



**NOTICE OF A REGULAR MEETING OF THE TOWN COUNCIL
OF THE TOWN OF CLARKDALE
TUESDAY, OCTOBER 25, 2022 AT 3:00 PM**

In Person: Clark Memorial Clubhouse, 19 N. Ninth St., Clarkdale AZ

OR

Join Zoom Meeting

<https://us02web.zoom.us/j/86217847662?pwd=N0FsdmlpSEJ1OUIGM29yNGRiejhjUT09>

Meeting ID: 862 1784 7662

Passcode: 778080

One tap mobile

Town of Clarkdale Vision

The Town of Clarkdale connects our unique history, proximity to the Verde River, and small-town charm to a future with a vibrant economy.

We cultivate an environment where residents and businesses can thrive; providing services and jobs for our residents and capitalizing upon tourism.

We sustainably enhance our infrastructure, support the arts and education, and develop recreational opportunities to create a bright future for our entire community.

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN to the members of the Common Council of the Town of Clarkdale and to the general public that the Town of Clarkdale Town Council will hold a Regular Meeting open to the public on Tuesday, October 25, 2022, at 3:00 PM in a hybrid meeting via Zoom Video Conference or in person at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. Members of the Clarkdale Common Council will attend either in person or by telephone, video or internet conferencing. Pursuant to A.R.S. §38-431.03, the Council may vote to recess the meeting and move into Executive Session on any item, which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at www.clarkdale.az.gov and the Town Clerk's Office.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

The Town Council invites the public to provide comments at this time. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01 (G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Persons interested in making comments on a specific agenda item are asked to complete a brief form and submit it to the Commission Liaison during the meeting. Each Speaker is asked to limit their comments to five minutes.

4. REPORTS

Departmental Reports (submitted with Council packet) –
Summary of written Reports from Town Departments and Other Agencies:

- Building Permit Report
- Magistrate Court Report
- Water and Wastewater Report
- Police Department Report
- CAT/LYNX Transit Report
- Verde Valley Humane Society

5. PRESENTATIONS

A. Domestic Violence Awareness Month

Tracey McConnell will receive the Proclamation for Domestic Violence Awareness Month that was approved by the Mayor and Council on Sept. 27, 2022.

B. Clarkdale/Jerome Elementary School Check Presentation

The Mayor and Council will present a check from the Shred-a-Thon proceeds to Clarkdale-Jerome Student Council in the amount of \$424 and the Student Council will provide a school year update.

C. Tuzigoot Monument Activities

Tuzigoot Park Manager Lloyd Masayumptewa will provide an update on the happenings at Tuzigoot.

6. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the Town Council at a work session or during New Business discussion. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

A. Approval of Minutes of the Common Council

Consider and act upon the draft minutes from the regular meeting held on Oct. 11, 2022.

B. Information Security Policy

Consider and act upon adoption of a new Information Security Policy.

7. NEW BUSINESS

A. Ordinance #418 - Board and Commission Advisory Members

Discuss, consider and act upon Ordinance #418 - Amending Chapter 17 by adding a new section 17-1-8 and amending subsections 17-1-1(C) - Creation; and 17-1-3 (A)(B) - Vacancies and removal of members.

B. Resolution #1682 - Making an Advisory Member Appointment to the Parks and Recreation Commission

Discuss, consider and act upon Resolution #1682, making an Advisory Member appointment to the Parks and Recreation Commission.

C. Resolution #1683 - Making an Advisory Member Appointment to the Historic Preservation Commission

Discuss, consider and act upon Resolution #1683, making an Advisory Member appointment to the Historic Preservation Commission.

D. Town Bandstand (Gazebo) Renovation

Discuss, consider and act upon the Historic Architect and Structural Engineer reports (as amended) and direct staff to proceed with the restoration of the Town Bandstand (Gazebo).

8. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Short Term Rentals

Presentation and discussion only regarding a proposed Short-Term Rental (STR) Vacation Rental Ordinance.

9. POSSIBLE VOTE TO ENTER EXECUTIVE SESSION –

The Council may vote to discuss the following matters in executive session pursuant to A.R.S. § 38-431.03(A)(1) discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries and disciplining or resignation of a public officer and/or A.R.S. § 38-431.03 (A)(3) discussion or consultation for legal advice with the attorney or attorneys of the public body and/or A.R.S. §38-431.04 (A)(4) discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are subject of negotiations.

A. Water Attorney - Matthew L Rojas

Discussion regarding potential water attorney, Matthew Rojas.

10. RESUMPTION OF REGULAR MEETING –

Immediately following the executive session, the Council will resume public session.

A. Water Attorney - Matthew L Rojas

Discussion and possible action regarding potential water attorney Matthew L. Rojas.

11. FUTURE AGENDA ITEMS

Town Council may propose items to be placed on a future agenda. This item is for discussion only.

12. ADJOURNMENT

Values

Values are the guiding principles that provide an organization with purpose and direction. The Town of Clarkdale's organizational values are:

COPPER

Customer focused

Open, transparent and equitable

Preserving our history, charm, and environment

Planning for a sustainable future

Economic and social resiliency

Resourceful and innovative

Mission

The Town of Clarkdale serves the community by providing amenities, infrastructure, services, and public safety to enhance quality of life. We are stewards of our history while we sustainably and resiliently plan for the future with an emphasis on community engagement and transparency.

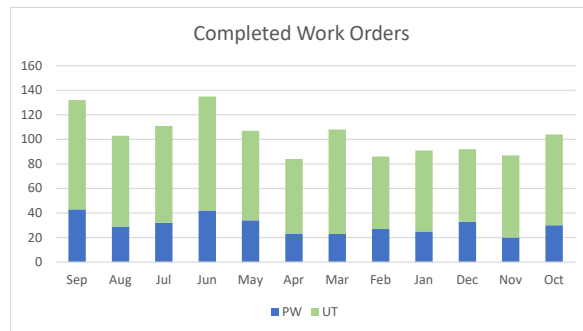
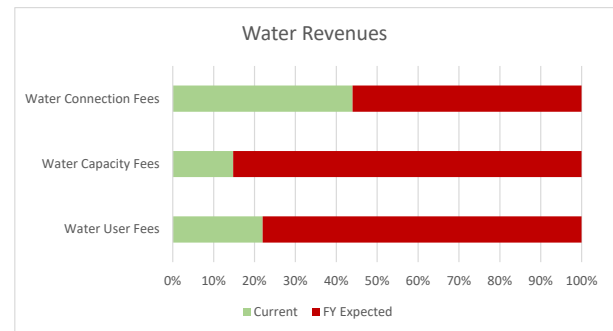
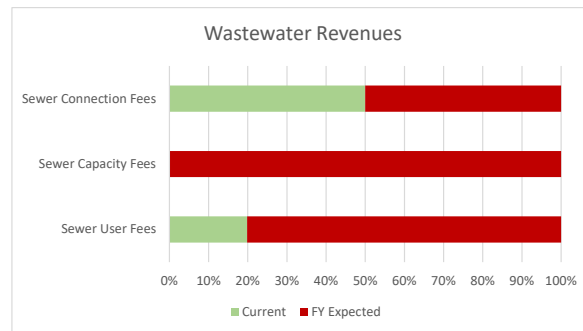
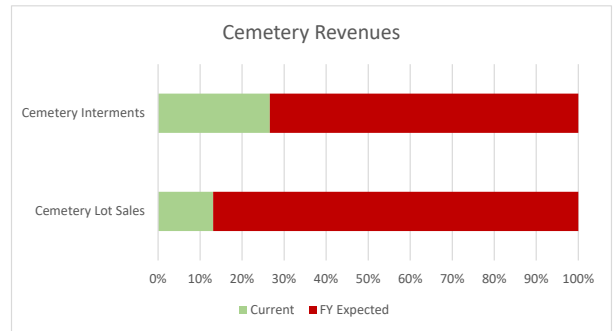
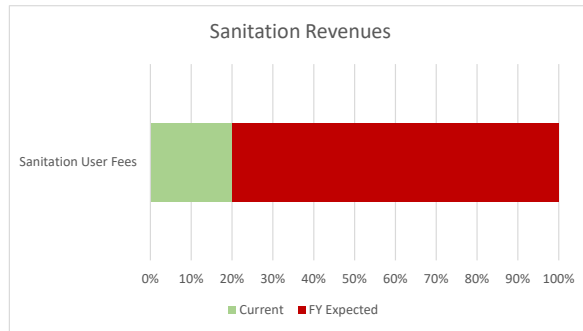
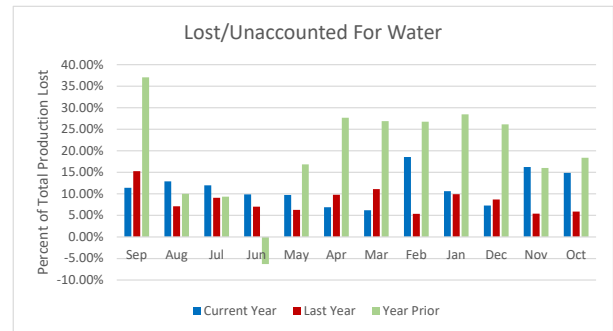
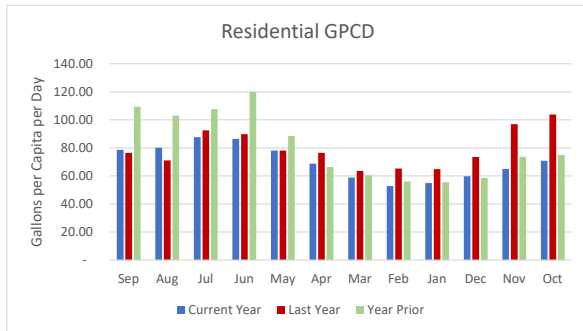
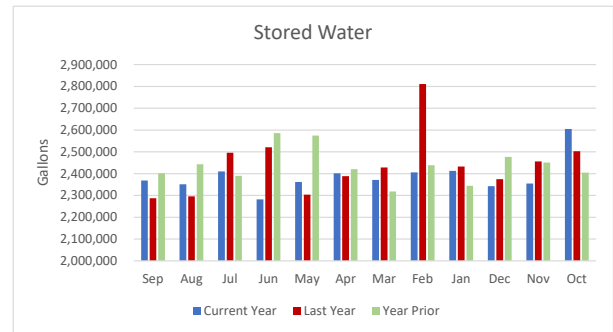
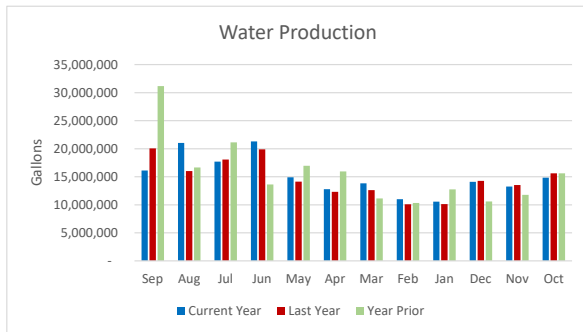
Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.

CDD History Transaction Report: SEPTEMBER	Current Month		Current FY 2022-2023				Previous FY 2021-2022	
Permit Type	Permit Numbers	Posted Fees	FY 2022-2023 Fees YTD	FY Permits Issued	Open Permits	Open Permit Report Balance	FY2021-2022 Posted Fees	FY Permits Issued
Building Permits & DRB, Zoning etc.	17	\$ 4,234.00	\$ 31,029.30	63	393	\$ 26,475.90	\$ 324,047.70	395
Business & Animal Licenses	18	\$ 525.00	\$ 5,255.00	175	0	\$ -	\$ 8,440.00	284
TOTAL	35	\$ 4,759.00	\$ 36,284.30	238	393	\$ 26,475.90	\$ 332,487.70	679



Clarkdale Magistrate Court
September 2021-2022 Comparative Stats

	Sept. 2021	Sept. 2022
Criminal Cases	12	6
Civil Traffic Cases	25	10
Total Cases	37	16
Revenue to city	\$3,610	\$2,963



25% of FY completed as of 9/30/2022

Crossroads connecting faster than expected. Mt. Gate typically connects multiple (10+) at a time. None yet this FY.

	CURRENT MONTH	PREVIOUS MONTH	% CHANGE	YEAR TO DATE	PREVIOUS YEAR TO DATE	% CHANGE
* Primarily Level of Effort Activities	September 2022	August 2022		Jan - Sep 2022	Jan - Sep 2021	
Traffic						
Collision - Property Damage	1	1	0%	22	20	10%
Collision - Injury/Fatal	1	0	100%	2	3	-33%
DUI Arrests *	0	1	-100%	10	15	-33%
Citations *	12	16	-25%	184	233	-21%
Written Warnings *	16	11	45%	138	189	-27%
Traffic Stops *	39	43	-9%	447	663	-33%
Parking *	3	3	0%	12	25	-52%
Total Traffic	72	75	-4%	815	1148	-29%
Uniform Crime Reporting (UCR) Crimes						
Index Violent Crimes (Crimes Against Persons)						
Homicide	0	0	0%	0	0	0%
Sexual Assault	0	0	0%	0	0	0%
Robbery	0	0	0%	0	0	0%
Aggravated Assault	0	1	-100%	3	4	-25%
Total Violent Crimes	0	1	-100%	3	4	-25%
Index Property Crimes						
Burglary	0	0	0%	7	9	-22%
Theft	3	0	300%	10	12	-17%
Auto Theft	1	0	100%	2	0	200%
Arson	0	0	0%	1	0	100%
Total Property Crimes	4	0	400%	20	21	-5%
Index Crimes	4	1	300%	23	25	-8%
Index Crime Rate (per 100,000)	0.1740	0.0435	300%	1.0003	1.0873	-8%
Town Population	4,349	4,349	0%	4,349	4,349	0%
Other Crimes						
Assault	2	1	100%	12	10	20%
Criminal Damage	3	6	-50%	15	21	-29%
Disorderly Conduct	2	4	-50%	24	31	-23%
Domestic Violence	3	1	200%	9	25	-64%
Drug Offenses *	0	1	-100%	12	16	-25%
Trespass	0	4	-100%	14	9	56%
Juvenile Problem	2	3	-33%	10	15	-33%
Harassment	1	0	100%	9	9	0%
Animal Offenses *	9	10	-10%	133	103	29%
Other Town Ordinances *	1	2	-50%	32	83	-61%
All Other Offenses	3	8	-63%	64	47	36%
Total Other Crimes	26	40	-35%	334	369	-9%

	CURRENT MONTH	PREVIOUS MONTH	% CHANGE	YEAR TO DATE	PREVIOUS YEAR TO DATE	% CHANGE
	September 2022	August 2022		Jan - Sep 2022	Jan - Sep 2021	
Other Activities						
Alarms	15	8	88%	70	38	84%
Doors/Windows Open	0	0	0%	5	3	67%
Suspicious Persons/Vehicles	24	8	200%	142	198	-28%
Weapon Offenses	1	2	-50%	6	5	20%
Citizen Assists	31	25	24%	320	343	-7%
Serve Papers	0	1	-100%	3	1	200%
EMS/Rescue/Fire Calls (Clarkdale)	2	1	100%	31	42	-26%
Assist Other LE Agencies (incl. EMS)	17	13	31%	148	144	3%
Suicide	0	0	0%	1	1	0%
Total Other Activities	90	58	55%	726	775	-6%
Total All Categories Above	192	174	10%	1,898	2,317	-18%
House Watch						
House Watch (Total Houses Per Month)	9	8	13%	44	26	69%
Arrests						
Adult	6	5	20%	55	55	0%
Juvenile	1	1	0%	3	8	-63%
Total Arrests	7	6	17%	58	63	-8%
Reserve Time	20	30	-33%	260	480	-46%
Ambassador Time	210	233	-10%	1,593	1,394	14%
Volunteer Time	29	33	-12%	324	299	8%

Traffic

Self-initiated traffic remains behind from this time last year. Staffing continues to be an issue, however we have a new lateral officer starting next week. I anticipate seeing these numbers start to increase.

Crime

The index crime rate is still tracking below last year. The number is small but nice to see it down. Simple assaults are up slightly while felony assaults are down. We anticipated our domestic violence cases would go down after COVID but a 64% decrease is exceptional.

end of report

Cottonwood Area Transit
Weekly Ridership Reports

		9/18/2022	9/19/2022	9/20/2022	9/21/2022	9/22/2022	9/23/2022	9/24/2022	Weekly
Service for week ending 9/24/2022	Daily Average 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Weekdays									
ADA/Paratransit	49.2		36	60	39	65	46		246
Blue Line	20		25	26	13	17	19		100
Yellow Line	77.8		85	85	74	71	74		389
Red Line	60.2		69	64	52	42	74		301
Green Line	83		94	81	74	93	73		415
CAT Connect (1845 - 0000 Wed-Sun)	1	0	0	0	0	3	2		5
Shuttle 1 - (600 - 1330 Wed - Sun)	69.8	83			61	60	64	81	349
Shuttle 2 - (645 - 1415 Wed - Sun)	30.4	34			33	27	27	31	152
Shuttle 3 - (1330 - 1915 Wed - Sun)	50	39			52	60	55	44	250
Shuttle 4 - (1415 - 1845 Wed - Sun)	27.2	23			34	43	12	24	136
Shuttle 5 - (1845 - 2315 Wed - Sun)	17.2	13			9	21	23	20	86
Weekend LYNX									
Monday (600 - 1915)	181		181						181
Tuesday (600 - 1915)	184			184					184
Totals		192	490	500	441	502	469	200	2794

Cottonwood Area Transit
Weekly Ridership Reports

		9/25/2022	9/26/2022	9/27/2022	9/28/2022	9/29/2022	9/30/2022	10/1/2022	Weekly
Service for week ending 10/1/2022	Daily Average 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Weekdays									
ADA/Paratransit	50.8		36	59	47	59	53		254
Blue Line	19.4		18	21	27	11	20		97
Yellow Line	81.8		81	106	78	78	66		409
Red Line	46		52	31	48	56	43		230
Green Line	87.4		78	92	80	87	100		437
CAT Connect (1845 - 0000 Wed-Sun)	1		0	0	1	3	1		5
Shuttle 1 - (600 - 1330 Wed - Sun)	62.6	77			83	58	55	40	313
Shuttle 2 - (645 - 1415 Wed - Sun)	30.4	23			34	33	36	26	152
Shuttle 3 - (1330 - 1915 Wed - Sun)	47.4	48			47	57	43	42	237
Shuttle 4 - (1415 - 1845 Wed - Sun)	29.2	14			36	23	36	37	146
Shuttle 5 - (1845 - 2315 Wed - Sun)	12.6	14			11	21	17	0	63
Weekend LYNX									
Monday (600 - 1915)	167		167						167
Tuesday (600 - 1915)	169			169					169
Totals		176	432	478	492	486	470	145	2679

Cottonwood Area Transit
Weekly Ridership Reports

		10/2/2022	10/3/2022	10/4/2022	10/5/2022	10/6/2022	10/7/2022	10/8/2022	Weekly
Service for week ending 10/8/2022	Daily Average 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Weekdays									
ADA/Paratransit	50.2		53	48	46	52	52		251
Blue Line	17.6		14	10	18	24	22		88
Yellow Line	85		116	64	87	77	81		425
Red Line	56.6		57	57	74	51	44		283
Green Line	101.6		103	122	98	92	93		508
CAT Connect	1.6		1	0	1	4	2		8
Shuttle 1	76	54	40	51	65	72	46	52	380
Shuttle 2	91.4	46	71	53	70	79	77	61	457
Shuttle 3	89.2	61	26	103	45	80	41	90	446
Shuttle 4	57.4	30	35	41	45	66	48	22	287
	Totals	191	516	549	549	597	506	225	3133

Cottonwood Area Transit
Weekly Ridership Reports

		10/9/2022	10/10/2022	10/11/2022	10/12/2022	10/13/2022	10/14/2022	10/15/2022	Weekly
Service for week ending 10/15/2022	Daily Average 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Weekdays									
ADA/Paratransit	44.2		31	66	30	58	36		221
Blue Line	18.2		18	20	15	21	17		91
Yellow Line	75.6		85	72	64	81	76		378
Red Line - Without Jerome	54.6		55	39	64	52	63		273
Red Line - Jerome						3			
Green Line	97		106	98	86	94	101		485
CAT Connect	1		0	1	2	1	1		5
Shuttle 1	65.6	46	62	36	47	31	54	52	328
Shuttle 2	80.4	67	46	55	46	55	71	62	402
Shuttle 3	58.2	37	55	47	49	27	41	35	291
Shuttle 4	52	31	38	36	47	41	42	25	260
Totals		181	496	470	450	464	502	174	2734

**Verde Valley Humane Society
1520 W. Mingus Avenue
Cottonwood, AZ. 86326
928-634-7387**

10/9/2022

Clarkdale Animal Intake Report for September 2022

Date	Type	Species	ID #	Disposition Type	Date
09.12.22	Stray-Public	Dog	D49456	Adoption	09.30.22
09.14.22	Stray-Public	Cat	C49468	In Foster	
09.14.22	Stray-Public	Cat	C49467	In Foster	
09.14.22	Stray-Public	Cat	C49466	In Foster	
09.14.22	Stray-Public	Cat	C49465	In Foster	
09.14.22	Stray-Public	Cat	C49464	In Foster	
09.14.22	Stray-Public	Cat	C49463	In Foster	
09.14.22	Stray-Public	Cat	C49462	In Foster	
09.15.22	Stray-ACO	Dog	D49470	Not Available for Adoption	
09.30.22	Stray-Public	Cat	C49503	In Foster	
09.30.22	Stray-Public	Cat	C49502	In Foster	



Staff Report

Item Number: 6.A.

<u>Agenda Item:</u>	Approval of Minutes of the Common Council Consider and act upon the draft minutes from the regular meeting held on Oct. 11, 2022.
<u>Staff Contact:</u>	Charity Brooks, Town Clerk
<u>Meeting Date:</u>	October 25, 2022
<u>Strategic Goal:</u>	• Goal Area 2 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.
<u>Background:</u>	Review the draft minutes from the regular meeting held on Oct. 11, 2022.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Staff recommends approval of the draft minutes from the regular meeting held on Oct. 11, 2022.



**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
OF THE TOWN OF CLARKDALE
TUESDAY, OCTOBER 11, 2022 AT 6:00 PM**

Members Present: Mayor Prud'homme-Bauer and Council Members Debbie Hunseder, Bill Regner, Lisa O'Neill and Marney Babbitt-Pierce

Other Municipal Officials Present: Susan Guthrie, Town Manager; Charity Brooks, Town Clerk; Julie Goucher, Finance Director; Cory Franek, Public Works Director; Chell Smart, Public Information Officer

Audience: Approximately five members of the public were present

1. CALL TO ORDER - *Mayor Prud'homme-Bauer called the meeting to order at 6 p.m.*

2. ROLL CALL – *All members present*

3. PUBLIC COMMENT – *No public comment*

4. REPORTS

A. Current Events – (submitted electronically)

A brief summary of current events. The Council will not propose, discuss, deliberate, or take legal action on any matter in the summary. Reports submitted electronically:

- Mayor's Report
- Vice-Mayor's Report
- Councilmembers' Report

B. Organizational Reports – (submitted electronically)

Reports regarding regional organizations submitted electronically

- CAT – Cottonwood Area Transit
- VTPO – Verde Valley Transportation Planning Organization – *Last meeting that Council Member attended as Chair before his retirement*
- NACOG - Northern Arizona Council of Governments – *no meeting*
- NAMWUA - Northern Arizona Municipal Water Users Association – *no meeting*
- VVREO – LRSPC - Verde Valley Regional Economic Organization's Long Range Strategic

Plan – *no meeting*

- TPAC – Transportation Policy Advisory Council – *no meeting. Attended Rural Transportation Summit instead*
- VFLC – Verde Front Leadership Council – *no meeting*
- Greater AZ Mayor’s Organizational Report – *hosted forum of State candidates for LD1*

C. Claims (submitted with Council packet)

List of specific expenditures made by the Town during the previous month.

5. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the Town Council at a work session or during New Business discussion. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

A. Approval of Minutes

Consider and act upon approval of the draft minutes from the regular meeting held on Sept. 27, 2022.

B. Proclamation - Extra Mile Day 2022

Consider and act upon a proclamation recognizing Nov. 1, 2022 as Extra Mile Day, recognizing individuals and organizations who created positive change by "going the extra mile" and making a difference.

C. Intergovernmental Agreement Between the Town of Clarkdale and the Yavapai County Flood Control District

Consider and act upon an Intergovernmental Agreement with Yavapai County Flood Control District for the fiscal year 2022-2023 financial contribution from the District to the Town of Clarkdale for flood control improvements.

Action: Approve consent agenda items A thru C as written:

Motion: Council Member Babbitt-Pierce

Second: Vice Mayor Hunseder

Vote: Approved 5-0

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

6. NEW BUSINESS

A. Arizona Community Foundation of Sedona

Jennifer Perry gave a presentation to raise awareness about the Arizona Community Foundation.

B. Resolution #1676 - Making Appointments to the Design Review Board

Consider and act upon Resolution #1676, making appointments to the Design Review Board.

Action: Approve Resolution #1676 – Making appointments to the Design Review Board:

Motion: Council Member Regner

Second: Vice Mayor Hunseder

Vote: Approved 5-0

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

C. Resolution #1677 - Making Appointments to the Parks and Recreation Commission

Consider and act upon Resolution #1677, making appointments to the Parks and Recreation Commission.

Action: Approve Resolution #1677 – Making appointments to the Parks and Recreation Commission:

Motion: Council Member Babbitt-Pierce

Second: Council Member Regner

Vote: Approved 5-0

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

D. Resolution #1678 - Making an Appointment to the Municipal Property Corporation

Consider and act upon Resolution #1678, making an appointment to the Municipal Property Corporation.

Action: Approve Resolution #1678 – Making appointments to the Municipal Property Corporation:

Motion: Vice Mayor Hunseder

Second: Council Member O'Neill

Vote: Approved 5-0

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

E. Resolution #1679 - Making Appointments to the Planning Commission

Consider and act upon Resolution #1679, making appointments to the Planning Commission.

Action: Approve Resolution #1679 – Making appointments to the Planning Commission:

Motion: Council Member O'Neill

Second: Council Member Regner

Vote: Approved 5-0

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

F. Resolution #1680 - Appointment of a new member to the Public Safety Personnel Retirement System (PSPRS) Board

Consider and act upon the approval of Resolution #1680, appointing Derek Johnston as a member of the Public Safety Personnel Retirement System (PSPRS) Board.

Action: Approve Resolution #1680 – Making appointments to the Public Safety Personnel Retirement System (PSPRS) Board:

Motion: Vice Mayor Hunseder

Second: Council Member Babbitt-Pierce

Vote: Approved 5-0

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

G. Resolution #1681 - Making Appointments to the Historic Preservation Commission

Consider and act upon Resolution #1681, making appointments to the Historic Preservation Commission.

Action: Approve Resolution #1680 – Making appointments to the Historic Preservation Commission:

Motion: Council Member Babbitt-Pierce

Second: Council Member O'Neill

Vote: Approved 5-0

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

7. FUTURE AGENDA ITEMS

Town Council did not propose items to be placed on a future agenda.

8. ADJOURNMENT – Mayor Prud'homme-Bauer adjourned the meeting without objection at 6:51 p.m.

APPROVED:

ATTESTED/SUBMITTED:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 11th day of October 2022. I further certify that meeting was duly called and held and that a quorum was present.

Date approved by City Council: Oct. 25, 2022

Charity Brooks, Town Clerk



Staff Report

Item Number: 6.B.

Agenda Item:**Information Security Policy**

Consider and act upon adoption of a new Information Security Policy.

Staff Contact:

Susan Guthrie, Town Manager

Meeting Date:

October 25, 2022

Strategic Goal:

- Goal Area 6 - Strategically invest in organizational development to enhance efficiency and service delivery and to attract and retain an exemplary workforce.

Background:

During the last budget process, our risk provider asked many questions about the Town's IT security protocols to obtain ransomware insurance coverage. Subsequently, during the Town's PCI renewal, which is required to conduct electronic credit card transactions, we were questioned about our current IT policy. While the Town does have such a policy, there were several items from their model policy that were not contained in the Town's current version. Many of these practices were already functionally in place but were not in the written policy. Examples include firewalls, cybersecurity staff training, protocols for terminated staff, etc. This updated policy mirrors the recommended model policy.

Staff has met with the Town's contracted IT staff and reviewed the model policy to determine what items need to be implemented as a best practice.

This policy will be imbedded in the Policy and Procedure Manual and all employees will be provided a copy upon adoption.

Budget Impact:

No direct budget impact.

Recommendation:

Staff recommends approval of the Information Security Policy, allowing the Town Manager to make final administrative edits.

Information Security Policy

Town of Clarkdale

Adopted on October 25, 2022

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Introduction

This Policy document encompasses all aspects of security surrounding confidential company information and must be distributed to all company employees. All company employees must read this document in its entirety and sign the form confirming they have read and fully understand this policy. This document will be reviewed and updated by Management on an annual basis or when relevant to include newly developed security standards into the policy and re-distributed to all employees and contractors where applicable.

Information Security Policy

Town of Clarkdale handles sensitive cardholder information daily. Sensitive Information must have adequate safeguards in place to protect the cardholder data, cardholder privacy, and to ensure compliance with various regulations, along with guarding the future of the organisation.

Town of Clarkdale commits to respecting the privacy of all its customers and to protecting any customer data from outside parties. To this end management are committed to maintaining a secure environment in which to process cardholder information so that we can meet these promises.

Employees handling sensitive cardholder data should ensure:

- Handle Company and cardholder information in a manner that fits with their sensitivity and classification;
- Limit personal use of **Town of Clarkdale** information and telecommunication systems and ensure it doesn't interfere with your job performance;
- **Town of Clarkdale** reserves the right to monitor, access, review, audit, copy, store, or delete any electronic communications, equipment, systems and network traffic for any purpose;
- Do not use e-mail, internet and other Company resources to engage in any action that is offensive, threatening, discriminatory, defamatory, slanderous, pornographic, obscene, harassing or illegal;
- Do not disclose personnel information unless authorised;
- Protect sensitive cardholder information;
- Keep passwords and accounts secure;
- Request approval from IT management prior to establishing any new software or hardware, third party connections, etc.;
- Do not install unauthorised software or hardware, including modems and wireless access unless you have explicit IT management approval;
- Always leave desks clear of sensitive cardholder data and lock computer screens when unattended;
- Information security incidents must be reported, without delay, to the individual responsible for incident response locally – Please find out who this is.

We each have a responsibility for ensuring our company's systems and data are protected from unauthorised access and improper use. If you are unclear about any of the policies detailed herein you should seek advice and guidance from your line manager.

1. Network Security

A high-level network diagram of the network is maintained and reviewed on a yearly basis. The network diagram provides a high level overview of the cardholder data environment (CDE), which at a minimum shows the connections in and out of the CDE. Critical system components within the CDE, such as POS devices, databases, web servers, etc., and any other necessary payment components, as applicable should also be illustrated.

In addition, ASV should be performed and completed by a PCI SSC Approved Scanning Vendor, where applicable. Evidence of these scans should be maintained for a period of 18 months.

2. Acceptable Use Policy

Management's intentions for publishing an Acceptable Use Policy are not to impose restrictions that are contrary to **Town of Clarkdale's** established culture of openness, trust and integrity. Management is committed to protecting the employees, partners and Town of Clarkdale from illegal or damaging actions, either knowingly or unknowingly by individuals.

- Employees are responsible for exercising good judgment regarding the reasonableness of personal use.
- Employees should take all necessary steps to prevent unauthorized access to confidential data which includes card holder data.
- Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts.
- All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature.
- All POS and PIN entry devices should be appropriately protected and secured so they cannot be tampered or altered.
- The List of Devices in Appendix B will be regularly updated when devices are modified, added or decommissioned. A stocktake of devices will be regularly performed and devices inspected to identify any potential tampering or substitution of devices.
- Users should be trained in the ability to identify any suspicious behaviour where any tampering or substitution may be performed. Any suspicious behaviour will be reported accordingly.
- Information contained on portable computers is especially vulnerable, special care should be exercised.
- Postings by employees from a Company email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of **Town of Clarkdale**, unless posting is in the course of business duties.
- Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

3. Protect Stored Data

- All sensitive cardholder data stored and handled by **Town of Clarkdale** and its employees must be securely protected against unauthorised use at all times. Any sensitive card data that is no longer required by **Town of Clarkdale** for business reasons must be discarded in a secure and irrecoverable manner.
- If there is no specific need to see the full PAN (Permanent Account Number), it has to be masked when displayed.
- PAN'S which are not protected as stated above should not be sent to the outside network via end user messaging technologies like chats, ICQ messenger etc.,

It is strictly prohibited to store:

- 1. The contents of the payment card magnetic stripe (track data) on any media whatsoever.**
- 2. The CVV/CVC (the 3 or 4 digit number on the signature panel on the reverse of the payment card) on any media whatsoever.**
- 3. The PIN or the encrypted PIN Block under any circumstance.**

4. Information Classification

Data and media containing data must always be labelled to indicate sensitivity level.

- **Confidential data** might include information assets for which there are legal requirements for preventing disclosure or financial penalties for disclosure, or data that would cause severe damage to **Town of Clarkdale** if disclosed or modified. **Confidential data includes cardholder data.**
- **Internal Use data** might include information that the data owner feels should be protected to prevent unauthorized disclosure.
- **Public data** is information that may be freely disseminated.

5. Access to the Sensitive Cardholder Data

All Access to sensitive cardholder should be controlled and authorised. Any job functions that require access to cardholder data should be clearly defined.

- Any display of the card holder should be restricted at a minimum to the first 6 and the last 4 digits of the cardholder data.
- Access to sensitive cardholder information such as PAN's, personal information and business data is restricted to employees that have a legitimate need to view such information.
- No other employees should have access to this confidential data unless they have a genuine business need.
- If cardholder data is shared with a Service Provider (3rd party) then a list of such Service Providers will be maintained as detailed in Appendix C.
- **Town of Clarkdale** will ensure a written agreement that includes an acknowledgement is in place that the Service Provider will be responsible for the for the cardholder data that the Service

Provider possess.

- **Town of Clarkdale** will ensure that a there is an established process, including proper due diligence is in place, before engaging with a Service provider.
- Town of Clarkdale will have a process in place to monitor the PCI DSS compliance status of the Service provider.

6. Physical Security

Access to sensitive information in both hard and soft media format must be physically restricted to prevent unauthorised individuals from obtaining sensitive data.

- Media is defined as any printed or handwritten paper, received faxes, floppy disks, back-up tapes, computer hard drive, etc.
- Media containing sensitive cardholder information must be handled and distributed in a secure manner by trusted individuals.
- Visitors must always be escorted by a trusted employee when in areas that hold sensitive cardholder information.
- Procedures must be in place to help all personnel easily distinguish between employees and visitors, especially in areas where cardholder data is accessible. "Employee" refers to full-time and part-time employees, temporary employees and personnel, and consultants who are "resident" on **Company** sites. A "visitor" is defined as a vendor, guest of an employee, service personnel, or anyone who needs to physically enter the premises for a short duration, usually not more than one day.
- A list of devices that accept payment card data should be maintained.
- The list should include make, model and location of the device.
- The list should have the serial number or a unique identifier of the device
- The list should be updated when devices are added, removed or relocated
- POS devices surfaces are periodically inspected to detect tampering or substitution.
- Personnel using the devices should be trained and aware of handling the POS devices
- Personnel using the devices should verify the identity of and= y third party personnel claiming to repair or run maintenance tasks on the devices, install new devices or replace devices.
- Personnel using the devices should be trained to report suspicious behaviour and indications of tampering of the devices to the appropriate personnel. **Town of Clarkdale** sites. A "visitor" is defined as a vendor, guest of an employee, service personnel, or anyone who needs to enter the premises for a short duration, usually not more than one day.
- Strict control is maintained over the external or internal distribution of any media containing card holder data and has to be approved by management
- Strict control is maintained over the storage and accessibility of media
- All computer that store sensitive cardholder data must have a password protected screensaver enabled to prevent unauthorised use.

7. Protect Data in Transit

All sensitive cardholder data must be protected securely if it is to be transported physically or electronically.

- Card holder data (PAN, track data, etc.) must never be sent over the internet via email, instant chat or any other end user technologies.
- If there is a business justification to send cardholder data via email or by any other mode then it should be done after authorization and by using a strong encryption mechanism (i.e. – AES encryption, PGP encryption, IPSEC, etc.).
- The transportation of media containing sensitive cardholder data to another location must be authorised by management, logged and inventoried before leaving the premises. Only secure courier services may be used for the transportation of such media. The status of the shipment should be monitored until it has been delivered to its new location.

8. Disposal of Stored Data

- All data must be securely disposed of when no longer required by **Town of Clarkdale**, regardless of the media or application type on which it is stored.
- An automatic process must exist to permanently delete on-line data, when no longer required.
- All hard copies of cardholder data must be manually destroyed when no longer required for valid and justified business reasons. A quarterly process must be in place to confirm that all non-electronic cardholder data has been appropriately disposed of in a timely manner.
- **Town of Clarkdale** will have procedures for the destruction of hardcopy (paper) materials. These will require that all hardcopy materials are crosscut shredded, incinerated or pulped so they cannot be reconstructed.
- **Town of Clarkdale** will have documented procedures for the destruction of electronic media. These will require:
 - All cardholder data on electronic media must be rendered unrecoverable when deleted e.g. through degaussing or electronically wiped using military grade secure deletion processes or the physical destruction of the media;
 - If secure wipe programs are used, the process must define the industry accepted standards followed for secure deletion.
- All cardholder information awaiting destruction must be held in lockable storage containers clearly marked “To Be Shredded” - access to these containers must be restricted.

9. Security Awareness and Procedures

The policies and procedures outlined below must be incorporated into company practice to maintain a high level of security awareness. The protection of sensitive data demands regular training of all employees and contractors.

- Review handling procedures for sensitive information and hold periodic security awareness meetings to incorporate these procedures into day to day company practice.
- Distribute this security policy document to all company employees to read. It is required that all employees confirm that they understand the content of this security policy document by signing

an acknowledgement form (see Appendix A).

- All employees that handle sensitive information will undergo background checks (such as criminal and credit record checks, within the limits of the local law) before they commence their employment with Town of Clarkdale.
- All third parties with access to credit card account numbers are contractually obligated to comply with card association security standards (PCI/DSS).
- Company security policies must be reviewed annually and updated as needed.

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10. Credit Card (PCI) Security Incident Response Plan

- **Town of Clarkdale** PCI Security Incident Response Team (PCI Response Team) is comprised of the Information Security Officer and Merchant Services. **Town of Clarkdale** PCI security incident response plan is as follows:
 1. Each department must report an incident to the Information Security Officer (preferably) and to another member of the PCI Response Team.
 2. That member of the team receiving the report will advise the PCI Response Team of the incident.
 3. The PCI Response Team will investigate the incident and assist the potentially compromised department in limiting the exposure of cardholder data and in mitigating the risks associated with the incident.
 4. The PCI Response Team will resolve the problem to the satisfaction of all parties involved, including reporting the incident and findings to the appropriate parties (credit card associations, credit card processors, etc.) as necessary.
 5. The PCI Response Team will determine if policies and processes need to be updated to avoid a similar incident in the future, and whether additional safeguards are required in the environment where the incident occurred, or for the institution.

Town of Clarkdale PCI Security Incident Response Team

IT Consultant
Risk Attorney via HR and cc Town
Attorney
Information Security Officer/Town
Manager
Collections & Merchant Services (Finance
Director and Manager of Administrative
Services/Utilities
Risk Manager/HR

Information Security PCI Incident Response Procedures:

- A department that reasonably believes it may have an account breach, or a breach of cardholder information or of systems related to the PCI environment in general, must inform **Town of Clarkdale** PCI Incident Response Team. After being notified of a compromise, the PCI Response Team, along with other designated staff, will implement the PCI Incident Response Plan to assist and augment departments' response plans.

Incident Response Notification

Escalation Members (or equivalent in your company):

Escalation – First Level:
ISO/Town Manager

Finance Director
Executive Project Director for Credit Collections and Merchant Services Legal
Counsel
Risk Manager

Escalation – Second Level:

Town of Clarkdale Mayor
Executive Cabinet/Council
Auxiliary members as needed

External Contacts (as needed)

Merchant Provider Card
Brands
Internet Service Provider (if applicable)
Internet Service Provider of Intruder (if applicable)
Communication Carriers (local and long distance) Business
Partners
Insurance Carrier
External Response Team as applicable (CERT Coordination Center 1, etc) Law
Enforcement Agencies as applicable inn local jurisdiction

In response to a systems compromise, the PCI Response Team and designees will:

1. Ensure compromised system/s is isolated on/from the network.
2. Gather, review and analyse the logs and related information from various central and local safeguards and security controls
3. Conduct appropriate forensic analysis of compromised system.
4. Contact internal and external departments and entities as appropriate.
5. Make forensic and log analysis available to appropriate law enforcement or card industry security personnel, as required.
6. Assist law enforcement and card industry security personnel in investigative processes, including in prosecutions.

The credit card companies have individually specific requirements that the Response Team must address in reporting suspected or confirmed breaches of cardholder data. See below for these requirements.

Incident Response notifications to various card schemes

1. In the event of a suspected security breach, alert the information security officer or your line manager immediately.
2. The security officer will carry out an initial investigation of the suspected security breach.
3. Upon confirmation that a security breach has occurred, the security officer will alert management and begin informing all relevant parties that may be affected by the compromise.

VISA Steps

If the data security compromise involves credit card account numbers, implement the following

procedure:

- Shut down any systems or processes involved in the breach to limit the extent, and prevent further exposure.
- Alert all affected parties and authorities such as the Merchant Bank (your Bank), Visa Fraud Control, and the law enforcement.
- Provide details of all compromised or potentially compromised card numbers to Visa Fraud Control within 24 hrs.
- For more Information visit:
http://usa.visa.com/business/accepting_visa/ops_risk_management/cisp_if_compromised.html

Visa Incident Report Template

This report must be provided to VISA within 14 days after initial report of incident to VISA. The following report content and standards must be followed when completing the incident report. Incident report must be securely distributed to VISA and Merchant Bank. Visa will classify the report as "VISA Secret".

- I. Executive Summary
 - a. Include overview of the incident
 - b. Include RISK Level(High, Medium, Low)
 - c. Determine if compromise has been contained
- II. Background
- III. Initial Analysis
- IV. Investigative Procedures
 - a. Include forensic tools used during investigation
- V. Findings
 - a. Number of accounts at risk, identify those stores and compromised
 - b. Type of account information at risk
 - c. Identify ALL systems analyzed. Include the following:
 - Domain Name System (DNS) names
 - Internet Protocol (IP) addresses
 - Operating System (OS) version
 - Function of system(s)
 - d. Identify ALL compromised systems. Include the following:
 - DNS names
 - IP addresses
 - OS version
 - Function of System(s)
 - e. Timeframe of compromise
 - f. Any data exported by intruder
 - g. Establish how and source of compromise
 - h. Check all potential database locations to ensure that no CVV2, Track 1 or Track 2 data is stored anywhere, whether encrypted or unencrypted (e.g., duplicate or backup tables or databases, databases used in development, stage or testing environments, data on software engineers' machines, etc.)
 - i. If applicable, review VisaNet endpoint security and determine risk
- VI. Compromised Entity Action

- VII. Recommendations
- VIII. Contact(s) at entity and security assessor performing investigation

*This classification applies to the most sensitive business information, which is intended for use within VISA. Its unauthorized disclosure could seriously and adversely impact VISA, its employees, member banks, business partners, and/or the Brand.

MasterCard Steps:

- I. Within 24 hours of an account compromise event, notify the MasterCard Compromised Account Team via phone at 1-636-722-4100.
- II. Provide a detailed written statement of fact about the account compromise (including the contributing circumstances) via secured e-mail to compromised_account_team@mastercard.com.
- III. Provide the MasterCard Merchant Fraud Control Department with a complete list of all known compromised account numbers.
- IV. Within 72 hours of knowledge of a suspected account compromise, engage the services of a data security firm acceptable to MasterCard to assess the vulnerability of the compromised data and related systems (such as a detailed forensics evaluation).
- V. Provide weekly written status reports to MasterCard, addressing open questions and issues until the audit is complete to the satisfaction of MasterCard.
- VI. Promptly furnish updated lists of potential or known compromised account numbers, additional documentation, and other information that MasterCard may request.
- VII. Provide finding of all audits and investigations to the MasterCard Merchant Fraud Control department within the required time frame and continue to address any outstanding exposure or recommendation until resolved to the satisfaction of MasterCard.

Once MasterCard obtains the details of the account data compromise and the list of compromised account numbers, MasterCard will:

- 1. Identify the issuers of the accounts that were suspected to have been compromised and group all known accounts under the respective parent member IDs.
- 2. Distribute the account number data to its respective issuers.

Employees of Town of Clarkdale will be expected to report to the security officer for any security related issues. The role of the security officer is to effectively communicate all security policies and procedures to employees within Town of Clarkdale and contractors. In addition to this, the security officer will oversee the scheduling of security training sessions, monitor and enforce the security policies outlined in both this document and at the training sessions and finally, oversee the implantation of the incident response plan in the event of a sensitive data compromise.

Discover Card Steps

- I. Within 24 hours of an account compromise event, notify Discover Fraud Prevention at (800) 347-3102

- II. Prepare a detailed written statement of fact about the account compromise including the contributing circumstances
- III. Prepare a list of all known compromised account numbers
- IV. Obtain additional specific requirements from Discover Card

American Express Steps

- I. Within 24 hours of an account compromise event, notify American Express Merchant Services at (800) 528-5200 in the U.S.
- II. Prepare a detailed written statement of fact about the account compromise including the contributing circumstances
- III. Prepare a list of all known compromised account numbers Obtain additional specific requirements from American Express

11. Transfer of Sensitive Information Policy

- All third-party companies providing critical services to Town of Clarkdale must provide an agreed Service Level Agreement.
- All third-party companies providing hosting facilities must comply with Town of Clarkdale's Physical Security and Access Control Policy.
- All third-party companies which have access to Card Holder information must
 1. Adhere to the PCI DSS security requirements.
 2. Acknowledge their responsibility for securing the Card Holder data.
 3. Acknowledge that the Card Holder data must only be used for assisting the completion of a transaction, supporting a loyalty program, providing a fraud control service or for uses specifically required by law.
 4. Have appropriate provisions for business continuity in the event of a major disruption, disaster or failure.
 5. Provide full cooperation and access to conduct a thorough security review after a security intrusion by a Payment Card industry representative, or a Payment Card industry approved third party.

12. User Access Management

- Access to **Company** is controlled through a formal user registration process beginning with a formal notification from HR or from a line manager.
- Each user is identified by a unique user ID so that users can be linked to and made responsible for their actions. The use of group IDs is only permitted where they are suitable for the work carried out.
- There is a standard level of access; other services can be accessed when specifically authorized by HR/line management.
- The job function of the user decides the level of access the employee has to cardholder data

- A request for service must be made in writing (email or hard copy) by the newcomer's line manager or by HR. The request is free format, but must state:

Name of person making request;

Job title of the newcomers and workgroup;

Start date;

Services required (default services are: MS Outlook, MS Office and Internet access).

- Each user will be given a copy of the IT Security Policy. The user signs the form indicating that they understand the conditions of access.
- Access to all Town of Clarkdale systems is provided by IT and can only be started after proper procedures are completed.
- As soon as an individual leaves Town of Clarkdale employment, all his/her system logons must be immediately revoked.
- As part of the employee termination process HR (or line managers in the case of contractors) will inform IT operations of all leavers and their date of leaving.

13. Access Control Policy

- Access Control systems are in place to protect the interests of all users of Town of Clarkdale computer systems by providing a safe, secure and readily accessible environment in which to work.
- Town of Clarkdale will provide all employees and other users with the information they need to carry out their responsibilities in an as effective and efficient manner as possible.
- Generic or group IDs shall not normally be permitted but may be granted under exceptional circumstances if sufficient other controls on access are in place.
- The allocation of privilege rights (e.g. local administrator, domain administrator, super-user, root access) shall be restricted and controlled, and authorization provided jointly by the system owner and IT Services. Technical teams shall guard against issuing privilege rights to entire teams to prevent loss of confidentiality.
- Access rights will be accorded following the principles of least privilege and need to know.
- Every user should attempt to maintain the security of data at its classified level even if technical security mechanisms fail or are absent.
- Users electing to place information on digital media or storage devices or maintaining a separate database must only do so where such an action is in accord with the data's classification.
- Users are obligated to report instances of non-compliance to Town of Clarkdale CISO.
- Access to Town of Clarkdale IT resources and services will be given through the provision of a unique Active Directory account and complex password.
- No access to any Town of Clarkdale IT resources and services will be provided without prior authentication and authorization of a user's Town of Clarkdale Windows Active Directory account.

- Password issuing, strength requirements, changing and control will be managed through formal processes. Password length, complexity and expiration times will be controlled through Windows Active Directory Group Policy Objects.
- Access to Confidential, Restricted and Protected information will be limited to authorised persons whose job responsibilities require it, as determined by the data owner or their designated representative. Requests for access permission to be granted, changed or revoked must be made in writing.
- Users are expected to become familiar with and abide by Town of Clarkdale policies, standards and guidelines for appropriate and acceptable usage of the networks and systems.
- Access for remote users shall be subject to authorization by IT Services and be provided in accordance with the Remote Access Policy and the Information Security Policy. No uncontrolled external access shall be permitted to any network device or networked system.
- Access control methods include logon access rights, Windows share and NTFS permissions, user account privileges, server and workstation access rights, firewall permissions, IIS intranet/extranet authentication rights, SQL database rights, isolated networks and other methods as necessary.

Appendix A – Agreement to Comply Form – Agreement to Comply With Information Security Policies

Employee Name (printed)

Department

I agree to take all reasonable precautions to assure that company internal information, or information that has been entrusted to Town of Clarkdale by third parties such as customers, will not be disclosed to unauthorised persons. At the end of my employment or contract with Town of Clarkdale, I agree to return all information to which I have had access as a result of my position. I understand that I am not authorised to use sensitive information for my own purposes, nor am I at liberty to provide this information to third parties without the express written consent of the internal manager who is the designated information owner.

I have access to a copy of the Information Security Policies, I have read and understand these policies, and I understand how it impacts my job. As a condition of continued employment, I agree to abide by the policies and other requirements found in Town of Clarkdale security policy. I understand that non-compliance will be cause for disciplinary action up to and including dismissal, and perhaps criminal and/or civil penalties.

I also agree to promptly report all violations or suspected violations of information security policies to the designated security officer.

Employee Signature

Date

Appendix B – List of Devices

Asset/Device Name	Description	Owner/Approved User	Location

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Appendix C - List of Service Providers

Name of Service Provider	Contact Details	Services Provided	PCI DSS Compliant	PCI DSS Validation Date
Eleron				
Omega				
Global Services				
IWorks				
Tyler Technologies				

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Staff Report

Item Number: 7.A.

<u>Agenda Item:</u>	Ordinance #418 - Board and Commission Advisory Members Discuss, consider and act upon Ordinance #418 - Amending Chapter 17 by adding a new section 17-1-8 and amending subsections 17-1-1(C) - Creation; and 17-1-3 (A)(B) - Vacancies and removal of members.
<u>Staff Contact:</u>	Charity Brooks, Town Clerk
<u>Meeting Date:</u>	October 25, 2022
<u>Strategic Goal:</u>	• Goal Area 2 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
<u>Background:</u>	The Town of Clarkdale wishes to amend the Clarkdale Town Code, Chapter 17, Boards and Commissions, to clarify and establish standards for Advisory Members. The Town Council may appoint Advisory Members to serve on the following boards, commissions, and committees: • Design Review Board • Planning Commission • Parks and Recreation Commission • Historic Preservation Commission Advisory Members may attend and participate in meetings of the board, commission or committee but shall not vote in such meetings unless they fill the seat of an absent member. If the Town Council appoints more than one Advisory Member for a particular board, commission or committee, the Town Council shall designate the Advisory Members as first Advisory Member, second Advisory Member, and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first Advisory Member shall fill such vacancy without the need for further Town Council action. At any board, commission, or committee meeting where a member is absent, the first Advisory Member may vote and be counted towards the quorum; if two members are absent, the first and second Advisory Members may vote and be counted towards the quorum; and so forth.
<u>Budget Impact:</u>	No budget impact.

Recommendation: Staff recommends approval of Ordinance #418 - amending Town of Clarkdale, Town Code, chapter 17.

ORDINANCE #418

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA AMENDING CHAPTER 17, BOARDS AND COMMISSIONS, BY ADDING A NEW SECTION 17-1-8, AND AMENDING SUBSECTIONS 17-1-1(C) – CREATION AND 17-1-3(A)(B) – VACANCIES AND REMOVAL OF MEMBERS, OF THE TOWN CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Town Code, Chapter 17, Boards and Commissions, to clarify and establish standards for Advisory Members;

WHEREAS, it is necessary to update and amend said codes from time to time to better meet the specific needs of the Town of Clarkdale.

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA AS FOLLOWS:

- Section 1: The recitals above are incorporated as if fully set forth herein.
- Section 2: The certain document entitled “Ordinance #418 **AMENDING CHAPTER 17, BOARDS AND COMMISSIONS**”; dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.
- Section 3: The document is attached and hereby adopted and incorporated into this ordinance by reference as amending Town Code, Chapter 17, Boards and Commissions, and shall be effective from and after Nov. 25, 2022.
- Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein by reference 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 thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Clarkdale, Arizona
this ____ day of _____, 2022.

Robyn Prudhomme-Bauer, Mayor

ATTEST:

APPROVED AS TO FORM:

Charity Brooks, Town Clerk

Stephen Polk, Town Attorney

Vote:

Passed:

Published:

Effective:

Section 17-1-1

Creation

- A. The Council may create such boards, committees, and commissions, standing or special, as it deems necessary. In addition, the Council may budget to provide any aid and assistance from the administrative staff of the Town to any committee, board, or commission as may be necessary or appropriate.
- B. Any board, committee, or commission created by the Council shall be responsible to the Council and shall function in an advisory capacity to the Council unless otherwise provided by State law, Town ordinance or resolution.
- C. For the purposes of this chapter, the terms "advisory member," "board," "committee," and "commission" shall be defined as follows:

"Advisory Member" means an alternate member of a board, commission, or committee with the powers and duties as provided in Section 17-1-8.

"Board" means a standing group that meets as needed, whose functions are determined by the Town Council and/or State law.

"Commission" means a standing group with continuing regularly scheduled meetings, whose functions are determined by the Town Council and/or State law.

"Committee" means a temporary group appointed by the Town Council for a particular matter, task, or duty. [Ordinance #338, 2011; prior code § 17-1-1.]

Section 17-1-2

Membership and Term of Office

- A. All boards, committees, and commissions shall be composed of members who shall be residents of the Town.
- B. Every member of a board, committee, or commission shall be appointed by the Mayor and Town Council.
- C. The term of office for members of any board, committee, or commission shall be two (2) years, commencing October 1st and ending September 30th of the year so designated unless otherwise provided by State law, Town ordinance or resolution. Members shall have staggered terms so that the terms of no more than three (3) members shall expire in any one (1) year to provide for the orderly and consistent replacement or reappointment of each regular member. [Ordinance #338, 2011; prior code § 17-1-2.]

Section 17-1-3

Vacancies and Removal of Members

A. A vacancy occurring during a term shall be ~~appointed~~ filled by appointment by the Mayor and Town Council for the unexpired term; provided, however, that if the vacancy occurs on a board, commission, or committee that has an Advisory Member, the Advisory Member shall automatically be appointed to fill the vacancy without the need for further Council action.

B. The Mayor and Town Council shall have the right and power to remove any board, committee, or commission member, with or without cause. A board, committee, or commission member who is absent four (4) regular board, committee, or commission meetings from October 1st to September 30th shall be deemed to have vacated his or her appointment without further action being taken by either the board, committee, commission or Town Council. It shall be the responsibility of the chairperson to so notify the Town Clerk immediately upon the creation of a vacancy pursuant to this section and ~~the Mayor and Town Council shall fill such vacancy for the unexpired term~~ the vacancy shall be filled in accordance with Section A above. [Ordinance #390, 2018; Ordinance #338, 2011; prior code § 17-1-3.]

Section 17-1-4

Quorums and Voting

A. A majority of the total members of any board, committee, or commission shall constitute a quorum.

B. Board, committee, or commission members may appear for a meeting telephonically or by other verbal electronic communication and may cast votes during such proceeding under the following circumstances:

1. The public must be able to hear the person.
2. The person must be able to hear everyone at the meeting.
3. Participation telephonically or by other verbal electronic communication must be noted on the agenda.

C. No member of a board, committee, or commission shall be excused from voting, except if a conflict of interest exists as defined by the laws of the State of Arizona pertaining to conflict of interest of governmental officials and if the member has filed with the Town Clerk a written statement identifying the conflict of interest pursuant to A.R.S. § 38-502 prior to the vote. In all other cases a failure to vote shall be entered on the minutes as an affirmative vote. [Ordinance #338, 2011; prior code § 17-1-4.]

Section 17-1-5

Powers and Duties

A. The functions of each board, committee, or commission shall be determined by the Council or, when appropriate, by State law. Each board, committee or commission shall be responsible for such matters as may be referred to it by the Council and shall meet at such times as may be necessary to perform its duties.

B. Each board, committee or commission shall cause minutes to be kept of the proceedings, showing the vote of each member upon every question, or, if absent and failing to vote, indicating that fact, and shall keep records of the board's, committee's, or commission's examinations or other official actions. The minutes of the board, committee or commission and all other records of actions taken shall be filed, upon approval by the board, committee, or commission, in the office of the Clerk, in compliance with A.R.S. § 38-431 et seq., and the same shall be public record.

C. Board, committee or commission members shall serve without compensation; provided, that the board, committee or commission members may be reimbursed for actual and necessary expenses for board, committee or commission duties, as provided by the Council.

D. No board, committee, or commission shall incur debts, make any purchases or enter into any contracts binding the Town. All matters coming before any board, committee, or commission involving the expenditure of funds or the making of agreements or contracts shall be referred to the Council and/or the Town Manager with the recommendation of the board, committee, or commission.

E. All funds received by any board, committee, or commission shall be deposited with the Finance Department of the Town. [Ordinance #338, 2011; prior code § 17-1-5.]

Section 17-1-6

Staff Liaison

With budget approval by the Town Council, the Town Manager will designate a staff liaison for each standing board, committee, and commission. The staff liaison shall aid and assist the board, committee, or commission as needed, including, but not limited to, all actions required by Arizona's Open Meeting Law. [Ordinance #338, 2011; prior code § 17-1-6.]

Section 17-1-7

Meetings

A. Special meetings may be called by the chair or, in his or her absence, the vice-chair. In addition, any quorum of a board, committee or commission may make written request to the chairman for a special meeting, and, in the event such meeting is not called, such members may call such special meeting.

B. Each board, committee, or commission shall nominate a chair and a vice-chair at its first meeting of each year. [Ordinance #338, 2011; prior code § 17-1-7.]

Section 17-1-8

A. The Town Council may appoint Advisory Members to serve on the following boards, commissions, and committees:

- Design Review Board
- Planning Commission

- Parks and Recreation Commission
- Historic Preservation Commission

B. Advisory Members may attend and participate in meetings of the board, commission or committee but shall not vote in such meetings except as provided in Section C below. If the Town Council appoints more than one Advisory Member for a particular board, commission or committee, the Town Council shall designate the Advisory Members as first Advisory Member, second Advisory Member, and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first Advisory Member shall fill such vacancy without the need for further Town Council action.

C. At any board, commission, or committee meeting where a member is absent, the first Advisory Member may vote and be counted towards the quorum; if two members are absent, the first and second Advisory Members may vote and be counted towards the quorum; and so forth.



Staff Report

Item Number: 7.B.

Agenda Item: **Resolution #1682 - Making an Advisory Member Appointment to the Parks and Recreation Commission**

Discuss, consider and act upon Resolution #1682, making an Advisory Member appointment to the Parks and Recreation Commission.

Staff Contact: Charity Brooks, Town Clerk

Meeting Date: October 25, 2022

Strategic Goal:

- Goal Area 2 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.

Background: Advisory Member means an alternate member of a board, commission or committee.

A vacancy occurring during a term shall be filled by appointment by the Mayor and Town Council for the unexpired term; provided, however, if the vacancy occurs on a board, commission or committee that has an Advisory Member, the Advisory Member shall automatically be appointed to fill the vacancy without the need for further Council action.

Advisory Members may attend and participate in meetings of the board, commission or committee but shall not vote in such meetings except as provided below. If the Town Council appoints more than one Advisory Member for a particular board, commission or committee, the Town Council shall designate the Advisory Members as first Advisory Member, second Advisory Member, and so on such that immediately upon a vacancy occurring on a board, commission or committee, the first Advisory Member shall fill such vacancy without the need for further Town Council action.

At any board, commission or committee meeting where a member is absent, the first Advisory Member may vote and be counted towards the quorum; if two members are absent, the first and second Advisory Members may vote and be counted towards the quorum; and so forth.

The Advisory Members term becomes effective on Nov. 25, 2022.

The following individual is hereby recommended by the Selection Panel as an Advisory Member on the Parks and Recreation Commission with a term set to

expire as follows:

Robyn Aasmundstad

Sept. 30, 2024

Budget Impact: No budget impact.

Recommendation: Staff recommends approval of Resolution #1682, appointing an Advisory Member to the Parks and Recreation Commission with a term beginning on Nov. 25, 2022 and ending Sept. 30, 2024.

RESOLUTION #1682

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, MAKING AN ADVISORY MEMBER APPOINTMENT TO THE PARKS AND RECREATION COMMISSION AND SETTING TERM OF OFFICE.

WHEREAS, Advisory Member means an alternate member of a board, commission, or committee; and

WHEREAS, a vacancy occurring during a term shall be filled by appointment by the Mayor and Town Council for the unexpired term; provided, however, if the vacancy occurs on a board, commission, or committee that has an Advisory Member, the Advisory Member shall automatically be appointed to fill the vacancy without the need for further Council action; and

WHEREAS, Advisory Members may attend and participate in meetings of the board, commission or committee but shall not vote in such meetings except as provided in the section below. If the Town Council appoints more than one Advisory Member for a particular board, commission or committee, the Town Council shall designate the Advisory Members as first Advisory Member, second Advisory Member, and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first Advisory Member shall fill such vacancy without the need for further Town Council action; and

WHEREAS, at any board, commission, or committee meeting where a member is absent, the first Advisory Member may vote and be counted towards the quorum; if two members are absent, the first and second Advisory Members may vote and be counted towards the quorum; and so forth; and

WHEREAS, the Advisory Members term becomes effective on Nov. 25, 2022.

BE IT RESOLVED THAT the following individual is hereby appointed/approved by the Mayor and the Common Council as an Advisory Member on the Parks and Recreation Commission with a term to expire as follows:

Robyn Aasmundstad	Sept. 30, 2024
-------------------	----------------

PASSED AND ADOPTED this 25th day of October 2022 by the Mayor and Common Council of the Town of Clarkdale, Arizona.

APPROVED

ATTEST

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk



Staff Report

Item Number: 7.C.

Agenda Item: **Resolution #1683 - Making an Advisory Member Appointment to the Historic Preservation Commission**

Discuss, consider and act upon Resolution #1683, making an Advisory Member appointment to the Historic Preservation Commission.

Staff Contact: Charity Brooks, Town Clerk

Meeting Date: October 25, 2022

Strategic Goal:

- Goal Area 2 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.

Background: Advisory Member means an alternate member of a board, commission or committee.

A vacancy occurring during a term shall be filled by appointment by the Mayor and Town Council for the unexpired term; provided, however, if the vacancy occurs on a board, commission or committee that has an Advisory Member, the Advisory Member shall automatically be appointed to fill the vacancy without the need for further Council action.

Advisory Members may attend and participate in meetings of the board, commission or committee but shall not vote in such meetings except as provided below. If the Town Council appoints more than one Advisory Member for a particular board, commission or committee, the Town Council shall designate the Advisory Members as first Advisory Member, second Advisory Member, and so on such that immediately upon a vacancy occurring on a board, commission or committee, the first Advisory Member shall fill such vacancy without the need for further Town Council action.

At any board, commission or committee meeting where a member is absent, the first Advisory Member may vote and be counted towards the quorum; if two members are absent, the first and second Advisory Members may vote and be counted towards quorum; and so forth.

The Advisory Members term becomes effective on Nov. 25, 2022.

The following individual is hereby recommended by the Selection Panel as an Advisory Member on the Historic Preservation Commission with a term set to

expire as follows:

Dan Biggins

Sept. 30, 2024

Budget Impact: No budget impact.

Recommendation: Staff recommends approval of Resolution #1683, appointing an Advisory Member to the Historic Preservation Commission with a term beginning on Nov. 25, 2022 and ending on Sept. 30, 2024.

RESOLUTION #1683

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, MAKING AN ADVISORY MEMBER APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION AND SETTING TERM OF OFFICE.

WHEREAS, Advisory Member means an alternate member of a board, commission, or committee; and

WHEREAS, a vacancy occurring during a term shall be filled by appointment by the Mayor and Town Council for the unexpired term; provided, however, if the vacancy occurs on a board, commission, or committee that has an Advisory Member, the Advisory Member shall automatically be appointed to fill the vacancy without the need for further Council action; and

WHEREAS, Advisory Members may attend and participate in meetings of the board, commission or committee but shall not vote in such meetings except as provided in the section below. If the Town Council appoints more than one Advisory Member for a particular board, commission or committee, the Town Council shall designate the Advisory Members as first Advisory Member, second Advisory Member, and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first Advisory Member shall fill such vacancy without the need for further Town Council action; and

WHEREAS, at any board, commission, or committee meeting where a member is absent, the first Advisory Member may vote and be counted towards the quorum; if two members are absent, the first and second Advisory Members may vote and be counted towards the quorum; and so forth; and

WHEREAS, the Advisory Members term becomes effective on Nov. 25, 2022.

BE IT RESOLVED THAT the following individual is hereby appointed/approved by the Mayor and the Common Council as an Advisory Member on the Historic Preservation Commission with a term to expire as follows:

Dan Biggins	Sept. 30, 2024
-------------	----------------

PASSED AND ADOPTED this 25th day of October 2022 by the Mayor and Common Council of the Town of Clarkdale, Arizona.

APPROVED

ATTEST

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk



Staff Report

Item Number: 7.D.

Agenda Item:**Town Bandstand (Gazebo) Renovation**

Discuss, consider and act upon the Historic Architect and Structural Engineer reports (as amended) and direct staff to proceed with the restoration of the Town Bandstand (Gazebo).

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

October 25, 2022

Strategic Goal:

- Goal Area 1 - Preserve and celebrate Clarkdale's unique, complex history.
- Goal Area 2 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
- Goal Area 3 - Enhance the quality and availability of parks, recreation and cultural opportunities.

Background:

Originally constructed in or about 1916, the Bandstand is an icon of the Town of Clarkdale. The structure underwent significant rehabilitation in the early 2000s that included replacement of all electrical conduit, wiring, and fixtures; roof sheathing and shingles, flooring, and joists. Several other structural members were replaced as needed, as were bead board, wall framing, and ceiling framing. Most significant was the addition of a concrete slab to slow moisture uptake of the wood framing, siding, and other elements of the structure that were in direct contact with the earth.

While the rehabilitation resolved many of the issues with the Bandstand, time and weather have continued to take a toll on the structure. Additional work needs to be done to ensure the preservation of the remaining original elements and maintain the structure for use by the community.

Staff provided Council with a report and presentation in February regarding structural issues with the Bandstand (Gazebo) and the need for rehabilitation of the structure. It is listed as a contributing building on the National Register of Historic Places for the Clarkdale Historic District, and individually listed in the 1989 Historic Resource Survey. Thus, particular attention is required to ensure the structure remains as original in appearance and materials as possible.

During the Oct. 7, 2021, regular meeting of the Historic Preservation Commission (HPC), the Commission reviewed a presentation given by then-

Public Works Director Maher Hazine. The presentation included photos showing dry and wet rot of integral members, twisting (racking) of the structure, decaying stairs, and other signs of age. At that same meeting, the HPC voted unanimously to engage an historic architect to provide an assessment of the Bandstand and provide advice with respect to necessary repairs to ensure the longevity of the structure while not jeopardizing its Contributing Structure status on the National Register of Historic Places.

Staff then engaged Bill Otwell of Otwell Associates in Prescott, Arizona to provide the analysis and assist with a finding of 'No Adverse Impact' from the State Historic Preservation Office (SHPO). Mr. Otwell also consulted with Rick Frost of Frost Structural Engineering to evaluate the physical changes to the structure and to provide additional advice regarding its safety and integrity, and how to mitigate future damage.

Reports were received in March and accepted by the HPC at their April 5, 2022 meeting. Subsequent review of photos of the previous renovation and feedback from employees involved in the project revealed that the posts had suffered quite a bit of termite damage and wicking in the core of the supports. Staff suggested that the posts should also be replaced, along with a few other minor amendments to the reports. Both Otwell and Frost Engineering agreed and provided amendments to support the additional work. The HPC accepted the amended reports at their Oct. 4, 2022 meeting and voted to forward them to Council with a recommendation of approval. Those reports are attached for your review.

Staff would now like to proceed with issuing a Request for Proposals (RFP) so that repairs can be undertaken by a qualified commercial contractor. Because no state or federal funds are being used, no Section 106 review is required. The State Historic Preservation Office (SHPO) has approved the project.

Budget Impact: Not to exceed \$160,000.

Recommendation: Staff recommends approval of the Historic Architect and Structural Engineering reports as amended and approve the proposed renovations to the Bandstand (Gazebo).



March 24, 2022

Ruth Mayday
Director, Community Development
Town of Clarkdale
Via email: Ruth.Mayday@clarkdale.az.gov

Dear Ruth,
Attached is the structural engineering report prepared for the Clarkdale Gazebo. Based on our assessment, the Gazebo is suitable for repair/restoration. The report outlines the repairs needed to meet the International Building Code (IBC) and International Existing Building Code (IEBC) requirements.

The two major areas of work required are: 1) isolation of all post bases from direct earth contact by providing new concrete pier plinth blocks (see sketch A), 2) installation of new lag screws at the knee braces at top of column/beam connection (see sketch B).

Non-structural repairs include the following: 1) replacement as needed of the lap siding of the base wall panels, or complete replacement at the discretion of Town staff. This should be performed using wood lap siding to match existing, 2) the horizontal cabling installed in 2002 at the railings was an attempt to bring the railings in compliance with current codes while not destroying the historic character of the x-brace railing design. The spacing of the cables installed is too wide. Install additional cables to prevent a 4" sphere from passing through.

Finally, the issue of ADA compliant wheelchair access should be discussed. I believe the best solution will be a wheelchair lift on the side opposite the stairway. This will provide symmetry but will also alter the historic character of the Gazebo, which has always been visible from all sides. ADA has a provision that can exempt a facility from meeting the letter of the law if it will compromise the historic integrity of the structure. Arizona State Historic Preservation Office (AZ SHPO) will not rule on this, but the ADA Compliance Board may do so.

A handwritten signature in blue ink, appearing to read "W. Otwell".

William Otwell, FAIA
Otwell Associates Architects

March 11, 2022

Attention: Bill Otwell, Architect
Subject: **Clarkdale Gazebo**
1001 Main Street (FSE Job #2022-005)
Clarkdale, AZ
APN# 400-03-191A

Bill,

At your request, FROST Structural Engineering (FSE) accompanied you on a site visit to the above referenced project on February 25, 2022. The purpose of the visit was to make observations regarding the structural condition of the gazebo. In addition to an overall structural assessment, FSE was specifically asked to look at deteriorating posts and the lateral stability of the entire structure. A summary of the information collected as well as our opinion and some recommendations are included below.

Existing Structure:

- **Roof Framing:** 2x4 joists at 24" o.c. supported by 2x6 girders and 4x6 beams. The 4x6 beams are supported by 6x6 posts. There are 4x6 knee braces between the 4x6 beams and 6x6 posts.
- **Floor Framing:** 2x decking over rough sawn 2x8 (2"x7.75") floor joists at 20" o.c. supported by a rough sawn 2x8 rim joist at each end and a rough sawn (2)2x8 beam at mid-span. The beam is supported by three 4x4 posts. The rim joist is supported by 2x4 posts nailed to the 6x6 posts supporting the roof.
- **Foundation:** Concrete slab on grade and concrete pad footings supporting 6x6 posts.

Observations/Notes:

- According to the Yavapai County GIS website, the 309 square foot gazebo was constructed in 1950. The gazebo is approximately 72 years old. During our time at the site, we confirmed that a structure of about this size and age exists on the site, see Figure 1.
- FSE was provided with drawings (stamped and dated in 2003 by Paul Edward Westlake Jr., Architect) showing a renovation of the gazebo. FSE was informed that a renovation occurred, however the drawings do not match the current existing condition of the structure.
- On the exterior and above the floor level the gazebo appeared to be in good condition. The visible structural elements, including the 4x6 beams,

4x6 knee braces and 6x6 posts were all in good condition without any signs of decay or of being overstressed.

- All the connections between the 4x6 beams, 4x6 knee braces, and 6x6 posts at the roof level appeared to be nailed/toe nailed connections, see Figure 2. At a couple of locations, it appears that wood screws may have been added at some point.
- There is a wood tongue and groove ceiling in the gazebo with rounded trim on the side of the 4x6 beams. We didn't see any signs of cracking or separation between the trim and the beams, or between any of the tongue and groove wood pieces.
- The stairs up to the floor level of the gazebo appear to be in good condition, however the railing support posts are below the finished grade at some locations, see Figure 3.
- It could be seen from above and below that the 2x floor decking was painted on all four sides before installation. All the decking was in good condition without any signs of deterioration.
- The 2x8 floor joists had plastic membranes wrapped over the top and extending down each side about 1 to 2 inches to help protect them against moisture coming down thru the cracks between the decking, see Figure 4.
- The existing floor joists were in good condition. They are connected to the rim joist by hangers. Some of the hangers are missing nails. The joists are sitting on top of the (2)2x8 beam at their mid-span. There is no blocking between the joists.
- Where the rim joists meet at the 6x6 wood posts they are supported by 2x4 posts nailed to the sides of the 6x6 posts. The only connectors at this location are nails and toenails, see Figure 5.
- There is a steel cable with a turnbuckle spanning from exterior wall to exterior wall in the same direction as the floor joists. This cable is at the center of the gazebo, below the decking, and is connected by looping it thru two holes in the rim joist. The cable was not particularly tight at the time of our visit. The cable can be seen in Figure 4.
- The only connection between the (2)2x8 floor beam and the supporting 4x4 posts were toenails.
- The 4x4 posts are sitting on wood plates, which in turn are sitting on a concrete slab. Again, the connection between the posts and wood plates are toenails.
- There is a wall between the lower concrete slab and the wood framed floor. It is constructed with a 2x4 treated sill plate with 2x4 studs and 1x lapped wood siding on the exterior side. The sill plates are each attached with 2 anchor bolts to the concrete. The studs are oriented flatwise to the 1x siding. The top the flatwise studs are face nailed to the rim joist.
- The main 6x6 posts, supporting the roof, are generally in good condition above the foundation. At the foundation connection many of the posts are rotting, see Figure 6. The posts are connected to the foundation by steel brackets embedded in the concrete and thru bolts. There is one post at the north-east corner that is deteriorating at about the floor level, see Figure 7.

- FSE did not dig around the perimeter of the gazebo, but it appears that the concrete slab may have a small turndown at the edge, but not a footing.
- The existing floor framing and the existing foundation do not appear to match the drawings from 2003. FSE was not able to access the roof framing to determine if it matches the drawings.

Opinions/Recommendations:

- It is our opinion that the gazebo is safe to occupy at this time, but that there are several areas of concern that should be addressed.
- The following recommendations are to bring the gazebo back to its original state and not necessarily to bring it into full compliance with current codes.
- FSE was specifically asked to look at the deterioration of the 6x6 posts at the foundation. As is stated above several of the posts are rotting near the foundation at this time. All the posts bear on concrete at or near the current finished grade. We suggest cutting off the bottom 12" of each of the posts and adding a concrete pier, as is shown in detail A in the appendix. Adding the pier will remove the compromised portion of the existing posts as well as provide some distance between the finished grade and the bottom of the posts, helping to prevent future decay.
- As for the post at the north-east corner of the gazebo shown in Figure 7, we estimate that less than 15% of the post's cross-section has been compromised and that it will be adequate to support the required loads. To fix the decaying portion of the post we recommend removing the rotting material and replacing it with a piece of wood cut and shaped to fit in the missing portion of the post. Attach it using screws and an exterior grade wood glue.
- The second main request was to check the lateral stability of the gazebo. FSE performed a lateral analysis and found that the existing beams, knee braces and posts are adequate to support the design lateral loads. See the lateral analysis calculations in the appendix. However, we recommend adding (2)5/8" diameter lag bolts to each end of each knee brace as well as SIMPSON connectors to the post to beam connections. See the attached detail B.
- While at the site FSE observed some other items that should be addressed:
 - We suggest adding SIMPSON ABU type post bases to the 4x4 wood posts supporting the (2)2x8 floor beam. The anchors for these bases can either be exterior rated expansion anchors, or epoxied threaded rods. These post bases have a standoff, so that the posts will be elevated above the concrete preventing the posts from decaying.
 - Solid 2x blocking should be added between the floor joists over the (2)2x8 floor beam. The blocks should be pressure treated or painted to protect them from possible moisture.
 - The existing joist hangers should have missing nails added. Any missing or damaged hangers should be replaced.
 - The stair railing support posts did not appear to be deteriorating at the foundation, but being so close to the finish grade, or being

below the finished grade is not acceptable. We recommend either raising the bottom of the posts, like the main gazebo posts, or replacing the decomposed granite around the stairs with a concrete sidewalk sloped away from the stairs. In either case the bottom of the posts should have a post base with a standoff, to help prevent the bottom of the posts from decaying.

- For all repairs we recommend a licensed and/or qualified contractor.

Overall, we feel the structural condition of the gazebo is above average, especially when considering its age. We feel that if the recommendations above are followed and the gazebo is regularly maintained, it will continue to function properly for many years.

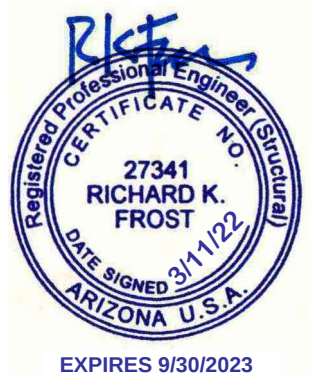
Should you have any questions regarding the items discussed in this letter, please call or email.

Sincerely,

FROST Structural Engineering



Andy Kleinman, PE
Project Manager/Engineer



Disclaimer: A guarantee that this building, home or structure was built in complete compliance with all applicable building codes and the original plan documents is not intended with this letter. Our opinions are based on what we could see using non-destructive methods of gathering information. Unseen issues that are not mentioned here should not be construed to mean acceptance by FSE. These opinions were given at moment in time, and do not warranty the structure for any period of time. We reserve the right to change our opinions should conditions change or new information is made available.



Figure 1: Gazebo exterior.



Figure 2: Beam, knee brace, and post connection.



Figure 3: Gazebo stairs.



Figure 4: Floor framing.



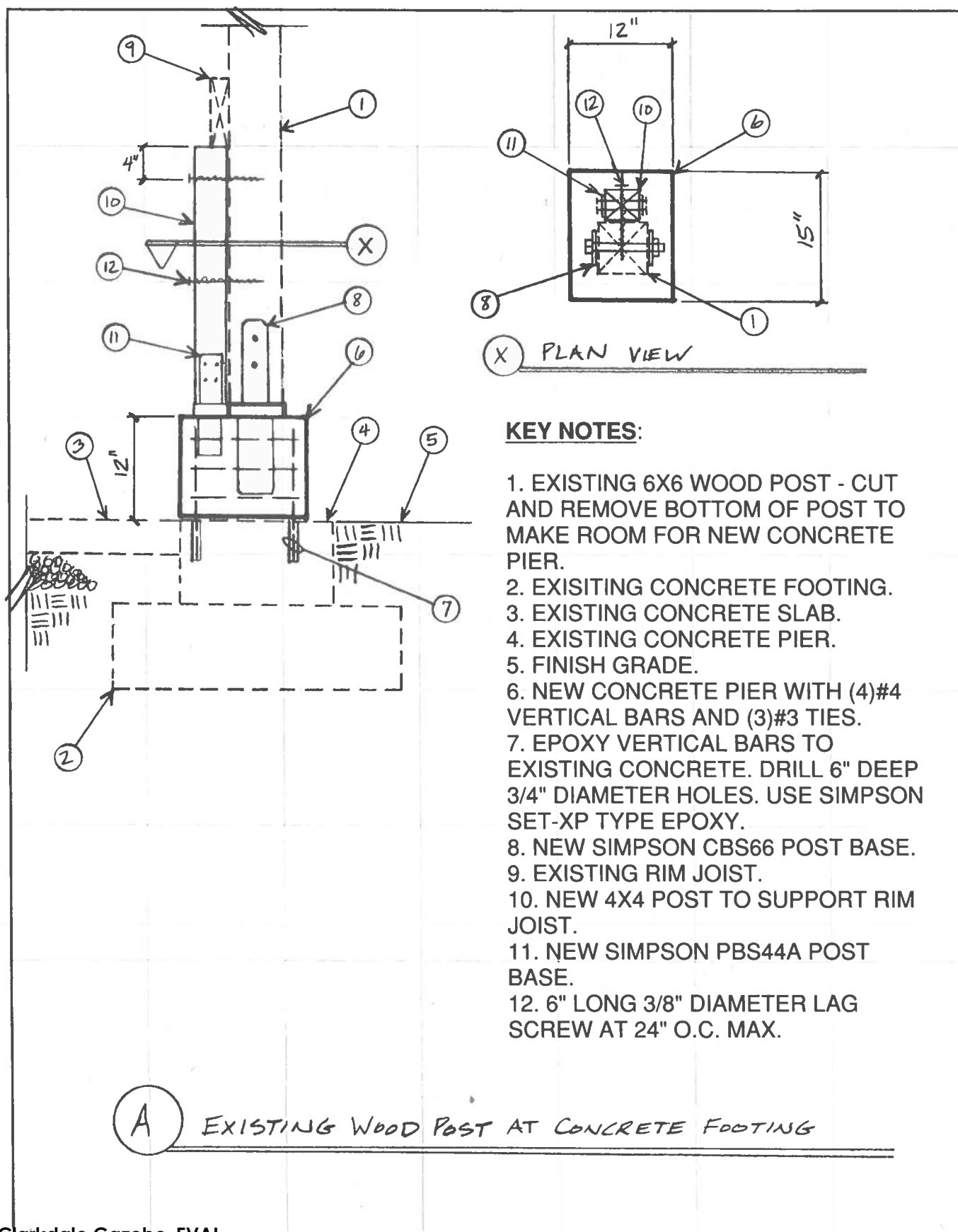
Figure 5: Rim joists at corner post.

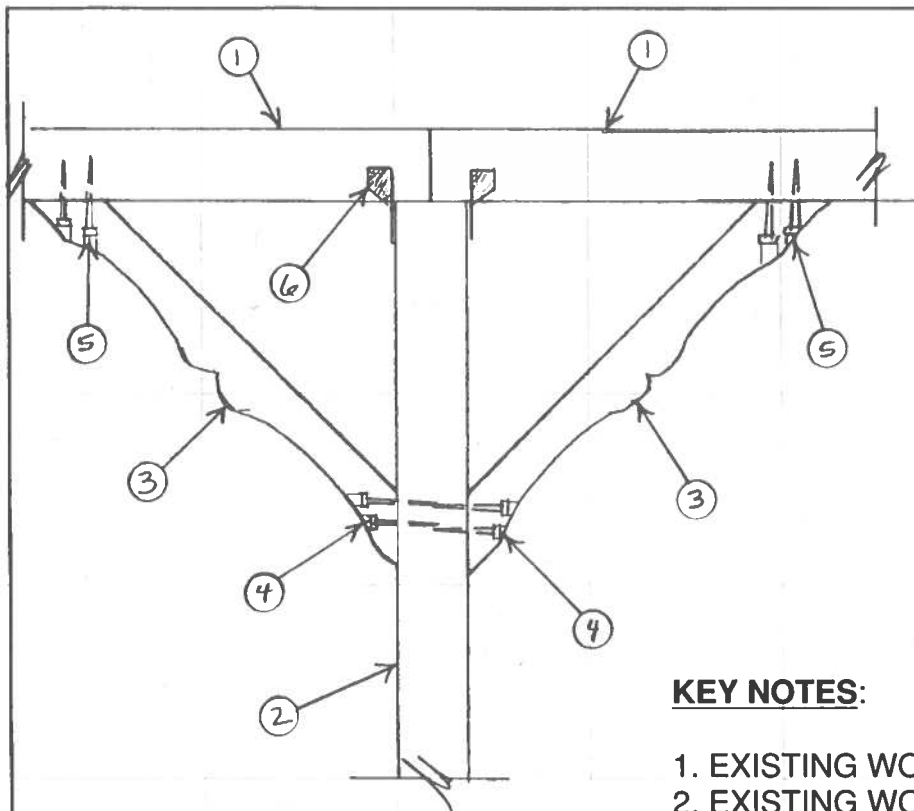


Figure 6: 6x6 wood post at foundation.



Figure 7: 6x6 post deteriorating near floor level.



**KEY NOTES:**

1. EXISTING WOOD BEAM (4X6).
2. EXISTING WOOD COLUMN (6X6).
3. EXISTING WOOD KNEE BRACE (4X6 - ESTETICALLY CUT/SHAPED).
4. NEW (2)5/8" DIAMETER LAG SCREWS WITH 3" EMBEDMENT INTO POST.
5. NEW (2)5/8" DIAMETER LAG SCREWS WITH 3" EMBEDMENT INTO BEAM.
6. NEW SIMPSON H2.5A EACH SIDE EACH BEAM.

BEXISTING WOOD BEAM AT EXISTING WOOD POST

APPENDIX

BASIS FOR DESIGN

BUILDING CODE: 2018 EDITION OF THE INTERNATIONAL BUILDING CODE.

LIVE LOADS:

ROOF LIVE LOAD = 30 PSF (SNOW)
FLOOR LIVE LOAD = 100 PSF

FOUNDATIONS:

THE SOIL DESIGN PARAMETERS LISTED BELOW HAVE BEEN APPROVED BY THE CITY/COUNTY DEVELOPMENT SERVICES DEPARTMENT, CONTINGENT THAT THE SOIL ON THE SITE HAS THE FOLLOWING PROPERTIES:

PLASTICITY INDEX (PI) = 15 OR LESS
EXPANSION INDEX (EI) = 20 OR LESS

THESE PLASTICITY/EXPANSION INDICES MUST BE DETERMINED IN A RECOGNIZED SOIL ANALYSIS LABORATORY. THEIR RESULTS SHOULD BE PROVIDED IN A GRADATION REPORT AT TIME OF PERMIT APPLICATION ALONG WITH THESE CALCULATIONS.

SOIL VALUES FOR FOUNDATION DESIGN (PER IBC TABLE 1806.2):

ALLOWABLE BEARING PRESSURE = 1500 PSF.
ALLOWABLE PASSIVE PRESSURE = 150 PSF/FT
ALLOWABLE COEFFICIENT OF FRICTION = 0.25.
SITE CLASS = D

MINIMUM FOOTING EMBEDMENT = 18 INCHES

CONCRETE:

MINIMUM 28 DAY STRENGTH, f_c = 2500 PSI – FOUNDATIONS.
MINIMUM 28 DAY STRENGTH, f_c = 3000 PSI – SLABS ON GRADE.

REINFORCING:

BARS #4 AND SMALLER ASTM A615, GRADE 40
BARS #5 AND LARGER ASTM A615, GRADE 60
CLEAR COVER AND LAP LENGTHS PER ACI

WOOD:

STUDS:	2x4	HEM-FIR STUD GRADE
	2x6 OR LARGER	HEM-FIR NO. 2
JOISTS, LEDGERS, TOP PLATES, AND ALL OTHER SAWN LUMBER		DOUGLAS-FIR NO. 2 OR BETTER.
6x_ BEAMS AND POSTS		DOUGLAS FIR NO. 2 OR BETTER.
GLUE - LAMINATED BEAMS		24F-V4 AT SIMPLE SPAN BEAMS
		24F-V8 AT CONTINUOUS AND CANTILEVER BEAMS
MICRO-LAM BEAMS		PER ESR REPORT #1387
PARALAM BEAMS		PER ESR REPORT #1387

PLYWOOD SHEATHING:

AT ROOF 32/16 SPAN RATING FOR 1/2" PLYWOOD

AT FLOOR 40/20 SPAN RATING FOR 5/8" PLYWOOD
 48/24 SPAN RATING FOR 3/4" PLYWOOD
 60/48 SPAN RATING FOR 1.125" PLYWOOD

ORIENTED STRAND BOARD (OSB) MAY BE SUBSTITUTED FOR PLYWOOD SHEATHING PROVIDED IT COMPLIES WITH DOC PS2-10, SPAN RATING AND THICKNESS (WITHIN 1/32") SHALL BE THE SAME AS THE PLYWOOD IT REPLACES.

ALL NAILS COMMON NAILS

METAL CONNECTORS, HANGERS, STRAPS, HOLDDOWNS, ETC. SHALL BE "SIMPSON" OR EQUAL.

Design Gravity Loads

property of One Page Calculations

Roof Loads:

<i>shake shingles o/ felt</i>	3.0	
<i>1/2" plywood or OSB</i>	1.7	
<i>2x wood joists at 16" or 24" o.c.</i>	3.5	
<i>1x wood sheathing</i>	2.5	
<i>miscellaneous/mechanical</i>	4.3	
	DL = 15.0	psf
	LL = 20	psf(snow)

Floor Loads:

<i>2x wood decking</i>	4.4	
<i>2x wood joists at 16" or 24" o.c.</i>	3.5	
<i>miscellaneous/mechanical</i>	2.1	
	DL = 10.0	psf
	LL = 100	psf

Code Search**Code:** International Building Code 2018**Occupancy:**

Occupancy Group = U Utility & Miscellaneous

Risk Category & Importance Factors:

Risk Category = II

Wind factor = 1.00

Snow factor = 1.00

Seismic factor = 1.00

Type of Construction:

Fire Rating:

Roof = 0.0 hr

Floor = 0.0 hr

Building Geometry:Roof angle (θ) 4.00 / 12 18.4 deg

Building length (L) 19.7 ft

Least width (B) 19.7 ft

Mean Roof Ht (h) 14.0 ft

Parapet ht above grd 0.0 ft

Minimum parapet ht 0.0 ft

Wind Loads :

ASCE 7- 16

Ultimate Wind Speed	115 mph
Nominal Wind Speed	89.1 mph
Risk Category	II
Exposure Category	C
Enclosure Classif.	Open Building
Internal pressure	+/-0.00
Directionality (Kd)	0.85
Kh case 1	0.849
Kh case 2	0.849
Type of roof	Gable

Topographic Factor (Kzt)

Topography	Flat
Hill Height (H)	0.0 ft
Half Hill Length (Lh)	0.0 ft
Actual H/Lh	= 0.00
Use H/Lh	= 0.00
Modified Lh	= 0.0 ft
From top of crest: x =	0.0 ft
Bldg up/down wind?	downwind

$$H/Lh = 0.00 \quad K_1 = 0.000$$

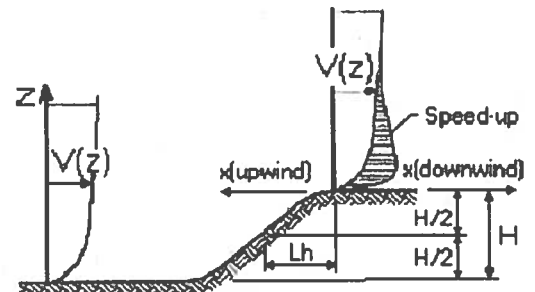
$$x/Lh = 0.00 \quad K_2 = 0.000$$

$$z/Lh = 0.00 \quad K_3 = 1.000$$

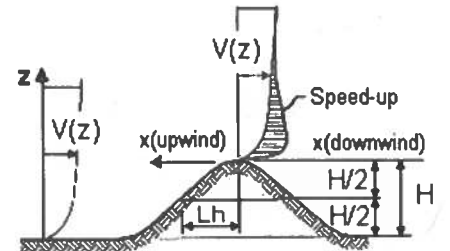
At Mean Roof Ht:

$$K_{zt} = (1 + K_1 K_2 K_3)^2 = 1.00$$

$H < 15 \text{ ft}; \text{exp C}$
 $\therefore K_{zt} = 1.0$



ESCARPMENT



2D RIDGE or 3D AXISYMMETRICAL HILL

Gust Effect Factor

h =	14.0 ft
B =	19.7 ft
z (0.6h) =	15.0 ft

Flexible structure if natural frequency < 1 Hz (T > 1 second).

If building h/B > 4 then may be flexible and should be investigated.

h/B = 0.71 Rigid structure (low rise bldg)

G = 0.85 Using rigid structure default

Rigid Structure

$\bar{e}$ =	0.20
ℓ =	500 ft
z_{min} =	15 ft
c =	0.20
g_Q, g_v =	3.4
L_z =	427.1 ft
Q =	0.94
I_z =	0.23
G =	0.89 use G = 0.85

Flexible or Dynamically Sensitive Structure

341cy (η_1) =	0.0 Hz
Damping ratio (β) =	0
I/b =	0.65
I/a =	0.15
V_z =	97.1
N_1 =	0.00
R_n =	0.000
R_h =	28.282
R_B =	28.282
R_L =	28.282
g_R =	0.000
R =	0.000
Gf =	0.000
η =	0.000
η =	0.000
η =	0.000
h =	14.0 ft

Wind Loads - Open Buildings: $0.25 \leq h/L \leq 1.0$

Ultimate Wind Pressures

Type of roof = Pitched Free Roofs
Wind Flow = ClearG = 0.85
Roof Angle = 18.4 deg

NOTE: The code requires the MWFRS be designed for a minimum pressure of 16 psf.

Main Wind Force Resisting System

Kz = Kh (case 2) = 0.85

Base pressure (qh) = **24.4 psf****Roof pressures - Wind Normal to Ridge**

Wind Flow	Load Case		Wind Direction $\gamma = 0 \text{ \& } 180 \text{ deg}$	
			Cnw	Cnl
Clear Wind Flow	A	Cn =	1.10	-0.17
		p =	22.8 psf	-3.6 psf
	B	Cn =	0.01	-0.96
		p =	0.2 psf	-20.0 psf

- NOTE: 1). Cnw and Cnl denote combined pressures from top and bottom roof surfaces.
 2). Cnw is pressure on windward half of roof. Cnl is pressure on leeward half of roof.
 3). Positive pressures act toward the roof. Negative pressures act away from the roof.

Roof pressures - Wind Parallel to Ridge, $\gamma = 90 \text{ deg}$

Wind Flow	Load Case		Horizontal Distance from Windward Edge		
			$\leq h$	$>h \leq 2h$	$> 2h$
Clear Wind Flow	A	Cn =	-0.80	-0.60	-0.30
		p =	-16.6 psf	-12.5 psf	-6.2 psf
	B	Cn =	0.80	0.50	0.30
		p =	16.6 psf	10.4 psf	6.2 psf

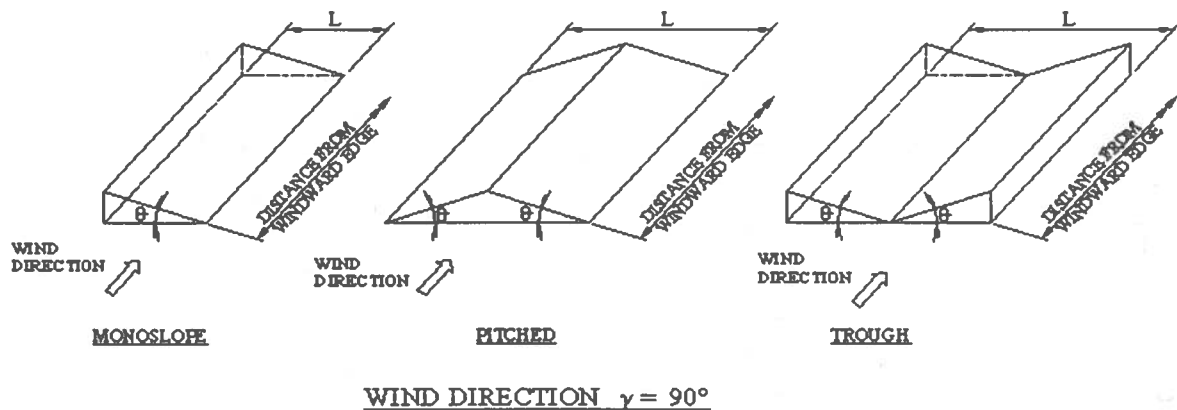
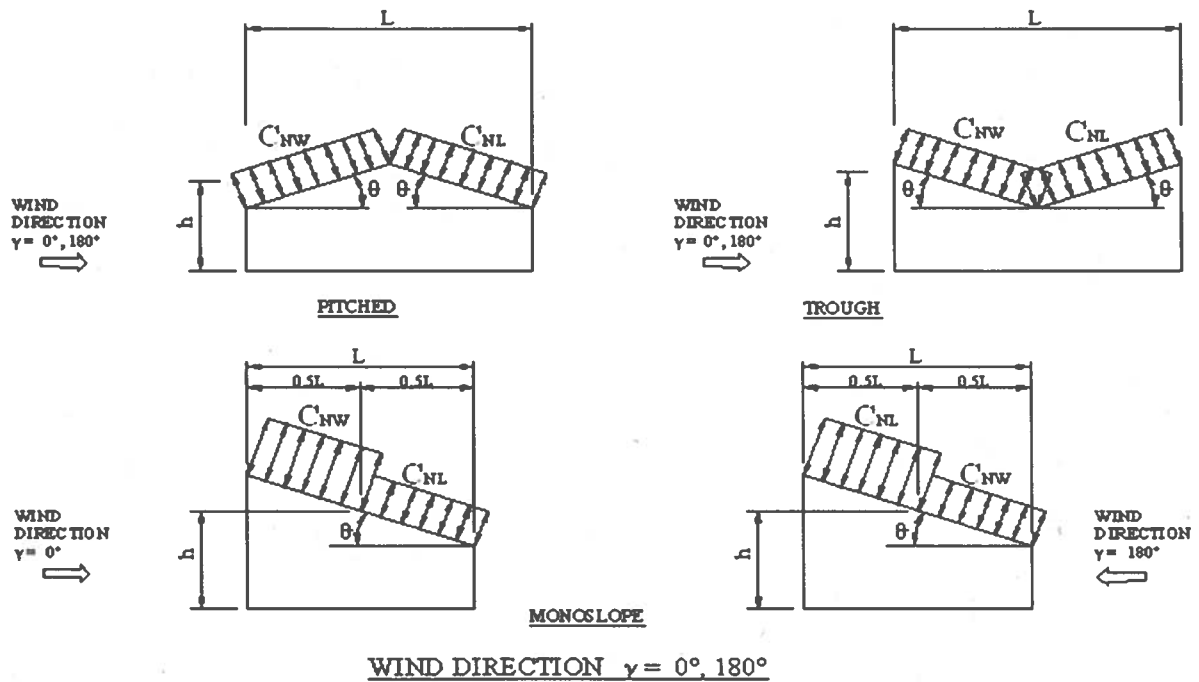
h = 14.0 ft
2h = 28.0 ft**Fascia Panels -Horizontal pressures**

qp = 0.0 psf

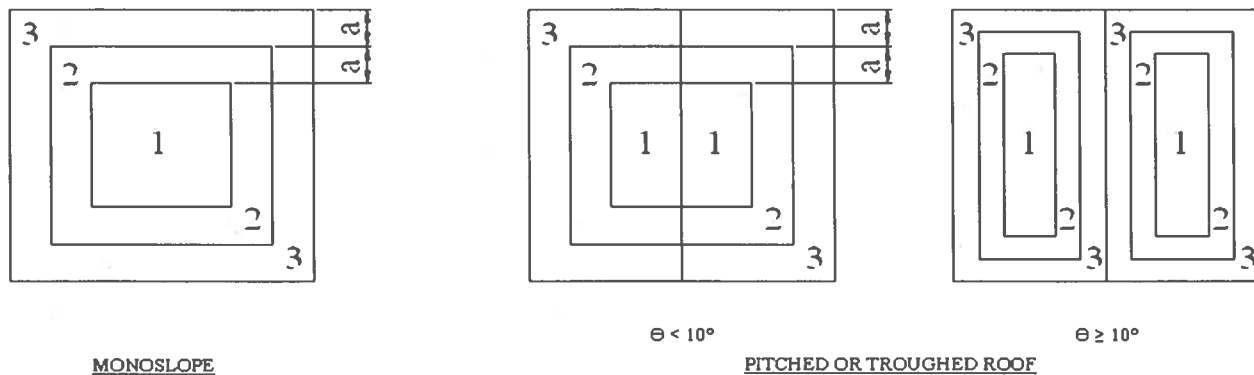
Windward fascia: 0.0 psf (GCpn = +1.5)
Leeward fascia: 0.0 psf (GCpn = -1.0)

Fascia pressures not applicable - roof angle exceeds 5 degrees.

Location of Wind Pressure Zones



MAIN WIND FORCE RESISTING SYSTEM



COMPONENTS AND CLADDING

Clarkdale Gazebo_EVAL

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Seismic Loads:

IBC 2018

Strength Level Forces

Risk Category : II
 Importance Factor (I) : 1.00
 Site Class : D

S_s (0.2 sec) = 30.60 %g
 S₁ (1.0 sec) = 9.60 %g

F_a = 1.555
 F_v = 2.400

S_{ms} = 0.476
 S_{m1} = 0.230

S_{DS} = 0.317
 S_{D1} = 0.154

Design Category = B
 Design Category = C

Seismic Design Category = C
 Redundancy Coefficient p = 1.00
 Number of Stories: 1

Structure Type: All other building systems

Horizontal Struct Irregularities: No plan Irregularity

Vertical Structural Irregularities: No vertical Irregularity

Flexible Diaphragms: Yes

Building System: **Cantilevered Column Systems detailed to conform to the requirements for:**Seismic resisting system: **Timber frames**System Structural Height Limit: **35 ft**Actual Structural Height (h_n) = 15.6 ft**DESIGN COEFFICIENTS AND FACTORS**

Response Modification Coefficient (R) = 1.5
 Over-Strength Factor (Ω_o) = 1.5
 Deflection Amplification Factor (C_d) = 1.5
 S_{DS} = 0.317
 S_{D1} = 0.154

Seismic Load Effect (E) = E_h +/- E_v = p Q_E +/- 0.2 S_{DS} D= Q_E +/- 0.063 DQ_E = horizontal seismic forceSpecial Seismic Load Effect (E_m) = E_{mh} +/- E_v = Ω_o Q_E +/- 0.2 S_{DS} D= 1.5 Q_E +/- 0.063 D

D = dead load

PERMITTED ANALYTICAL PROCEDURES**Simplified Analysis** - Use Equivalent Lateral Force Analysis**Equivalent Lateral-Force Analysis** - PermittedBuilding period coef. (C_T) = 0.020Approx fundamental period (T_a) = C_T h_n^{1/4} = 0.157 sec x = 0.75C_u = 1.59T_{max} = C_u T_a = 0.250

User calculated fundamental period (T) = sec

Use T = 0.157

Long Period Transition Period (T_L) = ASCE7 map = 6Seismic response coef. (C_s) = S_{DS}/R = 0.212need not exceed C_s = S_{d1}/R_T = 0.652but not less than C_s = 0.044 S_{ds1} = 0.014USE C_s = 0.212

Design Base Shear V = 0.212W

Model & Seismic Response Analysis

- Permitted (see code for procedure)

ALLOWABLE STORY DRIFT

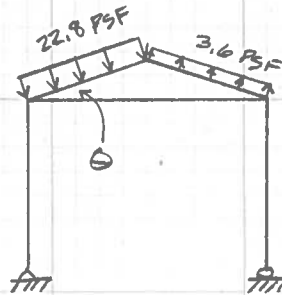
Structure Type: All other structures

Allowable story drift Δ_a = 0.020 h_{sx} where h_{sx} is the story height below level x**Clarkdale Gazebo_EVAL**

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LATERAL ANALYSIS:

WIND:



$$\theta = \tan^{-1}(4/12) = 18.43^\circ$$

HORIZONTAL WIND PRESSURE:

$$H_w = (22.8 \text{ PSF}) \sin 18.43^\circ = 7.2 \text{ PSF}$$

$$H_L = (3.6 \text{ PSF}) \sin 18.43^\circ = 1.14 \text{ PSF}$$

ROOF AREA:

$$A = (1/2)(4.875' \tan 67.5^\circ)(9.75')(8) = 459 \text{ FT}^2$$

TOTAL WIND LOAD:

$$F_w = (0.6) \left[(7.2 \text{ PSF})(459 \text{ FT}^2/2) + (1.14 \text{ PSF})(459 \text{ FT}^2/2) \right] = 1148 \#$$

↑
GOVERNS

SEISMIC:

$$V = 0.212 \left[(15 \text{ PSF})(459 \text{ FT}^2) \right] = 1460 \#$$

$$F_v = (0.7)(1460 \#) = 1022 \#$$

WORST CASE LOAD:

TOTAL KNEE BRACES:

$$\text{TOTAL} = 4 + (1/2)(8) + 4(6) = 8$$

↓
FULL STIFFNESS
IN LATERAL
LOAD DIRECTION

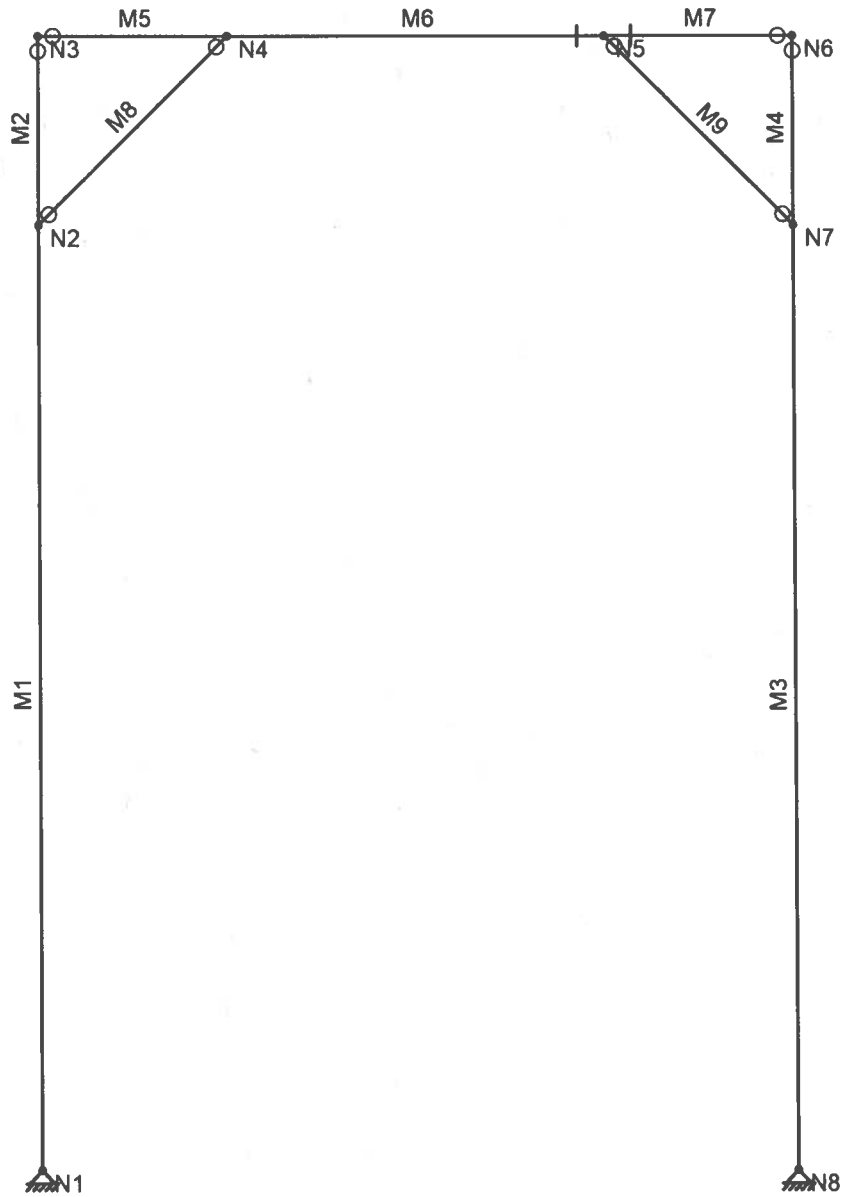
↓
1/2 STIFFNESS
IN LATERAL
LOAD DIRECTION

↓
0 STIFFNESS
IN LATERAL
LOAD DIRECTION

RISA LOADS - 1 FRAME = 2 BRACES:

$$F_w = \left[(1148 \# / 0.6) / 8 \right] (2) = 480 \#$$

$$F_v = (1460 \# / 8) (2) = 365 \#$$



Envelope Only Solution

FROST Structural Engineering	Clarkdale Gazebo	SK-1
Andy K		Mar 10, 2022
		Clarkdale Gazebo.r3d

Clarkdale Gazebo_EVAL

FROST Structural Engineering



Company : FROST Structural Engineering
 Designer : Andy K
 Job Number :
 Model Name : Clarkdale Gazebo

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Node Coordinates

	Label	X [ft]	Y [ft]	Z [ft]	Detach From Diaphragm
1	N1	0	0	0	
2	N2	0	10	0	
3	N3	0	12	0	
4	N4	2	12	0	
5	N5	6	12	0	
6	N6	8	12	0	
7	N7	8	10	0	
8	N8	8	0	0	

Node Boundary Conditions

	Node Label	X [lb/in]	Y [lb/in]	Z [lb/in]	X Rot [k-in/rad]
1	ALL			Fixed	
2	N1	Reaction	Reaction	Fixed	
3	N8	Reaction	Reaction	Fixed	
4	N5				Fixed

Wood Material Properties

	Label	Type	Database	Species	Grade	Cm	Emod	Nu	Therm. Coeff. [1e ⁻⁶ F ⁻¹]	Density [lb/ft ³]
1	DF	Solid Sawn	Visually Graded	Douglas Fir-Larch	No.2		1	0.3	0.3	35
2	SP	Solid Sawn	Visually Graded	Southern Pine	No.1		1	0.3	0.3	35
3	HF	Solid Sawn	Visually Graded	Hem-Fir	No.1		1	0.3	0.3	35
4	SPF	Solid Sawn	Visually Graded	Spruce-Pine-fir	No.1		1	0.3	0.3	35
5	24F-1.8E DF Balanced	Glulam	NDS Table 5A	24F-1.8E DF BAL	na		1	0.3	0.3	35
6	24F-1.8E DF Unbalanced	Glulam	NDS Table 5A	24F-1.8E DF UNBAL	na		1	0.3	0.3	35
7	24F-1.8E SP Balanced	Glulam	NDS Table 5A	24F-1.8E SP BAL	na		1	0.3	0.3	35
8	24F-1.8E SP Unbalanced	Glulam	NDS Table 5A	24F-1.8E SP UNBAL	na		1	0.3	0.3	35
9	1.3E-1600F VERSALAM	SCL	Boise Cascade	1.3E-1600F VERSALAM	na		1	0.3	0.3	35
10	1.35E LSL SolidStart	SCL	Louisiana Pacific	1.35E LSL SolidStart	na		1	0.3	0.3	35
11	1.3E RIGIDLAM LVL	SCL	Roseburg Forest Products	1.3E RIGIDLAM LVL	na		1	0.3	0.3	35
12	2.0E DF Parallam PSL	SCL	TrusJoist	2.0E DF Parallam PSL	na		1	0.3	0.3	35
13	LVL PRL 1.5E 2250F	Custom	N/A	LVL PRL 1.5E 2250F	na		1	0.3	0.3	35
14	LVL Microlam 1.9E 2600F	Custom	N/A	LVL Microlam 1.9E 2600F	na		1	0.3	0.3	35
15	PSL Parallam 2.0E 2900F	Custom	N/A	PSL Parallam 2.0E 2900F	na		1	0.3	0.3	35
16	LSL TimberStrand 1.55E_2325F	Custom	N/A	LSL TimberStrand 1.55E_2325F	na		1	0.3	0.3	35

Wood Section Sets

	Label	Shape	Type	Design List	Material	Design Rule	Area [in ²]	I _{yy} [in ⁴]	I _{zz} [in ⁴]	J [in ⁴]
1	Post	6X6	Column	Rectangular	DF	Typical	30.25	76.255	76.255	128.871
2	Beam	4X6	Beam	Rectangular	DF	Typical	19.25	19.651	48.526	47.522
3	Brace	4X6	None	None	DF	Typical	19.25	19.651	48.526	47.522

Member Primary Data

	Label	I Node	J Node	Section/Shape	Type	Design List	Material	Design Rule
1	M1	N1	N2	Post	Column	Rectangular	DF	Typical
2	M2	N2	N3	Post	Column	Rectangular	DF	Typical
3	M3	N8	N7	Post	Column	Rectangular	DF	Typical
4	M4	N7	N6	Post	Column	Rectangular	DF	Typical
5	M5	N3	N4	Beam	Beam	Rectangular	DF	Typical
6	M6	N4	N5	Beam	Beam	Rectangular	DF	Typical
7	M7	N5	N6	Beam	Beam	Rectangular	DF	Typical
8	M8	N2	N4	Brace	None	None	DF	Typical
9	M9	N5	N7	Brace	None	None	DF	Typical

Wood Design Parameters

	Label	Shape	Length [ft]	le2 [ft]	le-bend top [ft]	Cr	y sway	z sway
1	M1	Post	10		Lbyy			
2	M2	Post	2		Lbyy			
3	M3	Post	10		Lbyy			
4	M4	Post	2		Lbyy			
5	M5	Beam	2		Lbyy			
6	M6	Beam	4	3	Lbyy			

Clarkdale Gazebo_EVAL

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FROST Structural Engineering



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 Designer : Andy K
 Job Number :
 Model Name : Clarkdale Gazebo

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Wood Design Parameters (Continued)

	Label	Shape	Length [ft]	le2 [ft]	le-bend top [ft]	Cr	y sway	z sway
7	M7	Beam	2		Lbyy			
8	M8	Brace	2.828		Lbyy			
9	M9	Brace	2.828		Lbyy			

Basic Load Cases

	BLC Description	Category	Y Gravity	Nodal	Distributed
1	Dead	DL	-1		3
2	Snow	SL			3
3	Wind	WL		1	
4	EQ	EL		1	

Nodal Loads and Enforced Displacements

	Node Label	L, D, M	Direction	Magnitude [(lb, lb-ft), (in, rad), (lb*s ² /ft, lb*s ² *ft)]	Inactive [(lb, lb-ft), (in, rad), (lb*s ² /ft, lb*s ² *ft)]
1	N3	L	X	480	Active

Nodal Loads and Enforced Displacements

	Node Label	L, D, M	Direction	Magnitude [(lb, lb-ft), (in, rad), (lb*s ² /ft, lb*s ² *ft)]	Inactive [(lb, lb-ft), (in, rad), (lb*s ² /ft, lb*s ² *ft)]
1	N3	L	X	365	Active

Member Distributed Loads

	Member Label	Direction	Start Magnitude [lb/ft, F, psf]	End Magnitude [lb/ft, F, psf]	Start Location [(ft, %)]	End Location [(ft, %)]	Inactive [(lb, lb-ft), (in, rad), (lb*s ² /ft, lb*s ² *ft)]
1	M5	Y	-75	-75	0	%100	Active
2	M6	Y	-75	-75	0	%100	Active
3	M7	Y	-75	-75	0	%100	Active

Member Distributed Loads

	Member Label	Direction	Start Magnitude [lb/ft, F, psf]	End Magnitude [lb/ft, F, psf]	Start Location [(ft, %)]	End Location [(ft, %)]	Inactive [(lb, lb-ft), (in, rad), (lb*s ² /ft, lb*s ² *ft)]
1	M5	Y	-100	-100	0	%100	Active
2	M6	Y	-100	-100	0	%100	Active
3	M7	Y	-100	-100	0	%100	Active

Load Combinations

	Description	Solve	PDelta	BLC	Factor	BLC	Factor	BLC	Factor	BLC	Factor	BLC	Factor	BLC	Factor
1	IBC 16-8	Yes	Y	DL	1										
2	IBC 16-9	Yes	Y	DL	1	LL	1	LLS	1						
3	IBC 16-10 (b)	Yes	Y	DL	1	SL	1	SLN	1						
4	IBC 16-11 (b)	Yes	Y	DL	1	LL	0.75	LLS	0.75	SL	0.75	SLN	0.75		
5	IBC 16-12 (a) (a)	Yes	Y	DL	1	WL	0.6								
6	IBC 16-12 (a) (b)	Yes	Y	DL	1	WL	-0.6								
7	IBC 16-13 (a) (a)	Yes	Y	DL	1	WL	0.45	LL	0.75	LLS	0.75				
8	IBC 16-13 (a) (b)	Yes	Y	DL	1	WL	-0.45	LL	0.75	LLS	0.75				
9	IBC 16-13 (b) (a)	Yes	Y	DL	1	WL	0.45	LL	0.75	LLS	0.75	SL	0.75	SLN	0.75
10	IBC 16-13 (b) (b)	Yes	Y	DL	1	WL	-0.45	LL	0.75	LLS	0.75	SL	0.75	SLN	0.75
11	IBC 16-15 (a)	Yes	Y	DL	0.6	WL	0.6								
12	IBC 16-15 (b)	Yes	Y	DL	0.6	WL	-0.6								
13	IBC 16-12 (b) (a)	Yes	Y	DL	1	EL	0.7								
14	IBC 16-12 (b) (b)	Yes	Y	DL	1	EL	-0.7								
15	IBC 16-14 (a)	Yes	Y	DL	1	EL	0.525	LL	0.75	LLS	0.75	SL	0.75	SLN	0.75
16	IBC 16-14 (b)	Yes	Y	DL	1	EL	-0.525	LL	0.75	LLS	0.75	SL	0.75	SLN	0.75
17	IBC 16-16 (a)	Yes	Y	DL	0.6	EL	0.7								
18	IBC 16-16 (b)	Yes	Y	DL	0.6	EL	-0.7								

Envelope Node Reactions

Node Label			X [lb]	LC	Y [lb]	LC	Z [lb]	LC	MX [lb-ft]	LC	MY [lb-ft]	LC	MZ [lb-ft]	LC
1	N1	max	166.406	6	1057.466	10	NC	NC	0	18	0	18	0	18
2		min	-132.016	11	-185.678	11	NC	NC	0	1	0	1	0	1
3	N8	max	132.095	12	1057.471	9	NC	NC	0	18	0	18	0	18
4		min	-166.498	5	-185.671	12	NC	NC	0	1	0	1	0	1
5	Totals:	max	288	6	1640.356	3	0	18						
6		min	-288	5	504.214	12	0	1						

Clarkdale Gazebo_EVAL

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Envelope Node Displacements

Node Label			X [in]	LC	Y [in]	LC	Z [in]	LC	X Rotation [rad]	LC	Y Rotation [rad]	LC	Z Rotation [rad]	LC
1	N1	max	0	11	0	11	0	18	0	18	0	18	1.443e-2	6
2		min	0	6	0	10	0	1	0	1	0	1	-1.282e-2	11
3	N2	max	1.162	5	0	11	0	18	0	18	0	18	2.115e-3	12
4		min	-1.225	6	-0.003	10	0	1	0	1	0	1	-4.11e-3	9
5	N3	max	1.224	5	0	11	0	18	0	18	0	18	0	18
6		min	-1.224	6	-0.003	10	0	1	0	1	0	1	0	1
7	N4	max	1.224	5	0.006	12	0	18	0	18	0	18	-6.128e-4	18
8		min	-1.223	6	-0.083	9	0	1	0	1	0	1	-2.316e-3	3
9	N5	max	1.223	5	0.006	11	0	18	0	18	0	18	2.316e-3	3
10		min	-1.223	6	-0.083	10	0	1	0	1	0	1	6.112e-4	17
11	N6	max	1.224	5	0	12	0	18	0	18	0	18	0	18
12		min	-1.224	6	-0.003	9	0	1	0	1	0	1	0	1
13	N7	max	1.225	5	0	12	0	18	0	18	0	18	4.103e-3	10
14		min	-1.161	6	-0.003	9	0	1	0	1	0	1	-2.109e-3	11
15	N8	max	0	5	0	12	0	18	0	18	0	18	1.282e-2	12
16		min	0	12	0	9	0	1	0	1	0	1	-1.443e-2	5

Envelope Member Section Forces

Member	Sec		Axial[lb]	LC	y Shear[lb]	LC	z Shear[lb]	LC	Torque[lb-ft]	LC	y-y Moment[lb-ft]	LC	z-z Moment[lb-ft]	LC	
1	M1	1	max	1057.466	10	130.007	11	0	18	0	18	0	18	0	18
2			min	-185.678	11	-174.821	6	0	1	0	1	0	1	0	1
3		2	max	1039.085	10	130.007	11	0	18	0	18	0	18	437.054	6
4			min	-196.707	11	-174.821	6	0	1	0	1	0	1	-325.017	11
5		3	max	1020.704	10	130.007	11	0	18	0	18	0	18	874.107	6
6			min	-207.735	11	-174.821	6	0	1	0	1	0	1	-650.033	11
7		4	max	1002.323	10	130.007	11	0	18	0	18	0	18	1311.161	6
8			min	-218.764	11	-174.821	6	0	1	0	1	0	1	-975.05	11
9		5	max	983.942	10	130.007	11	0	18	0	18	0	18	1748.214	6
10			min	-229.793	11	-174.821	6	0	1	0	1	0	1	-1300.066	11
11	M2	1	max	671.944	9	874.107	6	0	18	0	18	0	18	1748.214	6
12			min	-327.62	12	-650.033	11	0	1	0	1	0	1	-1300.066	11
13		2	max	668.268	9	874.107	6	0	18	0	18	0	18	1311.161	6
14			min	-329.825	12	-650.033	11	0	1	0	1	0	1	-975.05	11
15		3	max	664.591	9	874.107	6	0	18	0	18	0	18	874.107	6
16			min	-332.031	12	-650.033	11	0	1	0	1	0	1	-650.033	11
17		4	max	660.915	9	874.107	6	0	18	0	18	0	18	437.054	6
18			min	-334.237	12	-650.033	11	0	1	0	1	0	1	-325.017	11
19		5	max	657.239	9	874.107	6	0	18	0	18	0	18	0	18
20			min	-336.443	12	-650.033	11	0	1	0	1	0	1	0	1
21	M3	1	max	1057.471	9	174.912	5	0	18	0	18	0	18	0	18
22			min	-185.671	12	-130.085	12	0	1	0	1	0	1	0	1
23		2	max	1039.09	9	174.912	5	0	18	0	18	0	18	325.214	12
24			min	-196.7	12	-130.085	12	0	1	0	1	0	1	-437.281	5
25		3	max	1020.709	9	174.912	5	0	18	0	18	0	18	650.427	12
26			min	-207.728	12	-130.085	12	0	1	0	1	0	1	-874.562	5
27		4	max	1002.328	9	174.912	5	0	18	0	18	0	18	975.641	12
28			min	-218.757	12	-130.085	12	0	1	0	1	0	1	-1311.844	5
29		5	max	983.947	9	174.912	5	0	18	0	18	0	18	1300.854	12
30			min	-229.786	12	-130.085	12	0	1	0	1	0	1	-1749.125	5
31	M4	1	max	672.5	10	650.427	12	0	18	0	18	0	18	1300.854	12
32			min	-328.085	11	-874.562	5	0	1	0	1	0	1	-1749.125	5
33		2	max	668.823	10	650.427	12	0	18	0	18	0	18	975.641	12
34			min	-330.29	11	-874.562	5	0	1	0	1	0	1	-1311.844	5
35		3	max	665.147	10	650.427	12	0	18	0	18	0	18	650.427	12
36			min	-332.496	11	-874.562	5	0	1	0	1	0	1	-874.562	5
37		4	max	661.471	10	650.427	12	0	18	0	18	0	18	325.214	12
38			min	-334.702	11	-874.562	5	0	1	0	1	0	1	-437.281	5
39		5	max	657.795	10	650.427	12	0	18	0	18	0	18	0	18
40			min	-336.908	11	-874.562	5	0	1	0	1	0	1	0	1
41	M5	1	max	939.152	11	659.039	9	0	18	0	18	0	18	0	18
42			min	-1162.115	6	-336.064	12	0	1	0	1	0	1	0	1
43		2	max	939.152	11	581.699	9	0	18	0	18	0	18	174.008	12
44			min	-1162.115	6	-359.968	12	0	1	0	1	0	1	-310.185	9

Clarkdale Gazebo_EVAL

Otwell Associates Architects	Project # 2022-005	Engineer AGK	Date 03/11/22	Page A13	FSE
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FROST Structural Engineering

Company : FROST Structural Engineering
 Designer : Andy K
 Job Number :
 Model Name : Clarkdale Gazebo

3/10/2022
 7:57:28 PM
 Checked By : _____

Envelope Member Section Forces (Continued)

Member	Sec		Axial[lb]	LC	y Shear[lb]	LC	z Shear[lb]	LC	Torque[lb-ft]	LC	y-y Moment[lb-ft]	LC	z-z Moment[lb-ft]	LC
45	3	max	939.152	11	530.257	5	0	18	0	18	0	18	359.968	12
46		min	-1162.115	6	-383.871	12	0	1	0	1	0	1	-581.699	9
47	4	max	939.152	11	490.418	5	0	18	0	18	0	18	557.879	12
48		min	-1162.115	6	-407.775	12	0	1	0	1	0	1	-825.266	5
49	5	max	939.152	11	450.579	5	0	18	0	18	0	18	767.743	12
50		min	-1162.115	6	-432.773	6	0	1	0	1	0	1	-1060.515	5
51	M6	1	max	166.498	5	646.595	10	0	18	0	18	0	767.743	12
52		min	-132.095	12	-342.343	11	0	1	0	1	0	1	-1060.515	5
53	2	max	166.498	5	521.274	6	0	18	0	18	0	18	258.399	12
54		min	-132.095	12	-390.15	11	0	1	0	1	0	1	-903.312	9
55	3	max	166.498	5	441.596	6	0	18	0	18	0	18	-201.974	17
56		min	-132.095	12	-441.924	5	0	1	0	1	0	1	-744.228	3
57	4	max	166.498	5	389.825	12	0	18	0	18	0	18	259.197	11
58		min	-132.095	12	-521.602	5	0	1	0	1	0	1	-903.14	10
59	5	max	166.498	5	342.018	12	0	18	0	18	0	18	768.866	11
60		min	-132.095	12	-646.784	9	0	1	0	1	0	1	-1060.195	6
61	M7	1	max	651.543	12	433.269	5	0	18	0	18	0	768.866	11
62		min	-874.572	5	-450.418	6	0	1	0	1	0	1	-1060.195	6
63	2	max	651.543	12	408.336	11	0	18	0	18	0	18	558.721	11
64		min	-874.572	5	-490.258	6	0	1	0	1	0	1	-825.025	6
65	3	max	651.543	12	384.433	11	0	18	0	18	0	18	360.529	11
66		min	-874.572	5	-530.097	6	0	1	0	1	0	1	-581.519	10
67	4	max	651.543	12	360.529	11	0	18	0	18	0	18	174.289	11
68		min	-874.572	5	-581.519	10	0	1	0	1	0	1	-310.094	10
69	5	max	651.543	12	336.625	11	0	18	0	18	0	18	0	18
70		min	-874.572	5	-658.858	10	0	1	0	1	0	1	0	1
71	M8	1	max	1476.027	6	4.679	16	0	18	0	18	0	0	18
72		min	-1102.551	11	2.807	11	0	1	0	1	0	1	0	1
73	2	max	1473.687	6	2.339	16	0	18	0	18	0	18	-1.489	18
74		min	-1103.955	11	1.404	11	0	1	0	1	0	1	-2.481	1
75	3	max	1471.348	6	0	18	0	18	0	18	0	18	-1.985	18
76		min	-1105.358	11	0	1	0	1	0	1	0	1	-3.308	1
77	4	max	1469.009	6	-1.404	18	0	18	0	18	0	18	-1.489	18
78		min	-1106.762	11	-2.339	1	0	1	0	1	0	1	-2.481	1
79	5	max	1466.669	6	-2.807	18	0	18	0	18	0	18	0	18
80		min	-1108.166	11	-4.679	1	0	1	0	1	0	1	0	1
81	M9	1	max	1467.45	5	4.679	16	0	18	0	18	0	0	18
82		min	-1108.826	12	2.807	11	0	1	0	1	0	1	0	1
83	2	max	1469.789	5	2.339	16	0	18	0	18	0	18	-1.489	18
84		min	-1107.422	12	1.404	11	0	1	0	1	0	1	-2.481	1
85	3	max	1472.129	5	0	18	0	18	0	18	0	18	-1.985	18
86		min	-1106.018	12	0	1	0	1	0	1	0	1	-3.308	1
87	4	max	1474.468	5	-1.404	18	0	18	0	18	0	18	-1.489	18
88		min	-1104.615	12	-2.339	1	0	1	0	1	0	1	-2.481	1
89	5	max	1476.808	5	-2.807	18	0	18	0	18	0	18	0	18
90		min	-1103.211	12	-4.679	1	0	1	0	1	0	1	0	1

Envelope Wood Code Checks

Member	Shape	Code Check	Loc[ft]	LC	Shear Check	Loc[ft]	Dir	LC	Fc' [psi]	Ft' [psi]	Fb1' [psi]	Fb2' [psi]	Fv' [psi]	RB	CL	CP	Egn	
1	M1	6X6	0.653	10	6	0.032	10	y	6	644.936	760	1200	1200	272	4.671	1	0.576	3.9-3
2	M2	6X6	0.642	0	6	0.159	2	y	6	1107.354	760	1200	1200	272	2.089	1	0.989	3.9-1
3	M3	6X6	0.653	10	5	0.032	10	y	5	644.936	760	1200	1200	272	4.671	1	0.576	3.9-3
4	M4	6X6	0.642	0	5	0.159	2	y	5	1107.354	760	1200	1200	272	2.089	1	0.989	3.9-1
5	M5	4X6	0.387	2	5	0.178	0	y	9	2249.051	1196	1869.237	1965.6	288	3.283	0.999	0.947	3.9-3
6	M6	4X6	0.39	4	6	0.175	4	y	9	2042.225	1196	1867.799	1965.6	288	4.02	0.998	0.86	3.9-1
7	M7	4X6	0.386	0	6	0.178	2	y	10	2249.051	1196	1869.237	1965.6	288	3.283	0.999	0.947	3.9-3
8	M8	4X6	0.049	1.532	11	0.002	2.828	y	1	2087.541	1196	1868.049	1965.6	162	3.904	0.998	0.879	3.9-1
9	M9	4X6	0.049	1.296	12	0.002	2.828	y	1	2087.541	1196	1868.049	1965.6	162	3.904	0.998	0.879	3.9-1

Clarkdale Gazebo_EVAL

Otwell Associates Architects	Project # 2022-005	Engineer AGK	Date 03/11/22	Page A14	FSE
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LAG BOLT CONNECTIONS:LOAD:

$$F = 1476\# \text{ [FROM RISA]}$$

SHEAR CAPACITY:

$$Z' = (1.6)(610\#/\text{LAG})(2 \text{ LAGS}) = 1952\# > 1476\# \rightarrow \underline{\underline{OK!}}$$

WITHDRAW CAPACITY:

$$W' = (1.6)(447\#/\text{W-LAG})(3'')(2 \text{ LAGS}) = 4291\# > 1476\# \rightarrow \underline{\underline{OK!}}$$

FROST Structural Engineering

1678 Oaklawn Drive, Suite C
Prescott, Arizona 86305

Phone: 928.776.4757

Fax: 928.776.4931

frost-structural.com

Since 1995

September 26, 2022

Attention: Ruth Mayday, Community Development Director

Subject: **Clarkdale Gazebo**

1001 Main Street (FSE Job #2022-199)

Clarkdale, AZ

APN# 400-03-191A

Ruth,

This is an addendum to the report FROST Structural Engineering (FSE) did for Otwell Associates Architects dated March 11, 2022. That report outlined our opinions and recommendations regarding the condition and repairs for the Gazebo. At your request this addendum will address further options concerning the repairs.

- In our original report under the "Opinions / Recommendations" section bullet points 3 and 4 made recommendations on how to repair the 6x6 wood posts. Another option, not mentioned in the original report, is to replace the existing posts with new 6x6 DF#2 wood posts. The details in the original report would still apply, the only change being that new posts would replace the existing ones, all other foundation and framing connections would remain the same.
- Also, under the "Opinions / Recommendations" section bullet point 6 and sub-bullet 4, FSE recommended raising the stair posts or reworking the grade so that the posts were not in contact with any soil. Another option would be to replace the entire stair system, this time ensuring that there is enough separation between the wood posts and other structural wood members and the finished grade. Typically, 6" of separation between soil and wood framing is required; and 1" of separation between a concrete slab/sidewalk and wood framing is required. FSE recommends adding concrete piers, similar to those shown in detail A at locations where the posts are currently in contact with soil; and using SIMPSON ABU type post bases where posts are surrounded by concrete.
- For all repairs we recommend a licensed and/or qualified contractor.

To our knowledge these were all the items that FSE was asked to address. Note that, except for the items outlined above, the recommendations in our original report are still valid and applicable. Should you have any questions regarding the items discussed in this letter, please call or email.

Sincerely,

FROST Structural Engineering

Andy Kleinman, PE
Project Manager/Engineer



EXPIRES 9/30/2023

FSE



Staff Report

Item Number: 8.A.

Agenda Item:**Short Term Rentals**

Presentation and discussion only regarding a proposed Short-Term Rental (STR) Vacation Rental Ordinance.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

October 25, 2022

Strategic Goal:

- Goal Area 2 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
- Goal Area 4 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.

Background:

In 2017, Senate Bill 1350 was approved by the legislature and signed into law by Governor Ducey. This bill required jurisdictions to treat STRs and vacation rentals no differently than single family residential dwelling units. This created a situation where jurisdictions struggled to mitigate the noise, parking, solid waste, and other negative affect this use sometimes had on traditional, single family residential neighborhoods. Shortly thereafter, the Legislature adopted additional legislation that allowed limited regulation of this use, but issues with poorly managed STRs and neighbors persisted.

No fewer than seven (7) bills were introduced in the Arizona Legislature this session that proposed regulations on STRs. Restrictions ranged from limiting the number of STRs in a community based on a percentage of housing stock, to issuing fines and revoking approvals for specific STR properties. After much negotiation with the vacation rental industry, a compromise bill was agreed upon, approved by the legislature, and signed by the Governor.

Following are the key points of the legislation:

1. Establishment of a license/permit process for STRs. This includes an application process that will likely mirror that of the Town's business license and charge an equivalent fee. Applicants are required to identify and provide contact information for the owner of the property, the owner's designee, and the emergency point of contact; provide evidence of liability insurance of at least \$500,000. It also provides

mechanisms to deny an application, and an appeal process for denials. Failure to apply for a license, operating without a license, and providing inaccurate or false information on the application are all subject to a civil penalty of up to \$1,000 per month.

2. On-site responses to emergencies are now required within sixty (60) minutes of a request by a police officer; failure to do so can result in civil penalties as described above.
3. Identifies prohibited uses that may have a negative impact on neighbors, such as a retail business, restaurant, event center, or banquet hall; housing sex offenders; selling liquor, illegal drugs, or pornography; nude or topless dancing, or adult-oriented businesses; and non-residential uses.
4. Notification of neighbors adjacent to and across the street from a STR.
5. Background checks for tenants demonstrating that they are not registered sex offenders.
6. Suspension of the license/permit for the following reasons:
 - A. Three (3) verified violations within a twelve (12) month period.
 - B. A felony offense committed by the owner or designee in the vicinity of the STR.
 - C. Serious physical injury or wrongful death at or related to a STR resulting from knowing, intentional or reckless conduct by the owner or the owner's designee.
 - D. The owner or owner's designee knowingly or intentionally housing a sex offender, allowing adult-oriented businesses, sexual offenses or prostitution, or operating a sober living home.
 - E. The owner or owner's designee allowing the STR to be used for a special event that would otherwise require a license or permit pursuant to Town Code or state law.
7. Imposition of graduated penalties:
 - A. Up to \$500 or an amount equal to one (1) nights rent for the first violation.
 - B. Up to \$1,000 or an amount equal to two (2) nights rent for the second violation.
 - C. Up to \$3,500 or an amount equal to three (3) nights rent for the third and subsequent violation.

The text of this ordinance was developed as a model ordinance by the League of Arizona Cities and Towns. Staff has made few changes to the text and recommends adoption of the optional language included by the League that has been incorporated into the attached draft.

Budget Impact: No budget impact.

Recommendation: Staff recommends Town Council review the proposed Ordinance and direct staff to initiate the Town Code amendment process.

ORDINANCE NO. XXX

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE TOWN CODE OF CLARKDALE, ARIZONA BY ADOPTING ARTICLE 8-9 RELATING TO REGULATING SHORT TERM RENTALS AND VACATION RENTALS; INCORPORATING THE RECITALS BY REFERENCE; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; REQUIRING REGISTRATION AND A PERMIT TO OPERATE A SHORT TERM RENTAL OR VACATION RENTAL WITHIN CLARKDALE TOWN BOUNDARIES; ESTABLISHING REGULATIONS; ADOPTING NOTIFICATION AND DISCLOSURE REQUIREMENTS; ADOPTING INSURANCE REQUIREMENTS; ADOPTING APPLICATION FEES; ESTABLISHING FINES AND PENALTIES FOR VIOLATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS local governments may regulate short term rentals and vacation rentals (“vacation rentals”) except as limited by Arizona Revised Statutes (“A.R.S.”) § 9-500.39;

WHEREAS the Town deems it necessary to adopt certain regulations regarding the use of property as a vacation rental to protect the health, safety, and welfare of the Town residents;

WHEREAS a central and significant goal for the Town is to protect the health, safety, and welfare of the Town’s residents, preserve its housing stock, and maintain the quality and character of residential neighborhoods;

WHEREAS the Town will require all vacation rentals to register and obtain and maintain a valid Town permit, pay registration and permitting fees, provide an emergency point of contact to respond to compliance and emergencies in a timely manner, maintain insurance, provide neighbor notification, and disclose certain information about the vacation rental in each advertisement;

WHEREAS the Town will require all short-term rentals to obtain and maintain a valid transaction privilege tax (“TPT”) license number, provide proof of the TPT license to the Town, and require disclosure of the TPT number on each advertisement;

WHEREAS the Town retains the right to change its fees after review and approval from Town Council;

WHEREAS the Town deems it necessary to establish penalties and fines that apply to vacation rentals; and

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Clarkdale, Arizona, as follows:

Section I. General.

The Town Code of Clarkdale, Arizona, is hereby amended by adding Article 8-9, Short Term Rentals and Vacation Rentals to read as follows:

ARTICLE 8-9. SHORT-TERM RENTALS AND VACATION RENTALS

- Sec. 8-9-1 Purpose.
- Sec. 8-9-2 Definitions.
- Sec. 8-9-3 Permit Required; Penalties.
- Sec. 8-9-4 [Emergency Point of Contact Requirements; Penalties.](#)
- Sec. 8-9-5 Compliance with the Law; Prohibited Uses.
- Sec. 8-9-6 [Neighbor Notification Required.](#)
- Sec. 8-9-7 Advertisement Requirements.
- Sec. 8-9-8 [Posting on the Property Required.](#)
- Sec. 8-9-9 [Insurance Required.](#)
- Sec. 8-9-10 Background Checks Required.
- Sec. 8-9-11 Permit Suspensions.
- Sec. 8-9-12 Enhanced Penalties.
- Sec. 8-9-13 [Appeals.](#)
- Sec. 8-9-14 [Judicial Relief.](#)
- Sec. 8-9-15 Severability.

Sec. 8-9-1 Purpose.

This Article is adopted to protect the health, safety, and welfare of the Town of Clarkdale by enacting reasonable regulations for short-term rentals and vacation rentals. These regulations are in addition to other codes of the Town.

Sec. 8-9-2 Definitions.

In this Article, unless the context or definitions in A.R.S. § 9-500.39 indicate otherwise, the following terms or phrases are defined as follows:

“Advertisement” means any method of soliciting the use of property for vacation rental purposes.

“Applicant” means the owner or owner’s designee who applies with the Town for a permit, renewal of a permit, or registration.

“Days” shall mean calendar days unless stated otherwise.

“Designee” and “Agent” are interchangeable for purposes of this Article and mean any person or persons with the charge, care, or control of any property, dwelling unit, or portion thereof. “Designee” includes the “emergency point of contact.”

“Emergency point of contact” means the owner or individual designated by the owner to: (i) serve as the local twenty-four (24) hour emergency point of contact for the vacation rental; and (ii) respond to complaints and emergencies relating to the vacation rental in a timely manner as required by this Article.

“Neighbor notification” means the written notice provided by the owner to each single-family residential property adjacent to the vacation rental property, directly across from the vacation rental property, and diagonally across the street of the vacation rental property that includes the valid permit number issued by the Town, the physical address of the vacation rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact.

“Nonresidential use” means any use that is not permitted in a residential zoning district pursuant to the Town of Clarkdale zoning ordinance.

“Online Lodging Marketplace” has the same meaning prescribed in A.R.S. § 42-5076.

“Owner” means any person who, alone or with others, has title or interest in a property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian has charge, care, or control of any property, dwelling unit, or portion thereof.

“Permit” means authorization by the Town to operate a vacation rental in accordance with this Article.

“Person” means an individual, public entity, firm, corporation, partnership, limited liability company, trust, association, or any other business entity or juridical person, whether operating on a for-profit or nonprofit basis.

“Short-term rental” and “vacation rental” are interchangeable for purposes of this Article and mean any individually or collectively owned single-family or one-to-four-family house or dwelling unit, or any unit or group of units in a condominium or cooperative, that is also a transient public lodging establishment or owner-occupied residential home offered for transient use. “Vacation rental” does not include:

- (i) accommodations or property that is classified for property taxation under A.R.S. § 42-12001; or

- (ii) any unit that is used for any nonresidential use, including a special event that would otherwise require a permit, retail, restaurant, banquet space, or other similar use.

“Timely manner” means responding to complaints and emergencies in person, by phone, or by email within the timeframe required by public safety personnel.

“Transaction privilege tax license” is the license issued by the State of Arizona pursuant to A.R.S., Title 42.

“Transient” has the same meaning prescribed in A.R.S. § 42-5070.

Sec. 8-9-3 Permit Required; Penalties.

(A) *Permit required.* Prior to use of a property as a vacation rental, the owner of shall obtain a annual vacation rental permit from the Town. Renting, or offering for rent, a vacation rental without complying with the permit requirement in this Section 8-9-3 is prohibited.

(B) *Permit applications.* The owner of a proposed vacation rental shall submit to the Town a permit application on a form furnished by the Town. The permit application shall be signed by the applicant and shall contain the following minimum information, which shall be made publicly available:

- (1) The physical address of the residential property proposed to be used as a vacation rental.

(2) The name, address, and telephone number of the owner for which the vacation rental registration certificate is to be issued. If the property owner is an entity, the legal name of the entity and its statutory agent.

(3) The name, address, and telephone number of each designee of the owner, if any.

(4) The full name, address, and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact.

(5) Proof of a valid transaction privilege tax license.

(6) Acknowledgment by the owner of an agreement to comply with all applicable laws, regulations, and ordinances, including the requirement that the owner and each designee shall not be a registered sex offender, been convicted of any felony act that resulted in death or serious physical injury, or been convicted of any felony use of a deadly weapon within the past five years.

(7) Attestation of compliance with the notification required in this Article.

(8) Evidence of liability insurance appropriate to cover the vacation rental in the aggregate of at least \$500,000 or evidence that each vacation rental transaction will be provided through a platform that provides equal or greater primary liability insurance coverage for the vacation rental.

(9) Evidence the vacation rental is registered with the Yavapai County Assessor's Office in accordance with A.R.S. § 33-1902.

(10) If the applicant is an individual, proof of lawful presence in the United States in accordance with A.R.S. §§ 1-502 and 41-1080.

(C) *Permit fee.* Every application, including any renewal application, for a vacation rental permit under this Article shall be accompanied by a non-refundable fee equivalent to that of a Town of Clarkdale Business License as established by Town Council resolution.

(D) *Issuance; reasons for denial.* The Town shall issue or deny the permit within seven (7) business days after receipt of a complete application, except that the Town

(1) The applicant failed to provide the information required under subsection B;

(2) The applicant failed to pay the permit fee required under subsection C;

(3) The applicant provided false information;

(4) The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; or (iii) has been

convicted of any felony use of a deadly weapon within five (5) years of submitting the application; or

(5) At the time of application, the owner has a suspended permit for the same vacation rental or any of the following apply:

(a) One (1) violation at the vacation rental that resulted in or constituted any of the offenses described in Sec. 8-9-12; or

(b) Three (3) violations of this Article at the vacation rental within a twelve (12) month period, not including period, not including an aesthetic, solid waste disposal or vehicle parking violation that is not also serious threat to public health and safety.

(E) *Notice of denial; appeal.* The Town manager or designee shall give notice of the denial of an application to the applicant by mailing the notice to applicant at the address listed on the application or emailing to the email address listed on the application, at the preference of the applicant. The notice of the denial shall inform the applicant of the right to appeal the denial as provided for in Sec. [8-9-13](#).

(F) *Maintaining Accurate Information; Violations.* All applicants and persons holding permits issued pursuant to this Article shall give prior written notice to the Town Manager or designee of any material change in information submitted in connection with an application for a permit or renewal of a permit. The notice shall be provided to the Town Manager not less than ten (10) days prior to the effective date of the change. Any information required for an application under this Section 8-9-3 is deemed to be material for purposes of this Section 8-9-3. A violation of this subsection is a civil offense.

(G) *Term of Permit; Renewal application.* All permits issued under this Article shall be valid for a period of one (1) year from the date of their issuance. Except where the Town has received a new application along with the requisite fees, it shall be unlawful for any person to operate a vacation rental after the expiration date recorded upon the face of the vacation rental permit.

(H) *Operating Without a Permit; Penalties.* A vacation rental that fails to apply for a permit or license within thirty (30) days of the permit application being made available by the Town shall immediately cease operations. In addition to any other penalty pursuant to the Town Code, the Town may impose a civil penalty of up to \$1,000 per month against the owner if the owner or owner's designee fails to apply for permit within 30 days of receiving the written notice of violation from the Town. Representations or advertisements including online listings that reference the property, house or dwelling unit location within the Town is prima facie evidence that a vacation rental is operating in the Town.

(I) *Non-transferable.* No permit shall be transferable either as to location or as to person.

(J) *Implementation.* The Town Manager or designee shall develop the necessary forms and/or database necessary to implement this Section 8-9-3.

Sec. 8-9-4 Emergency Point of Contact Requirements; Penalties.

(A) *Emergency Responses; Violations.* When requested by a police officer, the owner or emergency point of contact whose name appears on the permit application must be on the vacation rental premises, or be available over the phone or text, within sixty (60) minutes of the request.

(B) *Non-emergency Responses; Violations.* The owner or emergency point of contact shall respond to all other complaints relating to the vacation rental in person, over the phone, by e-mail, or by text within twenty-four (24) hours of the request.

(C) *Maintaining Accurate Emergency Information.* All applicants and persons holding permits issued pursuant to this Article shall give prior written notice to the Town Manager or designee of any change to the contact information provided to the Town for the emergency point of contact. The notice shall be provided to the Town Manager not less than ten (10) days prior to the effective date of the change.

(D) *Violations.* In addition to any other penalty pursuant to the Town Code, a violation of this Section shall be a civil offense.

(E) *Penalties.* In addition to any other penalty pursuant to the Town Code, an owner shall be subject to civil penalties of up to \$1,000 for every thirty (30) days the owner fails to provide notice to the Town as required under this subsection. Before imposing the initial civil penalty, the Town shall provide thirty (30) days' notice to the owner by emailing and mailing a notice of violation to the owner's email address and mailing address that was provided to the Town. The notice of the violation shall inform the applicant of the right to appeal the denial as provided for in Sec. [8-9-13](#). Notwithstanding the date of the notice of violation, the date for calculating the penalties shall be the first day the vacation rental is occupied following the owner's failure to provide the notice to the Town regarding the change.

Sec. 8-9-5 Compliance with the Law; Prohibited Uses.

(A) A vacation rental shall comply with the federal, state, and local laws, including laws relating to public health and safety, sanitation, solid waste, hazardous waste, tax privilege licensing, property tax registration, traffic control, pollution control, noise, property maintenance, and nuisance abatement.

(B) No person or entity shall operate a vacation rental in violation of this Article or other law. In addition, the use of a vacation rental property for any of the following uses or purposes is strictly prohibited:

(1) Any nonresidential use;

(2) Holding a special event that requires a permit or license pursuant to a city or town ordinance or state law or rule;

- (3) Operating a retail business, restaurant, event center, banquet hall or similar use;
- (4) Housing sex offenders;
- (5) Operating or maintaining a sober living home;
- (6) Selling liquor, illegal drugs, or pornography;
- (7) Operating a nude or topless dancing;
- (8) Obscenity;
- (9) Adult-oriented business; or
- (10) Any other use prohibited by A.R.S. § 9-500.39 or the Town code.

(C) A vacation rental lacking a valid transaction privilege tax license issued by the State of Arizona shall not be rented or offered for rent.

(D) No person or entity may receive payment or accept a fee, directly or indirectly, for facilitating the rental of a vacation rental operating in violation of this Code or other law.

(E) In addition to any other penalty pursuant to the Town Code, any person who causes, allows, facilitates, aides, or abets any violation of this Article shall be subject to a civil offense.

(F) The failure of any designee to comply with this Article shall not relieve the owner of liability under this Article.

Sec. 8-9-6 Neighbor Notification Required.

(A) *Neighbor notification.* Prior to offering a vacation rental for rent for the first time, the owner or designee shall provide neighbor notification to each single-family residential property adjacent to the vacation rental property, directly across from the vacation rental property, and diagonally across the street of the vacation rental property. The neighbor notification shall be provided in writing in the form required by the Town and shall include the following minimum information:

- (1) The permit number issued by the Town;
- (2) The physical address of the vacation rental; and
- (3) The name, physical address, email address, and twenty-four (24) hour telephone number of the emergency point of contact.

(B) *Additional neighbor notification required.* Any change to the information provided under Subsection A shall require additional neighbor notification by the owner or designee not later than

five (5) days prior to each change. The additional notification shall be provided in the manner required by Section A.

(C) *Attestation*. At the time of the application the owner or designee shall provide to the Town an attestation of compliance with the neighbor notification required by this Section 8-9-6.

(D) *Violations*. In addition to any other penalty pursuant to the Town Code, a violation of this Section 8-9-6 shall be a civil offense.

Sec. 8-9-7 Advertisement Requirements.

(A) *Required Disclosure*. To protect the peace, health, safety, and general welfare of the Town's residents and visitors, the owner or owner's designee shall be responsible for displaying the permit number issued by the Town on each advertisement for such vacation rental.

(B) *Violations*. In addition to any other penalty pursuant to the Town Code, a violation of this Section shall be a civil offense. Each advertisement in violation of this Section 8-9-7 shall constitute a separate violation.

Sec. 8-9-8 Posting on the Property Required.

(A) *Posting at the Vacation Rental*. The owner of the vacation rental must display the name, phone number, and email address of the owner, designee, and emergency point of contact in a conspicuous place within three (3) feet of the primary entrance of the vacation rental to read as follows:

CONTACT INFORMATION

OWNER NAME:

OWNER PHONE NUMBER:

OWNER EMAIL:

DESIGNEE NAME:

DESIGNEE PHONE NUMBER:

DESIGNEE EMAIL:

EMERGENCY POINT OF CONTACT NAME:

EMERGENCY POINT OF CONTACT PHONE NUMBER:

EMERGENCY POINT OF CONTACT EMAIL:

(B) *Failure to Comply*. In addition to any other penalty pursuant to the Town Code, a violation of this Section 8-9-8 shall be a civil offense. Each day a vacation rental does not display the information required by this Section 8-9-8 shall constitute a separate violation.

Sec. 8-9-9 Insurance Required.

(A) *Required insurance.* Prior to offering or renting a vacation rental for rent for the first time, liability insurance appropriate to cover the vacation rental in the aggregate of at least \$500,000 shall be provided by the owner or the online marketplace platform.

(B) *Proof of insurance.* Proof of the required liability insurance coverage shall be provided to the Town at the time of application.

(C) *Violation.* In addition to any other penalty pursuant to the Town Code, a violation of this Section 8-9-9 shall be a civil offense. Each day a vacation rental lacks the insurance required by this Section 8-9-9 shall constitute a separate violation.

Sec. 8-9-10 Background Checks Required.

(A) No sex offender shall be permitted to rent or occupy the vacation rental. Owners who allow a sex offender at the vacation rental shall be found in violation of this Section 8-9-10.

(B) Within twenty-four (24) hours of every booking, a sex offender background check on each guest shall be conducted by the owner or by the online lodging marketplace on which the vacation rental is advertised. The owner shall demonstrate compliance with this requirement by retaining a full copy of each background check for a minimum of twelve (12) months after the booking date and providing the copy to the Town upon a request by a police officer.

(C) In addition to any other penalty pursuant to the Town Code, any person who violates this Section 8-9-10 shall be subject to a civil offense.

(D) The failure of an online lodging marketplace to conduct a background check shall not relieve the owner of liability under this Sec. 8-9-10.

Sec. 8-9-11 Permit Suspensions.

(A) *Permit suspensions.* The Town may initiate an administrative process to suspend a vacation rental permit for a period of up to twelve (12) months for any of the following:

(1) Three verified violations of this Article within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

(2) One verified violation that results in or constitutes any of the following:

(a) A felony offense committed at or in the vicinity of a vacation rental by the owner of the vacation rental or by the owner's designee;

(b) A serious physical injury or wrongful death at or related to a vacation rental resulting from the knowing, intentional or reckless conduct of the owner of the vacation rental or the owner's designee;

(c) The owner of the vacation rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or

(d) The owner of the vacation rental or the owner's designee knowingly or intentionally allowing the use of a vacation rental for a special event that would otherwise require a permit or license pursuant to the Town code or a state law or rule or for a retail, restaurant, banquet space or other similar use.

(B) *Appeals.* A decision to suspend a permit may be appealed by the owner as set forth in [Sec. 8-9-13](#).

Sec. 8-9-12 Enhanced Penalties.

(A) The remedies in this Article are cumulative and the Town may proceed under one or more such remedies.

(B) In addition to any other penalty pursuant to the Town Code, and notwithstanding any other law, the Town may impose a civil penalty of the following amounts against an owner if the owner causes, allows, facilitates, aides, or abets a verified violation of any provision of this Article or fails to perform any act or duty required by this Article, related to the same vacation rental property within the same twelve-month period:

(1) Up to \$500 or up to an amount equal to one night's rent for the vacation rental as advertised, whichever is greater, for the first violation.

(2) Up to \$1,000 or up to an amount equal to two nights' rent for the vacation rental as advertised, whichever is greater, for the second violation.

(3) Up to \$3,500 or up to an amount equal to three nights' rent for the vacation rental as advertised, whichever is greater, for a third and any subsequent violation.

If multiple violations arise out of the same response to an incident at a vacation rental, those violations are considered one violation for the purpose of assessing civil penalties.

(C) In addition to any other penalty pursuant to the Code, any property that operates as a vacation rental and fails to apply for vacation rental permit in accordance with this Article within thirty (30) days of the application process being made available by the Town, must cease operations immediately. In addition to any fines imposed pursuant to this Section 8-9-

12, the Town may impose a civil penalty of up to one thousand dollars (\$1,000) per month against the owner if the owner or owner's designee fails to apply within thirty (30) days of receiving written notice of the failure to comply with this Article.

Sec. 8-9-13 Appeals.

(A) Any person aggrieved by any decision with respect to the denial of or a refusal to issue a vacation rental permit, the suspension of a vacation rental permit, or a penalty imposed pursuant to this Article may appeal the decision by filing a written notice of appeal with the Town Manager no later than thirty (30) days from the date of the decision letter. The notice of appeal shall be on a form approved by the Town.

(B) An appeal under this Section 8-9-13 does not operate as a stay of the permit suspension.

(C) This Section 8-9-13 is not applicable to judicial actions brought pursuant to Sec. [8-9-14](#) or to penalties including fines imposed by a court.

Sec. 8-9-14 Judicial relief.

(A) Notwithstanding Sec. [8-9-11](#), any attempted or completed felony act, arising from the occupancy or use of a vacation rental that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental for a period that shall not exceed twelve (12) months.

(B) The Town attorney may initiate proceedings in the Town court or other court of competent jurisdiction to enforce this Section 8-9-14.

Sec. 8-9-15 Severability.

In the event any section or provision of this Article shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Article as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

PASSED AND ADOPTED by the Town Council of Clarkdale, AZ this 25 day of October, 2022.

ATTEST:

TOWN OF CLARKDALE, an
Arizona municipal corporation

Charity Brooks
Town Clerk

Robyn Prud'homme-Bauer
Mayor

APPROVED AS TO FORM:

Stephen Polk
Town Attorney

I, _____, Town CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE Town OF
_____ ON THE ____ DAY OF _____, 202_, WAS POSTED IN
THREE PLACES ON THE ____ DAY OF _____, 202_.

_____, Town Clerk.