

A G E N D A

WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD OCTOBER 8, 2013, AT 5 P.M., AT THE COUNCIL CHAMBERS BUILDING LOCATED AT 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

- I. CALL TO ORDER.
- II. ROLL CALL.
- III. PRESENTATION REGARDING THE VERDE RIVER BLUE TRAIL.

THE FOLLOWING ITEMS ARE FOR DISCUSSION AND POSSIBLE DIRECTION TO STAFF:

1. CITY RECOGNITION OF CIVIL UNIONS/DOMESTIC PARTNERSHIPS FOR CERTAIN PURPOSES.
2. PROPOSED TRAFFIC CALMING ISLAND IN OLD TOWN.
3. LOCATION FOR THE DESIGN AND CONSTRUCTION OF A NEW CITY HALL.

- IV. ADJOURNMENT

Pursuant to A.R.S. § 38-431.03.(A) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03.(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body; A.R.S. §38-431.03.(A)(1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting.

Americans with Disabilities Act Notice: The Cottonwood Council Chambers is wheelchair accessible. Those with needs for special typeface print, hearing devices or other special accommodations may request these through the Cottonwood City Clerk at 928-340-2727 (TDD 928-634-5526). Requests should be made as early as possible to allow the City sufficient time to arrange for the necessary accommodations.

Members of the City Council will attend either in person or by telephone conference call.

**City of Cottonwood, Arizona
City Council Agenda Communication**



 Print

Meeting Date: October 8, 2013
Subject: Presentation Regarding Verde River Blue Trail
Department: City Clerk
From: Marianne Jiménez, City Clerk

REQUESTED ACTION

N/A--Informational Only.

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:

N/A

BACKGROUND

Clarkdale Mayor Doug Van Gausig will make an informational presentation regarding the Verde River Blue Trail.

JUSTIFICATION/BENEFITS/ISSUES

COST/FUNDING SOURCE

ATTACHMENTS:

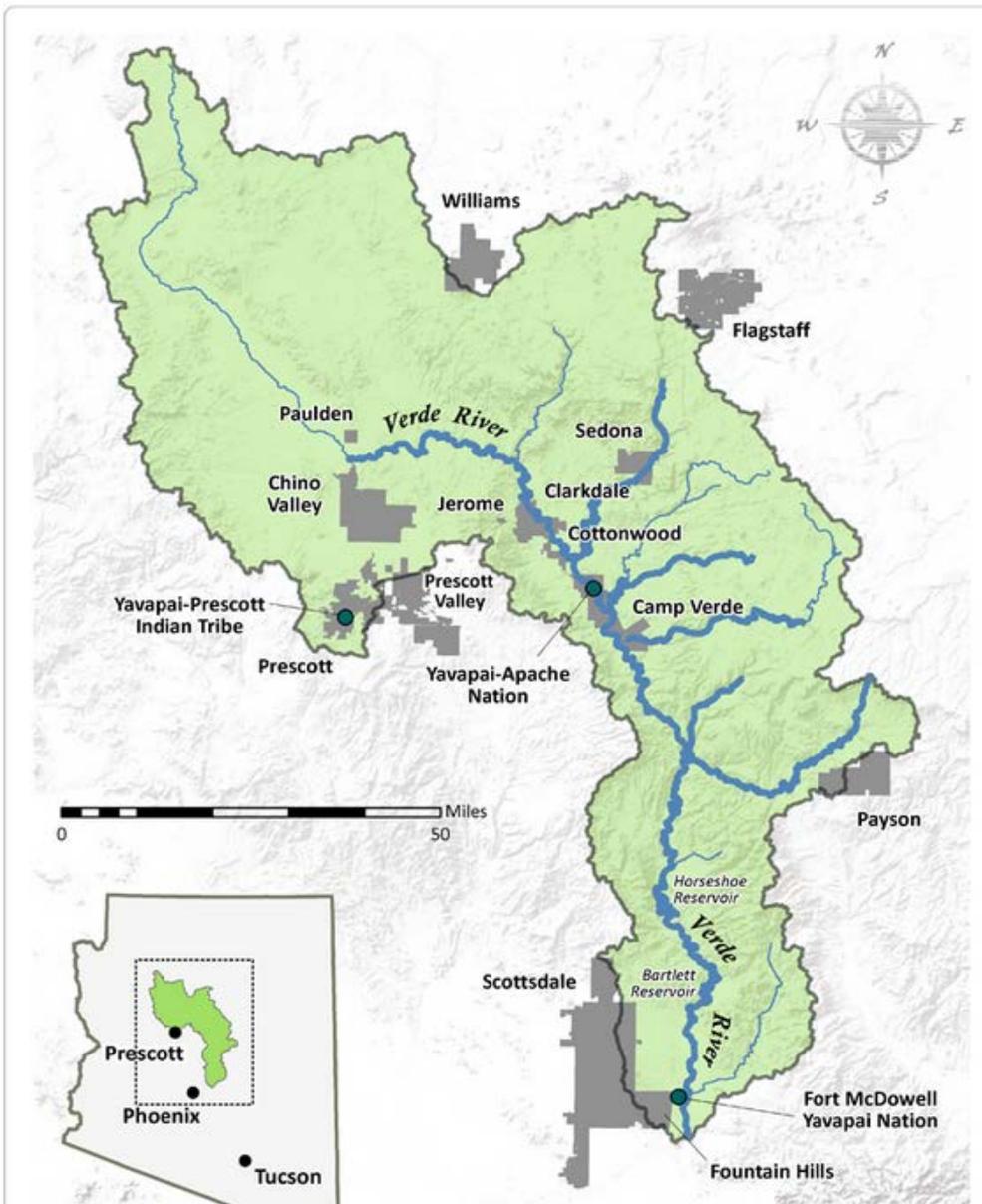
Name:	Description:	Type:
 The Verde River Blue Trail - Cottonwood Presentation10-8-13 (2).pdf	PowerPoint Presentation on Verde River Blue Trail	Cover Memo



Arizona's 192-mile Adventure!

Cottonwood City Council, 10/8/2013





The Verde River watershed lies in central Arizona, between the cities of Prescott, Williams, Flagstaff and Scottsdale

5450 Square Miles
3.5 Million Acres
Ranges from 12,000'
Elevation
To 1600'

3 Sub-basins
Big Chino
Verde Valley
Verde Canyon
Major Tributaries:

Granite Creek
Sycamore Creek
Oak Creek
Beaver Creek
Clear Creek
Fossil Creek
East Verde River

Just the Facts...



192-miles long (Sullivan Dam to Salt River confluence)

Home to 200+ species of birds

6 endangered animal species with critical habitat designated

(Razorback Sucker, Southwestern Willow Flycatcher, Spikedace, Loach Minnow, Mexican Gartersnake and Narrow-headed Gartersnake)

One Soon-to Be Listed Species (Yellow-billed Cuckoo)

One Wild and Scenic stretch, another being proposed

Home to the Fremont Cottonwood/Goodding Willow Forest type (the rarest in North America)

Supplies water to Arizona's metropolitan areas ($\pm 250,000$ acre-ft/yr., 2.3 Million people)

One of the last free-flowing perennial desert rivers remaining in the Southwestern United States

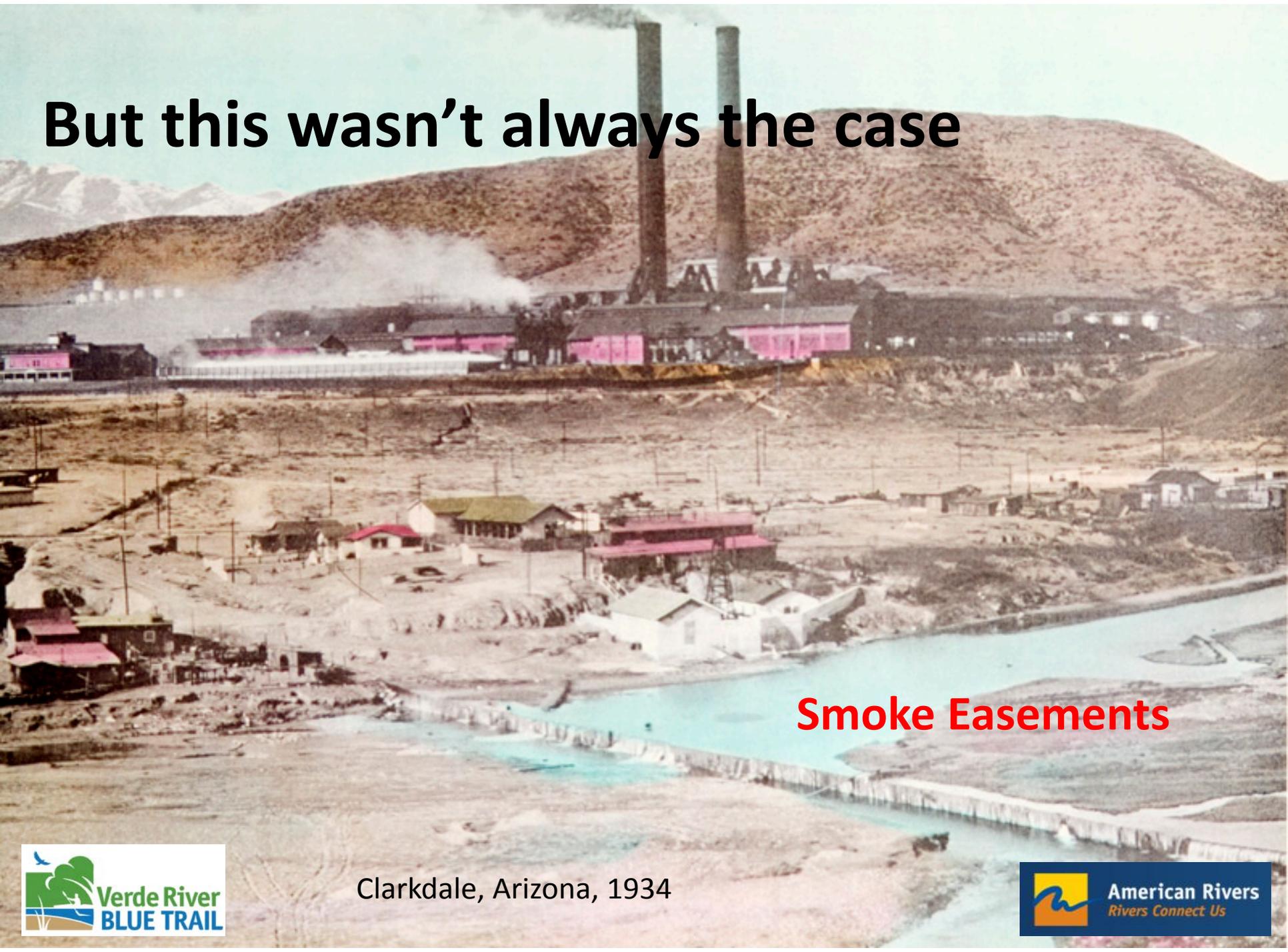


American Rivers
Rivers Connect Us

First, Do No Harm

The Verde River is in excellent condition
Water Quality is very good
Biodiversity is high and healthy
River flows are sufficient in most stretches for wildlife and recreation
Flows provide sufficient water for agriculture

But this wasn't always the case



Smoke Easements

And it may not always be so...

Today's threats include:

Reduced flows due to drought, climate change
and groundwater extraction

Outdated irrigation diversions and systems

Invasive species

Increasing human impact

So what's the key to the Verde's continued good health?

Increase the public's engagement in the river:

Improve Access

Promote Recreational Uses

Educate

Advocate for a Healthy, Sustainable Ecosystem

Work to Improve Irrigation Efficiency

Improve the Economic Value of the Verde River

In Short....

Work hard to see that
The Verde River becomes
**An American Rivers
Blue Trail**

Promotes the Verde

Provides support
and expertise

Brings Recognition

Attracts Economic
Development

Encourages
Sustainability

Attracts Project Funding



Next Steps:



Thousand Trails Rd →

Improve and Increase Access
Signage



Lower Tapco
River Mile
45.5
Next Takeout
Tuzigoot RAP
2.9 Miles



Lower Tapco
River Mile
45.5
Next Takeout
Tuzigoot RAP
2.9 Miles



Next Steps:

Improve and Increase
Recreational Opportunities

Verde River Runoff
Verde River@Clarkdale
6-weeks of River
Verde Front Trails
Arizona State Trail



Next Steps:

Help irrigation diversions improve efficiency and environmental functionality

Schedule deliveries?

Improve infrastructure?

Educate shareholders?

Work to encourage swimways and boating bypasses

Next Steps:

Improve and Encourage Beneficial Economic Development that Relies On a Healthy Verde River

Improve Agricultural Opportunities Like Boutique Wineries And Vineyards

The screenshot shows the website for Sedona Adventure Tours and Verde River Rafting. The header includes the company logo and contact information: "SEDONA ADVENTURE TOURS AND VERDE RIVER RAFTING FOR RESERVATIONS CALL 1.877.673.3661". A navigation menu lists: Home, Reservations, River Trips, River Rentals, Wine Tours, Hiking Tours, Combo Tours, Girlfriend Getaways, Info. The main banner features a scenic view of a river with kayakers and a bottle of wine, with the text "VERDE RIVER VALLEY WINE TOURS". Below the banner, there is a section titled "The Classic Water to Wine Tour" which describes combining a float trip with wine tasting at Alcantara Vineyards. A sidebar on the left contains a menu with buttons for: RESERVATIONS, RIVER TRIPS, TUBES & RENTALS, WINE TOURS, HIKING TOURS, COMBO TOURS, and INFORMATION. On the right, there are social media links for Facebook and Twitter, and a note about special offers.



A photograph of a dirt path leading into a dense forest of green trees. The path is in the foreground, and the trees are in the background. The text is overlaid on the image.

Next Steps:

Work with the Verde Front process to integrate terrestrial and blue trails
Improve current sites that are not reaching their full potential

Educate property owners about Arizona's recreational use statute

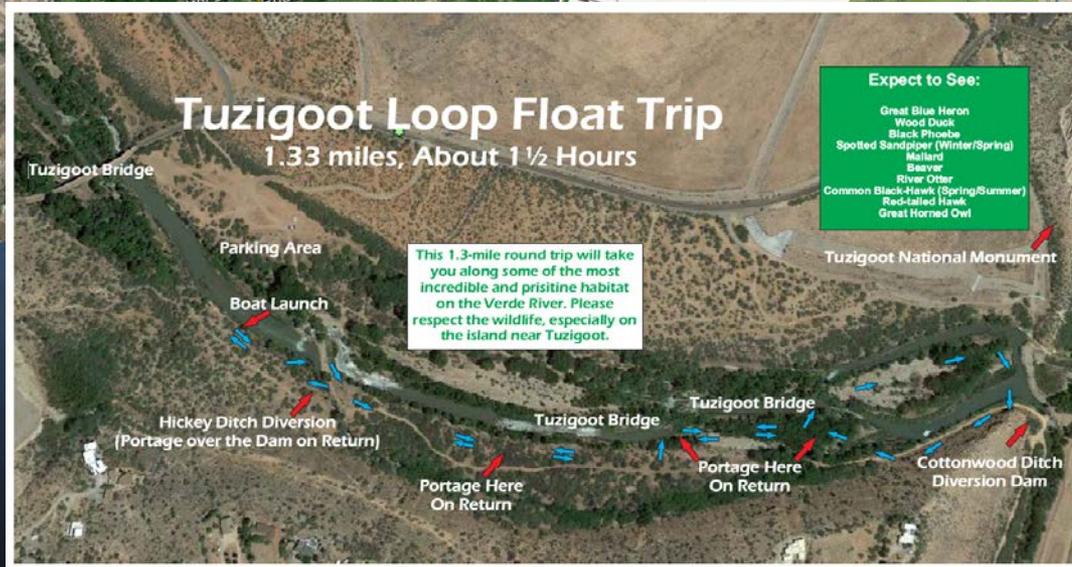
Assist property owners in adapting to and improving increased recreational uses

Next Steps: Mapping

Google Earth



Web-based Mapping



This 1.3-mile round trip will take you along some of the most incredible and pristine habitat on the Verde River. Please respect the wildlife, especially on the island near Tuzigoot.

- Expect to See:**
- Great Blue Heron
 - Wood Duck
 - Black Phoebe
 - Spotted Sandpiper (Winter/Spring)
 - Mallard
 - Beaver
 - River Otter
 - Common Black Hawk (Spring/Summer)
 - Red-tailed Hawk
 - Great Horned Owl



Waterproof Paddle Maps



QR Codes at sites

And Finally...

We're asking for your support





Ideas?
Suggestions?
Concerns?
Questions?

<http://www.americanrivers.org/initiatives/blue-trails/projects/verde-river.html>

<http://www.verderiverinstitute.org>

Doug Von Gausig
doug@ripariansystems.com



**City of Cottonwood, Arizona
City Council Agenda Communication**



 Print

Meeting Date:	October 8, 2013
Subject:	City Recognition of Domestic Partnerships/Civil Unions for Certain Purposes
Department:	Attorney
From:	Steve Horton, City Attorney

REQUESTED ACTION

Discussion, consideration and direction to staff regarding City recognition of domestic partnerships/civil unions for certain purposes.

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:

NA

BACKGROUND

By email dated September 23, 2013, the Council was provided with copies of the civil union/domestic partnership ordinances that have recently been adopted by the cities of Bisbee, Tucson and Sedona. Attached are the ordinances from Jerome, Sedona, Bisbee and Tucson.

With certain variations, these ordinances/codes address and accomplish the following:

1. They establish a public registry that allows committed couples (both opposite-sex and same-sex) to register their relationship with the city or town clerk, and to file a list of legal documents relating to matters involving their children, property, health care and other important matters between them (in the case of Bisbee, registrants may also file the actual documents with the city).
2. They require domestic/civil union partners to be treated the same as spouses for the purpose of accessing City facilities and services.
3. They provide that to the extent allowed by law, domestic/civil union partners of city employees will be treated the same as spouses for the purpose of accessing city employment benefits, including health insurance and leave benefits.
4. They require health care/hospice facilities to treat domestic/civil union partners the same as

spouses for the purpose of visitation, as long as the patient consents.

In addition, Tucson includes sexual orientation as a protected classification in its anti-housing discrimination policy.

The communities that have adopted these ordinances have indicated that they seek to lessen the impact of discriminatory practices against members of the LGBT community, and to provide a meaningful statement of support for the right of all individuals to form lasting and meaningful personal relationships that are respected and recognized under the law, regardless of gender or sexual orientation.

Staff is seeking direction from the Council regarding whether to draft a proposed ordinance for consideration and possible adoption here, and what matters that ordinance should address.

JUSTIFICATION/BENEFITS/ISSUES

To be discussed and determined by the Council. As noted above, the communities that have adopted these ordinances have indicated that they seek to lessen the impact of discriminatory practices against members of the LGBT community, and to provide a meaningful statement of support for the right of all individuals to form lasting and meaningful personal relationships that are respected and recognized under the law, regardless of gender or sexual orientation.

COST/FUNDING SOURCE

NA

ATTACHMENTS:

Name:	Description:	Type:
 517 Chapter 17 Civil Unions public record EXHIBIT A [1].docx	Jerome Civil Union Code	Cover Memo
 AB 1664 CA Exh A Civil Unions Resolution [2].docx	Sedona Civil Union Ordinance	Cover Memo
 Pages from RegularSession052013.pdf	Bisbee Civil Union Ordinance	Backup Material
 Chapter%2017.pdf	Tucson Civil Union Ordinance	Backup Material

**RESOLUTION NO. 517
"EXHIBIT A"**

CHAPTER 17

CIVIL UNIONS

ARTICLE 17.1 Purpose.

The Town of Jerome supports the right of every person to enter into a lasting and meaningful personal relationship with the partner of his or her choice, regardless of the gender or sexual orientation of the parties to that relationship. The Town of Jerome exercises its inherent powers of self government to attempt to lessen the impact of discriminatory practices upon all persons within the Town of Jerome, specifically including lesbian, gay, bisexual and transgender ("LGBT") persons. For that purpose, the Town of Jerome seeks to respect, support, and facilitate the rights of all persons to enter into contractual relationships and to designate agents, to the full extent permitted by the law, to manage their property, to make important life decisions, and otherwise to provide and care for loved ones within a meaningful and lasting personal relationship.

ARTICLE 17.2 Definitions.

In this Chapter, unless the context otherwise requires:

- A. "Town of Jerome Certificate of Civil Union" means a document that certifies that the persons named on the certificate have registered a contractual relationship in the Town of Jerome, Arizona pursuant to this Chapter.
- B. "Civil Union" is a contractual relationship established by two eligible persons and which has been registered pursuant to this Chapter.
- C. "Party to a Civil Union" means a person who has registered a Civil Union with the Town of Jerome.

ARTICLE 17.3 Requirements for a Valid Civil Union; Filing Fee.

- A. Two persons who meet all of the following requirements may enter into a Civil Union:
 - 1. Are at least eighteen years of age.
 - 2. Are not related by blood in a way that would disqualify them from marriage pursuant to A.R.S. §25-101.A.
 - 3. Are not presently married pursuant to Arizona law.
 - 4. Are competent to enter into a contract.
 - 5. Are not party to any existing civil union, domestic partnership, marriage, or other legally recognized domestic relationship with any third party.

B. A Civil Union is established by the following process:

1. Two eligible individuals seeking to register a Civil Union must complete and file a notarized affidavit, in a form to be prescribed by the Town Clerk, declaring their intention to register a Civil Union. This form shall include the name, age, and address of each applicant; a statement that both parties are eligible to register this Civil Union; and a statement that it is the intent of each party to register this Civil Union.
2. With this affidavit declaring their intentions, the parties may, at their option, also submit a statement of some or all of the contractual rights, obligations, and expectations they have agreed will govern their relationship. Such a statement shall not be required in order to register a Civil Union.
3. The Town Clerk shall file the affidavit and any accompanying statement of contractual terms in the records of the Town and shall issue a Civil Union Certificate, upon the payment of the required fee.
4. The fee for the registration of a Civil Union and the issuance of a Civil Union Certificate is Seventy-three Dollars (\$73.00).

ARTICLE 17.4 **Responsibilities and Benefits of Parties to a Civil Union.**

- A. Each party to a Civil Union shall have such rights, responsibilities, and obligations as provided in their contractual agreement or agreements, whether or not such terms are set forth in the affidavit filed pursuant to Article 17.3.
1. The TOWN Clerk may provide the applicants with a form that will allow the applicants the option of designating and documenting certain rights and obligations that have been agreed to by the parties. Such form may also provide each applicant the option to make certain legal designations permitted by applicable law, which may include, but are not limited to, the following:
 - a. The designation of a party to serve as the health care representative of the other party.
 - b. The nomination of a party to be given preference for appointment as guardian or conservator of the other party.
 - c. The designation of a party to make any decisions concerning anatomical gifts, to provide for the disposition of the remains of the other party, and to make decisions concerning any funeral arrangements, upon the death of the other party.
 - d. The designation of the other party as a domestic partner and support person for purposes of hospital visitation.

2. The parties may also include such other agreements in their specific agreement as they may determine to be appropriate for their particular circumstances. These may include, but are not limited to, agreements addressing the following matters:
 - a. Agreements between the parties regarding the management and ownership of their respective real and personal property.
 - b. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding the existing children or other family members of one or both of the parties.
 - c. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding prospective children of one or both of the parties
 - d. Agreements between the parties regarding the disposition of their property upon the death of either party.
 - e. A means for resolving any disputes that may arise should the relationship dissolve, through alternative dispute resolution procedures or otherwise.
 - f. Any other rights or obligations that may be legally exchanged by and between the parties.

Certain of these agreements may require additional documentation and other formalities in execution in order to effectuate this intent, pursuant to the laws of the State of Arizona. The Town of Jerome makes no warranty or guarantee regarding the legality or enforceability of any agreements or nominations of the parties.

- B. The following rights of two people who have entered into a Civil Union will be recognized by the Town of Jerome:
 1. The right of any party to a Civil Union who is an employee of the Town of Jerome to designate his or her Civil Union partner as a beneficiary of any of the benefits provided by the Town of Jerome to spouses of employees of the Town, to the extent that the Town is able to do so.
 2. The right of parties to a Civil Union to be treated as family members for all purposes by the Town of Jerome.

ARTICLE 17.5 **Modification of Terms; Termination of Designation.**

- A. The Parties to a Civil Union may amend the terms of their particular agreements, designations, and nominations, in whole or in part, in the same manner as such agreements, designations, and nominations may be modified under applicable law.

- B. The Town Clerk of the Town of Jerome shall include in the registration records for Civil Unions any amendments or modifications that are provided to the Town Clerk as set forth above.
- C. One or both parties may request that the Town Clerk terminate the registration of the Civil Union for those parties by submitting a signed and notarized statement to the Town Clerk. Upon the receipt of such a signed and notarized request, the Town Clerk will terminate the registration of such Civil Union. Any such termination of registration shall not alter any remaining contractual obligations or legal designations that have been made by the respective parties or the ability of either party to enforce any contractual rights that may continue to be enforceable under applicable law.
- D. A registered Jerome Civil Union shall not prevent the parties to that status from entering into any other type of legal status between those two parties in another jurisdiction, including a marriage where the laws of such other jurisdiction permits them to enter that status. For any two parties who are married or in a civil union or domestic partnership under the laws of another jurisdiction, a Jerome Civil Union may provide a means of effectuating portions of that relationship under the laws applicable within the Town of Jerome to the extent set forth herein.

ARTICLE 17.6 Formalization; Right of Nonparticipation.

- A. The Town of Jerome does not require any religious organization or judicial officer to participate in formalizing a Civil Union.
- B. The persons listed in A.R.S. § 25-124 are hereby authorized to solemnize a Civil Union.
- C. A document affirming that a Civil Union has been solemnized may be submitted along with the Affidavit submitted to the Town Clerk pursuant to Article 17.3(B)(1).
- D. A formal solemnization ceremony may be performed at the sole option of the parties, and will have no effect on the validity of the registration of the Civil Union or on the contractual obligations, nominations, and designations made by the parties to the Civil Union.

ARTICLE 17.7 Public Records.

- A. The Certificate of Civil Union shall be treated as a public record pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.
- B. The statement of contractual rights may contain private, privileged, or confidential information that is protected from disclosure under the laws of the State of Arizona. The parties to each Civil Union will have the opportunity to designate which, if any, of the components of this statement they intend to be subject to public disclosure.

In the event that a third party may request information from this statement that has not been designated for disclosure, the parties to that Civil Union shall be advised of this request and offered the opportunity to assert their position regarding the disclosure of that information.

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2013 AMENDMENTS TO THE SEDONA CITY CODE REGARDING CIVIL UNIONS."

BE IT RESOLVED that certain document entitled "2013 AMENDMENTS TO THE SEDONA CITY CODE REGARDING CIVIL UNIONS," three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this _____ day of _____, 2013.

Rob Adams, Mayor

Attest:

City Clerk

Approved as to from:

City Attorney

Exhibit A

2013 Amendments to the Sedona City Code Regarding Civil Unions

Chapter 5.40 Civil Unions

5.40.010 Registered Civil Unions Defined

- A. As used in this Chapter, the term “registered civil union” exists between two persons if one or more of the following is true:
 - 1. The persons who meet the criteria for civil union have filed a statement of civil union with the city clerk on the form provided by the city and paid the required fee.
 - 2. The persons have a valid certificate of domestic partnership issued by another jurisdiction and meet the criteria for civil union between each other set forth in this article.
 - 3. The persons are legally recognized as civil union spouses in another jurisdiction and meet the criteria for civil union between each other set forth in this article.

5.40.020 Criteria for Civil Union

- A. For purposes of this Chapter, civil union partners are two persons:
 - 1. Not related by blood closer than would bar marriage in the State of Arizona;
 - 2. Neither of whom is in a marriage expressly recognized by the State of Arizona or in any domestic partnership and/or civil union with another person;
 - 3. Each of whom is eighteen years of age or older;
 - 4. Each of whom is competent to enter into a contract.

5.40.030 Statement of Civil Union; Additional Evidence of Civil Union

- A. Civil Union Partners may make an official record of their civil union by executing a “Civil Union Registration Statement” on the form prescribed by the City.
- B. The statement must include a declaration that the persons are in a relationship of mutual support, caring and commitment and are responsible for each other’s

welfare. For these purposes, “mutual support” means that they contribute mutually to each other’s maintenance and support.

- C. The statement must include a declaration that both persons agree to file a termination of the civil union if there is a change in the status of their relationship such that they cease to meet the criteria for a civil union under this Ordinance.
- D. The statement shall include the date on which the civil union was registered, and the mailing addresses of both partners. The civil union statement shall further state that the civil union partners meet the criteria set forth in Section 5. 40.020.
- E. In addition to the registration statement, civil union partners may submit to the City, and the City shall maintain, a statement or list describing any additional documents, such as contracts and agreements that document the rights, responsibilities and obligations that the civil union partners have established by and between each other. In order to prevent public access to private personal information, civil union partners may not submit, and the City will not maintain, the contracts and agreements themselves. By way of example, the statement or list of additional documents evidencing the parties’ civil union may include a description of:
 - 1. Agreements between the parties regarding the management and ownership of real and personal property.
 - 2. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding the existing children or other family members of one or both of the parties.
 - 3. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding prospective children of one or both of the parties.
 - 4. Agreements between the parties regarding the disposition of their property upon the death of either party.
 - 5. Agreements for resolving any disputes that may arise should the relationship dissolve, through alternative dispute resolution procedures or otherwise.
 - 6. Documents that establish any other rights or obligations that may be legally exchanged by and between the parties.
- F. As part of the registration statement, the parties to a civil union may include a statement describing their shared intentions regarding the scope of the relationship, regardless of whether or not they have entered into any contracts or agreements of the kind described in subparagraph E above.

G. Any documents described in the statement or list provided to the City pursuant to subsection E above, and any statement of shared intent provided pursuant to subsection F above, shall only be effective as provided under Arizona law and any other applicable law, and the fact that the statement or list has been submitted to the City and/or is maintained by the City shall not affect whether those documents are enforceable or binding upon the parties thereto. For example, some agreements may require additional documentation or formalities in execution in order to effectuate their intent under Arizona law.

5.40.040 Termination of Civil Union

A. A civil union shall terminate upon the occurrence of any one of the following:

- 1 The death of one of the partners.
- 2 The filing of a sworn termination statement with the City Clerk on the form prescribed by the City. The person filing the sworn termination statement shall declare that the civil union is terminated and, if the termination statement has not been signed by both parties to the civil union, that the other person has been notified in writing of such termination at the last known address of such person;
- 3 The marriage, expressly recognized by the State of Arizona, of either one of the Civil Union partners.

5.40.050 Fees; civil union certificate

A. The fee for filing a civil union statement and any attachments shall be fifty dollars (\$50.00) which entitles the person filing the statement on behalf of the civil union to two (2) certified copies of the official statement, which shall constitute civil union certificates.

- 1 The fee for obtaining additional copies shall be ten dollars (\$10.00) per copy.
- 2 The fee for filing a termination of civil union statement shall be ten dollars (\$10.00).

5.40.060 Rights of registered civil union partners

A. Health care visitation. All health care facilities operating within the city shall allow the registered civil union partner of a patient to visit such patient unless no visitors are allowed or the patient expresses a desire that visitation by the civil union partner be restricted. As used in this section, "health care facility" means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, mental health services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151 and hospice service agencies.

B. *Use of and access to city facilities.* All facilities owned or operated by the city, including but not limited to recreational facilities shall allow the registered civil union partner of a user to be included in any rights and privileges accorded a spouse for purposes of use of and access to city facilities.

C. *City employee benefits.* To the extent authorized by law, any city employee who is registered with the city as a civil union partner may designate his or her partner as a beneficiary of any of the benefits provided by the city in the same manner as a spouse of an employee.

5.40.070 Limitation of liabilities

- A. Nothing in this article shall be interpreted to contravene the general laws of the State of Arizona.
- B. Nothing in this article shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.
- C. By maintaining records provided by civil union partners pursuant to this article, including the statement or list of documents as described in section 5.40.030(e) and the statement of shared intent as described in section 5.40.030(f), the city does not make any representation or warranty that such documents, records or stated intentions are legally enforceable or valid.

5.40.080 Public Records

The statement of civil union, the civil union certificate and all documents provided to the city by civil union partners pursuant to this article shall be treated as a public record pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.



REQUEST FOR MAYOR & COUNCIL ACTION

Session of: May 21, 2013

Regular Special

DATE ACTION SUBMITTED: May 15, 2013

REGULAR CONSENT

TYPE OF ACTION:

RESOLUTION ORDINANCE FORMAL ACTION OTHER

SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF THE NOTICE OF INTENT TO ADOPT ORDINANCE O-13-08, ADDING CHAPTER 17, CIVIL UNIONS, TO THE CITY CODE AND PROVIDING FOR REPEAL AND SEVERABILITY

FROM: John A. MacKinnon, City Attorney

RECOMMENDATION: Recommend approval

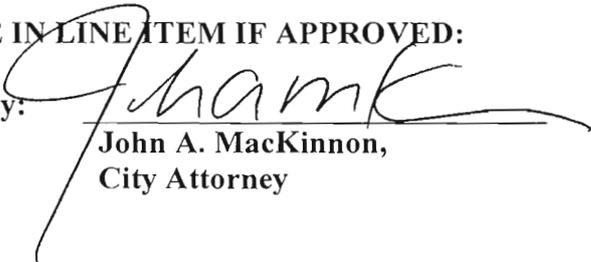
PROPOSED MOTION: I move that we approve the Notice of Intent to Adopt Ordinance O-13-08, adding Chapter 17, Civil Unions, to the City Code and providing for repeal and severability.

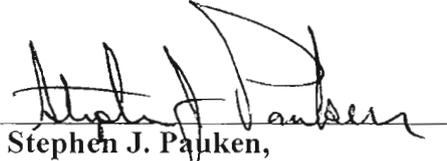
DISCUSSION: This Ordinance would provide a means to recognize the relationship of any two adults, regardless of their gender or sexual orientation, to manage their personal affairs through the formation of contractual agreements and the designation of agents. It is a statement of support for the right of all people to form lasting and personal relationships that are entitled to respect and recognition under the law. A Civil Union will authorize the parties to a limited set of City benefits. It may also provide a means of assisting certain members of our community in obtaining other rights and benefits which are available to them under the laws of this State. It is not intended to alter State law in any manner, but it is intended to make available to all persons those rights which do exist under these laws, without discriminating on the basis of gender or sexual orientation.

FISCAL IMPACT: Unknown

DEPARTMENT LINE ITEM ACCOUNT: NA

BALANCE IN LINE ITEM IF APPROVED: NA

Prepared by: 
John A. MacKinnon,
City Attorney

Reviewed by: 
Stephen J. Pauken,
City Manager

**NOTICE OF INTENT TO ADOPT
ORDINANCE O-13-08**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE,
COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE CITY CODE
BY ADDING ARTICLE 17, CIVIL UNIONS, AND PROVIDING FOR REPEAL
AND SEVERABILITY**

WHEREAS, the Mayor and Council of the City of Bisbee support the right of every person to enter into a lasting and meaningful relationship with the partner of his or her choice, regardless of the gender or sexual orientation of the parties to that relationship; and

WHEREAS, the City of Bisbee seeks to lessen the impact of discriminatory practices upon all persons within the City of Bisbee, specifically including lesbian, gay, bisexual and transgender (“LGBT”) persons; and

WHEREAS, the City of Bisbee, pursuant to the authority granted to it under its City Charter, has all of the express or implied powers granted to it under the laws of the State of Arizona and that authority which is not prohibited by the Constitution of this State; and

WHEREAS, to the full extent of its authority to do so, and to no further extent, the City of Bisbee hereby exercises its authority to express its support for ending discrimination against all persons on the basis of their gender or sexual orientation and hereby exercises those powers which it may exercise to lessen the impact of discriminatory practices upon all citizens within the City of Bisbee, specifically including LGBT persons;; and

WHEREAS, to the full extent of its authority to do so, and to no further extent, the City of Bisbee exercises its authority to express its support for the right of all individuals to manage their personal affairs through the formation of contractual agreements and the designation of agents; and

WHEREAS, it is in the best interest of the City of Bisbee to refuse to continue to remain silent on this issue, in the face of discriminatory practices that are inconsistent with the principles upon which our country was founded, and to take such actions as are within its authority to ameliorate this situation,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

Section 1. The amendments of the City Code of the City of Bisbee, as stated in the attached Exhibit A, incorporated herein by reference, are hereby adopted as an amendment to the City Code of the City of Bisbee.

Section 2. Ordinance O-13-05, Bisbee Civil Unions, is hereby repealed in its entirety. All other prior resolutions, ordinances, and policies are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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 remaining portions.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this ____ day of _____, 2013.

APPROVED:

Adriana Z. Badal, Mayor

ATTEST:

Gloria P. Gonzalez, City Clerk

APPROVED AS TO FORM:

John A. MacKinnon, City Attorney

EXHIBIT A

CHAPTER 17 CIVIL UNIONS

Article 17.1 Purpose

The City of Bisbee supports the right of every person to enter into a lasting and meaningful personal relationship with the partner of his or her choice, regardless of the gender or sexual orientation of the parties to that relationship. The City of Bisbee exercises its inherent powers of self government, as established under its City Charter, to attempt to lessen the impact of discriminatory practices upon all persons within the City of Bisbee, specifically including lesbian, gay, bisexual and transgender (“LGBT”) persons. For that purpose, the City of Bisbee seeks to respect, support, and facilitate the rights of all persons to enter into contractual relationships and to designate agents, to the full extent permitted by the law, to manage their property, to make important life decisions, and otherwise to provide and care for loved ones within a meaningful and lasting personal relationship.

Article 17.2 Definitions

In this Chapter, unless the context otherwise requires:

- A. “City of Bisbee Certificate of Civil Union” means a document that certifies that the persons named on the certificate have registered a contractual relationship in the City of Bisbee, Arizona pursuant to this Chapter.
- B. “Civil Union” is a contractual relationship established by two eligible persons and which has been registered pursuant to this Chapter.
- C. “Party to a Civil Union” means a person who has registered a Civil Union with the City of Bisbee.

Article 17.3 Requirements for a Valid Civil Union; Filing Fee

- A. Two persons who meet all of the following requirements may enter into a Civil Union:
 - 1. Are at least eighteen years of age.
 - 2. Are not related by blood in a way that would disqualify them from marriage pursuant to A.R.S. §25-101.A.
 - 3. Are not presently married pursuant to Arizona law.
 - 4. Are competent to enter into a contract.

5. Are not party to any existing civil union, domestic partnership, marriage, or other legally-recognized domestic relationship with any third party.

B. A Civil Union is established by the following process:

1. Two eligible individuals seeking to register a Civil Union must complete and file a notarized affidavit, in a form to be prescribed by the City Clerk, declaring their intention to register a Civil Union. This form shall include the name, age, and address of each applicant; a statement that both parties are eligible to register this Civil Union; and a statement that it is the intent of each party to register this Civil Union.
2. With this affidavit declaring their intentions, the parties may also submit a statement of some or all of the contractual rights, obligations, and expectations they have agreed will govern their relationship. Such a statement shall not be required to register a Civil Union.
3. The City Clerk shall file the affidavit and any accompanying statement of contractual terms in the records of the City and shall issue a Civil Union Certificate, upon the payment of the required fee.
4. The fee for the registration of a Civil Union and the issuance of a Certificate is Seventy-five Dollars (\$75.00).

ARTICLE 17.4 Responsibilities and Benefits of Parties to a Civil Union.

A. Each party to a Civil Union shall have such rights, responsibilities, and obligations as provided in their contractual agreement or agreements, whether or not such terms are set forth in the affidavit filed pursuant to Article 17.3.

1. The City Clerk may provide the applicants with a form which will allow the applicants the option of designating and documenting certain rights and obligations that have been agreed to by the parties. Such form may also provide each applicant the option to make certain legal designations permitted by applicable law, which may include, but are not limited to the following:
 - a. The designation of a party to serve as the health care representative of the other party.

- b. The nomination of a party to be given preference for appointment as guardian or conservator of the other party.
 - c. The designation of a party to make any decisions concerning anatomical gifts, to provide for the disposition of the remains of the other party, and to make decisions concerning any funeral arrangements, upon the death of the other party.
 - d. The designation of the other party as a domestic partner and support person for purposes of hospital visitation.
2. The parties may also include such other agreements in their specific agreement as they may determine to be appropriate for their particular circumstances. These may include, but are not limited to agreements addressing the following matters:
- a. Agreements between the parties regarding the management and ownership of their respective real and personal property.
 - b. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding the existing children or other family members of one or both of the parties.
 - c. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding prospective children of one or both of the parties
 - d. Agreements between the parties regarding the disposition of their property upon the death of either party.
 - e. A means for resolving any disputes that may arise should the relationship dissolve, through alternative dispute resolution procedures or otherwise.
 - f. Any other rights or obligations that may be legally exchanged by and between the parties.

Certain of these agreements may require additional documentation and other formalities in execution in order to effectuate this intent, pursuant to the laws of the State of Arizona. The City of Bisbee makes no warranty or guarantee regarding the legality or enforceability of any agreements or nominations of the parties.

- B. The following rights of two people who have entered into a Civil Union will be recognized by the City of Bisbee:
- 1. The right of any party to a Civil Union who is an employee of the City of Bisbee to designate his or her Civil Union partner as a beneficiary

of any of the benefits provided by the City of Bisbee to spouses of employees of the City, to the extent that the City is able to do so.

2. The right of parties to a Civil Union to be treated as family members for all purposes by the City of Bisbee, including for admission fees, cemetery operations, use of City facilities, all events sponsored by the City, and all other circumstances for which the City offers preferential terms or conditions to recognized family members.

ARTICLE 17.5 Modification of Terms; Termination of Designation

- A. The Parties to a Civil Union may amend the terms of their particular agreements, designations, and nominations, in whole or in part, in the same manner as such agreements, designations, and nominations may be modified under applicable law.
- B. The City Clerk of the City of Bisbee shall include in the registration records for Civil Unions any amendments or modifications that are provided to the City Clerk as set forth above.
- C. One or both parties may request that the City Clerk terminate the registration of the Civil Union for those parties by submitting a signed and notarized statement to the City Clerk. Upon the receipt of such a signed and notarized request, the City Clerk will terminate the registration of such Civil Union. Any such termination of registration shall not alter any remaining contractual obligations or legal designations that have been made by the respective parties or the ability of either party to enforce any contractual rights that may continue to be enforceable under applicable law.
- D. A registered Bisbee Civil Union shall not prevent the parties to that status from entering into any other type of legal status between those two parties in another jurisdiction, including a marriage where the laws of such other jurisdiction permits them to enter that status. For any two parties who are married or in a civil union or domestic partnership under the laws of another jurisdiction, a Bisbee Civil Union may provide a means of effectuating portions of that relationship under the laws applicable within the City of Bisbee to the extent set forth herein.

ARTICLE 17.6 Formalization; Right of Nonparticipation

- A. This Chapter of the City Code of the City of Bisbee does not require any religious organization or judicial officer to participate in formalizing a Civil Union.**
- B. The persons listed in A.R.S. § 25-124 are hereby authorized to solemnize a Civil Union.**
- C. A document affirming that a Civil Union has been solemnized may be submitted along with the Affidavit submitted to the City Clerk pursuant to Article 17.3(B)(1).**
- D. A formal solemnization ceremony may be performed at the sole option of the parties, and will have no effect on the validity of the registration of the Civil Union or on the contractual obligations, nominations, and designations made by the parties to the Civil Union.**

ARTICLE 17.7 Public Records

- A. The Certificate of Civil Union shall be treated as a public record pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.**
- B. The statement of contractual rights may contain private, privileged, or confidential information that is protected from disclosure under the laws of the State of Arizona. The parties to each Civil Union will have the opportunity to designate which, if any, of the components of this statement are to be subject to public disclosure. In the event that a third party may request information from this statement that has not been designated for disclosure, the parties to that Civil Union shall be advised of this request and offered the opportunity to assert their position regarding the disclosure of that information.**

Chapter 17 HUMAN RELATIONS*

* **Editors Note:** Ord. No. 4169, §§ 1, and 2, adopted Apr. 15, 1974, amended this Code by repealing former ch. 17, §§ 17-1--17-6, 17-11--17-16 and 17-20--17-23, and enacting in lieu thereof new ch. 17, §§ 17-0--17-4, 17-11-- 17-14 and 17-20--17-23, pertaining to the same subject matter. Former ch. 17 was derived from 1953 Code, ch. 31, §§ 1--6 and the following ordinances:

Ord. No.	Sec.	Date	Ord. No.	Sec.	Date
2107	1	11-7-60	3099	1	3-25-68
2121	2	12-19-60	3100	1	3-25-68
2303B	1, 2	5-28-62	3300	1	7-21-69
2630	1	6-26-64	3304	1	8-4-69
2867	1	4-25-66	3305	1	8-4-69
2872	1	5-16-66	3553	1	11-16-70
2993	1	4-10-67	3728	1--6	10-26-71
3086	1, 2	2-13-68	3975	1	1-15-73
3087	1	2-13-68			

Sec. 4 of Ord. No. 4169 provided that said ordinance shall neither add to nor detract from civil remedies now available to persons subjected to discrimination and stated that said ordinance shall not be construed to mean the city sanctions discrimination in any manner or in any place not mentioned specifically or excluded by the ordinance.

Cross References: Community services, ch. 10B.

- Art. I. Short Title, § 17-0**
- Art. II. Declaration of Policy, §§ 17-1--17-10**
- Art. III. Civil Rights, §§ 17-11--17-19**
- Art. IV. Discrimination Unlawful in City Employment and City Contracts, §§ 17-20--17-29**
- Art. V. Affirmative Action by City Contractors and Subcontractors, §§ 17-30--17-39**
- Art. VI. Affirmative Action by City Suppliers and Consultants, §§ 17-40--17-49**
- Art. VII. Fair Housing, §§ 17-50--17-66**
- Art. VIII. Reporting Wrongful Conduct, §§ 17-67--17-69**
- Art. IX. Registered Domestic Partnerships, §§ 17-70--17-77**

Article I. Short Title

Sec. 17-0. Title.

Article II. Declaration of Policy

Sec. 17-1. Policy declaration.

Secs. 17-2--17-10. Reserved.

Article III. Civil Rights

Sec. 17-11. Definitions.

Sec. 17-12. Prohibited acts.

Sec. 17-13. Exclusion.

Sec. 17-14. Violation a civil infraction; procedure; penalties.

Sec. 17-15. Complaint procedures.

Sec. 17-16. Record-keeping; posting requirement; powers.

Secs. 17-17--17-19. Reserved.

Article IV. Discrimination Unlawful in City Employment and City Contracts

Secs. 17-20--17-29. Reserved.

Article V. Affirmative Action by City Contractors and Subcontractors

Secs. 17-30--17-39. Reserved.

Article VI. Affirmative Action by City Suppliers and Consultants

Secs. 17-40--17-49. Reserved.

Article VII. Fair Housing

Sec. 17-50. Definitions.

Sec. 17-51. Application.

Sec. 17-52. Discrimination in sale or rental of housing.

Sec. 17-53. Religious organization or private club exemption.

Sec. 17-54. Enforcement.

Sec. 17-55. Record-keeping; posting requirement; powers of commission or EOO.

Sec. 17-56. Violation a civil infraction; penalties; procedure.

Secs. 17-57--17-66. Reserved.

Art. VIII. Reporting Wrongful Conduct

Sec. 17-67. Reporting wrongful conduct.

Secs. 17-68, 17-69. Reserved.

Article IX. Registered Domestic Partnerships

Sec. 17-70. Title.

Sec. 17-71. Registered domestic partnership defined.

Sec. 17-72. Criteria for domestic partnership.

Sec. 17-73. Statement of domestic partnership.

- Sec. 17-74. Termination of domestic partnership.
- Sec. 17-75. Fees.
- Sec. 17-76. Rights of registered domestic partners.
- Sec. 17-77. Limitation of liabilities.

ARTICLE I. SHORT TITLE

Sec. 17-0. Title.

This chapter may be cited and shall be known as the human relations chapter.

(Ord. No. 4169, § 2, 4-15-74; Ord. No. 4616, § 1, 2-7-77)

ARTICLE II. DECLARATION OF POLICY

Sec. 17-1. Policy declaration.

It is the policy of the city to eliminate prejudice and discrimination due to race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status, in places of public accommodation, in employment, and in housing.

(Ord. No. 4169, § 2, 4-15-74; Ord. No. 4616, § 2, 2-7-77; Ord. No. 8307, § 1, 6-13-94; Ord. No. 9199, § 2, 2-1-99)

Secs. 17-2--17-10. Reserved.

ARTICLE III. CIVIL RIGHTS*

* **Editors Note:** Ord. No. 4616, § 3, adopted Feb. 7, 1977, specifically amended the Code by repealing former art. III, § 7-2--7-4. The article, which had pertained to the human relations commission, had been derived from Ord. No. 4169, § 2, adopted April 15, 1974.

Section 5 of Ord. No. 4616 redesignated former art. IV as art. III, as herein set out.

Sec. 17-11. Definitions.

In this chapter, unless the context otherwise requires:

- (a) *Age* means at least eighteen years of age except:
 - (1) Where state law provides for a greater minimum or maximum legal age
 - (2) In section 17-12(b) which shall be deemed to protect any person who is at least forty (40) years of age.

(b) *Discriminate* or *discrimination* means to make, directly or indirectly, any distinction with respect to any person or persons based on race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status.

(c) *Disability*, with respect to an individual, means:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual, and specifically includes but is not limited to an individual who has HIV/AIDS;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment; but disability does not include the current illegal use of or addiction to a controlled substance (as defined in the controlled substances act, 21 U.S.C. § 801 et seq.) or the current use of alcohol that prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to the property or the safety of others.

Discrimination on the basis of disability shall be interpreted in a manner consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., the federal regulations promulgated thereunder, and judicial decisions construing them.

(d) *Educational institution* means any private educational institution located or operating in the City of Tucson which provides educational services including an academy, college, university, elementary or secondary school, kindergarten, extension course, nursery school system, and a business nursing, professional, secretarial, technical or vocational school.

(e) *Employer*, except as otherwise provided, means a person who has one (1) or more employees, not to exceed one hundred (100) employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of such a person; but such term does not include an Indian tribe, the City of Tucson, or a bona fide private membership club (other than a labor organization) which is exempt from federal taxation under section 501(c) of title 26, United States Code. The jurisdictional maximum limit of one hundred (100) employees shall not apply to protected classes who do not have remedies available under either A.R.S. § 41-1401 et seq., or 42 U.S.C. § 2000e et seq.

(f) *Employment agency* means and includes both public and private employment agencies and any person having an office regularly undertaking, with or without compensation, to procure, recruit, refer or place employees.

(g) *Familial status* means the state of one or more minor children under the age of eighteen (18) being domiciled with:

(1) A parent or another person having legal custody of such individual or individuals;

(2) The designee of such parent or other person having custody, with the written permission of such parent or other person; or

(3) A foster parent or other person with whom a minor child under the age of eighteen (18) is placed by court order.

The protections afforded against discrimination on the basis of family status also apply to any person who is in the process of securing legal custody of a minor child.

(h) *Gender identity* means an individual's various attributes as they are understood to be masculine and/or feminine and shall be broadly interpreted to include pre- and post-operative transsexuals, as well as other persons who are, or are perceived to be, transgendered.

(i) *Labor organization* means and includes any organization or labor union, craft union, or such organization, conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances,

terms or conditions of employment or apprenticeships or applications for apprenticeships, or for other mutual aid or protection in connection with employment, including apprentice jobs or application for apprenticeship.

(j) *Marital status* means the state of being married, separated, or unmarried as defined by state law. The term "unmarried" includes persons who are single, engaged, divorced, or widowed.

(k) *Person* means and includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, receivers, or other organized groups of persons.

(l) *Reserved*.

(m) *Place of public accommodation* means facilities, establishments, accommodations, services, commodities or use offered to or enjoyed by the general public, including but not limited to:

(1) Hotels, motels, trailer courts and boardinghouses, which shall include any establishments offering lodging to transient guests for compensation.

(2) Restaurants, which shall include lunch counters, coffee shops, lunchrooms, luncheonettes, cafes, cafeterias, tearooms, snack bars or stands, mobile food service facilities, grills, sandwich shops, supper clubs, soft drink fountains, ice cream parlors or stands, and other places which offer food, ice cream or soft drink beverages for purchase and consumption on or off the premises.

(3) Taverns, which shall include bars, barrooms, saloons, roadhouses and like establishments, wherein spirituous or malt liquors or wines are offered for sale for consumption on or off the premises.

(4) Theaters, which shall include places, whether indoors or out-of-doors, at which any theatrical performance, moving picture show, musical concert or recital, dramatic reading or monologue, circus, carnival or other like entertainment or amusement is offered.

(5) Retail establishments, which shall include retail stores, garages, automobile and gasoline service stations, and other like establishments serving the public.

(6) Places of public amusement and recreation, which shall include bowling alleys, billiard halls and poolrooms, dance halls, race courses, shooting galleries, sports arenas or fields, gymnasiums, exhibitions, skating rinks and other like establishments.

(7) Educational facilities, which shall include institutions defined in paragraph (d) of this section.

(8) Public conveyances, which shall include all transportation facilities operated on land, air or water as well as the stations and terminals thereof.

(9) Funeral parlors and places of burial, including any cemetery, mausoleum, crypt, or any establishment for the embalming, processing or interment of corpses.

(n) *Protected class* means each classification for which discrimination is prohibited in this chapter: race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status and marital status.

(o) *Religion* includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he/she is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(p) *Religious organization* means a religious corporation, association or society; or a school, college, university, or other educational institution or institution of learning if the institution is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association or society; or the curriculum of the institution is directed toward the propagation of a religion.

(q) *Sex* shall include, but is not limited to, discrimination because of or on the basis of pregnancy, childbirth or related medical conditions; and women affected by pregnancy, childbirth or related medical

conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

(r) *Sexual orientation* means an individual's heterosexuality, homosexuality, or bisexuality, whether the orientation is real or perceived.

(Ord. No. 4169, § 2, 4-15-74; Ord. No. 4616, § 5, 2-7-77; Ord. No. 6461, § 1, 7-7-86; Ord. No. 6947, § 2, 5-16-88; Ord. No. 8307, § 2, 6-13-94; Ord. No. 9199, § 3, 2-1-99; Ord. No. 10375, § 1, 2-21-07)

Sec. 17-12. Prohibited acts.

It is a violation of this article:

(a) For any owner, operator, lessee, manager, agent or employee of any place of public accommodation to discriminate against any person, or directly or indirectly display, circulate, publicize or mail any advertisement, notice or communication which states or implies that any facility or service shall be refused or restricted because of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status, or that any person, because of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status, would be unwelcome, objectionable, unacceptable, undesirable or not solicited.

(b) For an employer, because of the race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status to refuse to hire or employ any person or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(c) For a labor organization, because of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status to exclude, expel, limit or restrict from its membership such person, or to provide only second class or segregated membership, or to discriminate in any manner against any of its members or against any employer or any person employed by an employer.

(d) For any employer or employment agency to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status or expresses any intent to make any such limitation, specification or discrimination.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he/she has opposed in a lawful manner any practices forbidden under this chapter, or because he/she has filed a complaint, testified or assisted in any proceeding under this chapter.

(f) For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this chapter.

(g) For any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter or to attempt to do so.

(h) For any person to discriminate in places of public accommodation, employment or housing against any person, because that person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this chapter.

(i) For any person subject to this article to fail to post notices, to maintain records, or to supply documents and information requested by the Office of Equal Opportunity Programs in connection with a matter under investigation.

(Ord. No. 4169, § 2, 4-15-74; Ord. No. 4616, § 5, 2-7-77; Ord. No. 6947, § 2, 5-16-88; Ord. No. 9199, § 3, 2-1-99; Ord. No. 10375, § 2, 2-21-07)

Sec. 17-13. Exclusion.

(a) This article shall not be applicable to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he/she is a Native American living on or near a reservation.

(b) This article shall not be applicable to any establishment operated by a bona fide private club not conducted for the purpose of evading this article, when the accommodations, advantages, facilities and services are restricted to members of such club and their guests; nor to any bona fide social, fraternal, public educational, civic or religious organization or such private club when the profits of the accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit of such organization or club; nor, in the area of housing, (1) to the rental of housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of his/her family resides in one of the housing accommodations, or (2) to the lease or rental of sleeping facilities in any single-family housing unit if the lessor or a member of his/her family resides therein.

(c) Any person under the influence of alcohol or other drugs, or who is guilty of boisterous conduct, or who violates any regulation of any place of public accommodation that applies to all persons, regardless of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status may be excluded without penalty under this article from any such place of public accommodation; and nothing in this article shall be considered to limit the right of such exclusion.

(d) Except as provided in subsection (e) below, this article shall not be applicable to a religious organization.

(e) This article shall apply to employment or an employment opportunity with a religious organization, wherein the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511(a) of the internal revenue code of 1986.

(f) Notwithstanding section 17-12, it shall not be a violation of this article:

(1) For an employer, labor organization, or employment agency to prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;

(2) For an employer, labor organization, or employment agency to require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(3) For an employer, labor organization, or employment agency to require that employees behave in conformance with the requirements established under the drug-free workplace act of 1988 (41 U.S.C. § 701 et seq.) or under the drug testing provisions of state law (A.R.S. § 23-493 et seq);

(4) For an employer, labor organization, or employment agency to hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee;

(5) For a place of public accommodation to afford beneficial pricing or policies to senior citizens, students, or individuals with disabilities.

(6) For a place of public accommodation to operate solely as a male-only or a female-only fitness center/gymnasium, as long as the fitness center/gymnasium does not include any of the facilities other than gymnasium listed in section 17-11(m), and does not discriminate against any other protected group identified in section 17-1.

(Ord. No. 4169, § 2, 4-15-74; Ord. No. 4616, § 5, 2-7-77; Ord. No. 5472, § 1, 12-14-81; Ord. No. 9199, § 3, 2-1-99; Ord. No. 10375, § 3, 2-21-07)

Sec. 17-14. Violation a civil infraction; procedure; penalties.

(a) It is a civil infraction for any person to violate any of the provisions of this article; however, complaints of violations of this article shall proceed as prescribed in sections 17-15 and 17-16.

(b) The following penalties shall be imposed by the city court for civil infractions under this article:

(1) A person found responsible for a civil infraction for the first time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.

(2) Failure of a respondent to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day the respondent fails to comply. A respondent's second failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the first determination of the respondent's failure to comply. A respondent's third and subsequent failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the second determination of respondent's failure to comply.

(Ord. No. 6461, §§ 8, 9, 7-7-86; Ord. No. 9199, § 3, 2-1-99)

Editors Note: Ord. No. 4616, §§ 4, 5, adopted Feb. 7, 1977, specifically amended the Code by repealing former § 17-14 and adopting in lieu thereof new § 17-14 as herein set out. Former § 17-14 had pertained to implementation of the chapter's provisions, and had been derived from Ord. No. 4169, § 2, adopted Apr. 15, 1974. Subsequently § 8 of Ord. No. 6461, adopted July 7, 1986, repealed § 17-14; and § 9 enacted a new § 17-14.

Sec. 17-15. Complaint procedures.

(a) Any person claiming to be aggrieved by an alleged violation of this article may file with the Office of Equal Opportunity Programs of the city manager's office (hereinafter referred to as the "OEOP") a verified charge, in writing, within ninety (90) calendar days after the alleged violation occurred, on such forms as may be required by the OEOP. The charge shall set forth the facts upon which it is based and shall identify the person charged (hereinafter the "respondent"). The OEOP shall furnish the respondent with a copy of the charge and shall promptly investigate the allegations of discriminatory practices set forth in the charge.

(b) The respondent may file, not later than twenty (20) days following receipt of the charge, a written verified answer to the charge.

(c) The OEOP shall render written findings as to whether there is reasonable cause to substantiate the charge not later than one hundred twenty (120) calendar days from the filing of the charge. The OEOP shall furnish a report of its findings to the charging party and to the respondent.

(d) The charging party, within thirty (30) calendar days after receiving an OEOP finding of no cause, may file with the Tucson Human Relations Commission (hereinafter referred to as the "commission"), a request for review of the finding. The commission, or such members of the commission as the chair thereof may designate, shall, not later than forty-five (45) calendar days after the request is filed, schedule a meeting to determine whether the finding of no cause issued by the OEOP should be upheld or overturned. If it is determined that the OEOP finding of no cause should be upheld, the commission shall issue an order dismissing the case and shall furnish a copy of its order to the OEOP, the charging party, and the respondent. If it is determined that the OEOP finding of no cause should be reversed, the commission shall issue an order reversing the OEOP no cause finding and remand the case back to the OEOP for appropriate action. The commission shall furnish a copy of its order to the city attorney, the OEOP, the charging party, and the respondent.

(e) If the OEOP or the commission, in the event of a request for review, finds there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, the OEOP may attempt to

eliminate the alleged discriminatory practice by conference, conciliation and persuasion. The terms of a conciliation agreement may require the respondent to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such affirmative steps as the OEOP may require to carry out the purposes of this article. If a conciliation agreement is entered into, the OEOP shall issue an order stating its terms and furnish a copy of the order to the charging party and the respondent. Except for the terms of the conciliation agreement, neither the commission or the OEOP, nor any employee thereof, shall make public, without the written consent of the charging party and respondent, information concerning efforts in a particular case to eliminate a discriminatory practice by conference, conciliation or persuasion, whether or not there is a conciliation agreement.

(f) After a finding of reasonable cause by the OEOP, or by the commission in the event of a request for review and subsequent reversal of an OEOP finding of no cause, the OEOP may, in addition to the permissive remedy outlined in subsection (e), request the city attorney to file a complaint against respondent in the city court. Appeal of any judgment rendered by the magistrate shall be by way of special action to the superior court on the record as prescribed by Rule 23 of the Local Rules of Practice and Procedure in City Court Civil Proceedings.

(g) During the review process, the OEOP decision shall remain in effect.

(Ord. No. 5472, § 2, 12-14-81; Ord. No. 6461, § 3, 7-7-86; Ord. No. 7952, § 1, 11-23-92; Ord. No. 9199, § 3, 2-1-99; Ord. No. 10375, § 4, 2-21-07)

Sec. 17-16. Record-keeping; posting requirement; powers.

(a) In connection with an investigation of a charge filed under this article, the commission or the OEOP shall have access at any reasonable time to premises, records and documents relevant to the charge and the right to examine, photograph and copy evidence. The commission or the OEOP may require a respondent against whom a charge has been filed to file a statement or report in writing, under oath, as to all the facts and circumstances concerning the alleged act of discrimination set forth in the charge.

(b) Every person subject to this article shall preserve any regularly kept business records for a period of six (6) months from the date of the making of the record; such records shall include but not be limited to application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this article.

(c) Every employer, employment agency, and labor organization, subject to this article, shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of the nondiscrimination clause.

(d) No member of the commission or employee of the OEOP shall make public with respect to a particular person, without his/her consent, information obtained by them pursuant to their authority under this article, except as required by law or as necessary to the conduct of a proceeding under this article.

(e) To accomplish the objectives and to carry out the duties prescribed in this article, the commission or the OEOP, in addition to other powers conferred upon it by this article, may:

(1) Conduct informal hearings in aid of any investigation or inquiry;

(2) Administer an oath or affirmation to any person;

(3) Issue subpoenas, interrogatories, or other discovery devices, to any person, on its own initiative or upon application of any party to a proceeding, compelling the attendance and testimony of witnesses or requiring the production of documents, provided such evidence relates to a violation of this article and is relevant to the charge which is the subject matter of the investigation.

(f) Any person being investigated by the commission or the OEOP under this article shall have the right to be represented by counsel.

(g) If a person fails to respond to a subpoena, to interrogatories, to permit access, examination, photographing or copying, or fails to make, keep, or preserve records in accordance with this article, the commission or the OEOP may issue an order requiring compliance. Upon a failure to comply with the order of the commission or the OEOP, or to obey a subpoena issued by the commission or the OEOP, the commission or the OEOP may apply to the city attorney's office for assistance. The city attorney is empowered to take all necessary action in the appropriate court, upon request of the commission or the OEOP, to secure the production of all records, documents or other evidence necessary to assist the commission or the OEOP in carrying out the provisions of this article. The city attorney is also empowered to seek fines as described in section 17-14 for civil infractions arising under this article.

(Ord. No. 5472, § 3, 12-14-81; Ord. No. 6461, §§ 4--7, 7-7-86; Ord. No. 9199, § 3, 2-1-99; Ord. No. 10375, § 5, 2-21-07)

Secs. 17-17--17-19. Reserved.

ARTICLE IV. RESERVED*

* **Editors Note:** Ord. No. 4616, § 6, adopted Feb. 7, 1977, specifically amended the Code by renumbering art. V, as art. IV, pertaining to discrimination in city employment and contracts. Ord. No. 7973, § 3, adopted Jan. 25, 1993, repealed this article in its entirety. Reference to discrimination in city employment and contracts can be found in chapter 28, Tucson Procurement Code.

Secs. 17-20--17-29. Reserved.

ARTICLE V. RESERVED*

* **Editors Note:** Article V, pertaining to affirmative action by city contractors and subcontractors, derived from Ord. No. 5472, § 4, adopted Dec. 14, 1981, and was amended by Ord. No. 6108, § 1, adopted Oct. 22, 1984. Ord. No. 7973, § 3, adopted Jan. 25, 1993, repealed this article in its entirety. Reference to affirmative action by city contractors and subcontractors can be found in chapter 28, Tucson Procurement Code.

Secs. 17-30--17-39. Reserved.

ARTICLE VI. RESERVED*

* **Editors Note:** Article VI, pertaining to affirmative action by city suppliers and consultants, derived from Ord. No. 5472, § 5, adopted Dec. 14, 1981, and was amended by Ord. No. 6108, §§ 5--9, adopted Oct. 22, 1984. Ord. No. 7973, § 3, adopted Jan. 25, 1993, repealed this article in its entirety. Reference to affirmative action by city suppliers and consultants can be found in chapter 28, Tucson Procurement Code.

Secs. 17-40--17-49. Reserved.

ARTICLE VII. FAIR HOUSING

Sec. 17-50. Definitions.

As used in this article:

(a) *Discriminatory housing practice* means an act that is unlawful under section 17-52 of this article.

(b) *Dwelling* means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) *Family* includes a single individual.

(d) *Housing for older persons* means housing:

(1) Provided under any state or federal program that the U.S. secretary of housing and urban development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or

(2) Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

(3) Intended and operated for at least one person fifty-five (55) years of age or older per unit as determined by the secretary of U.S. housing and urban development.

In determining whether housing qualifies as housing for older persons under this article, the EOO shall follow the standards set forth in the Fair Housing Act and regulations pertaining to housing for older persons as promulgated by the U.S. secretary of housing and urban development.

(e) *Person* includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(f) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Sec. 17-51. Application.

(a) Subject to the provisions of subsection (b) of this section and section 17-53 of this article, the prohibitions against discrimination in the sale or rental of housing set forth in section 17-52 of this article shall apply to all dwellings situated within the legal jurisdiction of the city.

(b) Nothing in this article (other than minor section (c) of section 17-52) shall apply to:

(1) Any single-family dwelling sold or rented by a private individual owner. Provided, that such private individual owner does not own more than three (3) such single-family dwellings at any one (1) time. Provided further, that in the case of the sale of any such single-family dwelling by a private individual owner not residing in such dwelling at the time of such sale or who was not the most recent resident of such dwelling prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four-month period. Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his/her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family dwellings at any one (1) time. Provided further, that the sale or rental of any such single-

family dwelling shall be excepted from the application of this subchapter only if such dwelling is sold or rented (1) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson and (2) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 17-52 of this article; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title;

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence; or

(3) Housing for older persons.

(c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He/she has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He/she has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He/she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Sec. 17-52. Discrimination in sale or rental of housing.

As made applicable by section 17-51 of this article and except as exempted by sections 17-51(b) and 17-53 of this article, it shall be a violation of this article:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status.

(d) To represent to any person because of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status.

(f) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial or residential real

estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status of such person or of any person associated with such person in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the housing in relation to which such loan or other financial assistance is to be made or given. Provided, that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in section 17-51 (b) hereof.

(g) To deny any person access to or membership or participation in any multiple- listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status.

(h) To coerce, intimidate, threaten, or interfere with any person in the exercise and enjoyment of, or on account of his/her having exercised and enjoyed, or on account of his/her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this article.

(i) To fail to post notices, to maintain records, or to supply documents and information requested by the EOO in connection with a matter under investigation.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Sec. 17-53. Religious organization or private club exemption.

Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Sec. 17-54. Enforcement.

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he/she shall be irrevocably injured by a violation of this article that is about to occur (hereinafter "charging party") may file with the Equal Opportunity Office of the city manager's office (hereinafter referred to as the "EOO") a verified charge, in writing, within one hundred eighty (180) days after the alleged violation occurred, on such forms as may be required by the EOO. The charge shall set forth the facts upon which it is based and shall identify the person charged (hereinafter the "respondent"). The EOO shall furnish the respondent with a copy of the charge and shall promptly investigate the allegations of discriminatory practices set forth therein. The respondent may file, not later than twenty (20) days following receipt of the charge, a written verified answer to the charge. Whenever it would be reasonable and fair to do so, the EOO shall grant leave to the charging party and respondent to file amended charges and answers thereto.

(b) The EOO shall, as promptly as possible and as far as practicable not later than sixty days (60) from the filing of the charge, render written findings as to whether there is reasonable cause to substantiate the charge. The EOO shall furnish a copy of its findings to the charging party and to the respondent.

(c) If, within sixty (60) days after a charge is filed with the EOO, the EOO has issued findings that there is no reasonable cause to believe that the respondent has engaged in a discriminatory housing practice, the charging party may, within fifteen (15) days thereafter, file with the Tucson Human Relations Commission

(hereinafter the "commission") a request for review of the findings. The commission, or such members of the commission as the chair thereof may designate, shall as promptly as possible and as far as practicable not later than forty-five (45) days after the request is filed, schedule a meeting to determine whether there is reasonable cause to believe that the respondent has engaged in a discriminatory housing practice. If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory housing practice, the commission shall issue an order dismissing the charge and furnish a copy of its order to the EOO, the charging party and the respondent.

(d) If the EOO, or the commission in the event of a request for review, finds there is reasonable cause to believe that the respondent has engaged in a discriminatory housing practice, the EOO shall promptly attempt to eliminate the alleged discriminatory practice by conference, conciliation and persuasion. The terms of a conciliation agreement may require the respondent to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such affirmative action as the EOO may require to carry out the purposes of this article. If a conciliation agreement is entered into, the EOO shall issue an order stating its terms and furnish a copy of the order to the charging party and the respondent. Except for the terms of the agreement, neither the commission or EOO nor any employee thereof shall make public, without the written consent of the charging party and respondent, information concerning efforts in a particular case to eliminate a discriminatory practice by conference, conciliation or persuasion, whether or not there is a conciliation agreement.

(e) After a finding of reasonable cause by the EOO, or by the commission in the event of a request for review, the EOO may, in addition to the remedy outlined in subsection (d) of this section, request the city attorney to file a complaint against respondent in the city court. Appeal of any judgment rendered by the magistrate shall be by way of special action to the superior court on the record as prescribed by rule 23 of the Local Rules of Practice and Procedure in City Court Civil Proceedings.

(f) At any time in its discretion, but not later than one (1) year from the date of a conciliation agreement, the EOO shall investigate whether the terms of the conciliation agreement are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the EOO shall request the commission to take appropriate action to assure compliance, which may include the issuance of a cease and desist order, or the filing of a complaint in city court.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Sec. 17-55. Record-keeping; posting requirement; powers of commission or EOO.

(a) In connection with an investigation of a charge filed under this article, the commission or the EOO shall have access at any reasonable time to witnesses, premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation.

(b) Every person subject to this article shall preserve any regularly kept business records for a period of six (6) months from the date of the making of the record; such records shall include but not be limited to application forms submitted by applicants, sales and rental records, credit and reference reports, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this article.

(c) Every person subject to this article, shall post in conspicuous places, notices setting forth the provisions of the nondiscrimination clause.

(d) It shall be unlawful for a member of the commission or an employee of the EOO to make public with respect to a particular person without his/her consent information obtained by them pursuant to their authority under this article, except as necessary to the conduct of a proceeding under this article.

(e) To accomplish the objectives and to carry out the duties prescribed in this article, the commission or the EOO, in addition to other powers conferred by this article, may:

(1) Conduct informal hearings in aid of any investigation or inquiry.

(2) Administer an oath or affirmation to any person.

(3) On its own initiative, conduct periodic tests to ascertain whether violations of this article are occurring within the city.

(4) Issue subpoenas, interrogatories or other discovery devices to any person, on its own initiative or upon application of any party to a proceedings, compelling the attendance and testimony of witnesses or requiring the production of documents, provided such evidence relates to a violation of this article and is relevant to the charge which is the subject matter of the investigation.

(f) Any person being investigated by the commission or the EOO under this article shall have the right to be represented by counsel.

(g) If a person fails to respond to a subpoena, interrogatories, to permit access, examination, photographing or copying or fails to make, keep or preserve records in accordance with this article, the commission or EOO may issue an order requiring compliance. Upon a failure to comply with the order of, or upon failure to obey a subpoena issued by the commission or EOO, the commission or EOO may apply to the city attorney's office for assistance. The city attorney is empowered to take all necessary action in the appropriate court, upon request of the commission or EOO, to secure the production of all records, documents or other evidence necessary to assist the commission or the EOO in carrying out the provisions of this article. The city attorney is also empowered to seek fines as described in section 17-56 for civil infractions arising under this article.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Sec. 17-56. Violation a civil infraction; penalties; procedure.

(a) It is a civil infraction for any person to violate any of the provisions of this article; provided, however, that complaints of violations of this article shall proceed as prescribed in section 17-54 and section 17-55.

(b) The following penalties shall be imposed by city court for civil infractions under this article:

(1) A person found responsible for a civil infraction for the first time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction. a person found responsible for the same civil infraction for a second time shall be fined not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.

(2) Failure of a respondent to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day the respondent fails to comply. A respondent's second failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the first determination of the respondent's failure to comply. A respondent's third and subsequent failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the second determination of respondent's failure to comply.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Secs. 17-57--17-66. Reserved.

ARTICLE VIII. REPORTING WRONGFUL CONDUCT

Sec. 17-67. Reporting wrongful conduct.

(a) *Definitions.*

(1) *Employee.* All city employees of any status or classification, except elected officials, persons appointed to an elected official's personal staff, or individuals appointed to a position in city government by a majority of the governing body.

(2) *Supervisory employee.* Any supervisor, superintendent, division director, department director or other employee who has influence over personnel actions, including disciplinary action.

(3) *Designated city official, public official or public agency.* The mayor, councilmembers, city manager, city department head, city clerk, city attorney, county attorney, state attorney general, or a federal, state or local law enforcement agency.

(4) *Wrongful conduct.* Mismanagement, gross waste of monies or an abuse of authority, or violation of any law on the part of any city official(s) or city employee(s) that is reasonably believed to be of public concern.

(5) *Adverse personnel action.* Unsatisfactory overall performance evaluation; disciplinary action, including a written reprimand, suspension without pay, demotion, involuntary transfer or reassignment, disciplinary probation, or termination; withholding of an appropriate salary adjustment or other significant change in duties or responsibilities which is inconsistent with the employee's salary or classification.

(6) *Layoff.* Elimination of an employee's position by reason of a shortage of funds or work or material changes in duties or organization.

(7) *Retaliation.* Any adverse personnel action, layoff and/or change in the conditions of employment in response to an employee's allegation of wrongful conduct to a designated city official, public official or public agency.

(b) Method of reporting wrongful conduct by an employee to a designated city official shall be as provided by city administrative directive. Reports of wrongful conduct made to other public official(s) or public agency(s) as the employee may choose shall be in accord with any requirements of those public officials or public agencies.

(c) Any employee who believes that he or she has been retaliated against may make a written complaint as provided by city administrative directive. The city administrative directive shall prescribe methods of reporting, investigating and determining whether retaliation has occurred. Notwithstanding, retaliation shall not be found to have been committed if the adverse personnel action or layoff was justified for legitimate reasons.

(d) A determination under the city procedure that retaliation has occurred shall immediately result in reversal of the action including restoration of lost compensation or other lost benefits which have occurred by reason of such action.

(e) Any supervisory employee who under the city procedure is found to have knowingly retaliated against an employee shall be subject to disciplinary action, which may include dismissal from city employment.

(f) An employee who knowingly makes false accusation that a city official or city employee has engaged in wrongful conduct shall be subject to disciplinary action which may include dismissal from city employment.

(g) This article neither limits nor extends any other civil or criminal liability or remedy of any current or former employee or city official who either alleged the wrongful conduct or was the person against whom the wrongful conduct was alleged.

(Ord. No. 8126, § 1, 9-20-93)

Secs. 17-68, 17-69. Reserved.

ARTICLE IX. REGISTERED DOMESTIC PARTNERSHIPS*

* **Editors Note:** It should be noted that the provisions of Ord. No. 9898 became effective on December 1, 2003.

Sec. 17-70. Title.

This article shall be known and may be cited as the "Tucson Domestic Partnership Ordinance."

(Ord. No. 9898, § 1, 9-15-03)

Sec. 17-71. Registered domestic partnership defined.

As used in this article, the term "registered domestic partnership" exists between two (2) persons if one (1) or more of the following is true:

(1) The persons who meet the criteria for domestic partnership have filed a statement of domestic partnership with the city's finance department on the form provided by the city and paid the required fee.

(2) The persons have a valid certificate of domestic partnership issued by another jurisdiction and meet the criteria for domestic partnership set forth in this article.

(3) The persons are legally recognized as civil union spouses in another jurisdiction and meet the criteria for domestic partnership set forth in this article.

(Ord. No. 9898, § 1, 9-15-03)

Sec. 17-72. Criteria for domestic partnership.

For purposes of this article, "domestic partners" are two (2) persons:

(1) Not related by blood closer than would bar marriage in the State of Arizona;

(2) Neither of whom is in a marriage expressly recognized by the State of Arizona or in any domestic partnership and/or civil union with another person;

(3) Both of whom are eighteen (18) years of age or older;

(4) Both of whom are competent to enter into a contract;

(5) Both of whom declare that they are each other's sole domestic partner;

(6) Both of whom currently share a primary residence, are in a relationship of mutual support, and declare that they intend to remain in such for the indefinite future.

(Ord. No. 9898, § 1, 9-15-03)

Sec. 17-73. Statement of domestic partnership.

(a) Domestic partners may make an official record of their domestic partnership by executing a "domestic partnership registration statement" on the form prescribed by the city.

(b) The statement must include a declaration that the persons are in a relationship of mutual support, caring and commitment and are responsible for each other's welfare. For these purposes, "mutual support" means that they contribute mutually to each other's maintenance and support.

(c) The statement must include a declaration that both persons agree to file a termination of partnership if there is a change in the status of their relationship such that they cease to meet the criteria for domestic partnership.

(d) The sworn statement shall include the date on which the domestic partnership was registered, and the mailing address(es) of both partners. The domestic partnership statement shall further state that the domestic partners meet the criteria for domestic partners set forth in section 17-72.

(Ord. No. 9898, § 1, 9-15-03)

Sec. 17-74. Termination of domestic partnership.

A domestic partnership shall terminate upon the occurrence of any one (1) of the following:

(1) The death of one (1) of the partners;

(2) The filing of a sworn termination statement with the city's finance department on the form prescribed by the city. The domestic partner filing the sworn termination statement shall declare that the domestic partnership is terminated and, if the termination statement has not been signed by both domestic partners, that the other domestic partner has been notified in writing of such termination at the last known address of such domestic partner;

(3) The marriage, expressly recognized by the State of Arizona, of either one of the partners.

(Ord. No. 9898, § 1, 9-15-03)

Sec. 17-75. Fees.

(a) The fee for filing a domestic partnership statement shall be fifty dollars (\$50.00) which entitles the person filing the statement on behalf of a domestic partnership to two (2) certified copies of the official statement.

(b) The fee for obtaining additional copies shall be ten dollars (\$10.00) per copy.

(c) The fee for filing a termination of domestic partnership statement shall be ten dollars (\$10.00).

(Ord. No. 9898, § 1, 9-15-03)

Sec. 17-76. Rights of registered domestic partners.

(a) *Health care visitation.* All health care facilities operating within the city shall allow the registered domestic partner of a patient to visit such patient unless no visitors are allowed or the patient expresses a desire that visitation by the domestic partner be restricted. As used in this section, "health care facility" means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151 and hospice service agencies.

(b) *Use of and access to city facilities.* All facilities owned or operated by the city, including but not limited to recreational facilities shall allow the registered domestic partner of a user to be included in any rights and privileges accorded a spouse for purposes of use of and access to city facilities.

(Ord. No. 9898, § 1, 9-15-03)

Sec. 17-77. Limitation of liabilities.

(a) Nothing in this article shall be interpreted to contravene the general laws of the State of Arizona.

(b) Nothing in this article shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

(Ord. No. 9898, § 1, 9-15-03)

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**City of Cottonwood, Arizona
City Council Agenda Communication**



 Print

Meeting Date:	October 8, 2013
Subject:	Old Town Traffic Calming Island
Department:	Development Services
From:	Morgan Scott, Development Services Manager

REQUESTED ACTION

Provide direction to staff concerning a possible traffic calming island in Old Town.

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:

No suggested action.

BACKGROUND

The City Council and members of the public have submitted concerns about the traffic speeds in Old Town. Council has already discussed and directed staff to lower the speed limit in Old Town to 20 miles per hour. However, staff has continued to work on efforts to encourage drivers to lower the driving speeds in Old Town. A raised cross walk was considered, but cannot be constructed due to ADA concerns. Therefore, staff has designed a traffic island that could be placed at the north end of Old Town near the intersection of Main Street and Cactus Street. A set of plans showing the traffic island is attached along with pictures of the area where the proposed island would be constructed. Staff is also considering placing a sign which would display the speed limit of oncoming cars and would flash if cars are speeding.

Staff requests direction from Council concerning the design of the island and the flashing speed limit sign.

JUSTIFICATION/BENEFITS/ISSUES

With the increased pedestrian traffic, Council has expressed its support for a reduction in the speed of vehicles traveling through Old Town. A traffic calming device will assist in slowing vehicles as they enter Old Town from the north.

COST/FUNDING SOURCE

General Fund/HURF

ATTACHMENTS:

Name:	Description:	Type:
 Main Street Island, 9-26-13.pdf	Traffic Island Plans	Cover Memo
 Pictures of signs and proposed area, 9-26-13.docx	Pictures of signs and proposed area	Cover Memo
 cost_est_traffic_calming.pdf	cost estimate	Cover Memo

NORTH MAIN STREET TRAFFIC CALMING ISLAND COTTONWOOD, ARIZONA

CONTACT INFORMATION

ENGINEER: CITY OF COTTONWOOD
111 NORTH MAIN STREET
COTTONWOOD, AZ 86326
TEL: (928) 634-0186, EXT. 3309

WATER: CITY OF COTTONWOOD
MIKE TRAYNOR
111 NORTH MAIN STREET
COTTONWOOD, AZ 86326
TEL: (928) 634-0186, EXT. 3306

SEWER: CITY OF COTTONWOOD
DEBBIE BREITKREUTZ
1480 WEST MINGUS AVENUE
COTTONWOOD, AZ 86326
TEL: (928) 643-8033

ELECTRIC: APS
1250 EAST STATE ROUTE 89A
COTTONWOOD, AZ 86326
TEL: (928) 646-8412

TELEPHONE: CENTURY LINK
500 SOUTH CALVARY WAY
COTTONWOOD, AZ 86326
TEL: (928) 634-7556

GAS: UNISOURCE
500 SOUTH WILLARD STREET
COTTONWOOD, AZ 86326
TEL: (928) 634-5555

CABLE: CABLE ONE
235 SOUTH 6TH STREET
COTTONWOOD, AZ 86326
TEL: (928) 634-9677

QUANTITIES

NOTE	ITEM	QUANTITY	UNIT
1	SAW CUT EXISTING ASPHALT PAVEMENT, CONCRETE CURB, SIDEWALK, AND CONCRETE SLAB.	123.53	L.F.
2	REMOVE EXISTING ASPHALT PAVEMENT.	60.04	S.Y.
3	REMOVE EXISTING STREET SIGN. POST AND BASE TO REMAIN IN PLACE. SIGN TO BE GIVEN TO CITY INSPECTOR AFTER REMOVAL.	1	EA.
1	INSTALL TYPE A CURB & GUTTER PER MAG STD. DET. 222, MODIFIED FOR REVERSE PITCH.	98.81	L.F.
2	INSTALL MEDIAN NOSE TRANSITION PER MAG STD. DET. 223.	34.33	S.F.
3	INSTALL TACK COAT ON ALL CONCRETE AND ASPHALT EDGES PRIOR TO PLACEMENT TO PAVING MATERIALS.	234.91	L.F.
4	INSTALL 3" AC PAVEMENT AND 6" ABC OR MATCH EXISTING THICKNESS AS APPROVED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT INSPECTORS.	14.03	S.Y.
5	INSTALL TYPE A SIGN POST AND BASE PER DETAIL ON SHEET 3. INSTALL SIGN(S) AS IDENTIFIED ON PLAN.	2	EA.
6	INSTALL 3/4" LANDSCAPE ROCK, 2" THICK. COLOR AND TYPE SHALL MATCH THAT USED ON THE OLD TOWN PARKING LOT #3.	169.78	S.F.
7	INSTALL 4" WIDE YELLOW THERMOPLASTIC PAVEMENT MARKINGS.	1	L.S.
8	PAINT FACE AND TOP OF CURB RED.	21	L.F.
9	PAINT FACE AND TOP OF CURB YELLOW.	51.87	L.F.
10	INSTALL SIGN INDICATED ON PLAN ON EXISTING SIGN POST AND BASE.	1	EA.

NOTE: THE ENGINEER DOES NOT WARRANT ANY QUANTITIES SHOWN ON THESE PLANS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL QUANTITIES.



SITE MAP

SCALE: 1"=100' (APPROX.)

INDEX OF SHEETS

SHEET 1	COVER SHEET
SHEET 2	GENERAL NOTES
SHEET 3	DETAILS
SHEET 4	DEMOLITION PLAN
SHEET 5	PAVING & GRADING PLAN

BENCHMARK

THIS PROJECT UTILIZES AN ASSUMED DATUM. NO CONVERSION OR ASSOCIATION TO ANY USGS OR NAVD HAS BEEN MADE.

BM1 = NORTHEAST CORNER OF HIGHEST CONCRETE SLAB LOCATED AT THE SOUTHWEST CORNER OF MAIN STREET AND CACTUS STREET. SEE SHEET 5 FOR LOCATION. ELEVATION = 3233.77

BM2 = TOP AND CENTER OF LID OF SANITARY SEWER MANHOLE LOCATED NEAR THE CENTERLINE OF MAIN STREET WEST OF CACTUS STREET. SEE SHEET 5 FOR LOCATION. ELEVATION = 3232.42

LEGEND

ABC	AGGREGATE BASE COURSE
AC	ASBESTOS CONCRETE
BFP	BACKFLOW PREVENTER
B/W	FG AT LOW SIDE OF WALL
CL	CENTER LINE
CMP	CORRUGATED METAL PIPE
CMPA	CORRUGATED METAL ARCH PIPE
C.Y.	CUBIC YARDS
DIP	DUCTILE IRON PIPE
EA	EACH
EP	EDGE OF PAVEMENT
EX.	EXISTING
FG	FINISHED GRADE
FGW	FINISHED GRADE @ WALL
FL	FLOW LINE
INV	PIPE INVERT
L.F.	LINEAR FEET
L.S.	LUMP SUM
LT	STATION OFFSET LEFT
MDD	MAXIMUM DRY DENSITY
MH	MANHOLE
OFF	OFFSET
R	PROPERTY LINE
ROW	RIGHT-OF-WAY
RT	STATION OFFSET RIGHT
S.F.	SQUARE FEET
STA.	STATION
S.Y.	SQUARE YARDS
T/C	TOP OF CURB
T/F	TOP OF FOOTING
T/W	TOP OF WALL
⊙	EXISTING SANITARY SEWER MANHOLE
⊗	EXISTING WATER VALVE
⊕	EXISTING FIRE HYDRANT
⊖	EXISTING UTILITY POLE
⊙	EXISTING GUY POLE
⊗	EXISTING VALVE/METER BOX
⊕	EXISTING WATER METER
⊖	EXISTING GAS METER
⊙	EXISTING ELECTRIC METER
⊗	EXISTING WATER VALVE
⊕	EXISTING SEWER CLEANOUT
⊖	EXISTING SIGN & BASE
---	PROPERTY LINE
-S-	EXISTING SEWER MAIN
-G-	EXISTING GAS MAIN
-X-	EXISTING FENCE LINE
→	FLOW LINE OF DITCH/SWALE
+ XXX.XX	EXISTING SPOT ELEVATION
~	EXISTING GROUND CONTOUR

Revisions:

Engineer: Martin Smith
Technician: Martin Smith
Scale: NONE
Date: 09/18/13
Drawing No: SHEET 01.dwg

COVER SHEET
MAIN STREET TRAFFIC CALMING ISLAND
NORTH MAIN STREET
COTTONWOOD, ARIZONA

Engineering Department
111 North Main Street
Cottonwood, AZ 86326



Call at least two full working days before you begin excavation.

ARIZONA 811
Arizona Utility Stake, Inc.

Dial 8-1-1 OR 1-800-STAKE-IT (782-5348)
In Maricopa County: (602) 263-1100

GENERAL NOTES

- THE CITY OF COTTONWOOD DOES NOT WARRANT ANY QUANTITIES SHOWN ON THESE PLANS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL QUANTITIES. THE CITY OF COTTONWOOD SHALL NOT BE HELD RESPONSIBLE FOR ERRORS IN ESTIMATES OF QUANTITIES, MATERIALS, SCHEDULE, INSTALLATION REQUIREMENTS, OR SIZE.
- THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT, INSPECTION STAFF, SHALL BE NOTIFIED 48 HOURS PRIOR TO ANY CONSTRUCTION WORK BY TELEPHONE AT (928) 634-8033. ANY WORK CONCEALED WITHOUT INSPECTION SHALL BE SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
- AN APPROVED SET OF PLANS MUST BE AVAILABLE ON THE JOB SITE AT ALL TIMES. THE CONTRACTOR'S REPRESENTATIVE (CAPABLE OF COMMUNICATING WITH THE CITY'S REPRESENTATIVES) SHALL BE ON THE JOB AT ALL TIMES THE WORK IS BEING PURSUED.
- THE PROCEDURES AND METHODS USED TO SAMPLE, TEST MATERIALS, AND REPORT TEST RESULTS WILL BE DETERMINED BY THE ENGINEERING DEPARTMENT. FOR ALL PHASES OF CONSTRUCTION, THE TYPE, SCHEDULING, FREQUENCY AND LOCATION OF ALL MATERIALS TESTING AND SAMPLING SHALL BE DETERMINED BY THE ENGINEERING DEPARTMENT.
- THE CONTRACTOR IS RESPONSIBLE FOR THE DEMOLITION, REMOVAL, AND LEGAL DISPOSAL OF ALL ITEMS SHOWN AS BEING REMOVED ON THESE PLANS.
- IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO VERIFY THE PRESENCE AND LOCATION OF ALL EXISTING OVERHEAD AND/OR UNDERGROUND UTILITIES AND IRRIGATION LINES THAT MAY INTERFERE WITH THIS CONSTRUCTION, WHETHER OR NOT SAID UTILITIES ARE SHOWN ON THE CONSTRUCTION PLANS FOR THIS PROJECT AND TO ADEQUATELY PROTECT, REPAIR AS REQUIRED, AND MAINTAIN ANY SUCH UTILITIES AND IRRIGATION LINES.
- THE CONTRACTOR SHALL ONLY USE RECLAIMED WATER FOR COMPACTION AND DUST CONTROL. RECLAIM WATER PURCHASE IS AVAILABLE BY CONTACTING THE CITY OF COTTONWOOD UTILITIES DEPARTMENT (928) 634-0186.
- ALL DRAINAGE PROTECTIVE DEVICES SUCH AS SWALES, INTERCEPTION DITCHES, PIPES PROTECTIVE BERMS, CONCRETE CHANNELS OR OTHER MEASURES DESIGNED TO PROTECT IMPROVEMENTS, WHETHER EXISTING OR PROPOSED, FROM RUNOFF OR DAMAGE FROM STORM WATER, MUST BE CONSTRUCTED PRIOR TO THE CONSTRUCTION OF ANY IMPROVEMENTS.
- TRAFFIC CONTROL SHALL CONFORM WITH THE CITY OF COTTONWOOD R.O.W. PERMIT, MUTCD, AND THE CITY OF COTTONWOOD RIGHT-OF-WAY PERMIT GUIDELINES, AS APPLICABLE.
- ALL CONTRACTORS ARE RESPONSIBLE TO OBTAIN A NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ACCORDANCE WITH FEDERAL AND STATE REGULATIONS, INCLUDING NOTICE OF INTENT (NOI), NOTICE OF TERMINATION, AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A COPY OF THE NOI AND SWPPP SHALL BE AVAILABLE ON THE JOB SITE AT ALL TIMES. THIS APPLIES TO ALL SITES GREATER THAN 1.0 ACRE IN SIZE.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY AND ALL OTHER PERMITS AND MEET ANY REQUIREMENTS SET FORTH BY OTHER AGENCIES OR UTILITIES, WHICH HAVE JURISDICTION, AT THE CONTRACTOR'S EXPENSE, INCLUDING OSHA.
- ALL CONTRACTORS ARE RESPONSIBLE TO CONSTRUCT STABILIZED CONSTRUCTION ENTRANCES, IF REQUIRED, IN ORDER TO REDUCE OR ELIMINATE THE TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAYS OR STREETS. GRAVEL TRACK-OUT PADS SHALL MEET CURRENT M.A.G. STANDARDS. THE CONTRACTOR SHALL IMMEDIATELY REMOVE ANY SEDIMENT TRACKED ONTO PUBLIC RIGHTS-OF-WAYS OR STREETS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK AREAS INCLUDING STREETS & PAVED AREAS, DRAINAGEWAYS AND DRAINAGE APPURTENANCES, WORK AREA UTILITIES WHETHER BURIED AND EXPOSED, EMBANKMENTS & CUT SLOPES, AND ALL UNFINISHED WORK AREAS. THE CONTRACTOR SHALL DO WHAT IS REQUIRED SO THAT ACCESS IS NOT DENIED TO ANY PROPERTY ALONG THE PROPOSED CONSTRUCTION FOR ANY DURATION THAT WOULD INTERFERE WITH NORMAL DAILY PROGRESS AND EGRESS. ANY REMOVED DRIVEWAYS SHALL BE GRADED TO FINISH SURFACE FOLLOWING THE REQUIRED TRENCH FILL SPECIFICATIONS IMMEDIATELY AFTER THE INSTALLATION IS COMPLETE IN ORDER THAT ACCESS IS NOT INTERRUPTED AND THAT ACCESS IS UNINHIBITED. NO UNEVEN SURFACES SHALL BE ALLOWED THAT COULD CAUSE ACCIDENTS, VEHICLE DAMAGE, OR LIMITED ACCESS. THE CONTRACTOR SHALL DO WHAT IS REQUIRED TO ASSURE THAT NO UTILITIES ARE INTERRUPTED ALONG THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL LEAVE ALL DRAINAGEWAYS AND APPURTENANCES IN OPERATING ORDER THROUGHOUT THE CONSTRUCTION DURATION. THE CONTRACTOR SHALL ASSURE THAT ALL CUT AND FILL SLOPES ARE REPLACED AT THE PRIOR CONDITIONS OR AS SHOWN ON THE APPROVED PLANS. THE CONTRACTOR SHALL SEE THAT ALL UNFINISHED WORK AREAS SHALL BE MAINTAINED TO ASSURE THAT OPEN TRENCHES ARE SECURE AND NOT LEFT UNATTENDED, THAT DRAINAGE IS NOT ALLOWED TO ENTER OPEN TRENCHES AND DAMAGE EXISTING AND NEW UTILITIES, AND THAT PUBLIC SAFETY IS ASSURED ALONG THE ENTIRE CONSTRUCTION ROUTE AT ALL TIMES. CONTRACTOR SHALL MEET OSHA STANDARDS FOR TRENCH SAFETY.
- PRIOR TO THE START OF ANY WORK, THE CONTRACTOR SHALL SCHEDULE AND ATTEND A PRE-CONSTRUCTION AND UTILITY COORDINATION MEETING. ALL WORK, PLANS, SPECIFICATIONS, INSPECTION REQUIREMENTS, AND SCHEDULING SHALL BE DISCUSSED AT THIS MEETING.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FOLLOWING ALL ARIZONA BLUE STAKE LAWS PRIOR TO AND DURING CONSTRUCTION BY CONTACTING THE BLUE STAKE AUTHORITY AT 1-800-STAKE-IT. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE INTEGRITY OF THE BLUE STAKE AS IS REQUIRED THROUGHOUT THE PROJECT CONSTRUCTION DURATION. THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE ARIZONA BLUE STAKE AUTHORITY REGULATIONS. CONTRACTOR SHALL PROVIDE THE CITY OF COTTONWOOD ENGINEERING STAFF WITH EVIDENCE OF ANY AREA BEING DISTURBED HAVING BEEN BLUE STAKED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE TO PROVIDE SUFFICIENT MANPOWER, PARTS, AND EQUIPMENT ON THE JOB AT ALL TIMES DURING THE DURATION OF THE CONSTRUCTION PROJECT TO BOTH COMPLY WITH THE PROJECT SPECIFICATIONS AND ALSO ACCOMPLISH THE WORK IN A TIMELY MANNER.
- CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE SPECIFICATIONS AS REQUIRED IN THE CURRENT UNIFORM STANDARD SPECIFICATIONS AND DETAILS OF PUBLIC WORKS CONSTRUCTION BY MARICOPA ASSOCIATION OF GOVERNMENT COMMONLY REFERRED TO AS MAG STANDARDS, CITY OF COTTONWOOD REGULATIONS OR SPECIFICATIONS, ANS/AWWA SPECIFICATIONS, AND/OR OTHER STATE AND FEDERAL SPECIFICATIONS, AS APPLICABLE.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO DETERMINE TRENCH BRACING, SHEATHING, SHORING OR SIDE SLOPES AS REQUIRED FOR THE SAFETY AND CONFORMANCE TO ALL APPLICABLE OSHA LAWS AND CONSTRUCTION STANDARDS FOR THE EXCAVATION AND TRENCHING OF THIS PROJECT. THE CONTRACTOR SHALL ASSURE THAT SUITABLE AND SAFE CONDITIONS, INCLUDING PROPER TRAFFIC AND SAFETY CONTROL, ARE MET THROUGHOUT THE PROJECT DURATION OR WORK WILL BE CEASED UNTIL SUCH TIME THAT THE UNSAFE CONDITION IS RECTIFIED. THE CITY OF COTTONWOOD SHALL NOT BE HELD IN ANY WAY RESPONSIBLE FOR ANY LOST TIME BY THE CONTRACTOR DUE TO UNSAFE CONDITIONS OR THE ENFORCEMENT OF THIS SPECIFICATION
- THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN TO THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT, INSPECTION STAFF, FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- THE CITY OF COTTONWOOD MAY SUSPEND THE WORK BY WRITTEN NOTICE WHEN, IN THEIR JUDGMENT, PROGRESS IS UNSATISFACTORY OR UNAUTHORIZED, THE PRODUCT IS UNSATISFACTORY, WEATHER CONDITIONS ARE UNSUITABLE OR THERE IS DANGER TO THE PUBLIC.
- THE CITY OF COTTONWOOD MAY REQUIRE THE SUBMITTAL OF A "CERTIFICATE OF COMPLIANCE" AND/OR "MANUFACTURER'S GUIDELINES" FOR ANY MATERIALS USED IN THE WORK. MANUFACTURER'S GUIDELINES SHALL CONSIST OF WRITTEN INSTRUCTIONS FOR SHIPPING, HANDLING, UNLOADING, CUTTING, JOINING, INSTALLATION, STORAGE, AND/OR ANY OTHER FACETS OF WORKING.
- SHOP DRAWINGS SHALL BE PROVIDED BY THE CONTRACTOR PER MAG SECTION 105.2.
- THE CITY OF COTTONWOOD MAY ORDER ANY MATERIALS USED IN THE WORK TO BE TESTED ACCORDING TO AASHTO AND ASTM STANDARDS. THE CONTRACTOR SHALL, AT THEIR EXPENSE, SUPPLY CERTIFICATES OR RESULTS OF TESTING.

- THE CONTRACTOR MAY SUBMIT CAREFULLY DOCUMENTED AND CONSIDERED WRITTEN PROPOSALS FOR ALTERNATE MATERIALS AND CONSTRUCTION METHODS. THOSE PROPOSALS THAT ARE FOUND TO BE IN CONFORMITY WITH GOOD ENGINEERING DESIGN AND CAN BE EASILY MAINTAINED BY CITY FORCES MAY BE GIVEN WRITTEN APPROVAL BY THE CITY ENGINEER FOR INCORPORATION IN THE CONSTRUCTION PLANS IF THEY ARE FOUND TO BE IN THE PUBLIC INTEREST.
- ALL IMPROVEMENTS SHALL BE CONSTRUCTED BY CONTRACTORS LICENSED BY THE ARIZONA STATE REGISTRAR OF CONTRACTORS, WITH A CLASS OF LICENSE(S) FOR THE SPECIFIC WORK BEING PERFORMED.
- THE CITY OF COTTONWOOD, INSPECTION STAFF, SHALL BE NOTIFIED 24 HOURS PRIOR TO BEGINNING DIFFERENT PHASES OF CONSTRUCTION SO THAT OBSERVATIONS MAY BE SCHEDULED.
- APPROVAL OF A PORTION OF THE WORK IN PROGRESS DOES NOT GUARANTEE ITS FINAL ACCEPTANCE. TESTING AND EVALUATION MAY CONTINUE UNTIL WRITTEN FINAL ACCEPTANCE OF A COMPLETE WORKABLE UNIT. ACCEPTANCE OF COMPLETED IMPROVEMENTS WILL NOT BE GIVEN UNTIL DEFECTIVE OR UNAUTHORIZED WORK IS REMOVED, AND FINAL CLEAN-UP IS COMPLETE.
- THE CITY OF COTTONWOOD RESERVES THE RIGHT TO REQUEST MODIFICATIONS TO THESE PLANS DURING CONSTRUCTION IF FIELD CONDITIONS WARRANT AND THE DESIGN ENGINEER CONCURS.
- ANY DEFECTS WHICH APPEAR IN THE WORK WITHIN THE WARRANTY PERIOD GIVEN IN THE PROJECT CONTRACT FROM THE DATE OF ACCEPTANCE AND WHICH ARE DUE TO IMPROPER WORKMANSHIP OR INFERIOR MATERIALS SUPPLIED SHALL BE CORRECTED BY OR AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE STREETS AND OF PARTIALLY COMPLETED PORTIONS OF THE WORK UNTIL FINAL ACCEPTANCE OF THE WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE QUALITY OF EXISTING STREETS LEADING TO THE PROJECT SITE. EXISTING STREETS FOUND TO BE DAMAGED BY CONSTRUCTION TRAFFIC SHALL BE REPAIRED TO THE SATISFACTION OF THE CITY OF COTTONWOOD BY THE CONTRACTOR AT NO ADDITIONAL EXPENSE TO THE OWNER.
- STREETS CLOSED BECAUSE OF CONSTRUCTION SHALL BE PROVIDED WITH BARRICADES AND/OR HAZARD SIGNS AS REQUIRED AND APPROVED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT, INSPECTION STAFF. THE CITY OF COTTONWOOD DEPARTMENT OF PUBLIC SAFETY SHALL BE NOTIFIED 48 HOURS PRIOR TO ANY STREET CLOSURE.
- PRIOR TO APPROVAL OF AN IMPROVEMENT PROJECT, AN "AS-BUILT" PLAN MUST BE SUBMITTED TO THE CITY OF COTTONWOOD ENGINEER. THE AS-BUILT PLAN SHALL INDICATE THE ACTUAL LOCATION OF WATER MAINS, SEWER MAINS, UNDERGROUND DRAINAGE STRUCTURES, ALL SEWER AND WATER SERVICES, ALL FITTINGS, VALVES AND MANHOLES RELATIVE TO RIGHT-OF-WAY BOUNDARIES, LOT LINE, OR OTHER POINTS OF SURVEY.
- THE ACCURACY OF ALL CONSTRUCTION WORK SHALL BE MAINTAINED AND VERIFIED BY THE CONTRACTOR'S SURVEYOR AT THE CONTRACTOR'S EXPENSE. STAKES WILL BE SET ESTABLISHING LINES AND GRADES (FINISH OR FLOWLINE) FOR ALL CONSTRUCTION INCLUDING ROADS, CURB AND GUTTER, SIDEWALKS, UTILITIES, STRUCTURES, AND OTHER WORK AS CONSIDERED NECESSARY. ALL SURVEY CONTROL SHALL BE SET BY THE CONTRACTOR'S SURVEYOR FROM MONUMENTS PER THESE APPROVED PLANS.
- A COPY OF THE A.D.E.Q. PERMITS ISSUED PRIOR TO NEW CONSTRUCTION, EXTENSION TO, OR MODIFICATION OF A WATER DISTRIBUTION SYSTEM, SEWAGE COLLECTION OR INDIVIDUAL SEWAGE TREATMENT SYSTEM SHALL BE ONSITE AT ALL TIMES.
- RELOCATION OF SIGNS, TREES SHRUBS, MAILBOXES AND OTHER INCIDENTALS REQUIRING RELOCATION SHALL BE MOVED ONLY FAR ENOUGH TO ALLOW CONSTRUCTION OF THE PROJECT AND CAUSE THE LEAST DISRUPTION TO PRIVATE PROPERTY, AND LANDSCAPE. FINAL POSITIONS SHALL BE APPROVED BY THE CITY OF COTTONWOOD PRIOR TO RELOCATION. ALL RELOCATED ITEMS SHALL CONTINUE TO WORK IN THEIR INTENDED CAPACITY AFTER THE RELOCATION HAS BEEN ACCOMPLISHED. NO SIGNS SHALL BE RELOCATED TO POSITIONS OUTSIDE DESIGNATED RIGHTS-OF-WAY. SAFETY SHALL BE A PRIMARY CONSIDERATION IN THE PLACEMENT OF SHRUBBERY AND SIGNS WHICH COULD POSSIBLY DISRUPT THE SIGHT DISTANCE OF MOTORISTS.
- NO JOB WILL BE CONSIDERED COMPLETE UNTIL FINAL GRADING IS COMPLETE AND ALL CURBS, PAVEMENT, AND SIDEWALKS HAVE BEEN SWEEP CLEAN OF ALL DIRT AND DEBRIS, ALL SURVEY MONUMENTS ARE INSTALLED, AND ALL VALVES, MANHOLES AND BOXES HAVE BEEN ADJUSTED TO GRADE ACCORDING TO THESE APPROVED PLANS.

PAVING NOTES

- COMPACTION SHALL COMPLY WITH M.A.G. SECTION 601.
- ALL CONSTRUCTION SHALL CONFORM TO THE LATEST APPLICABLE MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) UNIFORM STANDARD SPECIFICATIONS AND DETAILS OR SPECIFICALLY AS SHOWN IN THESE PLANS.
- THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT, (928) 634-8033, SHALL BE NOTIFIED 48 HOURS PRIOR TO ANY CONSTRUCTION WORK COMMENCING.
- EXISTING OR NEWLY DAMAGED AND/OR DISPLACED CONCRETE CURB, GUTTER, SIDEWALK, OR DRIVEWAY SLABS SHALL BE REPAIRED OR REPLACED, AS NOTED BY CITY INSPECTORS, BEFORE FINAL ACCEPTANCE OF THE WORK.
- OBSTRUCTIONS TO PROPOSED IMPROVEMENTS SHALL BE REMOVED OR RELOCATED BEFORE BEGINNING CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.
- PAVING SHALL NOT START UNTIL ALL APPROPRIATE TESTING HAS BEEN COMPLETED AND ACCEPTED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT.
- THE BASE MATERIAL SHALL BE SAND AND GRAVEL, CRUSHED ROCK AND/OR DECOMPOSED GRANITE WITH ENOUGH BINDER MATERIAL SO THAT IT CAN BE TIGHTLY COMPACTED AND SHALL HAVE A PLASTICITY INDEX NOT IN EXCESS OF 6 AND SHALL CONFORM TO GRADATION AS REQUIRED BY THE CITY OF COTTONWOOD ENGINEER. THE WORK AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH SECTION 702 OF M.A.G. STANDARD SPECIFICATIONS.
- BASE MATERIAL SHALL BE PLACED IN UNIFORM LAYERS NOT TO EXCEED 6" IN DEPTH. EACH LAYER SHALL BE BLADED TO A SMOOTH SURFACE CONFORMING TO THE CROSS SECTION SHOWN ON THE PLANS AND SHALL BE WATERED AND THOROUGHLY ROLLED IN A MANNER SATISFACTORY TO THE CITY OF COTTONWOOD.
- ASPHALT AND CONCRETE REQUIREMENTS SHALL BE IN ACCORDANCE WITH SECTION 409 OF ADOT STANDARD SPECIFICATIONS OR SECTION 321 OF M.A.G. STANDARD SPECIFICATIONS. MIX DESIGN SHALL BE SUBMITTED TO THE CITY OF COTTONWOOD ENGINEER FOR REVIEW AND APPROVAL.
- ASPHALTIC CONCRETE SHALL BE COMPACTED TO NOT LESS THAN 95.0 PERCENT OF LABORATORY DENSITY. THE LABORATORY DENSITY WILL BE DETERMINED BY THE CONTRACTOR'S ENGINEER BASED UPON FIELD SAMPLES IN ACCORDANCE WITH THE REQUIREMENTS OF AASHTO T-245, 75 BLOW MARSHALL DENSITY.
- CORE SAMPLES SHALL BE TAKEN BY THE CONTRACTOR AT RANDOM LOCATIONS IN ACCORDANCE WITH QUALITY CONTROL TESTING.
- WHEN THE AVERAGE PERCENT OF COMPACTION IS LESS THAN 95.0%, THE CONTRACTOR WILL BE REQUIRED TO REMOVE AND REPLACE ANY PORTIONS, AT THE SOLE DISCRETION OF THE CITY OF COTTONWOOD ENGINEER.
- ALL NEW STREETS SHALL BE CHIP SEALED, UNLESS OTHERWISE DIRECTED, PER THE FOLLOWING SPECIFICATION:
 - THE CHIP SEAL COAT SHALL CONSIST OF EMULSIFIED ASPHALT, TYPE CRS-2, (OR EQUIVALENT) APPLIED AT A RATE OF 0.30 TO 0.40 GALLONS PER SQUARE YARD AND 3/8" INCH CHIP COVER AGGREGATE. EMULSIFIED ASPHALT SHALL BE APPLIED TO THE SURFACE OF THE ROAD IN ACCORDANCE WITH SECTION 404-3.05 OF THE ADOT STANDARD SPECIFICATIONS. EMULSIFIED ASPHALT, TYPE CRS-2 OR EQUIVALENT SHALL CONFORM TO SECTION 1005-3.03 AND TABLE 1005-5 OF ADOT STANDARD SPECIFICATIONS.
- CHIP SEAL COAT SHALL NOT BE APPLIED FOR A MINIMUM OF 14 DAYS AFTER COMPLETION OF THE ASPHALTIC CONCRETE.

- THE COVER MATERIAL SHALL CONFORM TO SECTION 404-2.02 TO THE FOLLOWING GRADATION AND SHALL BE AN AGGREGATE MIX OF CLEAN SAND, GRAVEL OR CRUSHED ROCK AND SHALL BE FREE OF LUMPS OR BALLS OF CLAY, CONTAIN NO CALCAREOUS, CLAY OR DUST COATINGS, CALICHE, SYNTHETIC MATERIALS, DECOMPOSED GRANITE, VOLCANIC CINDERS, ORGANIC MATTER, OR FOREIGN SUBSTANCES. IF A CLEAN COVER MATERIAL CANNOT BE ACHIEVED USING CONVENTIONAL CRUSHING AND SCREENING METHODS, THEN THE COVER MATERIAL WILL HAVE TO BE WASHED IN WATER. THE COVER MATERIAL SHALL BE APPLIED AT A RATE OF 25 TO 30 POUNDS PER SQUARE YARD.
- THE GRADING SHALL MEET THE FOLLOWING REQUIREMENTS WHEN TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF ARIZONA TEST METHOD 201.

SIEVE SIZE	% BY WEIGHT PASSING SIEVES
NO. 4	0-25
NO. 10	0-5
NO 200	0-2

- THE CONTRACTOR IS RESPONSIBLE FOR ALL LABORATORY TEST AND CERTIFICATIONS TO ASSURE THAT THE CHIP MATERIAL IS IN CONFORMANCE TO THE REQUIREMENTS SET FORTH IN THESE SPECIFICATIONS.
- REPRESENTATIVE SAMPLES OF THE AGGREGATE COVER MATERIAL SHALL BE TAKEN DAILY, AND THE LABORATORY TEST RESULTS AND CERTIFICATES OF COMPLIANCE, CERTIFIED BY THE CONTRACTOR'S ENGINEER, SHALL BE SUBMITTED TO THE CITY OF COTTONWOOD ENGINEER. THE CITY OF COTTONWOOD ENGINEER MAY REJECT DELIVERED CHIP MATERIAL IF, IN HIS OPINION, THE DELIVERED MATERIAL DIFFERS SIGNIFICANTLY FROM THE REPRESENTATIVE SAMPLE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUCCESSFUL PLACEMENT OF THE CHIP SEAL COAT REGARDLESS OF TEMPERATURES OF MATERIAL COMPLIANCE, AND SHALL GUARANTEE THE SUCCESS OF THE CHIP SEAL COAT PER MAG SPECIFICATION SECTION 330. THE CONTRACTOR SHALL COMPLY WITH ALL ADOT STANDARDS AND SPECIFICATIONS 404-3.14 FOR DATES AND ELEVATIONS OF PLACEMENT.
- THE CONTRACTOR SHALL HAVE EACH INDIVIDUAL ROAD SWEEP WITHIN 24 HOURS OF THE COMPLETION OF THE CHIP SEAL. THE CONTRACTOR SHALL MAINTAIN TRAFFIC CONTROL AND LOOSE GRAVEL SIGNS UNTIL ALL SWEEPING HAS BEEN COMPLETED.
- BLOTTING SHALL BE DONE WHEREVER AND WHENEVER NECESSARY, WITH A MATERIAL APPROVED BY THE CITY OF COTTONWOOD ENGINEER. ALL EXCESS BLOTTER MATERIAL SHALL BE SWEEP AWAY AND SURFACE OF THE BITUMINOUS ROADWAY SHALL BE REASONABLY CLEAN AND FREE OF ALL LOOSE MATERIAL BEFORE THE SEAL COAT MAY BE APPLIED.

GRADING AND DRAINAGE NOTES

- EXCAVATING CONTRACTOR MUST GIVE LOCATION FOR WASTING EXCESS EXCAVATION IF LOCATED WITHIN THE CITY OF COTTONWOOD AND A LETTER FROM OWNER GIVING PERMISSION FOR DUMPING PRIOR TO STARTING ON-SITE CONSTRUCTION. IF EXCESS EXCAVATION EXCEEDS 50 CUBIC YARDS AND IS DISPOSED OF ON PRIVATE PROPERTY THE DISPOSAL SITE WILL ALSO REQUIRE A GRADING AND DRAINAGE PERMIT.
- GRADING AND DRAINAGE PLAN APPROVAL INCLUDES THE CONSTRUCTION OF ALL SURFACE IMPROVEMENTS SHOWN ON THE APPROVED PLANS.
- ALL RAMP MUST MEET ADA ACCESSIBILITY GUIDELINES (ADAAG) STANDARDS AND M.A.G. UNIFORM STANDARD SPECIFICATIONS AND DETAILS; 2% MAX CROSS SLOPES AND 12:1 MAX LONGITUDINAL SLOPES UNLESS DEVIATION IS SHOWN IN THESE APPROVED PLANS.
- COMPACTION SHALL COMPLY WITH M.A.G. SECTION 601 OR AS SPECIFIED IN THESE PLANS.
- TREES AND SHRUBBERY THAT CONFLICT WITH PROPOSED IMPROVEMENTS SHALL NOT BE REMOVED WITHOUT WRITTEN APPROVAL OF THE CITY ENGINEERING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AUTHORIZATION TO REMOVE AND/OR RELOCATE SAID TREES OR SHRUBBERY BY CALLING THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT, INSPECTION STAFF AT (928) 634-8033.
- SUBGRADE PREPARATION SHALL CONFORM WITH THE GEOTECHNICAL REPORT, IF APPLICABLE, FOR THIS PROJECT UNLESS OTHERWISE DIRECTED IN THESE APPROVED PLANS.
- THE CONTRACTOR SHALL PRESERVE AND MAINTAIN CONSTRUCTION STAKING AND REFERENCE AND CONTROL POINTS UNTIL SUCH A TIME THAT THEY ARE NO LONGER REQUIRED. IN THE EVENT THAT THESE ITEMS ARE MOVED OR DESTROYED IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO HAVE THOSE ITEMS RE-ESTABLISHED FOR LOCATION AND GRADE.
- ALL HEADWALLS, RETAINING WALLS, OR ANY OTHER INSTANCES WHERE THERE IS A BREAK IN GRADE OF 30" OR MORE SHALL REQUIRE THE INSTALLATION OF A SAFETY RAIL PER MAG STANDARD DETAIL 145. RAILING SHALL BE PRIMED AND PAINTED AS NOTED IN THESE APPROVED PLANS.
- THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND CONFIRMING DEPTH OF ALL EXISTING UTILITY LINES WITHIN PROPOSED RETENTION AND DRAINAGE FACILITY AREAS. IF THE DRAINAGE FACILITIES CANNOT BE CONSTRUCTED PER PLAN AS A RESULT OF CONFLICT WITH UNDERGROUND UTILITIES, THE CONTRACTOR SHOULD CONTACT THE CITY OF COTTONWOOD CITY ENGINEER AND REQUEST MODIFICATION OF THE DRAINAGE FACILITY DESIGN BY THE DESIGN ENGINEER.
- ALL LANDSCAPE AND IRRIGATION INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY OR OTHER CITY MAINTAINED AREAS SHALL BE INSTALLED PER THE APPROVED PLANS. ALL LANDSCAPING APPROVED AS A PART OF THE SITE PLAN PROCESS SHALL BE INSTALLED PER THE APPROVED PLANS. ANY DEVIATIONS TO THE APPROVED PLANS REQUIRE CITY OF COTTONWOOD ENGINEERING DEPARTMENT APPROVAL.

STRIPING, SIGNAGE, & TRAFFIC CONTROL NOTES

- THE CONTRACTOR SHALL NOTIFY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT, INSPECTION STAFF AT LEAST 48-HOURS IN ADVANCE OF ANY SIGNING OR STRIPING AT (928) 634-8033. SIGNING OR STRIPING COMPLETED PRIOR TO THE CITY'S INSPECTION SHALL BE REMOVED IF IT IS NOT CONSISTENT WITH CITY STANDARDS.
- THE OBLITERATION OF CONFLICTING STRIPING SHALL BE ACCOMPLISHED BY WATER BLASTING OR OTHER METHODS APPROVED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT.
- ON NEW ASPHALT SURFACES AND SEAL TREATMENTS, ALL STRIPING AND LEGENDS (EXCEPT BIKE LANE SYMBOLS) SHALL BE INSTALLED USING WATER-BASED PAINT AS A TEMPORARY MEASURE. PERMANENT MARKINGS SHALL BE INSTALLED NO SOONER THAN 30-DAYS FOLLOWING THE FINAL ASPHALT OR SEAL APPLICATION.
- CROSSWALKS, STOP BARS, CHEVRON, CROSSHATCH, MARKING INSTALLATIONS SHALL BE DONE IN ACCORDANCE WITH THE MAG STANDARDS. ALKYD THERMOPLASTIC MATERIAL APPLIED AT 90 MIL THICKNESS OR 3M STAMARK PAVEMENT MARKING TAPE SERIES 270 ES OR APPROVED EQUAL, WORD SYMBOL AND LEGEND MARKING INSTALLATIONS SHALL BE DONE IN 3M STAMARK PAVEMENT MARKING TAPE.
- SIGNING SHALL BE INSTALLED PER CITY OF COTTONWOOD STANDARDS AND THESE APPROVED PLANS.
- ALL SIGN BLANKS SHALL BE .080 GAUGE ALUMINUM, UNLESS OTHERWISE NOTED.
- ALL SIGNS SHALL BE ASTM TYPE IV HIGH INTENSITY SHEETING, UNLESS OTHERWISE NOTED.
- ALL SIGNS SHALL BE PROVIDED AND INSTALLED BY THE CONTRACTOR PER THESE APPROVED PLANS.
- THE CONTRACTOR SHALL RETURN ALL REMOVED TRAFFIC SIGNS TO THE CITY OF COTTONWOOD PUBLIC WORKS DEPARTMENT, 1480 WEST MINGUS AVENUE, CONTACT THE PUBLIC WORKS OFFICE AT (928) 634-8033.
- SIGNING AND STRIPING INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
- UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO THE BACK OF CURB AND THE CENTER OF THE STRIPE. IN THE CASE OF A DOUBLE STRIPE, DIMENSION IS TO THE CENTER OF THE DOUBLE STRIPE.
- IF THE APPROVED PLANS DO NOT MATCH EXISTING FIELD CONDITIONS, THE CITY OF COTTONWOOD CITY ENGINEER MAY MAKE CHANGES HE DEEMS NECESSARY.

- ALL MATERIAL, EQUIPMENT AND INSTALLATION SHALL CONFORM TO THE LATEST EDITION OF A.D.O.T.'S TRAFFIC SIGNALS AND LIGHTING STANDARD DRAWINGS, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), LATEST EDITION ADOPTED BY ADOT, THE CITY OF COTTONWOOD STANDARDS, AND THESE APPROVED PLANS.
- THE CONTRACTOR SHALL CONTACT ALL UTILITIES AND BLUE STAKE 48-HOURS BEFORE STARTING ANY CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT ALL INVOLVED AGENCIES AND FIELD VERIFY EXACT LOCATIONS OF ALL UTILITIES. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL POTHOLE AND VERIFY THE LOCATION OF EXISTING UTILITIES. IF DISCREPANCIES EXIST THE CONTRACTOR SHALL NOTIFY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT IMMEDIATELY.
- ALL TEMPORARY TRAFFIC CONTROL EQUIPMENT SHALL BE IN PLACE AND OPERATIONAL PRIOR TO REMOVING EXISTING STOP SIGNS. STOP SIGNS SHALL BE REMOVED SHORTLY AFTER ACTIVATION AS APPROVED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT INSPECTOR.

ENGINEERS NOTES

- NOTHING CONTAINED IN THE CONTRACT DOCUMENTS SHALL CREATE, NOR SHALL BE CONSTRUED TO CREATE, ANY CONTRACTUAL RELATIONSHIP BETWEEN THE ENGINEER AND THE CONTRACTOR OR ANY SUBCONTRACTOR.
- THE ENGINEER WILL NOT BE RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES OR FOR SAFETY PRECAUTIONS OR PROGRAMS UTILIZED IN CONNECTION WITH THE WORK, AND HE WILL NOT BE RESPONSIBLE FOR THE CONTRACTORS' FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- A THOROUGH ATTEMPT HAS BEEN MADE TO SHOW THE LOCATIONS OF ALL UNDERGROUND OBSTRUCTIONS AND UTILITY LINES IN THE WORK AREA, HOWEVER THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO OBSTRUCTIONS AND UTILITY LINES ENCOUNTERED DURING CONSTRUCTION AND SHALL DETERMINE THE EXACT LOCATION OF UTILITIES IN THE WORK AREA.
- THESE PLANS ARE FOR OFFICIAL USE ONLY AND MAY NOT BE SHARED WITH OTHERS EXCEPT AS REQUIRED FOR THE CONSTRUCTION OF THE PUBLIC WORKS FACILITIES SHOWN HEREON. THE PROJECT OWNER, AND THE OWNER'S LENDERS, CONSULTANTS, CONTRACTORS AND SUBCONTRACTORS ARE PROHIBITED FROM DISCLOSING THE PLANS AND SPECIFICATIONS TO ANY PERSONS OTHER THAN THOSE WHO HAVE A NEED TO KNOW THE INFORMATION FOR THE PURPOSE OF THE PROJECT.

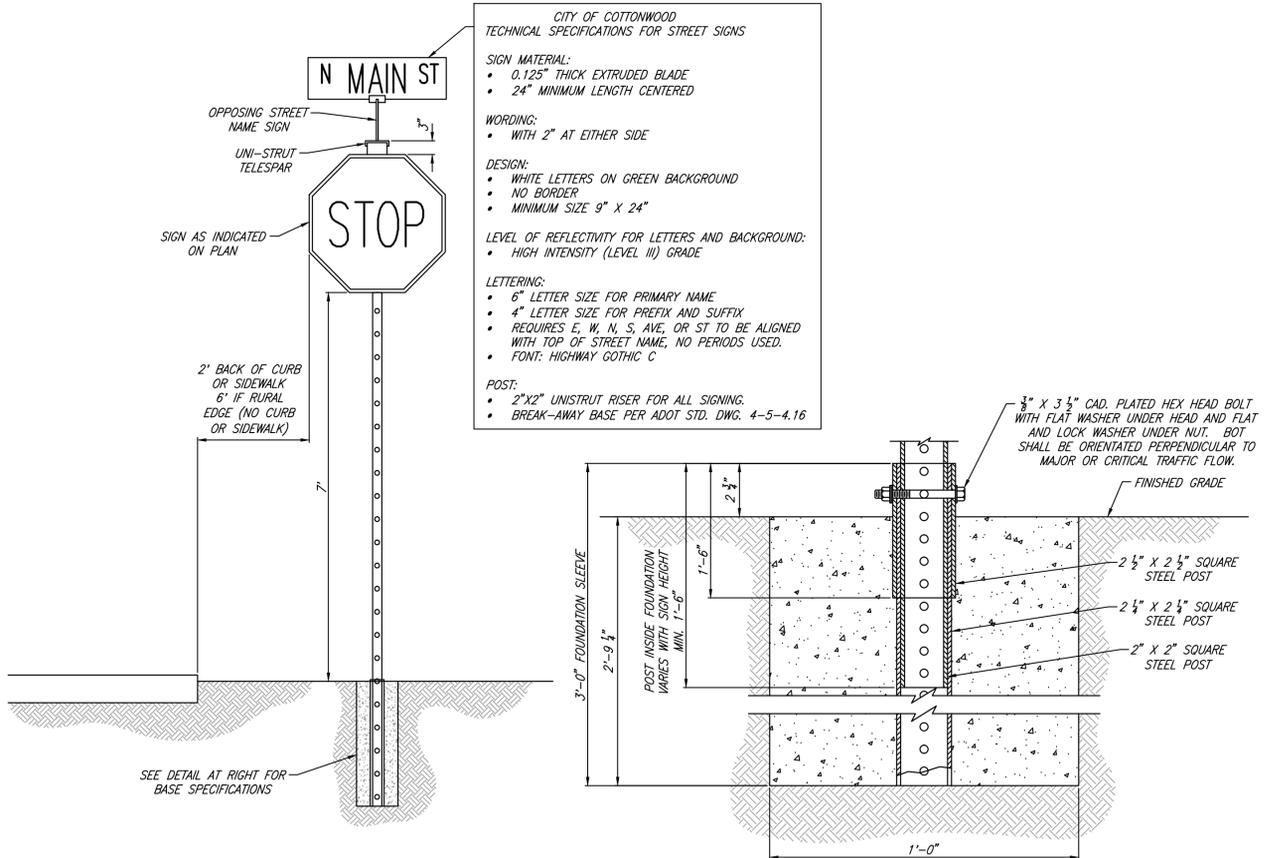
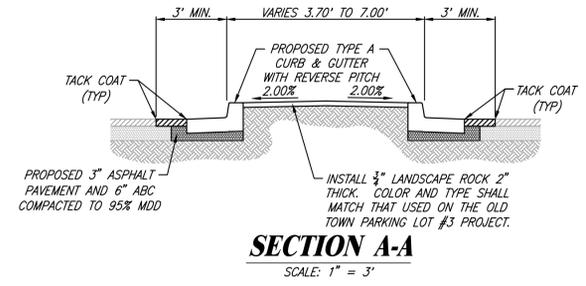
Engineer:	Revisions:
Technician: Martin Smith	
Scale: NONE	
Date: 09/18/13	
Drawing No: SHEET 02.dwg	

GENERAL NOTES
MAIN STREET TRAFFIC CALMING ISLAND
NORTH MAIN STREET
COTTONWOOD, ARIZONA

Engineering Department
 111 North Main Street
 Cottonwood, AZ 86326



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**CITY OF COTTONWOOD
TECHNICAL SPECIFICATIONS FOR STREET SIGNS**

SIGN MATERIAL:

- 0.125" THICK EXTRUDED BLADE
- 24" MINIMUM LENGTH CENTERED

WORDING:

- WITH 2" AT EITHER SIDE

DESIGN:

- WHITE LETTERS ON GREEN BACKGROUND
- NO BORDER
- MINIMUM SIZE 9" X 24"

LEVEL OF REFLECTIVITY FOR LETTERS AND BACKGROUND:

- HIGH INTENSITY (LEVEL III) GRADE

LETTERING:

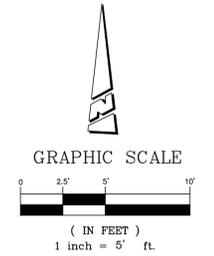
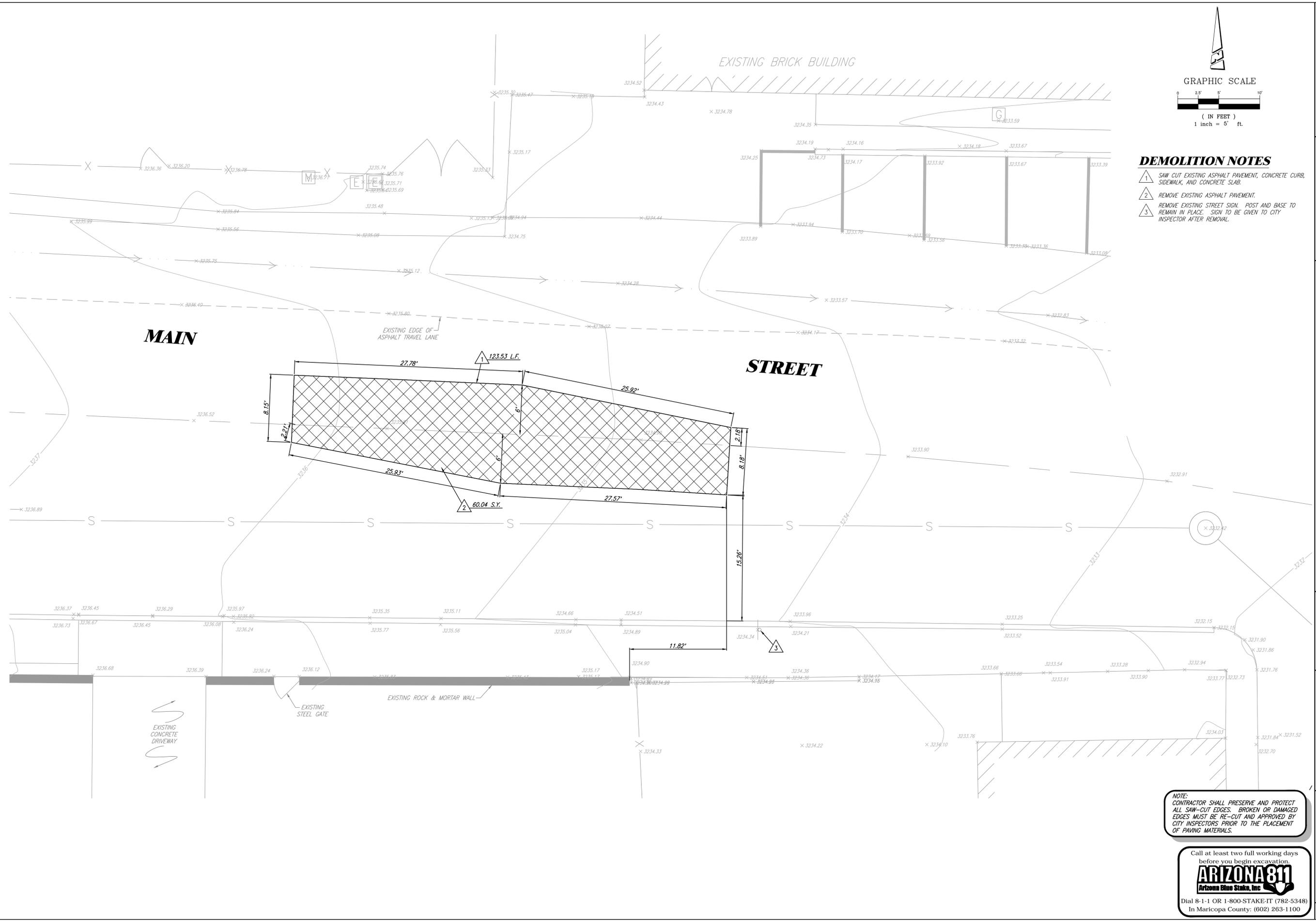
- 6" LETTER SIZE FOR PRIMARY NAME
- 4" LETTER SIZE FOR PREFIX AND SUFFIX
- REQUIRES E, W, N, S, AVE, OR ST TO BE ALIGNED WITH TOP OF STREET NAME, NO PERIODS USED.
- FONT: HIGHWAY GOTHIC C

POST:

- 2"x2" UNISTRUT RISER FOR ALL SIGNING.
- BREAK-AWAY BASE PER ADOT STD. DWG. 4-5-4.16

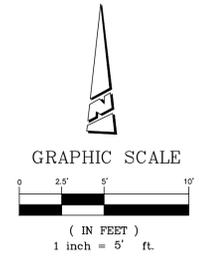
Engineering Department 111 North Main Street Cottonwood, AZ 86326	DETAILS MAIN STREET TRAFFIC CALMING ISLAND NORTH MAIN STREET COTTONWOOD, ARIZONA		Revisions:
	Engineer:	Technician: Martin Smith	
	Scale: NONE	Date: 09/18/13	
	Drawing No: SHEET 03.dwg		

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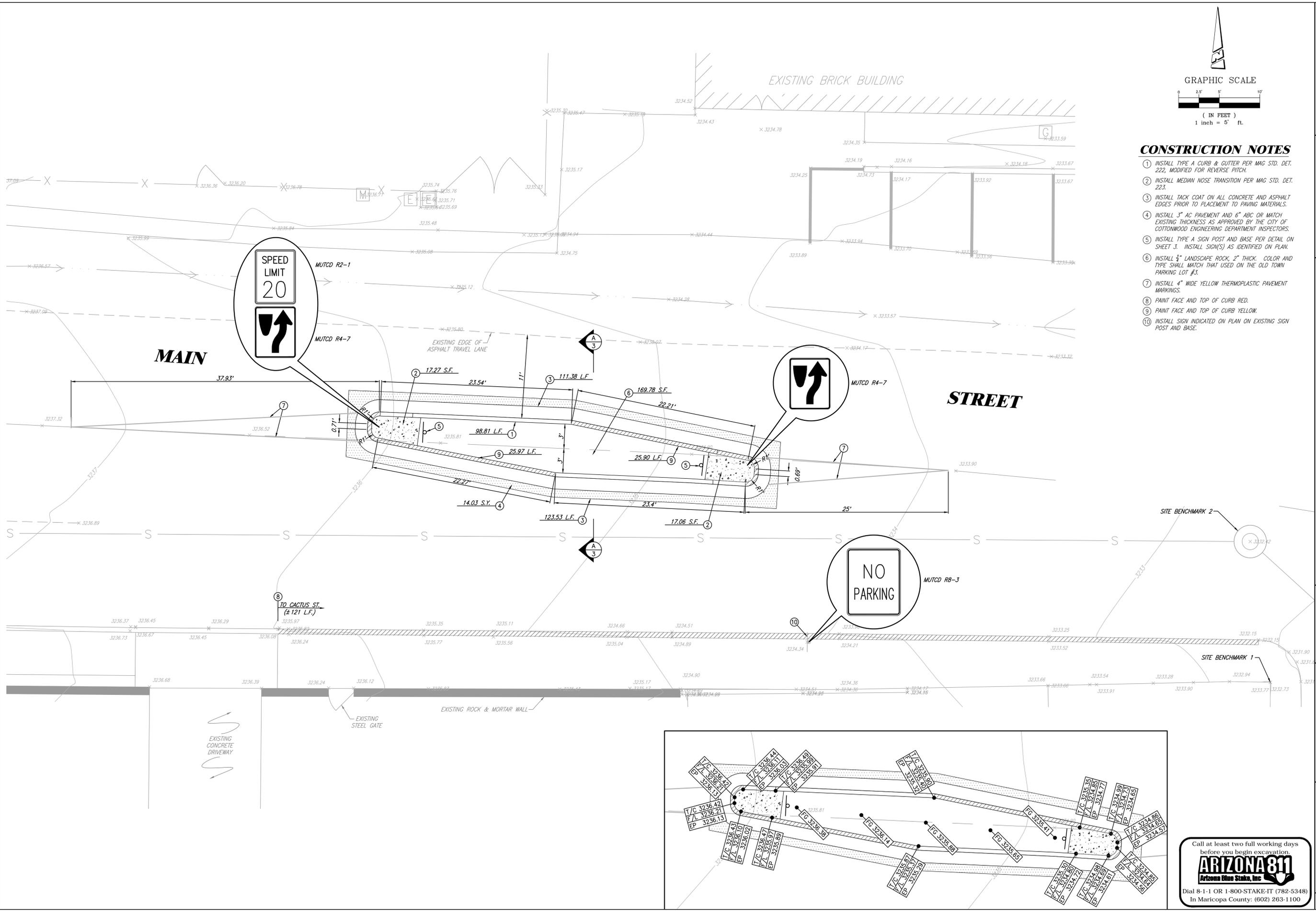
- DEMOLITION NOTES**
- 1 SAW CUT EXISTING ASPHALT PAVEMENT, CONCRETE CURB, SIDEWALK, AND CONCRETE SLAB.
 - 2 REMOVE EXISTING ASPHALT PAVEMENT.
 - 3 REMOVE EXISTING STREET SIGN. POST AND BASE TO REMAIN IN PLACE. SIGN TO BE GIVEN TO CITY INSPECTOR AFTER REMOVAL.

Engineer:	Revisions:
Technician: Martin Smith	
Scale: AS NOTED	
Date: 09/18/13	
Drawing No: SHEET 04.dwg	
PAVING PLANS	
MAIN STREET TRAFFIC CALMING ISLAND	
NORTH MAIN STREET	
COTTONWOOD, ARIZONA	
Engineering Department	
111 North Main Street	
Cottonwood, AZ 86326	
 Call at least two full working days before you begin excavation. ARIZONA 811 Arizona E-Line Stake, Inc. Dial 8-1-1 OR 1-800-STAKE-IT (782-5348) In Maricopa County: (602) 263-1100	
	
SHEET 4 OF 5	



CONSTRUCTION NOTES

- ① INSTALL TYPE A CURB & GUTTER PER MAG STD. DET. 222, MODIFIED FOR REVERSE PITCH.
- ② INSTALL MEDIAN NOSE TRANSITION PER MAG STD. DET. 223.
- ③ INSTALL TACK COAT ON ALL CONCRETE AND ASPHALT EDGES PRIOR TO PLACEMENT TO PAVING MATERIALS.
- ④ INSTALL 3" AC PAVEMENT AND 6" ABC OR MATCH EXISTING THICKNESS AS APPROVED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT INSPECTORS.
- ⑤ INSTALL TYPE A SIGN POST AND BASE PER DETAIL ON SHEET 3. INSTALL SIGN(S) AS IDENTIFIED ON PLAN.
- ⑥ INSTALL 3/4" LANDSCAPE ROCK, 2" THICK. COLOR AND TYPE SHALL MATCH THAT USED ON THE OLD TOWN PARKING LOT #3.
- ⑦ INSTALL 4" WIDE YELLOW THERMOPLASTIC PAVEMENT MARKINGS.
- ⑧ PAINT FACE AND TOP OF CURB RED.
- ⑨ PAINT FACE AND TOP OF CURB YELLOW.
- ⑩ INSTALL SIGN INDICATED ON PLAN ON EXISTING SIGN POST AND BASE.



Engineer:	Revisions:
Technician: Martin Smith	
Scale: AS NOTED	
Date: 09/18/13	
Drawing No: SHEET 05.dwg	
PAVING PLANS MAIN STREET TRAFFIC CALMING ISLAND NORTH MAIN STREET COTTONWOOD, ARIZONA	
Engineering Department	
111 North Main Street Cottonwood, AZ 86326	
SHEET 5 OF 5	

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PROPOSED SPEED LIMIT SIGNS:



OR





Overhead Aerial Image



View Looking East



View Looking West

North Main Street Traffic Calming Island

Engineer's Cost Estimate

NO.	BASE BID ITEM DESCRIPTION	Unit	Qty	Unit Price	Price
1	SAW CUT EXISTING ASPHALT PAVEMENT, CONCRETE CURB, SIDEWALK, AND CONCRETE SLAB.	L.F.	123.53	\$2.50	\$308.83
2	REMOVE EXISTING ASPHALT PAVEMENT.	S.Y.	60.04	\$9.00	\$540.36
3	REMOVE EXISTING STREET SIGN. POST AND BASE TO REMAIN IN PLACE. SIGN TO BE GIVEN TO CITY INSPECTOR AFTER REMOVAL.	EA.	1.00	\$45.00	\$45.00
4	INSTALL TYPE A CURB & GUTTER PER MAG STD. DET. 222, MODIFIED FOR REVERSE PITCH.	L.F.	98.81	\$27.00	\$2,667.87
5	INSTALL MEDIAN NOSE TRANSITION PER MAG STD. DET. 223.	S.F.	34.33	\$7.00	\$240.31
6	INSTALL TACK COAT ON ALL CONCRETE AND ASPHALT EDGES PRIOR TO PLACEMENT TO PAVING MATERIALS.	L.F.	234.91	\$0.60	\$140.95
7	INSTALL 3" AC PAVEMENT. MATCH EXISTING THICKNESS AS APPROVED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT INSPECTORS.	S.Y.	14.03	\$25.00	\$350.75
8	INSTALL 6" ABC OR MATCH EXISTING THICKNESS AS APPROVED BY THE CITY OF COTTONWOOD ENGINEERING DEPARTMENT INSPECTORS.	S.Y.	14.03	\$8.50	\$119.26
9	INSTALL TYPE A SIGN POST AND BASE PER DETAIL ON SHEET 3. INSTALL SIGN(S) AS IDENTIFIED ON PLAN.	EA.	2.00	\$350.00	\$700.00
10	INSTALL 3/4" LANDSCAPE ROCK, 2" THICK. COLOR AND TYPE SHALL MATCH THAT USED ON THE OLD TOWN PARKING LOT #3.	S.F.	169.78	\$3.30	\$560.27
11	INSTALL 4" WIDE YELLOW THERMOPLASTIC PAVEMENT MARKINGS.	L.S.	1.00	\$200.00	\$200.00
12	PAINT FACE AND TOP OF CURB RED.	L.F.	21.00	\$1.00	\$21.00
13	PAINT FACE AND TOP OF CURB YELLOW.	L.F.	51.87	\$1.00	\$51.87
14	INSTALL SIGN INDICATED ON PLAN ON EXISTING SIGN POST AND BASE.	EA.	1.00	\$200.00	\$200.00
<i>SUBTOTAL</i>					<i>\$5,214.44</i>
<i>**TAX</i>					<i>\$384.70</i>
<i>TOTAL</i>					<i>\$5,599.13</i>

** Tax is figured on 65% of the project subtotal at 11.35%.



City of Cottonwood, Arizona City Council Agenda Communication



 Print

Meeting Date:	October 8, 2013
Subject:	Identify New City Hall Location
Department:	City Manager
From:	Doug Bartosh, Office of the City Manager

REQUESTED ACTION

City Council direction to staff regarding a location for the design and construction of a new City Hall.

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is: N/A

BACKGROUND

For the past five years, the City Council has identified the design and construction of a new City Hall as one of their Strategic Goals and there has been much work to try and identify a location and begin design. Initially, the location that was identified was behind the current City Hall in the area identified as the Old Town activity area. There were two conceptual plans that were developed by staff and presented to the City Council for discussion.

Shortly after that discussion the City was contacted about a possible interest in the purchase of the Riverfront Commons properties to use as a City Hall. Extensive staff time was used to pursue the purchase of these properties; however, the City was outbid by the medical center for that property.

The City was then contacted by Mr. Joe Nackard who was interested in trading approximately 9 acres of vacant property for the current City buildings in Old Town. All the properties were appraised and it was determined that such a swap would be almost even if the City swapped City Hall, the Finance Building, the City Clerk's Office, and the Council Chambers. The intent was for the City to keep the Civic Center for continued use as a citizen meeting place and because of its historic value. The Business Assistance Center would also be retained with the concept of removing the buildings to open the activity park to Main Street. Discussion also occurred about creating a "town square" at the activity park. If this land trade was approved, the intent was to construct a new City Hall on the Nackard property and retain the Civic Center, basketball court and the activity park for City use.

During the past year, the City was approached by the medical center with an offer to sell the

City at least a portion of the Riverfront Commons property and recently the City declined that offer. Also during this discussion of Riverfront Commons and a new City Hall, there was again discussion about the potential location of a new City Hall based on two options that are currently available; the activity park behind the current City Hall or the Nackard property that is located on Main Street between approximately 5th and 8th Streets. Below are the pros and cons of those two locations.

JUSTIFICATION/BENEFITS/ISSUES

Behind City Hall on the Old Town Activity Park site:

Pros

- Still very close to the center of Old Town
- Will draw more traffic to the center of Old Town
- The City owns the property with no deed restrictions
- May be able to create a town square for Old Town events
- Can either sell or trade City properties in Old Town for other uses

Cons

- Will limit the useful area of the activity park for Old Town events
- Will require additional parking needs for more employees that will move to City Hall
- Will add to congestion in Old Town potentially negatively impacting business use
- Will not expand the boundaries of Old Town
- This location is within a flood plain.

Locating a new City Hall at the Nackard Property:

Pros

- Will open up current City buildings in Old Town for business use
- Will allow more space for parking and building footprint
- Very attractive piece of property with interesting history
- Will expand the boundaries of Old Town
- This would be a trade requiring little cash
- This will allow for 9 plus acres of use vs. 5 1/2 behind City Hall.
- Some of the property could be developed or sold for commercial use
- Some of the property could be used as a City park

Cons

- Not located in the central part of Old Town
- Could draw some traffic away from the center of Old Town
- Requires a trade of current City buildings

COST/FUNDING SOURCE

In either scenario there will be very little cash required for the property. The cost of designing a new City Hall is included the General Fund Capital Budget with plans to budget for construction the following year.

ATTACHMENTS:

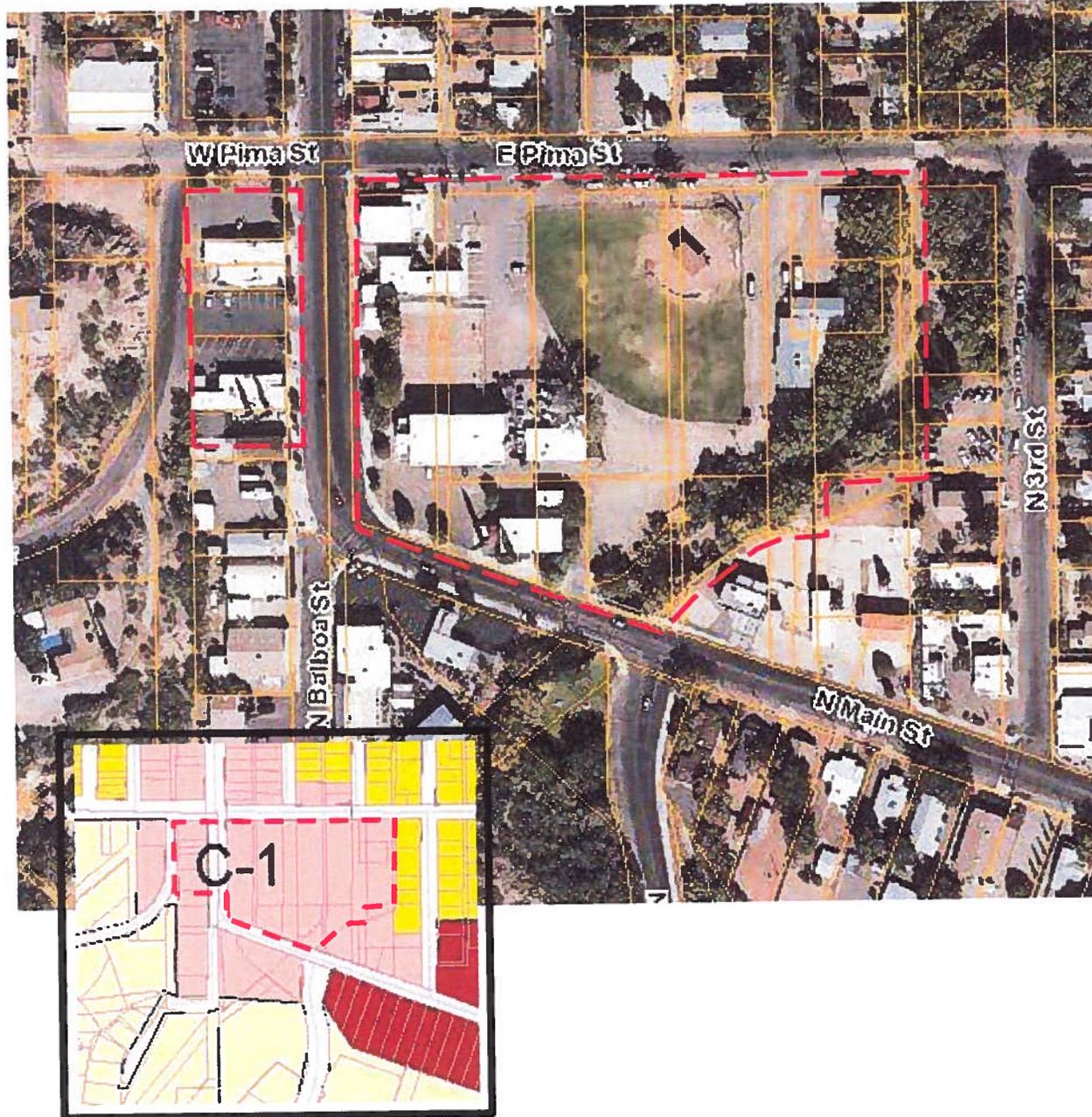
Name:	Description:	Type:
 City Hall Conceptual Plans.pdf	City Hall Conceptual Plans	Cover Memo

A New City Hall for Cottonwood

The Cottonwood City Council has directed Staff to begin developing concepts for a New City Hall; a facility which has been contemplated for over 25 years. The Council first added the project to their annual Capital Improvements planning in 2005.

THE SITE: The facility would be constructed as part of the current City campus located in Old Town along North Main Street and south of Pima Street within a C-1 (light commercial) zone. The total site includes roughly 5-1/2 acres adjacent to the downtown commercial strip and a mixed use commercial/residential zone to the southeast. A residential area is also located immediately to the north/east, most of which is separated from the site by a riparian stream channel known as Blow-Out Wash (also a FEMA flood channel). In addition to the current City Hall, the site presently includes the Business Assistance Center, historic Civic Center building, former Recreation Center, maintenance facility, Boys and Girls Club and an old baseball field.

City properties on the west side of Main Street include the present Council Chambers and City Clerk's office; and City Finance office.





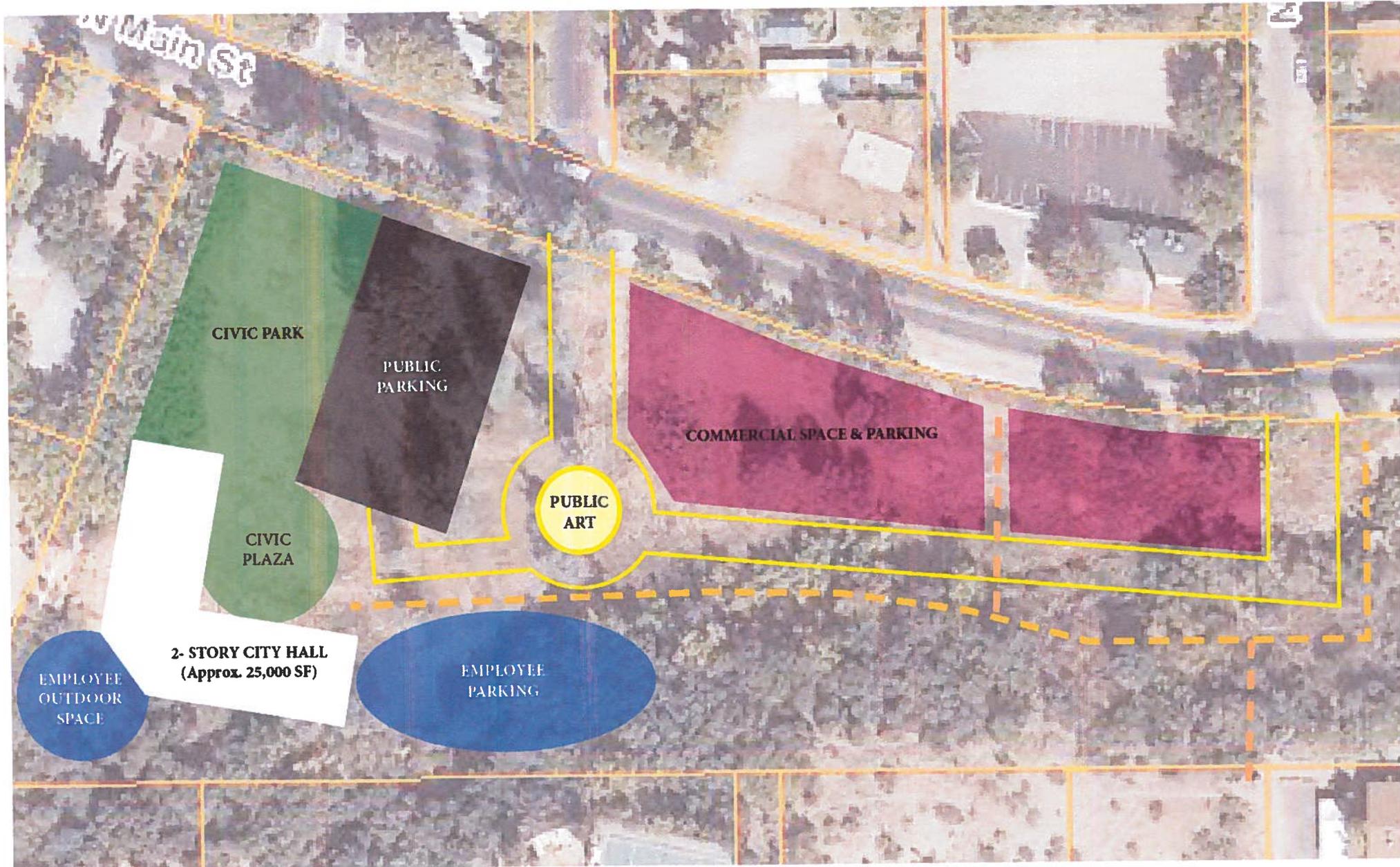
CONCEPT A

- REMOVE ALL CITY BUILDINGS EXCEPT CURRENT CITY HALL AND CIVIC CENTER
- RELOCATE BALL COURTS OFF SITE
- ORIENT BUILDING TOWARDS MAIN STREET
- U-SHAPED BUILDING WITH COURTYARD



CONCEPT B

- PRESERVE CURRENT CITY HALL, CIVIC CENTER, PARKS & REC BLDG & B-BALL COURT
- VEHICULAR SITE ACCESS FROM PIMA STREET
- L-SHAPED BUILDING WITH PLAZA



PEDESTRIAN PATHS —

WARD PROPERTY - CONCEPTUAL CITY HALL SITE PLAN
SITE SIZE - 10 ACRES / CURRENT USABLE SPACE - APPROX 4 ACRES