.



Proposed Ordinance

1. Only change is to clarify that the Ordinance applies only to City streets and not the state highways SR89A and SR179A
2. It would still prohibit unsafe vehicles on City-owned rights-of-way.
3. It still declares City owned roads to be closed to OHV



Questions?



ORDINANCE NO. 2024-___

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, ADOPTING AN AMENDMENT TO THE CITY CODE TITLE 10 (VEHICLES AND TRAFFIC) BY ADDING CHAPTER 10.30 (IMPROPER MOTOR VEHICLE EQUIPMENT); PROVIDING FOR PENALTIES, A SAVINGS CLAUSE, AND FOR REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, adhering to Federal and State safety regulations related to motor vehicles reduces the chances of serious injury and death; and

WHEREAS, Utility Terrain Vehicles (“UTV”), All Terrain Vehicles (“ATV”), Off Highway Vehicles (“OHV”), collectively called “OHVs,” are designed, tested, and manufactured solely for off-road use on non-paved surfaces partly because OHVs are equipped with high centers of gravity and tires that have large ridges on them, making them ill-suited for turning and traction on asphalt surfaces; and

WHEREAS, the Consumer Product Safety Commission recommends persons never ride OHVs on public or paved roads; and

WHEREAS, the National Highway Traffic Safety Administration (“NHTSA”) has said, “The use on public roads of off-road vehicles and tires that do not meet the [Federal Motor Vehicle Safety Standards] FMVSS places occupants and other road users at a greater risk of harm”; and

WHEREAS, the United States Department of Transportation (“DOT”) has said, “We share [the City of Sedona’s] concern about the operation of off-road vehicles on public roads. NHTSA has developed various FMVSS over the years through research and testing to establish minimum safety standards for vehicles and equipment intended for use on public roads. The use of off-road vehicles and tires on public roads, which do not meet those minimum safety standards, places the occupants and other road users at a greater risk of crashes and injury or death in a crash”; and

WHEREAS, all manufacturers of OHVs are sponsors and members of the Recreational Off-Highway Vehicle Association (“ROHVA”) and the Specialty Vehicle Institute of America (“SVIA”), and both ROHVA and SVIA urge that on-highway use of OHVs be prohibited and that law enforcement efforts be strengthened to eliminate the dangerous practice of on road use and sponsor model legislation that prohibits OHV use on any public street, road, or highway and as recently as March 2023 ROHVA and SVIA lobbied the Oregon legislature in opposition to making OHVs street legal; and

WHEREAS, all manufacturers of OHVs state that OHVs should not be driven and/or that OHVs are unsafe to be driven on paved and/or public roads.

WHEREAS, the ADOT MVD Off-Highway Vehicle Decal Application requires owners of OHVs to certify under penalty of perjury that the OHV “has been modified to meet all applicable safety and equipment requirements of Arizona Revised Statutes Title 28, Chapter 3, Article 16, **as well as all...other federal requirements**” (emphasis added); and further includes the applicant’s acknowledgement that “I understand that I may receive traffic tickets and court fines if local ordinances prohibit operation of this vehicle”; and

WHEREAS, OHVs lack numerous standard FMVSS required for on road motor vehicle use including: airbags, stability control, crumple zones, rear bumpers, and DOT approved tires; and

WHEREAS, every year tire failure causes approximately 11,000 vehicle crashes and 200 deaths nationwide and adhering to DOT tire regulations reduces the chance of tire failure, and according to NHTSA, in 2020 there were 664 traffic fatalities in tire-related crashes; and

WHEREAS, only DOT approved tires are safe to be used in highway service; and

WHEREAS, NHTSA Interpretation 1985-04.16 explains and FMVSS Standard 109 requires that all motor vehicles manufactured after 1948 have DOT approved tires for on road use; and

WHEREAS, OHVs are equipped with Not for Highway Service (NHS) tires and no OHV tires are currently DOT approved for highway or on street use (see NHTSA June 3, 2022 letter re: Improper Certification of UTV/ATV Tires to FMVSS; U.S. Tire Manufacturers Tire Information Service Bulletin TISB 07); and

WHEREAS, visitors to the City rent OHVs to be driven on paved public roads largely unaware of the foregoing safety concerns; and

WHEREAS, statewide, several OHV rental companies have gone out of business because their rental OHVs were wrecked faster than the OHVs could be repaired (Arizona Off-Highway Vehicle Study Committee Meeting July 21, 2023); and

WHEREAS, Sedona has experienced 710 motor vehicle accidents between 2017 and 2021, resulting in 150 injuries and 5 fatalities; and

WHEREAS, in the past three years, there have been four rollover OHV accidents within City limits and in 2021, statewide there were 187 OHVs involved in accidents with 16 fatalities in 2021 resulting in a 8.55% fatality rate; and

WHEREAS, OHVs are the third leading cause of injury in children in Arizona (Arizona Off-Highway Vehicle Study Committee Meeting July 21, 2023); and

WHEREAS, plaintiffs routinely make claims against the City of Sedona for allowing or maintaining unsafe highway or road conditions; and

WHEREAS, traffic accidents and traffic congestion are a serious concern in the City and the City spends millions of dollars annually to improve traffic safety and congestion and requiring safe motor vehicles on paved public roads will further improve safety; and

WHEREAS, A.R.S. §28-626(B)(3) delegates motor vehicle safety enforcement to municipalities stating that municipalities “**shall** adopt ordinances or regulations relating to the control and movement of traffic...” (emphasis added); and

WHEREAS, pursuant to A.R.S. §28-1174(B), the City of Sedona has never indicated by rule or regulation that its streets are open and pursuant to A.R.S. §28-1174(A)(3) does hereby declare its road closed to OHV use; and

WHEREAS, the City finds that driving OHVs on paved or public roads in contravention to their design and the manufacturer recommendation constitutes reckless disregard for the safety of persons and property pursuant to A.R.S. §28-1174(A)(1); and

WHEREAS, the City deems it necessary to adopt certain OHV restrictions and certain regulations regarding improper motor vehicle equipment to protect the health, safety, and welfare of the City residents and travelling public.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, as follows:

Section 1. Amendment of Sedona City Code Title 10 (Vehicles and Traffic)

Title 10 (Vehicles and Traffic) of the City Code of the City of Sedona is hereby amended by adding the following Chapter:

Chapter 10.30 – IMPROPER MOTOR VEHICLE EQUIPMENT

10.30.010 - Definitions.

In this chapter unless the context otherwise requires:

"Driver" means a person who drives or is in actual physical control of a motor vehicle.

"Road" means the entire width between the boundary lines of every paved street or way if a part of the street or way is open to the use of the public for purposes of motor vehicle travel. It does not include a state highway.

"Manufacturer" means a person or entity—

- (A) manufacturing or assembling motor vehicles or motor vehicle equipment; or
- (B) importing motor vehicles or motor vehicle equipment for resale.

"Motor vehicle" means a self-propelled vehicle, including OHVs. It does not include electric bicycles, motorized wheelchairs, or an electric mobility assist device.

"Off-highway Vehicle" or "OHV" means a self-propelled vehicle that is designed and manufactured primarily for off-highway use. It includes Utility Terrain Vehicles, All Terrain Vehicles, and Off Highway Vehicles (collectively "OHVs"). It does not include electric bicycles, motorized wheelchairs, or an electric mobility assist device.

"Owner" means the person in whose name such motor vehicle is registered.

"Public employees" means any federal, state, county, or City employees.

"State or Federal motor vehicle safety standards" means all motor vehicle standards listed in A.R.S. Title 28 or the Federal motor vehicle safety standards ("FMVSS") contained in Title 49 of the Code of Federal Regulations.

10.30.020 – Operating Motor Vehicle with Improper Motor Vehicle Equipment Prohibited.

1. A person shall not drive or operate on a road a motor vehicle that:
 - A. Is in an unsafe condition that endangers a person.
 - B. Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter.
 - C. Is not equipped in the manner required by State or Federal motor vehicle safety standards for motor vehicles that are intended for on-highway operation.
 - D. Is not intended to be used, is unsafe, or is not designed or approved by the manufacturer to be operated on roads as declared in the motor vehicle's certificate of origin or owner's manual.
2. An owner shall not rent to or allow a person to drive or operate on a highway or road the owner's motor vehicle that:
 - A. Is in an unsafe condition that endangers a person.
 - B. Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter.
 - C. Is not equipped in the manner required by State or Federal motor vehicle safety standards for motor vehicles that are intended for on-highway operation.
 - D. Is not intended to be used, is unsafe, or is not designed or approved by the manufacturer to be operated on roads as declared in the motor vehicle's certificate of origin or owner's manual.
3. For purposes of this section, a motor vehicle is deemed to be in an unsafe condition that endangers a person if it is equipped with tires that do not contain the DOT tire symbol that reflects compliance with FMVSS contained in 49 C.F.R. §574.5.

10.30.030 – Applicability; Closure of Local Roads to Certain Vehicles; Exceptions.

1. This chapter applies to all roads within the Sedona City limits.

2. Pursuant to A.R.S. 28-1174(A)(3), all public roads within the Sedona City limits are closed to OHV use.
3. This chapter does not apply to:
 - A. Public employees or their designees in the performance of their official duties with appropriate safety training, or to any motor vehicle owned or operated by any federal, state, or local governmental entity.
 - B. Motor vehicles manufactured prior to 1948.

10.30.40 – Inspections.

If at any time there is reasonable cause to believe that a motor vehicle is unsafe or is not equipped as required by this chapter or that a vehicle's equipment is not in proper adjustment or repair, any peace officer may require the driver of the motor vehicle to stop and submit the vehicle to an inspection and such test with reference to the inspection as may be appropriate.

10.30.050 – Authority to Impound Vehicles.

Vehicles operated in violation of this chapter may be impounded in the same manner as provided for by the provisions of SCC 10.15.150.

10.30.060 – Enforcement; Liability.

1. Any AZPOST certified peace officer may issue a written warning or citation for the violation of this chapter.
2. Persons Liable. If any motor vehicle is found in violation of any provision of this chapter, the owner, the person in whose name such motor vehicle is registered, as well as the driver of the vehicle at the time of the violation, shall be jointly and severally responsible for such violation and are subject to the penalties therefor. If the vehicle is not attended by a driver, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation and is subject to the penalties therefor. Proof that a person other than the owner was operating the vehicle at the time of the violation shall not constitute a valid defense to the offense.

10.30.070 - Separate Offenses.

Each violation pursuant to this chapter shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

10.30.080 - Penalties.

- A. Upon a first violation of this chapter with the motor vehicle, an officer may issue a written warning or repair order if the violation is related to unsafe vehicle equipment. If a repair order is issued, a certificate of correction or adjustment of illegal or faulty equipment shall be obtained by the owner and shown to the police department within 14 days.
- B. If there is a violation of this chapter and, if applicable, the owner fails to provide the City with a certificate of correction or adjustment within 14 days or the person has previously been issued a warning within one hundred eighty (180) days from the date a warning was issued, the violation is a civil offense punishable by a fine not to exceed five hundred dollars (\$500.00), plus any other penalties, assessments or surcharges authorized by law.
- C. If there is a violation of this chapter and the person has previously been convicted two (2) or more times of violating this chapter, the new violation is a class 1 misdemeanor, plus any other penalties, assessments or surcharges authorized by law.

Section 3. Savings Clause

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

Section 4. Repeal

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

Section 5. Effective Date

The effective date of this Ordinance shall be 60 days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this _____ day of _____, 2024.

Scott M. Jablow, Mayor

ATTEST:

JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney



Uptown Sedona Visitor Center

CITY COUNCIL MEETING APRIL 9, 2024

Agenda

- Visitor Center Services
- FY24 Status
- Arizona Visitor Centers
- FY25 Proposed Budget



Visitor Center Services

Sedona, Arizona

- Amazing Red Rocks
- Moderate Year-round Climate
- 400+ Miles of Hiking and Biking Trails
- World-Class Resorts
- Art Galleries and Shops
- Annual Festivals and Events
- Physical and Spiritual Renewal

Serving Visitors Since the 1960s



Visitor Center Staff & Volunteer

DEDICATED. VALUED. IRREPLACEABLE.



More than
6,493

Volunteer Hours Donated

Value = \$206,495

FY23 – Based on the 2023 Value of Volunteer Time national report

Services Provided

JULY 1, 2023– JUNE 30, 2024

- Visitor center building and restrooms located at 331 Forest Road and SR89A
- Scheduling and monitoring of all necessary services such as cleaning, computer maintenance, system upgrades, and grounds maintenance
- Operations 363 days a year – Closed Thanksgiving and Christmas Day
- Adequate staffing and management and training of all volunteers
- Management and assistance for all walk-in visitors, phone calls and emails
- Education for visitors of sustainability principles (Leave No Trace, Recreate Responsibly)
- Education about the Sedona Shuttle and Verde Shuttle
- Knowledge on all area trails, forest service, ways to experience Sedona, local businesses such as art galleries, restaurants and stores
- Sedona news, road closures, weather conditions and other timely information
- RACK CARDS: Showcase businesses through rack cards (not restricted to membership)
- POSTERS: Space for advertising (4 locations) is available (not restricted to membership)
- REFERRALS: Referrals made each week to all businesses (not restricted to membership)
- Management of retail inventory and Red Rock Passes
- Oversight, maintenance and organization of all collateral materials including storage and delivery systems

Local Influence

WHO BETTER TO ASK VISITORS TO ACT LIKE A LOCAL, THAN A LOCAL?



Visitor Education

HIGHLIGHTING SEDONA'S SUSTAINABILITY VALUES



The Golden Rule of Tourism

TREAT OTHERS AS YOU WOULD LIKE TO BE TREATED



Reviews

BEST CUSTOMER SERVICE AND RESOURCE FOR VISITORS AND RESIDENTS



David Ballenger

2 reviews



★★★★★ 2 months ago

The Sedona visitor center is a must for the first time visitor. The staff is very knowledgeable, friendly, and helpful in getting you familiar with the area and identifying specific areas to visit. And if you are interested in hiking on the numerous trails available, they have the type of info available to rate the trails, how to get there, and what to expect depending on the weather and trail conditions. And they have a public bathroom!



Katherine Raines

Local Guide · 17 reviews · 5 photos



★★★★★ a week ago **NEW**

The most useful thing I could've done arriving in Sedona. So many great resources and helpful staff to plan the walking routes for what I needed. Plus amazing to have an immediate friendly trustworthy face in Sedona.



Katie Lee

4 reviews



★★★★★ 5 days ago **NEW**

Elinor was professional, knowledgeable and so pleasant with us! The team of volunteers you have at your chamber are invaluable. Please keep them helping you!!!

Industry Best Practices

DO WHAT WORKS BEST FOR OUR DESTINATION AND ITS VISITORS



FY24 Status

FY24 WalkIn Traffic

A CURRENT SNAPSHOT

- Steadily recovering from Covid numbers.
- Change in walk-in counting method from pre-Covid to present day.
- 8% increase from January 2023 to January 2024.
- 10% increase from February 2023 to February 2024.
- February average daily walk-in counts in the 500's.
- Visitor Center and local businesses noted an 'early Spring Break' first half of February
- March walk-ins averaging 600 visitors per day.
- Through March 12, the Visitor Center has assisted nearly 7,200 visitors!

FY24 KPIs

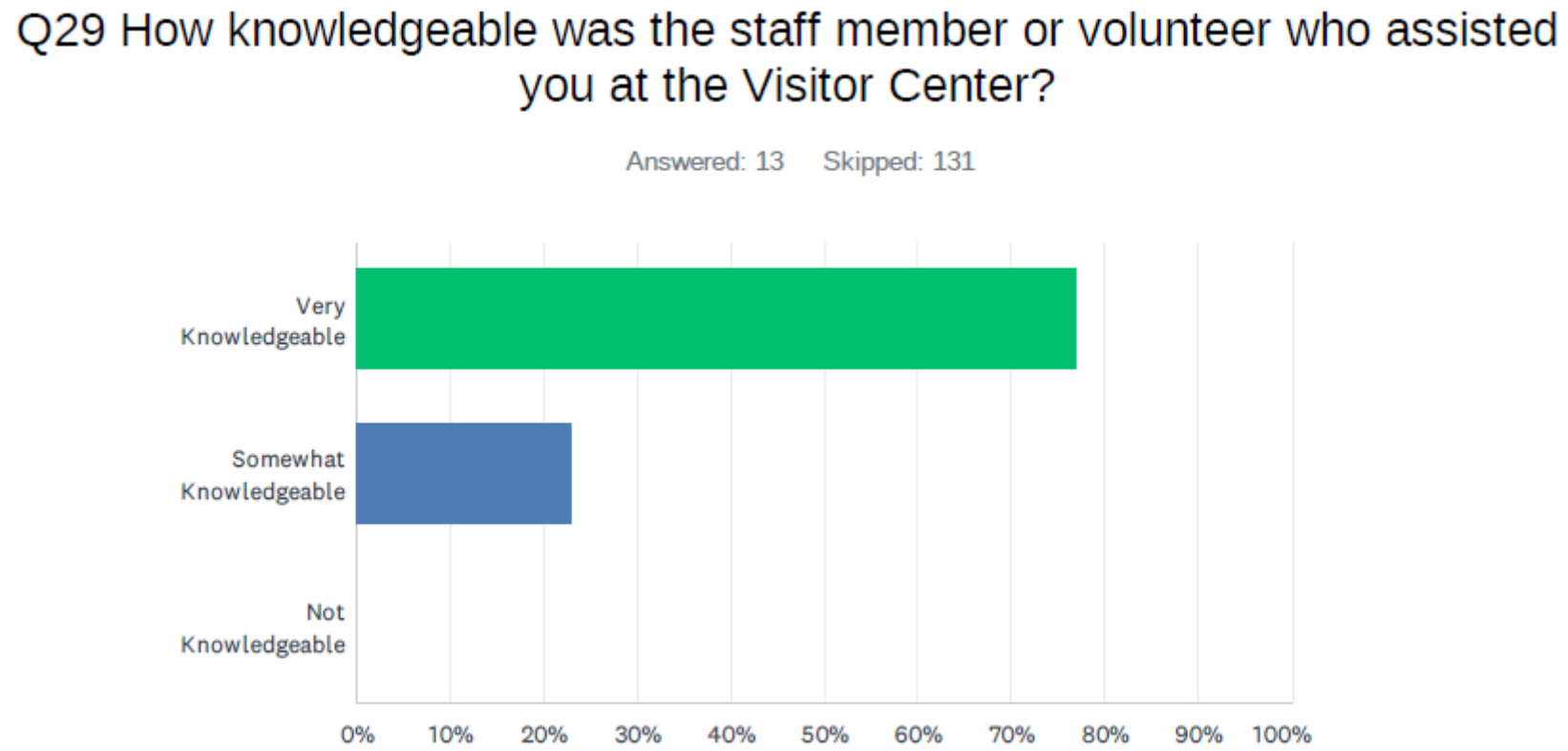
KEY PERFORMANCE INDICATORS THRU FEBRUARY 2024

	February 2024	YTD (Jul 2023 – Feb 2024)	Annual Goal	% of Target
Manage and Assist 150,000 Walk-ins	11,189	84,755	150,000	57%
Manage and Assist 7,500 Visitor Inquiries (via phone, email)	657	4,036	7,500	54%

FY24 KPIs

KEY PERFORMANCE INDICATORS THRU FEBRUARY 2024

Visitor Center Assessment Visitor Survey from November 2023 ESG Orders



FY25 KPIs

KEY PERFORMANCE INDICATOR TO CHANGE

- Experience Sedona Guides are no longer being distributed as of April 1.
- Need new method to survey visitor satisfaction of Visitor Center experience.
- Recommendations to Investigate:
 - QR code directing user to short survey
 - Guest book at Visitor Center
 - Survey inclusion in SCC&TB Consumer eNewsletter

Arizona Visitor Centers

City/Town	Destination Visitor Volume	Annual Walk-in Visitors	Email & Phone	Paid Employees	Volunteers	FUNDING Bed Tax/City	FUNDING Membership	FUNDING Grants	FUNDING Other
Bisbee	Est 60-70,000	52,000	Do Not Track	2 FT	1	X			
Camp Verde				3					
Chino Valley		2,920	Do Not Track	1 FT	1	X			
Cottonwood	Not Available	7,258	1,100	3	15	X		X	
Flagstaff	5.5 M	125,754	E:200 P:12,600	4 FT & 3 PT	0	X			
Grand Canyon	4.7 M								
Kingman	1.2 overnight 4.8 M	173,137	Not Available	1 FT & 7 PT	0	X			X
Lake Havasu									
Page	5.2 M to Glen Canyon National Rec Area	16,722	4,366	4	6			X	X
Phoenix	19.5M	16,500	30,000	3	0	X	X <1%>	X	
Prescott		30,000		1	35	X		X	
Salt River	Do Not Track	600	yes/no # given	1 FT	0	X			
Scottsdale	10.8 M	7,124	3,157	1 PT	0	X	X <1%>	X	
Sedona	3.2 M avg 2014-2022	138,098	5,976	3 FT 7 PT	32	X			
Show Low									
Sierra Vista		4,986		3	1	X			
Tombstone			Do Not Track	6	0	X		X	
Tucson	4.9 M	31,648	11,916	1 FT & 2 PT	25-30	X			
Williams		7,994	Email/No Phone/ 2234 calls	2 FT & 3 PT	0	X			

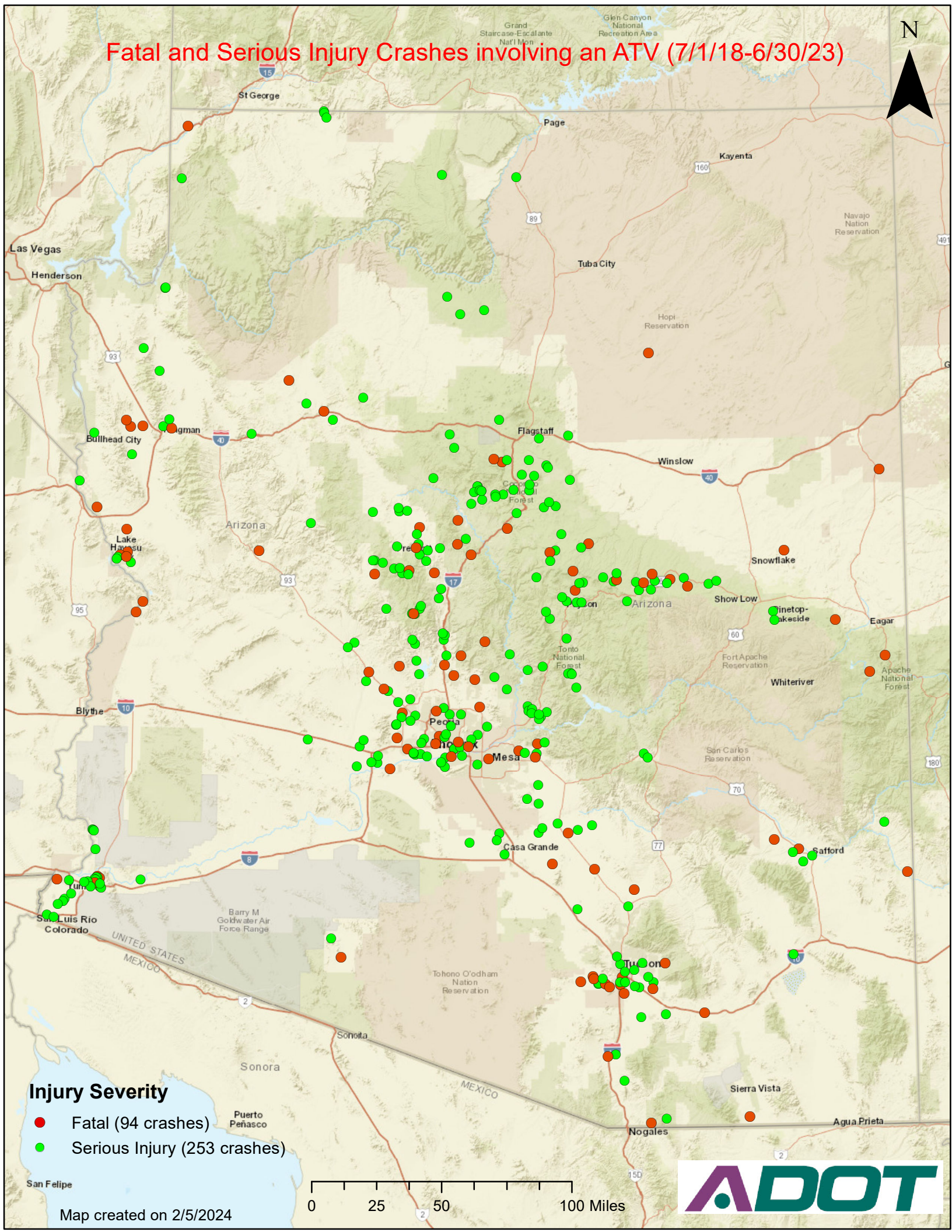
FY25 Proposed Budget

FY25 Proposed Visitor Center Budget

	Category	Description	FY24 Budget	FY24 Projection	FY25 Budget
1	Employee & Volunteer	Salary, wages, benefits, volunteer & staff recognition	304,500	230,200	249,300
2	Public Restrooms	Maintenance & repairs, supplies, utilities	45,000	28,600	30,200
3	Visitor Center Occupancy	Bldg & grounds maintenance & repairs, utilities, copier, storage, real estate tax, insurance	46,500	35,300	34,200
4	Collateral	11X17 counter maps	24,000	8,500	15,000
5	Other	Computer & IT, supplies, phone, data lines, Internet	31,000	17,200	16,700
6	Mortgage Interest Allocation		10,000	10,600	
7	Building Value Allocation (25%)	February 2024 appraisal			25,500
8	Total Expense		461,000	330,400	370,900
9	City Funding = Total expense plus 15% management fee, allocated 80/20 City/Chamber		424,120	303,968	341,228

Thank You!

Fatal and Serious Injury Crashes involving an ATV (7/1/18-6/30/23)



Injury Severity

- Fatal (94 crashes)
- Serious Injury (253 crashes)

Map created on 2/5/2024

0 25 50 100 Miles





REPORT

Office of the Sedona City Attorney

TO: Mayor and City Council

CC: Anette Spickard, City Manager

FROM: Kurt Christianson, City Attorney

DATE: April 9, 2024

SUBJECT: Arizona Legislative Update

This is the 14th week of the Arizona legislative session. 1,759 bills, resolutions, and memorials have been introduced. The Senate and House of Representatives are meeting just one day each week, and will next meet on Wednesday, April 10th at 10 am. While the Governor and legislative leaders negotiate the state budget, it is planned that the legislature will continue to meet just one day of floor action a week during the next few weeks.

The Finance Advisory Committee, a JLBC subcommittee of private and public sector economists, will meet on April 11th at 12:30 pm in Senate Hearing Room 109. The committee's updated report on state revenues and financial projections should kick off budget negotiations in earnest.

Upcoming Deadlines:

Friday 4/12: Last Day for Conference Committees

Tuesday 4/16: 100th Day of Session

Summary of City Support/Opposition

HB2120 - law enforcement; defunding; prohibition	Against
HB2132 - municipal land sales; public notice	For
HB2156 - short-term rentals; online lodging marketplace	For
HB2219 - vacation rentals; regulation; location	For
HB2220 - vacation rentals; number; population; cap	For
HB2236 - state law; local violation; repeal	For
HB2261 - minimum parking requirements; prohibition	Against
HB2275 - settlement agreements; report; approval	Against
HB2303 - middle housing; residential zoning	Against
HB2382 - TPT; sourcing; validation	For
HB2488 - vacation rentals; short-term rentals; restrictions	For
HB2489 - short-term rentals; ordinance; limits	For
HB2570 - planning; home design; restrictions; prohibition	Against
HB2584 - residential building materials; requirements; prohibition	Against

HB2720 - accessory dwelling units; requirements.	Against
HB2721 - municipal zoning; middle housing	Against
HB2734 - (NOW: public hearings; voting)	Against
HCR2014 - short-term rentals; vacation rentals.	For
HCR2023 - property tax; refund; nuisance enforcement.	Against
HCR2033 - short-term rentals; vacation rentals..	For
SB1005 - public monies; ideology training; prohibition	Against
SB1052 - all-terrain vehicles; definition	Against
SB1055 - off-highway vehicle study committee; extension	For
SB1056 - municipalities; counties; fee increases; vote	Against
SB1112 - planning; home design; restrictions; prohibition.	Against
SB1131 - low voter turnout elections; repeat	Against
SB1176 - appropriation; Arizona trail fund	For
SB1205 - short-term rentals; ordinance; limits	For
SB1335 - (NOW: public notice; municipal land sales)	For
SB1415 - accessory dwelling units; requirements	Against
SB1567 - off-highway vehicles; education requirement	For
SCR1003 - short-term rentals; vacation rentals	For
SCR1006 - property tax; refund; nuisance enforcement	Against

BILLS OF INTEREST:

Removed HB 2156(STR online marketplace), 2488(STR percentage cap), 2219(STR spacing limit), 2220(STR Population cap), 2236(repeal SB1487), SCR1103, HCR2014, HCR2033, HB2489/SB1205 - Short-term rentals; ordinance; limits; HB 2131; HB2162

HB2132 SB1335- Municipal land sales; public notice SUPPORT

Sponsor

Rep. Gail Griffin (R)

Legislative History

~~Passed House 55-0. Assigned to the Senate Government Committee on 2/20/24. Passed Senate 3/5/24 (22-6); Passed House Appropriations Committee on 3/25/24 (15-0). Passed House COW on 4-3-24.~~

Summary

Changes restrictions on a town or city selling property worth more than \$1,500,000 and less than \$15,000,000, including mandating at least one public hearing after publishing an invitation for bids at least 30 days before scheduled approval of a purchase agreement.

HB2382 - TPT; sourcing; validation SUPPORT

Sponsor

Rep. Neal Carter (R)

Legislative History

Transmitted to Governor on 4/4/24

Summary

Provides that retail sales of tangible personal property be sourced to the seller's business location if the seller receives the order at a business location in Arizona (A.R.S. § 42-5040). Requires the Department of Revenue (DOR) to establish and maintain a taxpayer assistance team (Team) to ensure taxpayers are sourcing the transaction to the correct jurisdiction, levying the correct transaction privilege tax (TPT) rate.

SB1567 – Off-highway vehicles; education requirement SUPPORT

Sponsor

Sen. Kerr (R)

Legislative History

Passed Senate (22-6) on 3/11/2024. Passed House Transportation and Infrastructure Committee on 3/20/24 (8-0). Still awaiting House COW

Summary

Requires operators of OHVs must be at least 12 years old. Clarifies helmet requirement for those 18 and under. Requires an online OHV safety education course.

Removed HB2125(annexation require 60%); 2120(law enforcement defunding); 2261(minimum parking requirements); 2303/2701 middle housing; 2593(public records); HCR2023/SCR1006(property tax refund); HB2279 (Municipalities; counties; fee increases; vote); HB2570/SB1112 - Planning; home design; restrictions; prohibition (VETOED));

HB2275 - Settlement agreements; report; approval OPPOSE

Sponsor

Rep. David Marshall, Sr. (R)

Legislative History

Assigned to House Government Committee; DPA (5-4) **with one amendment**; Passed House on 2/27/2024 (31-27). Passed Senate Government Committee 4-2 on 3/21/2024. Passed Senate Caucuses on 4/2/24.

Summary

Requires a county, city or town to submit a “settlement agreement report” (defined) to the legislature and Attorney General describing the settlement terms when the agreement costs more than \$500,000 to implement at least 90 days before entering into the agreement. Requires a city or town to submit a “settlement agreement” (define) larger than \$1,000,000 to the Governor for approval before the agreement is considered legally binding, and, if the Governor approves the agreement, the city or town must submit the agreement to the Joint Legislative Audit Committee, which may recommend that the agreement be finalized or amended. Requires a city or town to notify the General Counsel of the Senate and House of Representatives upon initiation of any settlement agreement negotiations and update the General Counsels of developments in the negotiation process. Require the Attorney General to submit a settlement agreement report to the legislature describing the terms of the settlement **at least 90 30** days before entering into the agreement.

SB1005 - Public monies; ideology training; prohibition OPPOSE

Sponsor

Sen. Jake Hoffman (R)

Legislative History

Passed Senate (16-13); transmitted to the House 2/1/24. Passed House Government Committee on 2/28/24. Awaiting House COW.

Summary

Prohibits a public entity from requiring an employee to participate in "diversity, equity and inclusion" (DEI) programs (defined), spending public funds on DEI contracts, programs, technology, supplies, services, or employment, and promoting any DEI oriented theories as that public entity's official position. Allows for employees forced to do any of the above to bring an action against the public entity.

SB1052 - All-terrain vehicles; definition OPPOSE

Sponsor

Sen. Carroll (R)

Legislative History

Assigned to Senate Transportation & Technology Committee; Passed 6-1 on 1/22/24. Passed Senate on 3/11/2024. Passed House Transportation and Infrastructure Committee on 3/20/24 (8-3). Still awaiting House COW.

Summary

Increases the weight of OHVs from 2,500lbs to 3,500lbs.

SB1056 - Municipalities; counties; fee increases; vote OPPOSE

Sponsor

Sen. Warren Petersen (R)

Legislative History

Initially failed on 2/15/24 with 15-11-4 vote count; later passed 16-11 on 2/19/24. Passed House Judiciary Committee on 3/20/24 (6-3). Still awaiting House COW.

Summary

Prohibits a common council of a municipality from levying or imposing an increase in any assessment, tax or fee without approval by two-thirds vote of the common council of the municipality. Prohibits the Board of Supervisors of a County from levying or imposing an increase in any assessment, tax or

fee without approval by two-thirds vote of the Board of Supervisors of the county. Essentially applies the 1992 Prop 108 that applies to Arizona Legislature to cities and counties.

HB2584 - Residential building materials; requirements; prohibition OPPOSE

Sponsor

Rep. John Gillette (R)

Legislative History

Passed House 46-11. Passed Senate Government Committee on 3/21/24 (7-0). Passed Senate Caucuses on 4/2/24.

Summary

Prohibits a municipality from adopting or enforcing any code, ordinance, standard, stipulation or other legal requirement that limits the use of a building product or material in the construction or alteration of a residential building if the building product or material is approved by a national model code applicable to the building's construction or alteration. This means no Sedona specific exceptions to the IBC or IRC would be allowed, like:

1. The deletion of the allowances for stone rubble foundations and wood foundations, the former as it is an inferior method that is no longer used outside of historic house rehabs and the latter due to our environment and termite issues.
2. Prohibition on cedar or wood shake roofs or walls and exposed plywood or particleboard for fire safety reasons.

HB2720/SB1415 – Accessory dwelling units; requirements OPPOSE

Sponsor

Rep. Michael Carbone (R) / Sen. Ann Hernandez (D)

Legislative History

HB2720: Passed House 3/4/24 (46-14); passed Senate Finance and Commerce Committee 6-1.

SB1415: Passed Senate on 3/6/24 (20-10); passed House Government Committee on 3/20/24 (8-0).

Passed Senate Caucuses on 3/26/24. On COW agenda for 4/10/24.

Summary

Requires municipalities with more than 75,000 persons to allow ADUs up to 75% the size of the single-family house. Prohibits cities from having setbacks greater than 5 feet, requiring the ADU match the single-family house, prohibit or require kitchen facilities, require any type of restrictive covenant. This bill is nearly identical to a law that passed in Montana last year. That bill is currently under a court injunction after a group of property owners in cities in Montana filed suit against the state to block the implementation of that legislation.

A proposed Amendment to SB1415 would add the following:

A.R.S. 9-500.39. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A city or town may not prohibit vacation rentals or short-term rentals.

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals as follows:

9. TO REQUIRE THE OWNER TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING UNIT AS DEFINED IN SECTION 9-461.18 THAT IS BEING USED AS A SHORT TERM RENTAL.

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