

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA**

Monday, December 20, 2010

7:00 p.m.

**City Council Chambers
300 W. Rex Allen Drive
Willcox, AZ 85643**

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

**Resolution No. 2010-127
Ordinance NS304**

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CALL TO THE PUBLIC

Mayor and Council consideration of comments or complaints from the public. Those wishing to address the Council are required to register by completing an individual speaker's form and filing it with the Clerk before the meeting. The speaker must be recognized by the Mayor before speaking. Time permitting each presentation will be given approximately three (3) minutes. It is probable that each organization will be limited to one speaker. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later date.

5. DECLARATION ON CONFLICT OF INTEREST

Council members and staff have a right to declare a conflict of interest. The declaration of a conflict of interest must be made prior to discussion of any agenda item in which Council members or staff member determine they have a conflict of interest.

6. ADOPTION OF THE AGENDA

The Council will at this time either adopt the agenda as presented or may remove or table any of the listed agenda items. Tabled items, unless otherwise directed, will appear on the next regular agenda. Council may not add any items to the agenda at this time. Should staff have any recommendations concerning the exclusion or tabling of agenda items they will voice these recommendations at this time.

**7. DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES Tab 1
§ 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS
OF THE PUBLIC BODY**

Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS § 38-431.03A(3), as stated, relating to consultation for legal advice with the attorney(s) of the public body.

8. RECESS TO EXECUTIVE SESSION, IF APPROVED

9. RECONVENE FROM EXECUTIVE SESSION

10. DISCUSSION/DECISION REGARDING MATTER RELATING TO THE EXECUTIVE SESSION

Consideration, discussion and/or decision regarding matters relating to the Executive Session.

11. CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

11A. THE REGULAR MEETING MINUTES HELD ON DECEMBER 6, 2010 Tab 2

11B. RESOLUTION NO. 2010- 124 APPROVING THAT PORTION OF THE PURCHASES THROUGH MEMBERS OF ITS GOVERNING BODY Tab 3

11C. APPOINTMENTS TO THE PARKS & RECREATION ADVISORY COMMITTEE TO FILL THE THREE (3) VACANCIES, TERMS TO EXPIRE DECEMBER 2014 Tab 4

11D. APPOINTMENTS TO THE WILLCOX HISTORIC PRESERVATION COMMITTEE TO FILL TWO (2) OF THE FOUR (4) VACANCIES, TERMS TO EXPIRE DECEMBER 2014 Tab 5

12. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS Tab 6

Communications: Second reading of Ordinance NS303 Creating and Adopting Health and Sanitation, Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), By Reference, Affirming The Repeal Of Title 8, Chapter 8.12 ("Garbage") Included In NS292.

Public Hearing: The Mayor and Council will hold a public hearings on Monday, December 20, 2010 regarding Ordinance NS303 Creating and Adopting Health and Sanitation, Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), By Reference, Affirming The Repeal Of Title 8, Chapter 8.12 ("Garbage") Included In NS292; and

(2) public hearing on Monday, January 3, 2011 Regarding Application For Liquor License Series #13 Domestic Farm Winery Gallifant Cellars, LLC, Iryn Kathleen Gallifant 112 N. Railroad Avenue, Willcox, AZ. Tab 7

All members of the public are invited to attend such public hearing. For those persons wishing to comment and are unable to attend the public hearing written comments will be accepted in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, until 4:00 p.m. the day of the public hearing.

13. DISCUSSION/DECISION REGARDING ORDINANCE NS303 CREATING AND ADOPTING HEALTH AND SANITATION, TITLE 5, CHAPTERS 4 AND 5 ("RESERVED") AND CHAPTER 6 ("SOLID WASTE"), BY REFERENCE, AFFIRMING THE REPEAL OF TITLE 8, CHAPTER 8.12 ("GARBAGE") INCLUDED IN NS292. Tab 6

Consideration, discussion and/or decision regarding Ordinance NS303, as stated, Creating and Adopting Health and Sanitation, Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), By Reference, Affirming The Repeal Of Title 8, Chapter 8.12 ("Garbage") Included In NS292.

14. DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2010-123 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED TITLE 5, CHAPTERS 4 AND 5 ("RESERVED") AND CHAPTER 6 ("SOLID WASTE"). Tab 8

Consideration, Discussion And/Or Decision Regarding Resolution No. 2010-123, As Stated, Relating To Declaring As A Public Record That Certain Document Filed With The City Clerk And Entitled Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste").

15. POWERPOINT PRESENTATION ON THE ANNUAL GAS LIAISON MEETING WITH THE CITY OF WILLCOX OFFICIALS Tab 9

Consideration and/or discussion on the power point presentation on the Annual Gas Liaison meeting with the City of Willcox officials.

16. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-120 APPROVING AND ADOPTING THE TRANSACTION PRIVILEGE TAX ("TPT") ADMINISTRATION AGREEMENT WITH THE PRA GOVERNMENT Tab 10

SERVICES D/B/A REVENUE DISCOVERY SYSTEMS ("RDS") TO PERFORM COMPREHENSIVE REMITTANCE PROCESSING AND COMPLIANCE FOR TPT TAXES, USE TAXES, BED TAXES AND ANY OTHER TAXES AS DESIGNATED BY THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

Consideration, discussion and/or decision regarding Resolution No. 2010-120, as stated, relating to the TPT Administration Agreement with RDS.

- 17. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-125 APPROVING AND ADOPTING THE PLASTIC SEAL AWARD TO CACTUS ASPHALT ["CONTRACTOR"] IN THE AMOUNT OF \$46,179.21 FOR THE PURPOSE OF APPLYING PLASTIC SEAL AT THE WILLCOX JUDICIAL FACILITIES, WILLCOX FIRE DEPARTMENT #2, THE CHAMBER OF COMMERCE, AND THE COMMUNITY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 11

Consideration, discussion and/or decision regarding Resolution NO. 2010-125, as stated, relating to the Award of the Plastic Seal to Cactus Asphalt.

- 18. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-126 APPROVING AND ADOPTING THE FUND AWARD FROM THE ARIZONA STATE LIBRARY ["ASL"] FOR THE LIBRARY AND DECLARING AN EMERGENCY TO EXIST.** Tab 12

Consideration, discussion and/or decision regarding Resolution NO. 2010-126, as stated, relating to the Fund Award from the ASL for the Library.

- 19. REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 13

Consideration, discussion and/or decision regarding the following topics by the City Manager:

- **Report on Willcox High Basketball Teams**
- **Report on change to meet with the public, Mayor and Council due to Holidays**-the meeting date has been changed from Thursday, December 30th to Wednesday, December 29th due to Holidays!
- **Report on Rotary Raffle-Tickets on Sale!**
- **Report on City Offices Closed Holidays**-All City Offices (except Public Safety) will close at noon on Thursday, December 23 through 26th and open regular hours on Monday, December 27th. Closed at noon on Thursday, December 30 until January 2, 2011 for Observed Holidays and open regular hours on Monday, January 3, 2011.
- **Report on Notices Posted on Web site prior to changes to rates**-New web site to include all notices that rates will be considered for changes.

- 20. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

- 21. ADJOURN.**

Misc. Tab: ____.

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and beginning July 2010 on the City's website www.cityofwillcox.org.

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.



NOTICE OF EXECUTIVE SESSION

CITY COUNCIL

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold an **EXECUTIVE SESSION**, if approved, during the **REGULAR** meeting on **MONDAY**, the **20TH** day of **DECEMBER** 2010 at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, Willcox, AZ**

Item for Consideration and Discussion are:

A.R.S. §38.431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY

Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body.

DATED AND POSTED this **16TH** day of DECEMBER 2010 at 11:00 A.M.

CITY OF WILLCOX, ARIZONA

/S/ CRISTINA G. WHELAN, CMC

CITY CLERK CRISTINA G. WHELAN, CMC

"Mine, Yours, Ours"

**CITY OF WILLCOX
EXECUTIVE SESSION**

AGENDA

MONDAY, DECEMBER 20, 2010

7:00 p.m.

300 W. REX ALLEN DRIVE

Willcox, Arizona

1. CALL TO ORDER

2. ROLL CALL

3. CONSIDERATION OF ARIZONA REVISED STATUTES 38-431.03(A)(3) – DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY

Consideration and/or discussion pursuant to Arizona Revised Statutes §38-431.03(A)(3), as stated relating to consultation with the City Attorney(s) of the public body.

4. ADJOURN

“Mine, Yours, Ours”

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF DECEMBER 2010**

CALL TO ORDER –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 06, 2010 at 7:00 p.m. and welcomed all to tonight’s Council meeting and good to have you here.

TAB 2

ROLL CALL-City Clerk Cristina G. Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman William “Bill” Holloway
Councilman Robert “Bob” Irvin

STAFF:

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina G. Whelan, CMC
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Building Inspector Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC-Paul Sheats, addressed the Mayor and Council and on behalf of the Salvation Army all present to come and ring the bells for one hour. The number to call if interested is 253-0357 Nell Warden or 766-HELP which is his number. All monies raised stays here in Willcox and some funds for those that are passing through or are living here. Good way to meet people and see the people in the City and invited the Mayor and Council and all present to come and ring the bells for Salvation Army.

DECLARATION ON CONFLICT OF INTEREST-There was no response from the Mayor and Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Vice Mayor Cronberg moved to remove from the Consent Agenda #10C, relating to Privilege Transaction Tax-Revenue Discovery Systems, and consider later and adopt the remainder of the agenda as presented.

SECONDED: Councilman Holloway seconded the motion. **CARRIED.**

**DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES § 38-431.03A(3)
DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC
BODY**-The City Attorney Hector Figueroa stated there is no reason go to into Executive Session.

~~8. RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~9. RECONVENE FROM EXECUTIVE SESSION~~

~~9A. DISCUSSION/DECISION REGARDING MATTER RELATING TO THE EXECUTIVE SESSION~~

10. CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk’s Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

10A. THE REGULAR MEETING HELD ON OCTOBER 4, 2010

10B. AMENDED RESOLUTION NO. 2010-116 APPROVING THE DISTRIBUTION OF ARIZONA DEPARTMENT OF TRANSPORTATION LOCAL TRANSPORTATION ASSISTANCE FUNDS [“LTAF II”] TO SELECTED RECIPIENTS

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF DECEMBER 2010**

**FOR THE PURPOSE OF FUNDING SPECIFIC PROJECTS AND AUTHORIZING THE MAYOR TO EXECUTE THIS
RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

Removed from Consent Agenda.

**10C. RESOLUTION NO. 2010-120 APPROVING AND ADOPTING THE TRANSACTION PRIVILEGE TAX ("TPT")
ADMINISTRATION AGREEMENT WITH THE PRA GOVERNMENT SERVICES D/B/A REVENUE DISCOVERY
SYSTEMS ("RDS") TO PERFORM COMPREHENSIVE REMITTANCE PROCESSING AND COMPLIANCE FOR TPT
TAXES, USE TAXES, BED TAXES AND ANY OTHER TAXES AS DESIGNATED BY THE CITY AND AUTHORIZING
THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

MOTION: Councilman Johnson moved to adopt the consent agenda items as presented #10A and #10B.

SECONDED: Councilman Klump seconded the motion. **CARRIED.**

10C. Considered at this time:

**RESOLUTION NO. 2010-120 APPROVING AND ADOPTING THE TRANSACTION PRIVILEGE TAX ("TPT")
ADMINISTRATION AGREEMENT WITH THE PRA GOVERNMENT SERVICES D/B/A REVENUE DISCOVERY SYSTEMS
("RDS") TO PERFORM COMPREHENSIVE REMITTANCE PROCESSING AND COMPLIANCE FOR TPT TAXES, USE
TAXES, BED TAXES AND ANY OTHER TAXES AS DESIGNATED BY THE CITY AND AUTHORIZING THE MAYOR TO
EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

Vice Mayor Cronberg asked if motion was needed before discussion. Mayor Lindsey said they could ask the City Manager Pat McCourt and the City Manager stated the Finance Director Ruth Graham is here to discuss this topic. Ms. Graham asked the Mayor and Council if there was something specific they wanted to discuss. Vice Mayor Cronberg stated she was surprised to see this particular item on the Consent Agenda when she does not think the full Council has discussed this much beyond stating they are looking possibly going into a contract. The Vice Mayor's understanding was looking for more background information and possibly some sort of understanding from other Municipalities that are already using the RDS services as to how they are doing, and is there anything comparable to the size of Willcox. Concerned not sure weighed out pros and cons completely. Ms. Graham replied she has talked with Bullhead City on a number of occasions and with RDS for a couple years and again talked to them today. They believe that reporting is better and people have impression they need to make sure in compliance. The Customer Service with RDS is more active can call 24/7 and leave message and they have longer customer service hours than the State. If customer leaves phone message at night or weekend they will return your call the next business day. The City of Sedona and Sommerton have gone onto RDS at this point and Willcox if chooses to do this is the 4th City in Arizona. The reporting is more extensive, and gives us more opportunity to carefully analyze and look at trends, look at what industries, and more information about what is happening in Willcox. We can get report on how things are going and now we will have more reports including a Summarized Report. Any analysis we will have information already summarized from RDS. They have been in business for 25 years and the League of Arizona Cities and Towns and Leagues from other States have done due diligence. They have a Call Center so if you have not paid by the first they will be on the phone, not as harassment issue, and will ask you if there is anything they can do to help. The State is so far down they are adding 45-55 Auditors and plan to become more active but they are so far behind. This is an opportunity for our taxpayers to have better service. It will level the playing field. If you are vendor directly collecting taxes same playing field as local vendors. Ms. Graham believes it is something that outsourcing this item would be a benefit. Any audit services are an additional service and they are not automatic. If we see a matter RDS has collection and audit services available for a fee and it would be additional service and it would be a request from the City not RDS.

Vice Mayor Cronberg concerned with part of the language in resolution and this may be where she needs clarification: "the City shall not adopt any modification or amendment to the Model City Tax Code unless the City holds a public hearing on the proposed action before modification or amendment" and asked if contracting with a third party be a modification and should we already be looking at a public hearing and possibly getting some input. Ms. Graham explained that the public hearing is the next step. Until we have a contract in place we do not have alternative. Talked with Tom Belshe, League of Arizona Cities and Towns, and the Model City Tax the City would be self collecting. Staff is talking about effective date for the month of March which is due in April. Vice Mayor Cronberg asked what sort of lead time for public hearing and how many do we need to have before implementation. Ms. Graham explained two (2) public hearings and then RDS would come in late January and in late February start outreach and talk with people and provide instruction. They have on-line service available which is very

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF DECEMBER 2010**

straightforward and simple. If there is a vendor that might be in multiple cities with RDS still does one report for each although has to do separate report to the State. Vice Mayor Cronberg stated that she really does understand the benefit for more immediate revenue flow and guesses that is the primary benefit and being better able to provide services to our taxpayers. The Vice Mayor asked if we are in that position for the 1%, if staff sees that as the fee to RDS and is that something we can easily absorb or difficult for us given our economic circumstance. Ms. Graham stated the fee will be an extra cost and concept is we would start to receive return faster and hoping with increased efforts we would pick up more of taxpayers that are not filing right now. It will be an expense and if hired employee to do the collection we would have additional costs for employee.

Councilman Johnson asked Ms. Graham if it is going to save us any time. It will cost us money to do this and can see the benefits as well. Our Audit and Budget numbers for our expenditures have increased higher than income has. This is \$25-\$26-\$27,000 money that we are paying to a tax collector. RDS is a business and they are in business to make money. Councilman Johnson also asked if RDS would be going after certain taxes or businesses to collect taxes because they get paid once it gets collected. And asked if this is such a great program how come more Cities are not getting involved? There are three (3) and Willcox would make four (4) and it has been around for 25 years. Ms. Graham explained there will be initial costs. Thinks when the State budget problems reduced their staff they made serious mistake and she thinks they should have put more emphasis on collecting rather than not. State has not pursued revenue collection in Willcox. The second question will it save time, Ms. Graham believes it will with more data, and more timely information. We will have better data to make better decisions and it will produce increased revenue. Councilman Johnson asked if business not collecting taxes or reporting taxes or not paying what is the procedure in place right now with the contact with the State and the Attorney General. Would they look into that and asked what would the fee be to the City. Ms. Graham replied the State would not charge us for Audit. In the 5-years she has been with the City she has seen one taxpayer paying in other communities. There was a large payment that came in reported as Audit but it was not because of an Audit it was voluntary reporting. She did have a vendor she received complaint about and called the State and said they filed a return and they were not going to do anything. She has never seen them do an Audit in Willcox. Councilman Johnson asked if called them and said "hey we think Business A is not reporting taxes right can you look into it." Ms. Graham said she has indeed called and they did nothing. Councilman Johnson asked what would be benefit with RDS. Ms. Graham explained if RDS would do an Audit they would charge us \$85/hour plus travel costs. Councilman Johnson asked if we have to go to Court would the Attorney General represents the City if we are contracted with the State and what attorney would represent the City with RDS. Ms. Graham replied the City would have its own attorney. She does not believe going out to Audit is our main goal. Councilman Johnson said right now 60-90 days before we see November or December amounts. Ms. Graham explained primarily see it later on the following month. If they file by the 25th of the month see it throughout the next month with the State. RDS deposits no less than twice per week.

Mayor Lindsey stated part of the problem is we do not know if we are seeing complete return to the City by the State. And that is part of what we are looking at by going to another collection service. Do we know if we are getting the taxes that we are due? Vice Mayor Cronberg stated based on that and with this being a 5-year contract she did a quick review of the agreement language and asked "what is the out" if it looks like it is not a good expenditure or not seeing expected revenues we think we should be seeing. Mayor Lindsey said it is item #8 and his question is the statements "either party has the right to terminate this agreement" and it goes on later in the contract that "any such termination may be made only by providing 90 days written notice to the other party specifically identifying the breach or breaches on which termination is based. Following receipt of such notice the party in breach shall have 30 days to cure such breach." If read that language and if we simply wanted to quit does not see where we are allowed that opportunity. Ms. Graham has requested wording to be changed and so did our City Attorney who brought up that issue. RDS the attitude married to and she does not know. City Attorney Figueroa stated that language is stronger in favor of them. The language they had could only be terminated for material breach or breaches and then allowed to cure the breach and he was not happy with that. They had them change the wording and RDS still left the part about being able to "cure." Department of Revenue (DOR) gives the City a 90 day notice. Then we have to amend by Ordinance the Model City Tax Code. Once that is done then we enter into new agreement with DOR not collector but still have to put City and RDS has to maintain the disclosure requirements, storage and retention of records. Concerned even with the current DOR contract we have if the City decided to do Audit by the City Auditor or an independent third party auditor they said "when any city or town exercises its right to conduct audit and use its own Auditor or independent auditor the City or

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
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Town assumes responsibility to the following: collection of taxes, payment of collected taxes for City and Town, responsibility for litigation, responsibility for administrative review and delegation of authority." Even with ADOR (Arizona Department of Revenue) if the City decides to audit someone to try to collect taxes the City has to assume the same. In this contract did bring that up to Ms. Graham and contacted RDS and they have sent the revised language that we have today. Although the City Attorney is still not happy with the contract now it is up to the Mayor and Council because "you will be married." Anytime given opportunity to "cure" we can not use that to terminate. Vice Mayor Cronberg thought there was a 90 day trial period and asked if this 90 notice to ADOR basically the 90 day probationary period talking about. It does not give us "yes its working for us or no it is really not" and then we are stuck. City Attorney Figueroa does not recall trial period but clause document entire contract and no other understanding supersedes this agreement and we are stuck with agreement. Vice Mayor Cronberg thinks we could enter something like this in good faith but in real world "it pops you in the face" and is uncomfortable with it at this point. The Vice Mayor stated she can see benefits but still unfinished business in terms of really getting a true understanding how it effects us and what we can do. Right now it does not sound like we have recourse. The Vice Mayor really thinks we need to discuss this further because have not had opportunity to talk about it.

Mayor Lindsey stated this is the first time to see contract and there are problems that bother him also. He can see benefits and maybe it needs to be refined further. Also has problem with the optional services charges. Concern hourly rate \$85 and automatic 3% increase each year and not sure that should be tied to CPI. Ms. Graham asked if Mayor and Council wanted additional information from RDS and could ask representatives from Bullhead City or its Mayor with a teleconference. Councilman Johnson asked if RDS would be willing to accept the 90 day unconditional "we want out, you want out." Mayor Lindsey said he asked that question and answered 'yes but have to look at rate going to charge us.' Councilman Johnson said then the City is looking at spending more money, less taxes coming in and thinks we are better where we are. Mayor Lindsey thinks we are going to have more taxes coming in and there are benefits to the program. Vice Mayor Cronberg stated she would like to hear representatives from Bullhead City and wants to talk with someone involved and get answers on how it is working. Thinks we could get more information and she would be more comfortable to then make a decision because there are several things she can not support the way it is written right now. City Attorney Figueroa does not think simple 90 days or further with 90 days with conditional provision is that if we owe RDS any money for that period of time and if they did Audit and not complete we need to pay them or if owed them any money on any option or process that would have to be included within that 90 days and then have to accommodate the contract and reimburse them to what they are entitled to. Councilman Holloway thinks there is advantage to increased tax collection, no question on that, but is not comfortable with 5-year and "no get out of jail" in that terminology. What RDS has offered in the contract they are not going to breach what they wrote, and we will not have that to get out of the agreement. Although Councilman Holloway does see RDS advantage with somebody who is working for us rather than State because not sure who they are working for. Mr. Sheats asked if City has asked them for three (3) references or so from Cities if they are going to renew or trying to get out and why. Ask the three (3) that did not renew and ask them what the reason was and why they did not want to renew after the 5-years.

Mayor Lindsey directed staff to consider the comments made here tonight and go back and work with RDS to see if we can clarify some of those issues that are troubling to Council and bring it back at a later meeting. Ms. Graham replied she will do that and thinks that privatization will be more efficient.

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Communications: Mayor Lindsey read the First reading of Ordinance NS303 Creating and Adopting Health and Sanitation, Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), By Reference, Affirming The Repeal Of Title 8, Chapter 8.12 ("Garbage") Included In NS292.

Public Hearing: The Mayor announced that the Mayor and Council will hold a public hearing on Monday, December 20, 2010 regarding Ordinance NS303 Creating and Adopting Health and Sanitation, Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), By Reference, Affirming The Repeal Of Title 8, Chapter 8.12 ("Garbage") Included In NS292.

All members of the public are invited to attend such public hearing. For those persons wishing to comment and are unable to attend the public hearing written comments will be accepted in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, until 4:00 p.m. the day of the public hearing.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF DECEMBER 2010**

PRESENTATION BY ROB JONES AND ETHAN ORR ON THE LINKAGE PROGRAM TO HELP DISABLED PERSONS WITH EMPLOYMENT

Mr. Rob Jones thanked Mayor and Council members. Come to them tonight with opportunity for Willcox and the Willcox area to help adults with disabilities and help them in the job search. Mr. Jones stated he was fortunate to meet Mr. Ethan Orr, Linkages out of Tucson. Mr. Orr briefly explained that Linkages fabricated on fact that everyone was created for a purpose. It was founded in 1996 by Jim Click and Tony Click was Director for a time and found there were about 40 agencies serving disabled in Tucson. There was very little coordination among the agencies and very poor communications to marketing and communication of businesses. They all got together and created Linkages which became the marketing arm for all the rehabilitation agencies. The funding in Tucson comes only from the private sector and very successful. President Clinton gave Mr. Click an Award for concept. Created exciting Web opportunities to help people calculate benefits, tax credits available for businesses and moved that all online and goal is serving non-profit agencies in getting people employed, free up their time and allow their expertise. Expanded throughout most of the State and serve 84 non-profit agencies and helped over 600 people find employment. In Yuma has about 20% unemployment rate and created a 50 member volunteer core that is working to help 20 developmental disabled students to the Food Bank every week and Humane Society. Wanted to ask their advice on volunteer special education programs at Willcox High School and would do something here. Fiscal situation is pretty bad. It is time for community to pick problem and solve it. Safeway is huge partner at State level they work with their Director in HR (Human Resources). They try to get workers here and the School has done a good job too. They have contract with Simpatico that provides serves in this area as well.

Mayor Lindsey said they were suggesting disabled kids might be able to do something for the City and asked if he is talking about employment. Mr. Orr said it is strictly volunteer basis in the community to prove what they can do. Whatever project is initiated such as cleaning up a Park or what ever the City is in need of help. Vice Mayor Cronberg asked about the corporate sponsorship what the local expectation is other than money. Mr. Orr replied his philosophy is that he puts all his cards on the table and have a deal that is great. They are not looking for funding only getting jobs. Looking at existing institution and help to make it work better. Hopefully volunteering and work with Chamber and get the jobs on the web site. There is no cost to the City. It is very important to Jim Click that people get jobs. Asking Mayor and Council to help open business doors and identify people with disabilities that are employable. Your expertise, volunteering is what asking for. Web site address is linkages@arizona.org and will send packet to City Manager to give information to Mayor and Council. Councilman Johnson asked if any parameters or could they start Humane Society and with volunteers and we do have Dog Catcher. Mr. Orr engage with students and defer to Legal Counsel for any liability issues. Mayor Lindsey stated usually challenged kids really do take to animals. Corporate partner working with is Pets Mart. Its idea everyone should have opportunity for employment that is volunteer, full time or part time or otherwise and be part of the community and they should not be isolated. Thanked Mayor and Council

DISCUSSION/DECISION REGARDING APPROVAL OF FISCAL YEAR 2009-2010 ANNUAL AUDIT REPORT

Finance Director Graham has provided the Mayor and Council copies in their packets of the FY2009-2010 Annual Report and Ms. Robin Sibley from Hinton Burdick our Audit firm is here tonight to do power point presentation. Ms. Sibley addressed the Mayor and Council and she is was on the Audit this year and is a CPA (Certified Public Accountant) with Hinton Burdick. They came out in the beginning of October and it went very well. The City staff was ready for them. Findings were a lot less than last year and it is a "very, very good report." Power point presentation was made. Independent report on Compliance; State compliance, clean and Findings is separate letter only found compliance issue which was improvement from last year and eliminated findings from last year. Budgetary compliance they have a new finding the adoption of the Tax Levy which was a couple of weeks late. Budgetary compliance no overruns in General Fund and 2-non-major fund. Financial Statement is the financial resources of the government. Capital Assets and long term debt recorded. Net assets increased over the last 2-years. \$400,000 transferred to cover expenditure. Long term debt decreased.

Mayor Lindsey stated the Audit looked good to him. Ms. Sibley thanked the Mayor and Council for their time, she enjoys coming out here, and the firm is based in St. George, Utah and will be opening an office in Flagstaff in January. Thanked the staff, Ms. Graham and Connie Bonner, who are great to work with, they have worked very hard to clear the findings and thanked them for their hard work. Mayor Lindsey thanked her for coming and presentation and thanked City staff on the great

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF DECEMBER 2010**

job making sure records were correct and working with staff. The Mayor stated he has worked with Auditors and most always "wanted to find something." Congratulations are in order!

MOTION: Councilman Holloway moved to approve the FY2009-2010 Annual Audit Report.

SECONDED: Councilman Donahue seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESPONSE LETTER FOR THE FISCAL YEAR 2010 ANNUAL AUDIT

MOTION: Vice Mayor Cronberg moved to accept the response letter for the FY2010 Annual Audit as written.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Finance Director Graham explained the issues the Auditors raised this year were that the City was not in compliance with a couple and the variances were very small. Staff will continue to comply and stay abreast. The next concern was the Adoption of the Tax Code by the 3rd week in August and will not happen again. The next issue was the Fund Deficit and Enterfund Payables. The City has adopted new Refuse Ordinance to update the Code and address the new rate schedule. This has been problem and it is getting better over the years and plans to have it continue to get resolved. Refuse Fund has been reduced from \$139,711 in 2008 to \$120,622 in 2009 and \$107,396 in 2010. Ms. Graham believes we are complying and doing the best they can for the City. **CARRIED.**

DISCUSSION/ DECISION REGARDING THE APPOINTMENT OF CITY REPRESENTATIVES TO THE ADVISORY BOARD SET UP BY CITY AND NORTHERN COCHISE COMMUNITY HOSPITAL (NCCH)

Mayor Lindsey stated he makes recommendation to accept Vice Mayor Cronberg and Tom Miner as City representatives. City Manager McCourt asked if he wants to consider a time limit. Vice Mayor Cronberg said the actual agreement with NCCH and Senior Center is spelled out. Mr. McCourt replied it is spelled out for the at-large member and not for the City representative. The Vice Mayor agrees set time limit and not 5-years. Mayor Lindsey suggested going with the 2-members and suggesting putting it at 2-years to get the board moving and that is the important thing is to get it moving.

MOTION: Mayor Lindsey made recommendation to appoint Vice Mayor Cronberg and Tom Miner as the City representatives to the Advisory Board set up by the City and NCCH.

SECONDED: Councilman Johnson seconded the recommendation. **CARRIED.**

DISCUSSION REGARDING CONSENT ORDER FROM ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY & CONTROL (AZDEQ) CONCERNING THE WASTEWATER TREATMENT PLANT (WWTP)

City Manager McCourt reported this is an on-going matter for some time. Discussion held to put off the acceptance by the City until January. The State is receptive to that. That is to allow us to sufficient time to get engineering firm on board to make sure we can fulfill the requirements. Minor modifications do not have to bring the polishing ponds back on line. Mayor Lindsey question is concerning the permit to use the water on the Golf Course. In the Consent Order the City is relinquishing our permit to do that and asked where we stand. Mr. McCourt replied we will be able to continue but have to get into compliance with the requirements. They are asking us to amend our existing agreement.. Then withdraw amendment and start over. Councilman Johnson asked if staff is soliciting Engineering Firms. The City Manager reported we do have an RFP and is under his report section. Thought copy was included in the packets and will make copies and place in their Council boxes at City Hall.

REPORTS BY THE CITY MANAGER PAT McCOURT

Consideration, discussion and/or decision regarding the following topics by the City Manager:

- **Report on Willcox High Basketball Teams-**The Boys Basketball Team won last against Ft. Thomas, game tomorrow against Safford at home, Thursday at Tombstone and next Tuesday at Pima and here Thursday against Benson. Girls Basketball has not faired quite as well and sure they will improve as season continues. Game Thursday at Tombstone.
- **Report on Employee Luncheon-**staff asked to do Holiday Event for the employees and scheduled at the Community Center on Friday, December 10, 2010 from 11:30 to 1:30 and if Council members would like to bring something need chips.
- **Report on Apple Festival & Christmas Tree Lighting Parade-**Held on December 3 & 4, 2010 Parade Awards First Place: Encore Dance Academy, Second Place: Ms. King's Class Bus, and Third Place: Sun Cor Underground. The Chamber gave out approximately 350 cups of hot chocolate.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF DECEMBER 2010**

- **Report on Rotary Raffle-Tickets on Sale!** Unique opportunity to participate in world safety Rotary Raffle for fireworks and tickets are available through the end of January. The Chamber is also having a 50/50 drawing for \$10 and if anyone would like to participate in that he also has tickets for sale.
- **Report on Chamber Annual Meeting**-the Chamber of Commerce & Agriculture o be held on Tuesday, December 14, 2010 at 6:00 p.m. KIVA Room RSVP needed for dinner \$20.00 to the Chamber.
- **Report on City Offices Closed Holidays**-Reminder we have 2-Holidays this month Christmas and New Year's Eve. All City Offices (except Public Safety) will close at noon on Thursday, December 23 through 26th and open regular hours on Monday, December 27th. Then closed at noon on Thursday, December 30 until January 2, 2011 for the City's Observed Holidays and open regular hours on Monday, January 3, 2011.
- **Report on Notices Posted on Web site prior to changes to rates**-New State Law requires we have to put notices on web site before consider rate changes or tax increases. It is to include all notices that rates will be considered for changes. Also have ongoing rate change that occurs in our Gas Company which is basically a fixed charge and then floating which allows the consumer the immediate impact on the price of gas for that month. The cost of living increases that have been built into the rate structure and has to be announced and should be very small for the last year. These notices on the web site bring us into compliance.
- **Report on Request For Qualifications (RFQ) on the WasteWater Treatment Plant (WWTP) Engineering Services**-the RFQ for the WWTP Engineering Services due January 7, 2011 at 3:00 p.m. USDA is not perceptive to the Design Built option.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Klump reported he took his kids to the Lighted Parade and thinks more people there than he can ever remember. Mayor Lindsey stated more entries this time too.

Councilman Johnson reported there was very good turnout and community participation.

Mayor Lindsey reported there has been several activities over last couple of weeks and well attended. He sat close to hot chocolate factory to keep warm and did enjoy those activities. Received a card from Representative Pat Fleming she was defeated at the last election and has worked hard to keep the City informed and thinks owe her vote of thanks for her service. The Mayor read the card.

Councilman Holloway when looked at 20-35-40 pages of the Audit he did go through that very detail. We usually thanked staff and supervisors and supervisors are the staff. Look at graphs and numbers and in these hard time unrestricted cash balances are hanging in there and quite noticeable and wanted to say that to probably to 2-people.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:15 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 6th day of December 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 15th day of December 2010

City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2010.

MAYOR GERALD W. LINDSEY
Signed: _____

ATTEST:

City Clerk Cristina G. Whelan, CMC

CITY OF WILLCOX
Request for Council Action

Agenda Item: _____

Tab Number: _____

Date: 12/20/10

Date Submitted:

12/16/10

Action:

Resolution
 Ordinance
 Formal
 Other

Subject:

City Purchases From
Members of the
Governing Body

To: Honorable Mayor and City Council
From: Ruth Graham, Director of Finance

Discussion:

By Section L of the Willcox Procurement Policy, and in accordance with A.R.S. §38-503, the City may purchase supplies, materials and equipment through its governing body, without using public competitive bidding procedures, from any elected or City official in compliance with the statutory limits of \$300 for single transactions, and a maximum of \$1,000 from the entire body, if the policy for such purchases is approved annually. Resolution No. 2010-___ before the Council is the annual authorization of Section L of the Procurement Policy.

Fiscal Impact: N/A.

Recommendation: Approval of the policy for purchases from the governing body.

Recommended Motion:

Motion to approve Section L of the City of Willcox Procurement Policy for the purchase of supplies, materials and equipment through its governing body, without using public competitive bidding procedures, from any elected or City official in compliance with the statutory limits of \$300 for single transactions, and a maximum of \$1,000 from the entire body.

Fiscal Impact: N/A.

Prepared By:



Ruth Graham, Director of Finance

Approved by:



Pat McCourt, City Manager

RESOLUTION NO. 2010-124

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING THAT PORTION OF THE PURCHASES THROUGH MEMBERS OF ITS GOVERNING BODY

WHEREAS, the Mayor and Council of the City of Willcox, Cochise County, Arizona, passed and adopted a purchasing policy on January 7, 2008; and

WHEREAS, Section 3-1-3(L) of the Willcox Procurement Policy allows the City of Willcox to purchase supplies, materials and equipment from the Mayor or any member of the Council without using competitive public bidding procedures if the amount of a single transaction does not exceed \$300. The total of all transactions in the fiscal year for each member of the Council or for the Mayor shall not exceed \$1,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the governing provisions of the City of Willcox Procurement Policy for purchasing supplies, materials and equipment through the governing body of the City of Willcox are hereby effective and defined as January 1, 2011 to December 31, 2011.

PASSED, ADOPTED AND APPROVED, by the Mayor and City Council of the City of Willcox, Cochise County, Arizona on this 20th day of December 2010.

MAYOR, GERALD W. LINDSEY

ATTEST:

APPROVED AS TO FORM:

City Clerk Cristina G. Whelan, CMC

City Attorney, Hector M. Figueroa

RESOLUTION NO. 2010-124

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: _____ 11C
Tab Number: _____ 4
Date: 12-20-2010

Date Submitted:
12-16-10

Date Requested:
12-20-10

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Appointment to the Parks & Recreation Advisory Committee members, to fill the 3-vacancies, term to expire December 31, 2014.

TO: MAYOR AND COUNCIL

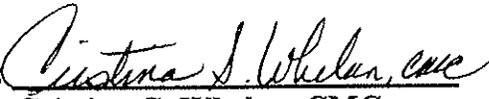
FROM: City Clerk

DISCUSSION: In accordance with the Willcox City Code Title 2-Chapter 2-3 Appointment; Terms; Vacancies; Removals: vacancies shall be filled by appointment by the Mayor and City Council. City staff has advertised for the vacancies and received 3-letters of interest.

Letters received were from the 3-members of the Parks & Recreation (P&R) Advisory Committee whose terms were expiring on December 31, 2010. They are Les Wolslagel, Tim Atwell and RaeAnn Kiesling. The terms will expire December 31, 2014.

RECOMMENDATION: Mayor and Council to appoint the 3-members to the P&R Advisory Committee.

FISCAL IMPACT: -0-

Prepared by: 
Cristina G. Whelan, CMC

Approved by: 
Pat McCourt, City Manager

December 8, 2010

DEC 08 2010

BY: C. Wolfen 11:50 AM

Dear City Council;

Holiday greetings to you all. I have enjoyed serving on the Parks and Recreation Committee; filling the vacancy to complete the term ending December 2010. I think the committee has a lot to offer to the community of Willcox. In my short time on the committee, we have been on a tour of the parks, had two meetings, and have been working on a proposal regarding the community center, which we will plan on finalizing at the work session scheduled for December 13th. We have a strong group of people with a variety of experience and knowledge. I think within the short time I have worked on the committee, I have demonstrated my ability to work as a team, be proactive, productive, professional and have demonstrated my ability to do and accomplish things. We are on line to have elections of executive officers, and fully expect to be up and running as a complete and accomplishing committee in January, after all the vacancies have been appointed by City Council later this month.

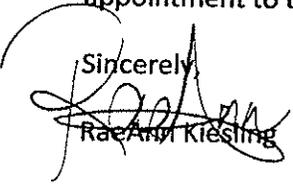
It has been an honor to serve the community on the Parks and Recreation Committee, and I am excited about the upcoming challenges, programs and events, that lay ahead. I would like to submit my letter of interest for appointment to fill one of the 3 assignments available for the Parks and Recreation Committee. I bring a strong sense of family, community and teamwork to the committee. As the Vice President of the Rex Allen Days Inc Board for 2011, I think that working on the Parks and Recreation committee will help make this year's 60th annual event more united with all the different committees dedicated to making that weekend a success in Willcox each year. I think that the committee has some wonderful opportunities ahead and I hope that I can be instrumental in bringing the hopes, plans and goals of this community to reality. I am confident that the skills and strengths that I have will add to the committee as a whole, and look forward to continuing to serve on the Parks and Recreation Committee. I ask to be re-appointed to fill the current position that expires this month.

We have many exciting upcoming events and projects; and I look forward to working with City Council, the City, and the Community of Willcox and the surrounding areas. We have a wonderful town and great people, who make this one of the most attractive place to work, live, raise a family, visit and retire. I look forward to continuing to serve the great people of this community.

If you have any questions or if I may be of service to any of you, please feel free to contact me via email at Send2RaeAnn@live.com or call me at 384-9899. My mailing address is available from Dawn Adame at the City of Willcox.

Thank you for your time and consideration, and this letter is Respectively Submitted for your review and appointment to the City Parks and Recreation Committee at this time.

Sincerely,


RaeAnn Kiesling

December 10, 2010

Mayor Lindsey
City Council Members
Willcox, Arizona

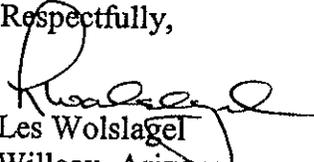
Mayor and Council Members,

I am sending you this letter of interest for a position on the Parks and Recreation Advisory Committee. Currently, I am serving on that committee and have for the past 4 years.

I have been a city resident since 1995 and have lived and worked in the Willcox and northern Cochise County area since 1979. This committee has, over the past several years, made significant contributions to our town and I would like to see those contributions continue.

Please accept this letter of interest for consideration to an appointment to serve on the Parks and Recreation Committee.

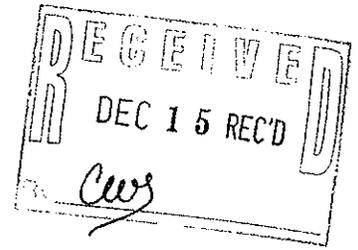
Respectfully,


Les Wolslagel
Willcox, Arizona

Tim Atwell

749 W Wasson St

Willcox, AZ 85643



December 14, 2010

Mayor & Council,

My term with Park & Recreation Commission is coming to an end. I've enjoyed my time on the commission. I would like you to consider me for another term on the commission.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tim Atwell'.

Tim Atwell

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 11D
Tab Number: 5
Date: 12-20-2010

Date Submitted:
12-16-10

Date Requested:
12-20-10

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Appointment to the Willcox Historic Preservation Advisory Committee members, to fill 2 of the 4 vacancies, term to expire December 31, 2014.

TO: MAYOR AND COUNCIL

FROM: City Clerk

DISCUSSION: In accordance with the Willcox City Code Title 2-Chapter 2-3-3 Appointment; Terms; Vacancies; Removals: vacancies shall be filled by appointment by the Mayor and City Council. City staff has advertised for the 3-vacancies and since then Mr. Phil Stratton has submitted his letter of resignation. Staff received 2-letters of interest and remaining are 2-vacancies to fill.

Letters received for consideration to the Willcox Historic Preservation Advisory Committee are "Marshal Bo" and Ronnie Calvert. Terms will expire on December 31, 2014.

RECOMMENDATION: Mayor and Council to appoint the 2-members, if so desire, to the Willcox Historic Preservation Advisory Committee.

FISCAL IMPACT: -0-

Prepared by: Cristina G. Whelan, CMC
Cristina G. Whelan, CMC

Approved by: Pat McCourt
Pat McCourt, City Manager

Ronnie Calvert
P.O. Box 511
Willcox, AZ 85644
Home: 520-384-6027, Cell 520-507-5598

December 12, 2010

City of Willcox
Human Resource Office
101 South Railroad Ave., Suite B
Willcox, AZ 85643

Mayor and Council:

RE: Historic Preservation Advisory Committee Vacancies

I would like to submit my name for consideration for the above committee. Helping the city and its preservation is important to me. Living in Willcox since 1964, I have seen many changes and would like to be apart of its ongoing history. My experience of working for Simflo Pumps for 30 years and becoming General Manager in charge of 40 plus employees, volunteering as Cub Scout and Boy Scout Master, Santa Claus for twenty five years, Shrine Clown, and one year fund raiser for the RAD Bike Ride would all be helpful to me as a member of this committee. My memberships now include, Elks Lodge, Masonic Lodge, Scottish Rite, and volunteering with Marshal Bo's Gunslingers of the West. I love history and working with people. Being retired now gives me the opportunity to serve. Thank you for considering me for this committee. I can be reached at the above address and phone numbers.

Sincerely,

Ronnie Calvert



LETTER OF INTENT

November 15, 2010

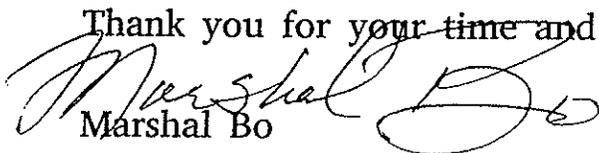
Dear Mr. Mayor and esteemed members of the council,

The purpose of this letter is to inform you that I am very interested in serving on the Historical Preservation Committee.

I can serve this committee well. I have studied the 1880's extensively for many years. The old West has been a great passion of mine, including the architectural design of the times. Details of the old west designs is the most awesome part of the old west. The early buildings were created out of peoples imagination and sometimes the designs were of course simple because of the lack of funds. If research is needed, I would be more than happy to assist in any way. My background growing up in a family of builders and designers peaked my interest to study and absorbed many designs of the past. The designs of that era changed significantly from the east coast to the west coast.

If I am considered, I shall be consistent in attendance. My health has greatly improved due to a fabulous Doctor in this little town.

Thank you for your time and consideration,


Marshal Bo

Phone # 520-507-4985

for Susan to
Bridget Giff

December 9, 2010

City of Willcox
101 S Railroad Ave.
Willcox, Az. 85643

DEC 11 2010

Attn: City Manager

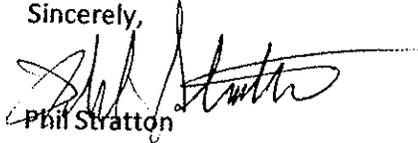
Dear Sirs,

It is with regret that I am resigning from the Willcox Historic Preservation Advisory Committee effective immediately.

I have thoroughly enjoyed my involvement with all aspects of the Historic District for the past 28 years but my personal situation has changed so much that I no longer have the flexibility to be as involved as I have in the past.

I will continue to support and encourage the maintenance and preservation of the Willcox Historical District in what ways that I can.

Sincerely,



Phil Stratton



PA 6
TAB 6

NOTICE OF PUBLIC HEARING
MAYOR AND CITY COUNCIL

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold a **PUBLIC HEARING**, during the **REGULAR** meeting, on **MONDAY** the **20th** day of **DECEMBER** 2010 at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Public Hearing on:

ORDINANCE NS303

AN ORDINANCE OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, CREATING AND ADOPTING HEALTH AND SANITATION, TITLE 5, CHAPTERS 4 AND 5 ("RESERVED") AND CHAPTER 6 ("SOLID WASTE"), BY REFERENCE, AFFIRMING THE REPEAL OF TITLE 8, CHAPTER 8.12 ("GARBAGE") INCLUDED IN NS292.

All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643.

DATED AND POSTED this 3RD day of DECEMBER 2010 AT 10:00 A.M.

CITY OF WILLCOX, ARIZONA

Is/Cristina G. Whelan, CMC

CITY CLERK

Publichearing/ord NS303 Solid Waste

ORDINANCE NS303

AN ORDINANCE OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, CREATING AND ADOPTING HEALTH AND SANITATION, TITLE 5, CHAPTERS 4 AND 5 (“RESERVED”) AND CHAPTER 6 (“SOLID WASTE”), BY REFERENCE, AFFIRMING THE REPEAL OF TITLE 8, CHAPTER 8.12 (“GARBAGE”) INCLUDED IN NS292.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Adoption by Reference, A.R.S. § 9-801.

That a certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Willcox, being marked and designated as Title 5, Chapters 4 and 5 (“Reserved”) and 6 (“Solid Waste”) of the Willcox City Code, be and is hereby adopted, by reference, as the “Health and Sanitation Chapters” governing all general health and sanitation regulations and solid waste regulations; providing for enforcement; providing penalty clauses; and providing an appellate process.

Section 2: Creations, Additions, Changes and Repeals.

That the following Titles, Chapters and Sections are revised, added, changed and renumbered:

Title 5, Chapter 4, is created and “**Reserved**” for future use

Title 5, Chapter 5, is created and “**Reserved**” for future use

Title 5, Chapter 6, is created and numbered as §§5-6-1 to 5-6-28

Title 8, Chapter 8.12 (“Garbage”) repealed, in its entirety, by Ordinance NS292 is affirmed

Section 3: Adoption of Title 5, Chapters 4, 5, and 6, Penalty Clause.

Any PERSON, OWNER, TENANT, LESSEE, OCCUPANT, PARTY, CONTRACTOR, MANAGER, BOARD AND OFFICER or any other business legal entity violating any of the provisions of Title 5, herein adopted shall be subject to the penalties as provided in Title 1, Chapter 1, ' 1-4-1 and/or as provided in Title 5, Chapter 1, ' 5-1-1 of this code: Fine not exceeding three hundred dollars (\$300.00) for offenses designated as petty offenses pursuant to A.R.S. ' 13-601 or a fine not exceeding two thousand five hundred dollars (\$2,500.00) for offenses designated as misdemeanors plus statutory surcharges as mandated by the legislature on/after **December 15, 2008** or as amended; a probationary period and imprisonment/ confinement up to 180 days or any combination thereof or **as otherwise provided elsewhere in the Code, by Resolution of Mayor and Council, or by statute**, including suspension or revocation of a license, permit or franchise, or other equitable relief.

Section 4: That Title 8, Chapter 8.12 (“Garbage”) was repealed, in its entirety, by Ordinance NS292 and said repeal is hereby affirmed; and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, the City of Willcox, Cochise County, Arizona hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase, irrespective of the fact that any sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6: That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7: That the various City Officers and Official(s) and/or any other duly appointed deputy are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all the duties authorized under this Ordinance and the City Code.

Section 8: That where this Ordinance conflicts or overlaps with any other Ordinance, Code provision or regulation, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevail.

Section 9: The City Clerk is ordered and directed to cause this Ordinance to be published.

Section 10: The City Clerk shall attest to the adoption of this Ordinance and cause same to be maintained as a public record as required by law. This Ordinance shall become effective thirty (30) days after the Mayor and Council perform two readings, conduct a public hearing, publication as required by law, passage and adoption thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, this _____ day of December, 2010.

APPROVED/EXECUTED

MAYOR GERALD W. LINDSEY

ATTEST:

City Clerk, Cristina G. Whelan, CMC

APPROVED AS TO FORM:

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ORDINANCE NS303

Title 5 Health and Safety

5-6 Solid Waste

Sections:

5-6-1 Definitions.

5-6-2 Purpose and Scope.

5-6-3 Establishment of a Fund.

5-6-4 State Regulations Adopted.

5-6-5 General Requirements.

5-6-6 Collection Hours.

5-6-7 Establishment of Rates.

5-6-8 Responsibility for Payment of Charges.

5-6-9 Residential Refuse Service Charges.

5-6-10 Commercial Refuse Account charges.

5-6-11 Failure to Pay Refuse Charges.

5-6-12 Charges for Beginning Services.

5-6-13 Administration.

5-6-14 Covered Residential/Commercial Licensed Haulers--Requirements.

5-6-15 Inspections.

5-6-16 Container Requirements.

5-6-17 Placement of Containers for pickup.

5-6-18 Use of Containers.

5-6-19 Preparation of Refuse for Collection.

5-6-20 Illegal Disposal of Refuse.

5-6-21 Ownership of Refuse/Garbage.

5-6-22 Scavenging Refuse Prohibited.

5-6-23 Collection of Refuse.

5-6-24 Collection of Bulk Materials.

5-6-25 Biannual Cleanup of Alleys and Streets.

5-6-26 Recycling.

5-6-27 Suspension or Revocation of License.

5-6-28 Violations

1 **5-6-1 Definitions.**

2 The following terms, as used in this Chapter, shall have the following meanings unless the context
3 clearly requires otherwise:

4
5 **A.A.C.;** means Arizona Administrative Code.

6
7 **Administrator;** means the City Manager or designee.

8
9 **Alley;** means a public or private way giving access to the rear of lots or buildings.

10
11 **Alley Collection;** means collection of refuse deposited in refuse containers that are utilized by a
12 covered residence and moved to the alley behind that covered residence on the designated days for
13 collection of refuse materials.

14
15 **Animal Waste;** means all waste from household pets, stables, kennels, pet pens, chicken coops,
16 veterinary establishments and other waste of a similar nature.

17
18 **Appliances;** means discarded appliances including refrigerators, freezers, oven ranges, water heaters,
19 dishwashers, washers, dryers, kitchen compactors, window unit air conditioners, evaporative coolers,
20 water softeners and other similar large residential appliances.

21
22 **A.R.S.;** means Arizona Revised Statutes.

23
24 **Ashes;** means all residues from the burning of any material, specifically excluding ashes from medical
25 waste or hazardous waste.

26
27 **Automotive Parts;** means any part or combination of parts of any kind of motor vehicle, including but
28 not limited to tires, batteries, seats, engines, fuel tanks, doors, auto glass and upholstery.

29
30 **Basic Refuse Services;** means the collection and disposal of refuse generated by a covered residence
31 in accordance with this Chapter pursuant to a schedule developed by the Administrator to ensure that
32 refuse will be collected at least once per calendar week.

33
34 **Brush;** means and is deemed to comprise but not limited to tree and hedge trimmings; discarded
35 Christmas trees and trimmings; bark, mulch and plants, tree trunks, branches and cactus.

36
37 **Bulk Materials;** means materials that are too large to be deposited in a provided refuse container but
38 may be collected by the Licensed Hauler pursuant to sections 5-6-24 & 5-6-9 B.

39
40 **Business Establishment;** means any facility utilized to conduct any sort of commercial, business or
41 industrial enterprise, other than a residence from which a home-based business is being legally
42 conducted. Business establishments include apartment complexes, multi-plexes which are not
43 residential Units as defined in these definitions, mobile home parks, hotels, motels, motor inns, and
44 other like establishments providing lodging for travelers, long-term care facilities and nursing homes
45 and activities conducted by nonprofit organizations. Also known as Commercial Unit.

1 **City;** means the City of Willcox.

2
3 **City Manager;** means the City Manager of Willcox, or Designee.

4
5 **City Utility Services;** means the provision of Gas, Water, Sewer, and any other services which are
6 provided by the City on a fee for service basis.

7
8 **Collection Agency;** means a Licensed Hauler, who has received a contract from the City of Willcox
9 for Covered Residential Refuse collection and; may also be awarded Refuse collection contracts for
10 City Commercial accounts; and/or other Commercial accounts under a contract with the City of
11 Willcox.

12
13 **Commercial Byproducts;** means and is deemed to comprise, but not limited to, cuttings and savings
14 from metal work; chemicals, oil, or special solvents; organic chemicals and compounds.

15
16 **Commercial Hauler;** means any person or entity licensed through the city to engage in collecting,
17 removing, transporting or hauling refuse on or along any public street, avenue or alley within the City.

18
19 **Commercial Refuse;** means any refuse produced by the operation of or as a byproduct of any non
20 residential account, without regard to whether the business is licensed in the city, or whether the
21 business activity is conducted in a public business, private residence, within the city, or any other
22 location.

23
24 **Commercial Unit;** means any property which receives City Utility Services and which is not a
25 Residential Account, also known as Commercial Account. A home occupation is not considered a
26 Commercial Unit/Account.

27
28 **Construction Debris;** shall have the meaning set forth in A.R.S. Section 49-701.5.

29
30 **Covered Residence;** means the following types of residential units which receive City Utility
31 Services:

- 32 A. Single-family homes;
- 33 B. Duplexes;
- 34 C. Tri-plexes; and
- 35 D. Multi-plexes of not more than 4 residential units, other than business establishments.

36
37 **Curbside Collection;** means collection of refuse deposited in refuse containers that are utilized by a
38 covered residence and moved to the street curb in front of that covered residence on the designated
39 days for collection of refuse materials.

40
41 **Customer;** is a person(s) who has the responsibility for payment of services at a Residential or
42 Commercial Unit.

43
44 **Dangerous Waste;** means and is deemed to comprise, but is not limited to, toxic chemicals and
45 unstable compounds; materials producing noxious fumes; radioactive or explosive materials.

46

1 **Dead Animals;** Small dead animals means weighing less than 75 pounds, Large dead animals means
2 weighing 75 pounds or more.

3
4 **Electronic Waste;** means scrap electronics that include computer equipment, VCRs, audio equipment,
5 television, cell phones, and other equipment containing circuit boards. Scrap electronics do not include
6 speakers, or kitchen appliances.

7
8 **Garbage;** means and is deemed to comprise all putrescible wastes, except sewage and body wastes,
9 including all organic wastes that have been prepared for, or intended to be used as food, or resulted
10 from the preparation of food, including all such substances from all Residential or Commercial Units;
11 worthless and offensive matter; also nonputrescible household wastes including but not limited to
12 bottles and cans; newspapers, paper, plastic vessels, glass and metal fragments less than two pounds in
13 weight; fabrics; used clothing; rags, and packing materials such as styrofoam peanuts.

14
15 **Generator;** means the person who produces or generates the refuse to which the provisions of this
16 Chapter apply.

17
18 **Hauler;** See Licensed Hauler.

19
20 **Hazardous Waste;** shall have the meaning set forth in A.R.S. Section 49-921.5.

21
22 **Household Hazardous Waste;** shall have the meaning set forth in A.R.S. Section 49-701.13.

23
24 **Landscaping Rubble;** shall have the meaning set forth in A.R.S. Section 49-701.17.

25
26 **Licensed Hauler/Licensee;** means any individual or company licensed by the City of Willcox to
27 operate within the municipal boundaries of the City of Willcox to transport Solid Waste.

28
29 **Litter;** means any refuse, garbage, or debris found in public areas or generated while traveling in a
30 motor vehicle.

31
32 **Medical Waste;** shall have the meaning set forth in A.R.S. Section 49-701.19.

33
34 **Pickup Day;** is the day designated for normal collection of refuse from containers.

35
36 **Person;** is any natural individual or any organization which has legal status.

37
38 **Private Hauler;** See Licensed Hauler.

39
40 **Property Owner;** is the person who holds legal title to the land.

41
42 **Recyclable Materials;** means refuse that is separated from other refuse for the purpose of recycling or
43 reuse, and that meets the qualitative criteria established by the administrator for recycling.

44
45 **Recycling;** shall have the meaning set forth in A.R.S. Section 49- 831.21.

46

1 **Recycling Container;** means a container used for the placement of recyclable materials for collection
2 by the City, Licensed Hauler, or Commercial Unit pursuant to this Chapter.

3
4 **Recycling Drop-Off Zone;** means the area designated by the city as a recycling collection center
5 designed to accept and accumulate recyclable materials for the purpose of recycling.

6
7 **Recycling Collection Center;** means the City owned property that houses the solid waste or recycling
8 drop-off zone and approved recycling stations established by a Licensed Hauler, or properly zoned
9 recycling businesses.

10
11 **Refuse;** means all garbage, solid waste, trash, rubbish, appliances, vehicles, and brush.

12
13 **Refuse Container;** means a container used for the placement of refuse for collection by a Licensed
14 Hauler permitted pursuant to this Chapter.

15
16 **Renters (third Parties);** are those persons who have made legal arrangements to use or occupy
17 Residential or Commercial units subject to this section of the City Code.

18
19 **Residential;** see Covered Residential Unit.

20
21 **Residential Unit;** means any City Utility Account for Water, Sewer, or Gas, or any single or
22 combination of those utilities which serves not more than four (4) residential houses or family units on
23 one meter, also known as Residential Account. See Covered Residence.

24
25 **Rubbish;** means all discarded nonputrescible waste matter.

26
27 **Salvaging;** shall have the meaning set forth in A.R.S. Section 49-701.27.

28
29 **Scavenging;** shall have the meaning set forth in A.R.S. Section 49-701.28.

30
31 **Scrap Metals;** means ferrous and non-ferrous materials suitable for recycling.

32
33 **Secondary Hauler;** means any person engaged in a business that generates, collects, removes or hauls
34 refuse as a by-product of its primary business. Examples of secondary haulers include carpet installers,
35 roofing companies and landscape contractors.

36
37 **Solid Waste;** shall have the meaning set forth in A.R.S. Section 49-701.01. A., without the exclusions
38 set forth in A.R.S. Section 49-701.01. B.

39
40 **Solid Waste Inspector;** means any police officer, code enforcement officer, or other city employee
41 with written authorization from the City Manager to inspect public and private properties, to issue
42 citations and to enforce the provisions of this chapter.

43
44 **Special Waste;** shall have the meaning set forth in A.R.S. Section 49-851. A.

45
46 **Street;** means a public or private way, other than "alleys," used for public travel.

1
2 **Third party; See Renters.**

3
4 **Transfer Facility;** shall have the meaning set forth in A.R.S. Section 49-701.34.

5
6 **Trash;** means and is deemed to comprise all nonputrescible wastes, excluding soil and construction
7 debris, including but not limited to household trash such as cardboard boxes and cardboard; bedding,
8 mattresses and box springs; small wood fragments not associated with building or construction; yard
9 trash including weeds, grass clippings; discarded carpets; rope, twine, jute; bagging or burlap, and
10 ashes.

11
12 **Unacceptable waste;** means the following types of solid wastes that may not be placed in a refuse or
13 recycling container:

14 A. liquid waste

15 B. septic tank pumpings

16 C. hazardous waste

17 D. household hazardous waste

18 E. special waste

19 F. sludge

20 G. vehicle bodies

21 H. vehicle tires or equipment tires

22 I. livestock

23 J. batteries, other than small alkaline batteries

24 K. ammunition

25 L. medical waste

26 M. radioactive waste

27 N. scrap metal

28 O. household construction and demolition debris

29 P. concrete

30 Q. dirt and rocks

31
32 **Vegetative Waste;** shall have the meaning set forth in A.R.S. Section 49-701.36.

33
34 **5-6-2 Purpose and Scope:**

35 The purpose of this chapter is to:

36 A. Protect the health and safety of the citizens of the city,

37 B. Protect the environment by establishing minimum standards for the safe and sanitary collection,
38 storage, treatment, transportation, processing and disposal of refuse and recyclables generated within
39 the city and

40 C. Establish necessary fees for the city's refuse, inspection, collection and disposal services to recover
41 the city's costs to provide such services. As authorized by A.R.S. 49-701 et seq and 49-765.

42
43 **5-6-3 Establishment of a Fund.**

44 There is hereby established an Enterprise Fund for the purpose of collecting monies and making
45 payments for the Operation of the Solid Waste activities of the City of Willcox. Such Fund shall be

1 operated as an "Enterprise Fund" as that term is defined by the Government Finance Officers
2 Association (GFOA).

3
4 **5-6-4 State Regulations Adopted.**

5 The laws and regulations promulgated and published by the Arizona State Health Department, along
6 with subsequent revisions and amendments are adopted by reference and made a part of this chapter.
7 The penalty sections in such laws and regulations shall not be applicable within this city. (A.R.S. 49-
8 741.2)

9
10 **5-6-5 General Requirements.**

11 **A. Generator responsibilities.** Generators shall be responsible for compliance with all applicable
12 federal, state and local laws relating to the refuse generated, including compliance with this Chapter
13 and, as applicable, provisions of Title 5 of this Code.

14
15 **B. Property owner and Renters responsibilities.** Property owners and Renters shall be responsible
16 for compliance with all applicable federal, state and local laws relating to the refuse generated,
17 accumulated, stored or otherwise deposited on their property, including compliance with this Chapter
18 and, as applicable, maintenance provisions of Title 5 of this Code.

19
20 **C. Proper storage of refuse.** Except where expressly provided otherwise in this Chapter, all refuse
21 shall be stored or accumulated in refuse containers meeting the requirements of this Chapter. Refuse
22 shall be placed in leak proof plastic bags that are tightly secured prior to being placed in refuse
23 containers. This subsection does not apply to the storage or accumulation of recyclable materials
24 pursuant to this Chapter, refuse stored or accumulated within a building structure and vegetative waste
25 stored or accumulated on property in conjunction with legitimate composting activities.

26
27 **D. Proper placement of refuse.** Unacceptable refuse shall not be placed in refuse or recycling
28 containers. No refuse shall be placed in a refuse or recycling container if such placement will damage
29 the container or preclude the lid from completely closing.

30
31 **E. Maximum weight.** The weight of the refuse placed in ninety-six (96) gallon issued refuse
32 containers shall not exceed two hundred (200) pounds and for the 1.5 yard and 3 yard containers
33 provided for commercial collection shall not exceed two thousand (2000) pounds.

34
35 **F. Proper disposal.** In addition to other federal, state and local statutes, rules and regulations limiting
36 the disposal of refuse, no person shall discard or otherwise dispose of any refuse on or in any refuse or
37 recycling container that has not been assigned for use by that person or on or in any street, sidewalk,
38 alley, right-of-way or other City property except as expressly authorized and approved by the
39 Administrator.

40
41 **G. All persons who use City Utility Service and are within the corporate boundaries of the City
42 of Willcox are required to have Solid Waste Service.**

43 1. In order to promote the safe and sanitary disposal of Solid Waste, all users of City Utility Services
44 Within the Corporate limits of the City, are required to provide for disposal of Solid Waste as
45 provided in this Chapter as a condition of receiving any City Utility Service.

1 2. Exceptions to the requirement that each Utility service provide for Disposal of Solid Waste. For the
 2 purposes of this Article and Chapter of the City Code, the following Utility connections do not require
 3 Solid waste service:

- 4 a. Voluntarily disconnected meters,
- 5 b. Multiple meters which serve a single property – one meter shall be labeled in City records as the
 6 main meter and other meters cross referenced as submeters,
- 7 c. Irrigation only meters – which shall be labeled in the City records, and
- 8 d. Other Utility hook ups where it can be demonstrated that the presence of Utilities does not result
 9 in the generation of ANY solid waste.
- 10 e. Also see 5-6-5 I.

11
 12 **H. Charges for multiple Residential units on one meter.** Each Residential Unit attached to a single
 13 meter shall be charged the fee for refuse service. i.e. a duplex on one water meter would be charged
 14 two refuse charges, a triplex would be charged three refuse charges.

15
 16 **I. No splitting of Charges on Residential units/Commercial Units.**

17 A. Each City Utility Service shall be one account. Only one account shall be established for each
 18 meter. i.e. a duplex on a single water meter will receive one bill for services at that location.

19 B. The primary Utility service will be Water; if multiple gas meters are connected to a property which
 20 has one water meter, each gas meter may be billed separately. The Solid Waste bill will be charged to
 21 the primary Water meter account.

22 C. If no water service is available, but Gas service is provided the Solid Waste bill shall be attached to
 23 the Gas Account.

24 D. If neither Water nor Gas is provided, but Sewer service is provided the Solid Waste bill shall be
 25 attached to the Sewer Account.

26 E. If a Parcel has mixed Residential and Commercial Units (i.e. care taker units, living quarters over a
 27 Commercial structure or living facilities are on a Utility service whose primary activity is a
 28 Commercial Unit), the entire parcel shall be considered a Commercial Unit: determination shall be
 29 made by the Administrator.

30
 31 **5-6-6 Collection Hours.**

32 The collection hours shall be established by the Administrator.

33
 34 **5-6-7 Establishment of Rates.**

35 A. The City Council shall review the estimated expenses, incomes, reserves, and fund balance annually
 36 in April for the Fiscal year to begin the next July 1.

37 B. The City Council shall set such fees and late charges, by Resolution, that shall produce the
 38 sufficient estimated revenues that combined with available Fund balances are sufficient to pay all of
 39 the estimated costs in the ensuing Fiscal year and provide an operational reserve of three (3) months.

40
 41 **5-6-8 Responsibility for Payment of Charges.**

42 A. The property owner is responsible for the payment of Refuse Charges under this section of the City
 43 Code. **A.A.C. section R18-13-303.**

44 B. If the charges are being collected by the City of Willcox through the billing department; and the
 45 property is rented to a third party; then the property owner may be relieved of responsibility for
 46 outstanding charges and the filing of liens on the property if:

- 1 1. The property owner files an affidavit with the City stating the property is rented to a third party.
- 2 2. The third party deposits with the City of Willcox a security deposit equaling twice the estimated
- 3 monthly charge. The security deposit may be applied to the final bill or refunded to the third party
- 4 at the time the account is closed.

5 C. The Administrator may pursue collection of outstanding amounts by all legal means possible,

6 including but not limited to; use of deposits, liens on property, and denial of hook ups when there are

7 outstanding amounts owed to the City by the parties requesting the hookup.

8 D. The property owner and the City have a responsibility to monitor the service provided and to make

9 any claims for payment in a timely manner.

10 E. The City will not pursue any charges for services for which a bill has not been issued by the City for

11 a period of six (6) months. This does not erase past debts owed the City under 5-6-8 C. The purpose of

12 this section is for errors in billing.

13 F. The maximum time that the City will permit for refunds, misbillings, or incorrect charges for

14 service of any type relating to Solid Waste services is six (6) months.

15 G. Each person opening a Solid waste account shall be required to post a security deposit in the

16 estimated amount of one month's charges.

17 H. Security deposit requirements may be waived when:

- 18 1. The person has an existing history of no delinquent payments with the City of Willcox for the last
- 19 two (2) years.
- 20 2. The person is moving from one physical location to a different physical location and has a deposit
- 21 on file which has sufficient amount in it to cover the new location.
- 22 3. The person provides the City of Willcox with a letter of reference from a similar type utility
- 23 showing a history of no delinquent payments for a two (2) year period. The history must be within
- 24 the last four (4) years.

25 I. No interest will be paid on Deposits.

26 J. Deposits may be credited to the account upon:

- 27 1. Closure of the account.
- 28 2. Maintenance of a two year history with no delinquencies.

29 K. Renters (third parties) establishing accounts must comply with requirements of 5-6-8 B.2., but may

30 use the provisions above in 5-6-8 F.

31 5-6-9 Covered Residence Refuse Service Charges.

32 A. Covered Residence Service.

- 33 1. A monthly charge shall be assessed for each Residential Unit; no allowance for holiday or missed
- 34 collections beyond the control of the city.
- 35 2. The Council may establish special residential rates for of senior or disabled individuals. Those
- 36 rates shall not be less than the cost paid to the Collection Agency for Covered Residence Refuse
- 37 service plus the estimated amount for the tipping fees paid to the Cochise County Transfer station.
- 38 Collection sites for these Residential Units will be individually established between the
- 39 Administrator and the Collection Agency.
- 40 3. The Collection Agency is the only authorized Licensed Hauler for Residence Units of the City of
- 41 Willcox. In order to gain the efficiencies of mass purchasing and to minimize the administrative
- 42 costs, all Residential Units connected to the City's Utility system, and located within the
- 43 corporate boundaries of the City of Willcox, are required to use and pay for this service.
- 44 Customers may haul some refuse to an approved disposal site at their expense; however, the
- 45

1 residence refuse fees are mandatory regardless of service. Refuse Service may not be cancelled
2 except when disconnecting all City utility services to the residence. **A.A.C. section R18-13-305**

3 **B. Special Services Charges:**

- 4 1. Bulky Materials will be collected by the Collection Agency by special request of customers. The
5 bulky trash collection charge is based on the volume collected. A pile of more than four cubic
6 yards is considered bulky trash. One pickup per month per residence is included in the base
7 monthly fee paid by the user; additional pickups may result in supplemental charges to the user.
- 8 2. Appliances and other items may be collected by special request by any Licensed Hauler (a fee
9 may be charged).
- 10 3. Vacant lot cleanup charges shall be based on bulky materials collection rates. The lot owner must
11 contract with a Licensed Hauler. The Administrator may contact the property owner if trash is
12 placed on vacant lots without notifying the city.

13 **C. Damaged Residential Container Charges:**

- 14 1. Covered Residence customers damaging containers through improper use shall be billed for labor
15 and material costs to repair the containers. The Administrator shall notify the customer of the
16 charges and such charges shall be applied to the monthly bill.
- 17 2. Normal wear and tear will not be billed as damages. The Administrator shall determine what
18 constitutes normal wear and tear.

19 **D. Residents may self transport bulky materials, on occasion, to an acceptable disposal site in
20 accordance with the requirements of State Law.**

21 **E. The Administrator may provide permission for groups performing special cleanups to transport
22 refuse to an acceptable disposal site.**

23 **F. Litter may be placed in any container provided for collection under this Chapter of the City Code.**

24
25 **5-6-10 Commercial Refuse Account Charges.**

26 **A. Commercial Accounts.** In order to achieve a complete coverage of proper Refuse disposal and an
27 equal sharing of costs of refuse disposal all Commercial Units shall pay for refuse collection to a
28 Licensed Hauler. Failure to arrange service is a violation of this code section and in addition to any
29 other penalties the City shall discontinue utility service to any Commercial Unit which does not
30 maintain Refuse Service: A.A.C. R18-13-305, A.R.S. 49-765 & A.R.S. 49-746

- 31 1. Service by Collection Agency. Commercial customers shall pay for the volume of refuse
32 collected per month based on container size and frequency of collection. The volume shall be
33 based on a monthly average with no allowance for holiday or missed collections beyond the
34 control of the city.

35 a. A minimum charge shall apply to all Commercial Units regardless of service level. The
36 Administrator shall establish the rated volume of this rate.

37 b. Commercial Units may share a container when it is in the best interests of the City to
38 provide one container for multiple Commercial units (i.e. limited space for placement of
39 containers), minimum charges shall still apply. Determination shall be made by the
40 Administrator.

- 41 2. Service by other Licensed Haulers – Commercial Units may hire Licensed Haulers to collect their
42 refuse. Licensed Haulers shall provide appropriate containers for Commercial Units.

43 **B. Other Commercial Charges. A.R.S. 49-746**

- 44 1. Commercial Units may arrange bulky trash collection with any Licensed Hauler.
- 45 2. Collection and transport of Appliances and other items may be arranged with any Licensed
46 Hauler.

1 3. Vacant lot cleanup charges may be arranged with any Licensed Hauler.

2 C. The Administrator may provide special permission on individual occasions for self transport of
3 trash by the commercial entity to an acceptable disposal site.

4 D. Collection and Transport of Dangerous Waste may be arranged with any Licensed Hauler.

5 E. Litter may be disposed of in any container provided for collection under this Chapter of the City
6 Code.

7 F. Failure to provide adequate storage or collection of Refuse by a Commercial Unit may result in
8 discontinuation of City Utility Service to the Commercial Unit until proper arrangements are made for
9 storage and collection.

10 G. Construction sites shall be maintained in a manner to prevent the distribution of waste off the site
11 by the elements.

12
13 **5-6-11 Failure to Pay Refuse Charges.**

14 In the event that any customer shall fail to pay for Refuse service as provided in this chapter, the
15 Administrator is authorized to discontinue water service, sewer, gas, or other city services to the
16 property until such time as payment is made. The City may also impose a lien on the property where
17 the Refuse Service was provided of sufficient amount to recapture any costs, including any
18 administrative charges, owed to the City. (Also See 5-6-8 B.)

19
20 **5-6-12 Charges for Beginning Services.**

21 Charges for Refuse services to newly constructed structures shall commence upon final inspection and
22 approval of such structures by the Administrator unless no service is required to the property. The
23 property shall be clean and clear of all construction materials or debris. The Refuse services shall
24 begin after a certificate of occupancy permit has been issued for a structure.

25
26 **5-6-13 Administration.**

27 The Administrator or designee shall be the enforcing officer of this title.

28
29 **5-6-14 Covered Residence /Commercial Licensed Haulers--Requirements. A.A.C. section R18-
30 13-310**

31 Collection of covered residence/commercial refuse and special material may be hauled by approved
32 Licensed Hauler that is licensed by the City, to perform such work. Such license will be issued by the
33 Administrator under the following conditions:

34 A. The Administrator must have satisfactory evidence that the person or entity requesting a License
35 possesses the necessary equipment and qualifications to collect, transport and dispose of covered
36 residence refuse and special material in a manner satisfactory to the Administrator and in conformity
37 with the state or county department of health laws, rules and regulations.

38 B. The Licensed Hauler shall receive approval to operate within the city on a yearly basis. The city and
39 Licensed Hauler will execute the standard private refuse hauling agreement prepared by the city.

40 C. The said agreement shall include the following stipulations:

41 1. The Collection Agency shall provide the Administrator with, and keep current, a list of all
42 customers covered by the Contract between the City and the Collection Agency. Specifically, the
43 Licensed Hauler shall notify the Administrator within two weeks prior to any addition or deletion
44 of customers.

45 2. All other Licensed Haulers shall provide the Administrator with written notice of intent to provide
46 refuse collection services to each new business establishment prior to commencing that service.

1 The notice shall include the name and address of the Commercial Unit, the ownership of the
2 business establishment, the number, type and size of refuse containers that will be collected, and
3 the days of collection. A complete list of all Commercial Units serviced by Licensed Haulers shall
4 be provided to Administrator with any request for annual renewal of the permit. Licensee shall
5 also promptly notify the Administrator if Licensed Hauler's Commercial Units are sold,
6 transferred or assigned or if shall provide the Administrator with written notice of intent to
7 provide refuse collection services to each new Commercial Unit prior to commencing that
8 service. The notice shall include the name and address of the Commercial Unit, the ownership of
9 the Commercial Unit, the number, type and size of refuse containers that will be collected, and
10 the days of collection. A complete list of all Commercial Units serviced by licensee shall be
11 provided to Administrator with any request for annual renewal of the license.

12 3. The licensee shall also promptly notify the Administrator if licensee's business is sold, transferred
13 or assigned or if licensee discontinues the collection and hauling of refuse within the City.

14 4. Licensed Hauler shall comply with all state, county and city laws and ordinances regulating the
15 collection of refuse.

16 5. The Licensed Hauler shall provide proof of Liability Insurance in the amount of one million
17 dollars (\$1,000,000) naming the City as additionally insured.

18 D. This agreement shall be personal to the Licensed Hauler, and may not be assigned or transferred
19 without the written consent of the city.

20 E. The Administrator may impose other stipulations in the best interests of the city.

21 F. The Licensed Hauler shall pay monthly to the City; 5% of the Gross receipts collected for providing
22 Solid Waste services within the City, but not less than fifty dollars (\$50.00) each month for the
23 privilege of using the City's Right of Ways to conduct the private business and to offset the
24 administrative cost of maintaining the records. These receipts shall be deposited into the City's
25 General Fund. The Licensed Hauler shall maintain an adequate set of books to reflect the amounts
26 charged to customers within the City of Willcox. The Licensed Hauler shall grant the Administrator
27 the right to audit books upon 72 hours notice by the City.

28 G. The Licensed Hauler shall provide all refuse containers for customers per section 5-6-16

29 H. Vehicle requirements. The Administrator may inspect the vehicles to be utilized by the Licensed
30 Haulers prior to issuance of a license or license renewal and at any time during the term of the license.
31 All vehicles must meet the following requirements throughout the term of the permit:

32 1. Vehicles must be maintained in good condition and repair. That portion of the vehicle into which
33 solid waste is deposited shall be watertight up through eighteen (18) inches above the bed floor,
34 shall have watertight rear door seal(s), if applicable, and be free of any openings that would
35 permit solid waste to leak from the vehicle;

36 2. All open-top vehicles must be covered or tarped when in transit to prevent its contents from
37 spilling or blowing from the container onto the roadway. Tarps must be affixed to each vehicle at
38 all times;

39 3. All vehicles shall be equipped with an operable backup audible safety alarm meeting industry
40 standards;

41 4. Vehicles shall be maintained and operated in such a manner to ensure that noise levels do not
42 exceed seventy-five (75) decibels at a distance of twenty-five (25) feet; and

43 5. The outside of each vehicle must be clearly identified with the name and phone number of the
44 contractor operating the vehicle and the City provided license number. All letters shall be no less
45 than three (3) inches in height and shall be displayed on both sides and the rear of the vehicle.

46 6. The Licensed Hauler shall permit the Administrator to inspect trucks, containers and equipment

1 used within the city limits upon request of the Administrator. After inspection, the Administrator
 2 shall notify the Department of Environmental Quality Solid Waste Management and the Licensed
 3 Hauler if any equipment, trucks or containers do not meet A.A.C. section R18-13-310 or city
 4 ordinances. Any violations of said requirements not corrected by the Licensed Hauler
 5 within fifteen (15) days of notification will be reported to the Department of Environmental
 6 Quality Solid Waste Management. Failure to correct said violations within thirty (30) days from
 7 initial notification shall be grounds for termination of the license to pick up refuse within the City
 8 of Willcox.

9 I. All contracts for the collection and hauling of commercial refuse within the city shall contain a
 10 clause allowing the contract to be cancelled by the customer in the event the Licensed Hauler's license
 11 is suspended or revoked by the City.

12 J. Licensed Hauler shall immediately pick up all material that drops, spills, leaks, or is blown from a
 13 collection container or vehicle, and shall repair damage to, and clean the place onto which any material
 14 was so dropped, spilled, blown or leaked to the reasonable satisfaction of the Administrator.

15 K. A Secondary Hauler is not required to have a License from the City to haul refuse generated by
 16 providing services to Residential or Commercial units which are not owned by the Secondary Hauler.

17 L. For the purposes of instituting service under a new Collection Agency contract: All Commercial
 18 Units, who have not filed the necessary notice of change of Licensed Hauler; or for which the City has
 19 not received notice from a Licensed Hauler of agreement with the Commercial Unit; will be assigned
 20 to the Collection Agency.

21
 22 **5-6-15 Inspections. A.A.C. section R18-13-304**

23 The Administrator may conduct inspections of refuse storage containers, collection, hauling and
 24 disposal activities to ensure compliance with, and knowledge of, the provisions of this Chapter. The
 25 Administrator may provide notice of compliance violations prior to undertaking formal enforcement
 26 action pursuant to procedures established by the Administrator. Inspections of restricted access areas
 27 on private property shall not be conducted without prior notice to the property owner.
 28

29 **5-6-16 Container Requirements. A.A.C. section R18-13-307**

30 A. The Licensed Hauler shall provide refuse containers to all Residential or Commercial Units for
 31 either curbside collection (one curbside container per covered residence) or alley collection, whichever
 32 is applicable.

33 B. Licensed Hauler provided refuse containers are the property of the Licensed Hauler and shall be
 34 located as per section 5-6-17.

35 C. The container size shall be determined by the Licensed Hauler and Administrator to meet the needs
 36 of the customer served.

37 D. The container shall be marked with the name of the Licensed Hauler.

38 E. Container damage, removal or tampering;

39 1. General. The containers shall remain the property of the Licensed Hauler. The Licensed Hauler
 40 shall have complete jurisdiction over use, repair, removal or investigation of improper use or
 41 tampering.

42 2. Damage to Containers.

43 a. Damage to containers including burning or breakage will be investigated by Licensed Hauler.
 44 The Residential or Commercial Units shall be responsible for damages due to misuse. The
 45 Licensed Hauler will notify the Residential or Commercial Units of the damages to containers
 46 caused by misuse. Melting caused by hot ashes is considered damage. The city will offer one

1 month of free garbage and trash service to customers who provide information leading to arrest
2 and conviction of vandals.

- 3 b. Damages caused by improper use, overloading, or accidental actions shall be covered totally by
4 the party who caused the damage of the container. The customers shall be notified of the
5 charges for repair or replacement of the container. The customer(s) who are served by the
6 Collection Agency shall be billed for the charges on their monthly utility bill. For container(s)
7 used by several customers, the charges shall be distributed equally to all users of the container.
8 c. Damages caused by vandalism or normal wear will be repaired by the Licensed Hauler at the
9 sole expense of the hauler.
10 d. Damages to containers caused by city equipment shall be the responsibility of the city. Any
11 costs or charges shall be paid to the Licensed Hauler by the city from the appropriate
12 department budget.

13 3. The Licensed Hauler will provide replacement containers at no additional expense where
14 replacement is necessary because of normal wear and tear caused by proper usage. The owner or
15 occupant of a covered residence will be charged the fee set forth by City Council resolution when
16 replacement of a container is required because of something other than normal wear and tear
17 caused by proper usage.

18 4. It shall be the responsibility of the Licensed Hauler to maintain refuse containers in a sanitary
19 condition and in good repair and to remove any graffiti on these containers within seventy-two
20 (72) hours following notification by the Administrator.

21 F. The owner or occupant of a Residential or Commercial Unit is responsible for keeping all Licensed
22 Hauler provided refuse containers and the area around refuse containers, in a clean and sanitary
23 condition and to use such containers only for their intended purpose.

24 G. All containers used must have operative lids and be equipped with markings stating that container
25 lids must be closed at all times other than when placing refuse in the container.
26

27 **5-6-17 Placement of Containers for Pickup. A.A.C. section R18-13-309**

28 **A. Alley Collection.**

29 Refuse containers shall be placed by the Licensed Hauler in the alley near the property line in a
30 location determined by the Administrator. No person may change the pickup locations without prior
31 approval by the Administrator.

32 **B. Curbside Collection.**

33 1. Refuse containers used for curbside collection shall be placed either in the right-of-way against
34 the curb in front of each covered residence, or in the driveway for that residence at the curb line,
35 away from street light poles, mail boxes and parked cars. Refuse containers shall be located in
36 such a manner as to not create a pedestrian hazard, impair the use of the sidewalk or interfere with
37 vehicular traffic. If parked cars prevent access by mechanized collection vehicles to the sidewalk
38 or driveway, the containers shall be placed in the right-of-way away from such parked cars.

39 2. Curbside containers shall not be set out prior to 6AM on pickup day and must be removed to the
40 property by 9PM on pickup day.

41 **C. Special Placement.**

42 1. Where mechanized collection vehicle access is restricted by the Residential or Commercial
43 development design, the Administrator shall designate the collection location for refuse
44 containers, and bulk materials, on the nearest public street, or on the site Commercial Unit's
45 property, on which collection vehicles are able to operate safely.

46 2. Refuse containers from such developments may be grouped together, rather than being adjacent to

1 a covered Residential/Commercial Unit as set forth in subparagraph B above.

2
3 **5-06-18 Use of Containers.**

4 A. Designated Users:

- 5 1. Each container shall have a designated user or users. No other parties shall place refuse in that
6 container. Placement of refuse in containers not authorized is a violation of this section of the
7 City Code.
8 2. Commercial Unit may not share a container or containers except as provided in 5-6-10.A.1. b.
9 3. Persons using a container not assigned to them shall be notified of improper use **and may be**
10 **cited for improper use as per 5-6-18 A. 1.**

11 B. Improper use of containers is a violation of this section of the City Code:

- 12 1. Improper use of container shall include removal, tampering, overloading, burning in the
13 container, dumping hot ashes, or movement.
14 2. Commercial establishments shall not move full containers. A container should remain in its
15 assigned location.
16 3. Customers shall not place soil, concrete, or building materials in the container.

17 C. Litter may be disposed of in any container provide for collection under this section of the City
18 Code.

19
20 **5-6-19 Preparation of Refuse for Collection. A.A.C. section R18-13-306**

21 All refuse shall be prepared for collection or disposed of as follows:

22 A. Garbage. All Refuse shall be placed within plastic bags which are closed so as to prevent the escape
23 of any Refuse from the bag. All Refuse shall be placed completely within the container provided by
24 the contractor but the container shall not be overfilled.

25 B. Trash shall be bundled or bagged as follows:

- 26 1. Cardboard boxes and cardboard shall be flattened, bundled and weighted to keep it in place
27 during winds.
28 2. Weeds and grass clippings and leaves shall be bagged in plastic garbage bags of thirty (30) gallon
29 size and placed in the containers provided. Individuals are strongly encouraged to transport their
30 green waste to the City Composting site.
31 3. All bundles or bags shall be forty (40) pounds maximum and packed so as not to rupture for easy
32 pickup in the containers provided.
33 4. Ashes must be cooled before placement in the container for collection. Ashes may be placed in
34 the plastic containers but must be cool so as not to melt or burn the container.

35 C. Brush shall be tied, bundled and stacked as follows:

- 36 1. Hedge clippings and plants shall be bagged in large plastic garbage bags or in disposable
37 cardboard boxes. The bags shall be forty (40) pounds maximum in weight and filled so as not to
38 break.
39 2. Tree trimmings and branches shall be cut into maximum four foot lengths and tied tightly into
40 bundles of forty (40) pounds maximum weight. The individual stems shall be placed in a parallel
41 direction in the bundle.
42 3. Tree trunks are handled as Bulky materials.
43 4. Christmas trees and trimmings shall have all extremely flammable materials removed from same.
44 The trees shall be cut into a length such that the maximum weight of the length is forty (40)
45 pounds. Trimmings shall be boxed or bagged not to exceed maximum weight of forty (40) pounds
46 without breaking. .

1 D. Appliances, Furniture and Vehicles:

- 2 1. The Licensed Hauler will collect discarded appliances, lawn mowers, other outside appliances,
3 old furniture and household tools from residences. The customer shall call the Administrator for
4 service. The customer shall provide a name and address of the location. The licensed hauler shall
5 respond within two working days of a call.
6 2. Abandoned or discarded automobiles, motorcycles, scooters, and motorized vehicles shall be
7 properly disposed of by the property owner from private property or by the vehicle owner from
8 public right-of-way.

9 E. Building Materials.

- 10 1. All owners, contractors and builders of structures shall, upon the completion of any structure,
11 gather up and haul away, at their sole cost and expense, all refuse of every nature, description or
12 kind, which has resulted from the building of such structure, including all these materials
13 previously defined in this chapter, and properly dispose of the materials at an approved disposal
14 site.
15 2. Residential customers shall dispose of construction materials at their expense. The residential
16 customers may haul construction materials to the landfill/transfer station themselves. This
17 includes remodeling wastes.
18 3. Soil, concrete, bricks, concrete blocks, or fragments, aggregate, stone or bituminous concrete
19 will not be collected by the city as part of normal refuse disposal. This must be hauled by the
20 builder, owner or resident and properly disposed of at a landfill or transfer station. Generators of
21 this waste may hire any Licensed Hauler for proper disposal.

22 F. Byproducts: Any commercial or manufacturing establishment which by the nature of its operations
23 creates an unusual amount of byproduct refuse may be required by the Administrator, to properly
24 dispose of its own wastes at a landfill or transfer station. Generator may hire any Licensed Hauler for
25 proper disposal.

26 G. Dangerous Waste. Dangerous wastes shall be placed in a proper container, plainly marked
27 "Dangerous Material Handle with Care." The Licensed Hauler reserves the right to deny service for
28 certain dangerous wastes and to require the customer to properly dispose of it by other legal means.
29 The container shall identify the dangerous materials by the accepted material code used by firefighting
30 organizations.

31 H. Small Dead Animals.

- 32 1. Small dead animals shall be disposed of by the city animal control officer through the police
33 department. In no case shall the dead animal be placed in a refuse container or trash pickup.
34 2. Small dead animals with an aggregate weight of less than 10 pounds, per week, may be
35 disposed of by proper placement in the assigned refuse container.

36 I. Large Dead Animals. Large dead animals shall be properly disposed of by the property owners at
37 their expense. In no case shall large animals or animal parts be placed in a refuse container or trash
38 pickup. Generator may hire any Licensed Hauler for proper disposal.

39 J. Commercial Garbage, Trash, and Refuse. All Commercial Units shall dispose of garbage, trash and
40 refuse through a City Licensed Hauler. Cardboard shall be flattened and placed in the container or
41 flattened and bundled. The Licensed Hauler, with approval from the Administrator, shall determine the
42 appropriate type of container use.

43 K. Small amounts of Animal Waste, less than an aggregate of 10 pounds per week, may be disposed of
44 by proper placement in the assigned containers. Larger weights of animal Waste must be properly
45 disposed of by the person responsible for generation.

46

1 **5-6-20 Illegal Disposal of Refuse. A.A.C. section R18-13-312**

2 A. It is unlawful for any person to place or cause to be placed any refuse upon any public or private
3 property within the city, except as specifically permitted in this chapter.

4 B. It is illegal to place refuse in recycling containers.

5 C. It is illegal to place refuse generated outside the City of Willcox in public or private refuse
6 containers within the City of Willcox.

7
8 **5-6-21 Ownership of Refuse/Garbage. A.R.S. 49-745**

9 A. Residential Refuse set out in alleys or street rights-of-way for collection shall become the property
10 of the city, if the city is properly notified of the need for a pickup and the Trash or brush is properly
11 prepared to be accepted by the hauler.

12 B. Refuse in commercial containers but on private property shall be the property of the Commercial
13 Unit until collected and placed in the Licensed Hauler's vehicle at which time it becomes the property
14 of the Licensed Hauler.

15 C. Refuse becomes the property of Cochise County when properly deposited at the Transfer
16 station/landfill.

17 D. Commercial Refuse shall become the property of the city when placed in vehicles operated by the
18 Collection Agency.

19 E. All items properly placed in City recycling bins become the property of the City of Willcox.
20

21 **5-6-22 Scavenging Refuse Prohibited. A.R.S. 49-744**

22 No person or persons shall scavenge refuse once it has become property of the city or Licensed Hauler
23 as defined above. Scavenging shall include sorting through or picking up refuse from piles, containers,
24 vehicles, or at the landfill site. Commercial Units shall control scavenging of refuse from containers
25 on their property.
26

27 **5-6-23 Collection of Refuse.**

28 **A. City collection of refuse.** Except as expressly provided to the contrary in this Chapter, all refuse,
29 other than unacceptable refuse, generated at a Residential unit shall be collected and either disposed or
30 recycled by the Collection Agency, when placed in refuse containers issued by the Collection Agency,
31 or when properly set out for bulk collection pursuant to section 5-6-24.
32

33 **B. Covered residences.** The City will provide basic refuse services for all Residential Units and
34 charge the monthly disposal fee for these services set forth in this Code. Refuse will only be collected
35 by a Licensed Hauler that is permitted to provide such collection activities pursuant to section 5-6-14.
36

37 **C. Commercial Units.** The City may provide refuse collection and disposal services for Commercial
38 Units. Commercial Units must properly dispose of all refuse they generate through the Collection
39 Agency, other Licensed Haulers as provided herein.
40

41 **5-6-24 Collection of Bulk Materials.**

42 **A. Bulk materials collected for disposal;** requirements; fees. Included as part of the monthly
43 disposal fee for providing Residential refuse services; is the right to request the collection of bulk
44 materials once per month at no additional charge. Requests for collection of bulk materials for disposal
45 that exceed the once per month provided may be charged the fee set forth by City Council resolution
46 for additional bulk material disposal.

1
2 **B. Collection parameters.** Owners or occupants of a Residential Units wishing to request bulk
3 materials collection shall call the Administrator before placing bulk materials per section 5-6-9 B.
4 Upon receipt of a request for bulk materials collection from an owner or occupant of a covered
5 residence, the Administrator will schedule a time for the collection of the bulk materials. Bulk
6 materials shall be placed out for collection no later than 6:00 a.m. on the day scheduled for collection
7 and no earlier than ninety-six (96) hours before the collection time scheduled by the Administrator.
8 Except as provided by the Administrator; the bulk materials shall be prepared in accordance with the
9 requirements section 5-6-19 C. Unacceptable waste will not be collected during a bulk materials
10 collection.

11
12 **C. Placement of bulk materials to be collected.** Bulk materials shall only be collected if placed
13 along the right-of-way behind the curb or in the alley, on the property of the Residential Unit. The
14 placement of bulk materials must not block alley passages, sidewalks for pedestrian usage or interfere
15 with curbside container collection and shall be no more than four (4) feet from the sidewalk, or curb
16 where there is no sidewalk. Notwithstanding the above, the Administrator may designate an alternative
17 location for the placement of bulk materials to be collected where there is restricted access to the front
18 of a Residential Unit, or to provide reasonable accommodations for those persons needing special
19 assistance with proper placement. Persons in need of an accommodation shall provide the
20 Administrator with written documentation from that person's physician setting forth the need for such
21 accommodations. Such written documentation from that person's physician must be updated on an
22 annual basis. (also see 5-6-9 A. 2.)

23
24 **5-6-25 Biannual Cleanup of Alleys and Streets.** Twice a year the City shall arrange a citywide
25 cleanup.

26
27 **5-6-26 Recycling.**

28 A. Residential recycling is encouraged. All recycled materials shall be stored so as to eliminate any
29 breeding areas for insects and other pests and dispersal by the elements. No more than five percent
30 (5%) of residential property may be used for the handling and storage of recycled materials.

31 B. Commercial Recycling is permitted in properly zoned areas.

32 C. Commercial Units may store materials on site for recycling in a manner to eliminate the breeding
33 areas for insects and other pests and dispersal by the elements. No more than five percent (5%) of the
34 commercial property shall be used for storage of recyclable materials (except recycling centers).

35 D. The City may establish recycling programs and drop off sites for recycling materials on City
36 property throughout the City.

37 E. Residential and Commercial Units are authorized to transport recyclable materials to
38 recycling/compost sites.

39
40 **5-6-27 Suspension or Revocation of License.** The Administrator may suspend or revoke the license
41 of a Licensed Hauler whenever a licensee violates the provisions of that license, or this Chapter, or
42 fails to pay all fees when due. Notice of proposed suspension or revocation shall be delivered
43 personally or by certified mail to the licensee and shall become effective five (5) working days after
44 the receipt of the notice unless the licensee files a notice of appeal pursuant to section 5-2-11 of this
45 Title. Failure to file a notice of appeal within five (5) working days of the date of the notice of

1 suspension or revocation shall constitute a full waiver of the right to contest that suspension or
2 termination.

3
4 **5-6-28 Violations.**
5 Any person who violates any of the provisions of this Chapter, or any license issued pursuant to this
6 Chapter, shall be guilty of a civil infraction punishable as set forth in Section 5-1-1.

