




WELLTON
ARIZONA

Town Council Meeting

Council Packet

September 5, 2023

Mayor Scott Blitz

Vice Mayor Cecilia McCollough

Councilmember Barbara Biggs

Councilmember Sylvia Davidson

Councilmember Michelle Jones

Town Manager Richard Marsh



**TOWN OF WELLTON
TOWN COUNCIL MEETING AGENDA
COUNCIL CHAMBERS
28634 OAKLAND AVENUE, WELLTON, ARIZONA
TUESDAY, SEPTEMBER 5, 2023
6:00PM**

6:00 PM Convene Regular Session of the Common Council of the Town of Wellton

- **Call to Order**
- **A reminder to please turn your cell phones off or place them on vibrate. If you must answer your cell phone or text, please step outside. Thank you.**
- **Pledge of Allegiance**
- **Invocation**
- **Roll Call**
- **Introduction of Guests**
- **Final Call** for submission of Speaker Request Forms
- **Call to the Public**

This is a business meeting of the Wellton Town Council. The Town values and welcomes public input. Please address the Council and not individual Council Members. Do not address staff or members of the audience. The Open Meeting Law limits Council action on items brought up in Call to the Public. The Council may direct staff to study the matter and reschedule it for further consideration later. Items on the agenda will not be heard or discussed in Call to the Public. Individuals are limited to three (3) minutes.
- **Presentations**
 - A. Presentation of Employee of the Month: Adolfo Ponce
 - B. Code Enforcement Update

Discussion and Action Items

1. **Approval of Minutes:**
 - a. For the Meeting of August 1, 2023 (Regular Meeting).
2. **Discussion regarding:**
 - a. Coyote Wash Golf Course
 - b. Butterfield Golf Course
3. **Discussion and possible action to proclaim September 2023 as "Library Card Sign-Up Month".**
4. **Discussion and possible action to award the Audit contract to CWDL.**
5. **Discussion and possible action to approve Variance Case #V-24-002: Scott and Twanette Stauth request a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 on his lot located at 11771 Castle Dome Street (Parcel**

#: 709-59-312). The request is for a 5-foot variance of the interior yard setback for construction of 2 storage sheds and a 2-foot variance of the rear yard setback for one of the storage sheds.

6. Discussion and possible action to approve Variance Case #V-24-003: Jose A Montoya requests a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 feet on his lot located at 28412 Telegraph Avenue (Parcel #: 709-58-332). The request is for a 6-foot variance of the interior yard setback for construction of a carport.
- **Recess Regular Session of the Common Council and open Public Hearing as Board of Adjustment.**
7. Public Hearing for Rezoning Case:
 - a. Rezoning Case #RZ-24-001: Terry and Catherine Kuhl request a rezoning of a 2.01 gross acre parcel located at PID 200-11-037 in Wellton, Arizona, from Agricultural District to Residential District.
- **Close Public Hearing.**
8. Discussion and possible action to approve Rezoning Case #RZ-24-001: Terry and Catherine Kuhl request a rezoning of a 2.01 gross acre parcel located at PID 200-11-037 in Wellton, Arizona, from Agricultural District to Residential District.
9. Discussion and possible action to approve Resolution No. 712 to adopt a minor amendment to the General Plan to allow a residential use on property located at PID 200-11-037, Wellton, Arizona.
10. Discussion and possible action to adopt Ordinance No. 151, to amend the zoning map of the Town of Wellton for the property located at PID 200-11-037, Wellton, Arizona.
11. Discussion and possible action to adopt Ordinance No. 152, amending the Code of the Town of Wellton, Arizona, by amending Chapter 5, Magistrate, Article 5-4, Municipal Court Fund and Fees, Section 5-4.2, Municipal Court fees; providing for an effective date; and providing for severability.
12. Discussion and possible action regarding the approval of the Liquor License request for Fourth Avenue Minimart at 28873 Commerce Way, Suite B-1.
13. Discussion and possible action to:
 - a. Appoint Councilmember Michelle Jones as the Town of Wellton representative on the Yuma County Advisory Council (YCAC); and
 - b. Appoint Vice Mayor Cecilia McCollough as Town of Wellton representative on the Regional Council on Aging (RCOA).

14. Discussion and possible action regarding Ordinance No. 147 "Town of Wellton Amendments to the 2018 International Property Maintenance Code".

15. Discussion and workshop regarding the Council/Manager Form of Government and the Code of Ethics for Elected Officials.

- **Future Agenda Items**

- **Town Manager Report**

The Town Manager's report is an informational item to inform the Town Council about current developments with respect to Town business. No action will be taken on any information presented.

- **Council's Report**

The next scheduled Regular Council Meeting will be Tuesday, October 3, 2023, at 6:00PM.

- **Executive Session**

An Executive Session may be called during the public meeting on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of receiving legal advice.

An Executive Session may be held pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney regarding the Municipal Court Fund.

An Executive Session may be held pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney regarding the Council/Manager form of government and the application of the Code of Ethics for Elected Officials.

- **Adjournment**

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the Town of Wellton does not discriminate based on disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in Town programs, activities, or services contact: ADA/Section 504 Coordinator, Town of Wellton, 28634 Oakland Avenue, Wellton, Arizona 85356; (928) 785-3348 or TTY (928) 785-3349.

1



MINUTES

Town Council Regular Meeting

6:00PM – Tuesday, August 1, 2023

Wellton, Town Hall Council Chambers

28634 Oakland Avenue, Wellton, Arizona 85356

Mayor Scott Blitz called the regular meeting to order at 6:00PM on Tuesday, August 1, 2023. Mayor Blitz led the Pledge of Allegiance and gave the invocation. Roll call was taken.

Councilmembers Present: Mayor Scott Blitz, Vice Mayor Cecilia McCollough (via Zoom), Councilmembers Barbara Biggs, Sylvia Davidson, and Michelle Jones.

Councilmembers Absent: None.

Staff Present: Town Manager Richard Marsh, Deputy Town Clerk Sandra Jones, Finance Director Dennis Osuch (via Zoom), Police Chief David Rodriguez, Code Enforcement Officer Belen Medina, and Attorney John Austin Gaylord (via Zoom).

Guests Present: Brian Ted Kohn, Evie Pistone, Lou Landers, Brenda Landers, Lynda Lake, Audrey Zingler, Stan Lucier, Lilia Wilson, Mary Miranda, Catherine Blitz, Marisol Hernandez, Miley Hernandez, Tim Mayclin, Bob Bruley, Diane Bruley, Darren Simons, Bob Newquist, Juan Salcido, Kathy Schaben, Robert Leeper, and Peggy Leeper.

Call to the Public

Tim Mayclin – Wellton Elementary School (New Superintendent/Principal): He wanted to take the opportunity to thank the Town for the coordination of the donation of backpacks and school supplies to Wellton School.

After Agenda Item 2

Kathy Schaben - Yuma County Superior Court: She appeared as the Yuma County Court Administrator, gave a detailed description of an existing Intergovernmental Agreement between the Town of Wellton and Yuma County, expressed comments “on behalf of” Yuma County Superior Court Judge David Haws and Wellton Magistrate/Yuma County Justice of the Peace Russ Jones, made further comments on Town accounting matters, and suggested that Judge Jones may choose not to “re-up” the IGA between the Town and County..

Presentations

- Presentation of Employee of the Month: Lt. Juan Salcido
- Code Enforcement Update by presented by David Rodriguez, Police Chief

Discussion and Action Items

1. **Approval of Minutes:**
 - a. **For the Meeting of July 11, 2023 (Special Meeting).**

Motion made by Councilmember Jones, seconded by Councilmember Biggs, to approve Minutes for the July 11, 2023 (Special Meeting).

Davidson: Yay

Jones: Yay

Blitz: Yay

McCollough: Yay

Biggs: Yay

Motion carried.

2. Discussion and possible action on whether to revisit Ordinance No. 147 “Town of Wellton Amendments to the 2018 International Property Maintenance Code”.

Discussion regarding concerns with the content and ramifications of said content. Input was received from Staff, residents, council and guests, Randall Crist, City of Yuma and John Montenegro, City of Yuma.

Motion made by Councilmember Jones, seconded by Councilmember Biggs, to revisit Ordinance No. 147 “Town of Wellton Amendments to the 2018 International Property Maintenance Code” at the September 5, 2023 Regular Meeting.

Davidson: Yay

Jones: Yay

Blitz: Yay

McCollough: Yay

Biggs: Yay

Motion carried.

• Recess Regular Session of the Common Council and open Public Hearing as Board of Adjustment

Motion made by Councilmember Jones, seconded by Councilmember Davidson, to recess Regular Session of the Common Council and open Public Hearing as Board of Adjustment at 6:55PM.

Davidson: Yay

Jones: Yay

Blitz: Yay

McCollough: Yay

Biggs: Yay

Motion carried.

3. Public Hearing for:

- a. **Variance Case #V-24-002: Scott and Twanette Stauth request a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 on his lot located at 11771 Castle Dome Street (Parcel #: 709-59-312). The request is for a 5-foot variance of the interior yard setback for construction**

of 2 storage sheds and a 2-foot variance of the rear yard setback for one of the storage sheds.

Discussion regarding Variance Request.

- b. Variance Case #V-24-003: Jose A Montoya requests a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 feet on his lot located at 28412 Telegraph Avenue (Parcel #: 709-58-332). The request is for a 6-foot variance of the interior yard setback for construction of a carport.**

Discussion regarding Variance Request.

- **Close Public Hearing.**

Motion made by Councilmember Jones, seconded by Councilmember Davidson, to close Public Hearing at 7:09PM.

Davidson: Yay

Jones: Yay

Blitz: Yay

McCollough: Yay

Biggs: Yay

Motion carried.

- 4. Discussion and possible action to approve Variance Case #V-24-001: Quick Fix Pools and Spas LLC, agent for Jim and Tamra Wilcox, requests a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 feet on their lot located at 28731 Canal Avenue (Parcel #: 709-52-139) for the installation of a pool.**

Motion made by Councilmember Biggs, seconded by Councilmember Jones, to approve Variance Case #V-24-001: Quick Fix Pools and Spas LLC, agent for Jim and Tamra Wilcox, requests a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 feet on their lot located at 28731 Canal Avenue (Parcel #: 709-52-139) for the installation of a pool.

Davidson: Yay

Jones: Yay

Blitz: Yay

McCollough: Yay

Biggs: Yay

Motion carried.

- 5. Discussion and possible action to approve the Professional Services Agreement between Dennis Osuch, Osuch Consulting PLLC and the Town of Wellton for consulting services as Finance Director.**

Motion made by Councilmember Jones, seconded by Councilmember Davidson, to approve the Professional Services Agreement between Dennis Osuch, Osuch Consulting PLLC and the Town of Wellton for consulting services as Finance Director.

Davidson: Yay

Jones: Yay

Blitz: Yay

McCollough: Yay

Biggs: Yay

Motion carried.

Future Agenda Items

- Variance requests regarding setbacks.
- Bakersfield Avenue Road Improvement
- Liquor License request.

Town Manager's Report

- Clarifier Update- As I mentioned in my previous update. It appears a projected budget was not established to complete the clarifier project build out when the project was in the planning phase during 2021. I have inquired with some staff members and consultants that were involved during that time and it remains unclear what occurred.

As reported in July report the Town has issued a second round of Request for Bids for this project. There has been substantially more interest in this round. There were 8 companies in attendance at the pre-bid meeting, as opposed to the 2 bids received during the first round. The second round of bids were tallied, and the actual construction was bid at \$1 million dollars. I requested that Dennis let me know the availability of ARPA funds for this project. Our most recent tally is \$228,000.

Staff are pursuing WIFA funds for the \$1 million dollars (\$500,000 forgivable loan), but that funding would not be open for applications for 3-4 months. Staff will continue to look for additional grant opportunities and funding sources for this project, as funding is not available in our budget. Updates will be provided as available.

- I attended the ACMA Summer Conference on July 12 – 14, 2023 in Tucson. The highlight of this conference included:
 - The Artificial Intelligence and the Robotics industry and the potential replacement of Police officers and -automated vehicles, fire fighters and -automated vehicles. Educators, Nurses, predictive analytics in Human Resources for determining good candidates for employment and solving crimes, diagnosis of health care concerns and so much more.

The ability to harness individual thoughts, experiences, beliefs, and intellect into a robot and live in perpetuity. This raised concerns about the effects on the retirement system, social security, etc. I will keep you apprised as I learn more about this rapidly emerging industry and its potential impact on local government operations.

At the AMCA training I had the opportunity to attend a presentation by Troy Hayes, City of Phoenix, regarding the Future of Water in Phoenix. I have reached out to him to meet with myself and our Water System Superintendent about the

pending legislation which will allow for increased use of Affluent for municipal owned properties.

- Nuisance Update - Thank you, Mayor Blitz, Councilmember Davidson, Councilmember Jones, and Councilmember Biggs for canvassing the Town and reporting blight to our team, great teamwork and it's really appreciated.
- Links at Coyote Wash Utilities Update - In April, the Links at Coyote Wash Utilities (LCW), which is a private company, applied to the Arizona Corporation Commission (ACC) to increase its sewer rates. In response, the Town of Wellton issued a notice directing LCW customers to the ACC, the State agency responsible for regulating utility rates.

LCW customers registered 196 comments urging the ACC to deny or decrease the proposed increase. Among those are comments from the Mayor Scott Blitz, and the Town, which is also an LCW customer.

Still, on July 20, ACC staff published a Staff Report recommending approval of LCW's rate increase. The ACC process is ongoing, and the Commissioners have not yet decided about the proposed increase.

It is important to note that the ACC is the regulatory authority with jurisdiction over utilities such as LCW. The Town investigated whether it has any basis for legal action outside the ACC process and determined that it does not.

Interested residents may contact the ACC's Consumer Services Section at 800-222-7000 or 602-542-4251 with questions or concerns or to request information about becoming an official party in the proceedings. Residents may also explore available resources and assistance programs that may be helpful for residents experiencing financial hardship.

For additional details and explanation, please see the Town's first notice.

- I attended the AMCA Annual Elections Training and Annual Conference in Fountain Hills from July 25 – 27, 2023. A few of the presentations that resonated were:
 - Colleen Biggs - 6 Habits of Growth: Creating Habits of High Performers
 - Elections Calendar from the League Elections Manual.
 - Potential Candidates Orientation – A meeting to provide explanation of the Clerk's Office and candidates' roles during the election cycle to potential candidates. Candidate Packets are reviewed and dispersed at that time as well.
 - The presentation of E-Qual - AZ Secretary of State (SOS) System where candidates running for county, city, and town office in Arizona can collect 100% of their minimum number of required nomination petition signatures electronically.
- The Bakersfield Avenue Road Improvements Project Bid Opening will be August 8, 2023, at 2:00PM at Town Hall.
- Community Conversation – August 17, 2023, Community Center at 1:30PM. Bring your questions, comments, and concerns for discussion with the Mayor and Town Manager.
- Court Fee Update – Staff met on July 13, 2023, with the Court and discuss our findings. We will be submitting a detailed analysis to the Court for their review and will update you accordingly.

- Councilmember Biggs wanted to inform residents that she as a resident of the Coyote Wash Subdivision has submitted a Request to Intervene to the Arizona Corporation Commission regarding The Links at Coyote Wash Utilities rate increase request. She' been contacting the AG's Office, reaching out to an attorney, as well as possibly planning to procure a bus to the hearing.
- Councilmember Jones has been working with Antelope Union High School during their process with the state and receivership. Pat Koury has been named temporary Superintendent at the high school.
- Mayor Blitz wanted to remind residents:
 - Community Conversation at the Wellton Community Center on August 17, 2023 at 1:30PM.
 - Sunset Community Health Center Award presentation on August 8, 2023 at 12:30PM.
 - Municipal Rental Tax Modification has passed.
 - Next Regular Council Meeting is September 6, 2023 at 6:00PM.

Executive Session

- None requested.

Adjournment

Motion made by Councilmember Jones, seconded by Councilmember Biggs to adjourn.

Davidson: Yay

Jones: Yay

Blitz: Yay

McCollough: Yay

Biggs: Yay

Motion carried.

Meeting adjourned at 7:40PM.

Scott Blitz, Mayor

ATTEST:

Richard Marsh, Town Manager

CERTIFICATION:

I hereby certify that the forgoing minutes are a true and correct copy of the regular meeting held August 1, 2023, and the meeting was duly called and posted and that a quorum was present.

Richard Marsh, Town Manager

2

3



PROCLAMATION

TOWN OF WELLTON

LIBRARY CARD SIGN-UP MONTH - SEPTEMBER 2023

WHEREAS, libraries play a crucial role in the education and development of children, from story times for preschoolers to college and career planning for high schoolers, fostering literacy and a love of reading;

WHEREAS, libraries are welcoming and inclusive spaces for people of all backgrounds to learn together and engage with one another across cultural, ethnic, generational, and economic lines, strengthening the social fabric of the communities they serve;

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

WHEREAS, libraries contribute to a strong local economy by providing access to the technology and training that are critical to the success of job-seekers, entrepreneurs, and students;

WHEREAS, a library card sparks creativity and empowers all people to explore new passions and interests and pursue a path of lifelong learning;

THEREFORE, be it resolved that I, Scott Blitz, Mayor, proclaim September "*Library Card Sign-up Month*" in Wellton, Arizona and encourage everyone to sign up for their own library card today.

ISSUED by the Mayor of the Town of Wellton, Yuma County, Arizona, this 5th day of September 2023.

Scott Blitz, Mayor

4

Background

The Town of Wellton is an incorporated Town in the State of Arizona. Arizona requires municipalities to have either an annual or biannual audit conducted in accordance with Generally Accepted Auditing Standards and the federal government requires recipients of federal awards to have an annual single audit conducted if the municipality expends more than \$750,000 in federal awards. The Town is subject to an annual audit and single audit. Additionally, the municipal court is required to undergo a tri-annual agreed-upon procedures in compliance with the Arizona Supreme Court's *Minimum Accounting Standards*.

In order to satisfy these requirements, the Town of Wellton issued a request for quote for audit services on July 14, 2023 to four audit firms and requested a response by July 26, 2023. The Town received responses from each of the firms as follows:

Heinfeld & Meech – Sent a “no bid” response due to staffing and availability.

Colby & Powell – Received an on-time response that met the requested information.

CWDL - Received an on-time response that met the requested information.

Baker Tilly – Received an on-time response that met the requested information.

Proposed fees from each of the audit firms were as follows:

Firm	Financial Statement Audit	Single Audit	Court Agreed- Upon Procedures	Additional Single Audit (if more than 1)
Heinfeld & Meech	N/A	N/A	N/A	N/A
Colby & Powell	\$ 27,818	\$ 4,682	\$ 5,500	\$ 3,500
CWDL	\$ 27,800	\$ 3,500	\$ 6,000	\$ 3,500
Baker Tilly *	\$ 38,205	\$ 5,345	\$ 7,490	\$ 5,345

* Baker Tilly also charges a 5% administration fee on top of all professional service fees not included in the total above.

Baker Tilly is the incumbent audit firm. The fees for services for the audit of the June 30, 2022 audit were \$21,000. Years following the COVID pandemic, we have seen audit fees increase anywhere from 25-30% due to inflation, as well as the shortage of CPA's, resulting in increased wages to professionals within public accounting firms. We have seen those increased costs passed through in the form of increased audit fees. Therefore, it is not unexpected, nor unusual to see the proposed fees presented above. Additionally, the \$21,000 the Town of Wellton was previously paying Baker Tilly is much lower than the fees typically seen for municipalities similar in size.

Budget

Our recommended award to council is within the adopted Town budget and actual proposed fees are less than the Town's total budget for audit. The court department only has a \$3,500 budget for the tri-annual court agreed-upon procedures compared to a proposed fee of \$6,000; however, budget is available from other departments to cover the proposed court engagement through a future budget transfer. Should the Town require more than one major program be audited for the single audit, budget capacity is available.

Recommendation

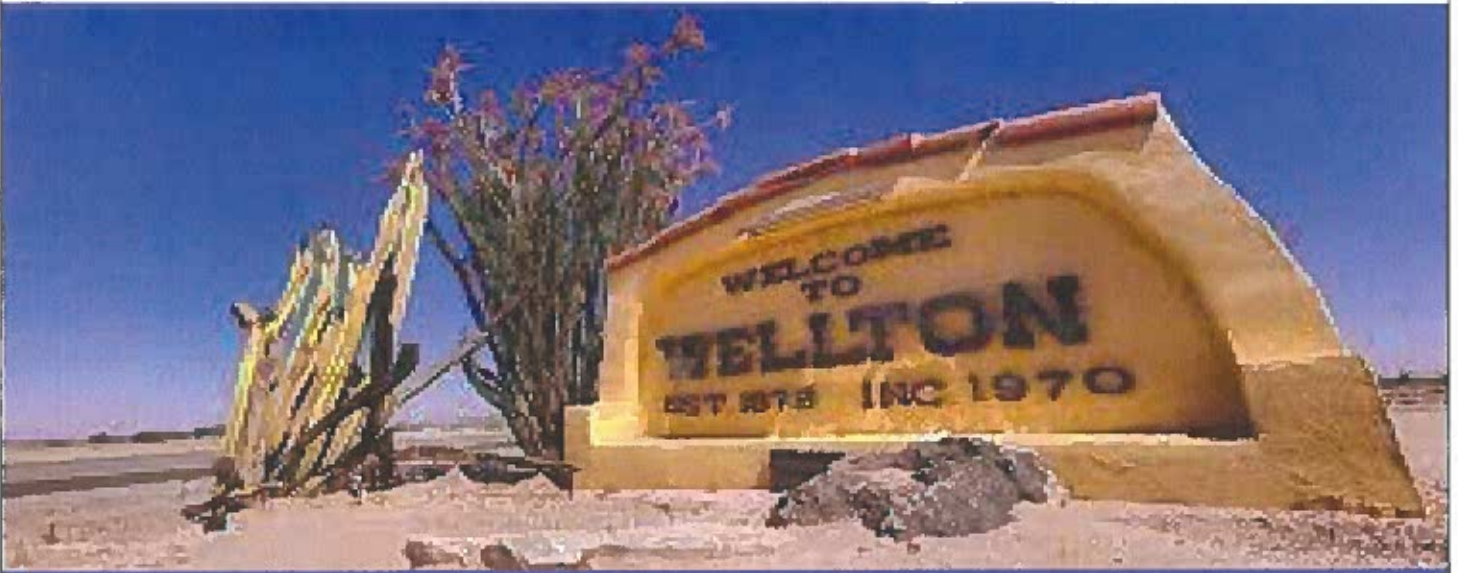
Management is recommending awarding the audit contract to **CWDL**. CWDL ranked the highest in scoring and is the lowest proposed fee. Each of the firms were evaluated based on the following criteria: Years of Experience, Government/Municipal Experience, Supervisory Experience, Proposed Hours and Timeline, and Cost.

Request and Justification

Town code gives the Town Manager authority to enter into a contract without Town Council approval or a formal request for proposal in an amount not to exceed \$29,999.99. The recommended firm and other firms who proposed on the Town's audit were in excess of \$30,000. We are requesting the Town Council award the contract to CWDL based on the quote received without requesting a formal request for proposal. The basis for this request are as follows:

- 1) Each of the firms provided a full proposal and a request for proposal would result in a delay in making an award and beginning the 2024 audit process. Additionally, we would expect to receive a similar proposal and proposed fees through a request for proposal.
- 2) The proposed fees were relatively similar or in excess of \$30,000 for all firms who proposed and the increase in fee was not unexpected based on fees for other municipalities similar in size and the fee trend for public accounting firms.
- 3) The firms who provided a response are established, reputable firms.
- 4) Budget is available to cover all proposed fees, including any contingency for more than one major federal program that may be required to be audited.

**TOWN OF WELLTON, ARIZONA
REQUEST FOR QUOTE – PROFESSIONAL AUDIT SERVICES**



Submitted: July 26, 2023:

Dennis V. Maschke, MBA, CPA
Partner
dmaschke@cwdl.com

This quote is effective (non-rescindable)

CWDL, Certified Public Accountants

7047 E Greenway Pkwy., Ste. 250
Scottsdale, AZ 85254
Telephone: (480) 678-7462
Fax: (858) 565-7399
Website: www.cwdl.com

CWDL

TABLE OF CONTENTS

	<u>PAGE</u>
A. General Requirements	
Letter of Transmittal	1
Audit Philosophy	3
Risk Based Audit Approach	4
Audit Communication	4
Auditor Transition	5
Use of Technology	5
Audit Approach Detail	6
Audit Hours and Significant Areas	9
Audit Timeline in Hours	10
Audit Timeline Snapshot	10
B. Independence	
Independence	11
Organizational Affirmations	11
Workpaper Retention	11
Insurance	11
Peer Review	11
C. Qualifications and Experience	
General Overview and History	12
Engagement Team	13
Experience Auditing Municipalities	13
Experience Auditing Other Governments	14
D. Personnel	
Engagement Leaders and Staffing	16
Engagement Team Resumes and Client Lists	18
E. Pricing and Account Analysis	
Cost Proposal	21



July 26, 2023

Town of Wellton, Arizona
28634 Oakland Avenue
PO Box 67
Wellton, AZ 85356

Mr. Osuch and Mr. Marsh,

We thank you for considering CWDL, Certified Public Accountants ("CWDL") as your independent auditors. We are pleased to respond to Town of Wellton, Arizona's (the "Town") request for quote - Professional Audit Services, for the period ending June 30, 2023, with the option to renew for additional years, for the financial audit including the government-wide, business-type, and governmental funds of the Town and compiling of the Annual Financial Report. Additionally, the Single Audit and HURF report, Annual Expenditure Limitation Report, and Court report will be completed for each applicable fiscal year.

CWDL is a regional CPA firm with offices located in Scottsdale, Mesa, and San Diego. The Partners at CWDL manage the audits of over 160 state and local governments in the States of Arizona and California. Dennis V. Maschke is the partner in charge of the Arizona practice. After spending 15 years working exclusively with Arizona local governments at one of the nation's top ten accounting firms, Dennis joined CWDL in July 2019 to better serve Arizona municipalities. In addition, on August 1, 2022, CWDL acquired Dobridge and Company P.C., a leading public accounting firm specializing the auditing Arizona school districts and other municipal organizations. With this acquisition, CWDL has become one of the leading firms in audits of Arizona state and local governments. From senior associate to partner, all key members of your engagement fieldwork team will consist of licensed Certified Public Accountants. The quality of our fieldwork teams – the individuals that you and your staff will see and work with – is a key aspect of an overall audit approach that sets CWDL apart.

While many firms offer partner involvement, we go above and beyond with our commitment to having a partner physically on-site for 100% of fieldwork. When our staff are on-site for any phase of the audit, you can be sure they will be joined by a partner. In addition, all key members of the team are licensed CPAs. All of whom are experienced in Arizona state and local government audits. We believe the combination of our team and our client-focused approach enables us to provide a service unmatched by other firms. This benefit allows us to guarantee that the preliminary drafts will be delivered by November 15th and final reports will be submitted no later than December 31st. We will work with the Town to ensure the reports are submitted to the proper agencies and to GFOA for consideration of the award for excellence in financial reporting.

We have read and understood all the requirements listed in the Request for Quote for Audit Services. This statement certifies our willingness to perform the services as noted in the RFP and indicates that we have completed and duly submitted all required forms, certificates, and compliance requirements.

CWDL is committed to meeting or exceeding, all reporting and time requirements as noted in the RFP. Our goal is to properly plan the audit in which the Town is provided with the dedicated and proper personnel, hours, and resources needed to ensure that all deliverables are provided within the required timelines. Our commitment is to provide audit report drafts within two weeks of our year-end audit visit. CWDL understands the Town is looking for an audit firm to prepare the following:

- Perform a financial audit, in accordance with U.S. generally accepted auditing standards, Government Auditing Standards (GAS), issued by the Comptroller General of the United States, and the Uniform Guidance and issue the reports required by those standards and the Uniform Guidance. This includes preparing a management letter, as necessary.
- We will compile the Annual Financial Report of the Town of Wellton, Arizona.
- We will complete the single audit and file the data collection form with the federal government.
- All reports will be properly submitted to the Auditor General's Office and pass-through entities, as necessary.
- We will complete the HURF compliance report and Annual Expenditure Limitation Report (AELR) and submit them accordingly.
- We will complete the court audit for the fiscal year ending June 30, 2023, and submit it appropriately.
- We will present the financial statements and related reports to the Town council, in person.

All key members of the audit team are licensed Certified Public Accountants! As noted under our Profile and Qualifications, the staff assigned are all properly licensed Certified Public Accounts and in good standing with their respective Boards of Accountancy. See below for a list of staff and associated license numbers. Confirmation of credentials can be achieved via the license lookup at the Arizona Board of Accountancy website (www.azaccountancy.gov).

Name	CPA License Number	Classification	Engagement Role	Audit Experience
Dennis Maschke, MBA, CPA	15778 - AZ	Partner	In-Field Partner	17+ years
Daniel Johnson, CPA	19112 - AZ	Manager	Audit Manager	6+ years
Victoria Thoman, CPA	3050 - WY	Senior	In-Field Senior	2+ years
Najee Corley	N/A	Senior	In-Field Associate	4+ years
Ben Leavitt, CPA, CFE	17405 - AZ	Partner	Concur/Review Partner	10+ years

Dennis V Maschke, a Partner, is authorized to make representations and bind the bid contractually on behalf of CWDL. We commit to meeting the deadlines and Town timelines issued within the RFP and have submitted our all-inclusive fee, by year, for the work performed within the pricing and analysis section of this quote.

We acknowledge that all documents submitted pursuant to this RFP process will become a matter of public record. After reading through our quote, if a question arises, please feel free to contact me at (480) 678-7462 or via email at DMaschke@CWDL.com.

Thank you very much for your consideration.

Sincerely,



Dennis V Maschke, MBA, CPA
Partner
DMaschke@CWDL.com
(480) 678-7462

A. GENERAL REQUIREMENTS

AUDIT PHILOSOPHY

CWDL feels strongly that clients have consistent contact with the appropriate experts from our firm. We assign an experienced engagement team and encourage regular contact with the partners, managers, and senior personnel that are assigned to serve you. All our partners and managers on the audit will be readily available to the Town throughout the year, and at least one partner will be **on-site during all phases** of the audit. The following are the individuals that will be assigned to the Town's audit and will be available to the Town throughout the year.

Name	Position	Experience	Phone	Email
Dennis V Maschke, CPA	Partner	17+ years	480.678.7462	dmaschke@cwdl.com
Daniel Johnson, CPA	Senior Manager	6+ years	763.486.0691	djohnson@cwdl.com

STATEMENT OF UNDERSTANDING

We have reviewed all the reports to be issued and presented to the Town Council and management. We have confirmed in the transmittal letter that we can meet the audit deadlines and can perform the audit procedures and compile the reports as defined in the RFP.

UPCOMING GASB PRONOUNCEMENTS TO CONSIDER

CWDL is well versed in all GASB standards applicable to our governmental clients. Each year we discuss new standards with our clients and help develop a roadmap for implementation, assisting each step of the way. The more significant

GASB that is upcoming and may affect the Town are the following:



- *GASB Statement No. 96 – Subscription-Based Information Technology Arrangements.* This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). This Statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, *Leases*, as amended. *This statement is effective for the audit ending June 30, 2023.*
- *GASB Statement No. 94 – Public-Private and Public-Public Partnership and Availability Payment Arrangements.* The primary objective of this Statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements (PPPs). As used in this Statement, a PPP is an arrangement in which a government (the transferor) contracts with an operator (a governmental or nongovernmental entity) to provide public services by conveying control of the right to operate or use a nonfinancial asset, such as infrastructure or other capital asset (the underlying PPP asset), for a period of time in an exchange or exchange-like transaction. The requirements of this Statement are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter.

A. GENERAL REQUIREMENTS

RISK-BASED AUDIT APPROACH

To arrive at our opinion, we will employ a risk-based audit approach as required by professional auditing standards. For each engagement performed, we conduct a thorough review of internal control systems, assess control risk and suggest to our client's areas where improvements might be made. Based upon the results of our control examinations we tailor our substantive audit procedures to areas of higher complexity and risk. This approach enables us to keep audit risk at a minimum and ensure the highest level of quality audit service. We take this approach but go the extra mile to thoroughly understand the operations of the Town and ensure that we are exceeding the expectations of the Town.

Some keys aspects to a risk-based approach are the following:

- Working with management and governance to identify those areas that are a higher risk to the entity through inquiry, observation, prior finding and reports, and industry guidance.
- Complete a rotation of audit procedures and elements of unpredictability to ensure we are not always using the same procedures to test audit areas.
- Spending more time analyzing the "risks" and less time testing transactions just to test transactions.

When sampling is necessary, CWDL utilizes sampling methodology consistent with industry standards/best practices as prescribed by the AICPA audit and accounting guidance, Uniform Guidance, and generally accepted government auditing standards. On the compliance side of the audit this means that we are using statistically significant samples to ensure any findings or questioned costs can be extrapolated, as required by the State Controller's Office. For our substantive sampling, we follow the most up-to-date industry standard guidance to ensure a 95% confidence level. In addition to our sampling, we utilize analytical procedures as an integral part of our planning, compliance, substantive, and final audit procedures.

REPORT DEADLINES & PRESENTATIONS

CWDL will provide the Town with drafted audit reports and other deliverables no later than four weeks after year-end field work, or as established in the contract. We will ensure that any proposed edits are made immediately, and a final draft is submitted for approval no later than November 15th. This gives us a buffer of two weeks to have the final versions of the reports completed and submitted to the Town by December 15th. We plan to present the approved financials to the Town at an approved Board meeting as requested by the Town.

AUDIT COMMUNICATION

Auditors are required under SAS 114 to communicate the scope and results of the audit to those in the Town that are "charged with governance." This would include, for example, the Chief Executive Officer, Chief Financial Officer, other members of management and a representative of the governing board. To meet this standard, CWDL ensures that we arrange for meetings with selected administrators and committee/board members to discuss the scope of the audit early on and throughout each phase of fieldwork. We will conduct exit conferences at each stage of the audit and finally present, without additional charge, the audit results to the full board at one of the Town's board meetings.

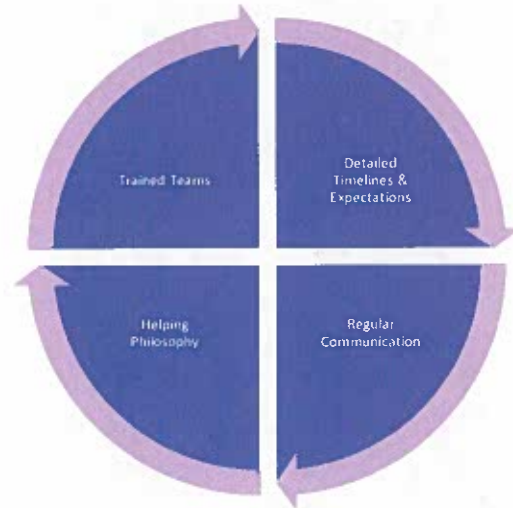
Additionally, we may also have other comments for management on matters we have observed and possible ways to improve the efficiency of your operations or other recommendations regarding internal control structure. With respect to these communications, it is our practice to discuss such comments with the appropriate level of management responsible for the matters prior to their communication to senior management and the Board.

A. GENERAL REQUIREMENTS

AUDITOR TRANSITION

CWDL specializes in governmental audits, and its partners manage the entire process. In addition, with our focus on regular communication, we can ensure that the transition to a new audit firm will be smooth and effective. We encourage you to speak to our references, particularly those with which we have recently engaged to hear about the transition directly from their perspective.

To make this smooth and effective transition happen, we will provide you with trained and supervised staff, a detailed audit plan at each phase of the audit, a detailed timeline, and regular communication on the audit status. We understand an audit can be a difficult time. It is time-consuming to prepare all our audit requests while completing the daily tasks of an employee of the Town. Our mission is to make the audit process as easy as possible. We have a philosophy of helping our clients, answering their questions and providing detailed requests to make the process smoother.



USE OF TECHNOLOGY BY THE AUDIT FIRM

CWDL believes technology is an important component in providing services to our clients. We currently employ a paperless audit system that provides us with a powerful way to organize, prepare, review, and share audit work papers throughout the engagement. In addition, our software allows us to download data from the financial applications and generate financial statements at the time fieldwork is completed.

Additionally, the use of computer assisted audit techniques (CAAT) software helps to expedite the audit process. We will make efforts to take advantage of your systems to help facilitate the audit as efficiently and effectively as possible. This will enable us to maximize productivity during scheduled fieldwork and minimize follow-ups. The following list provides detail on the use of CAAT software CWDL, CPAs uses:

Interactive Data Extraction and Analysis (IDEA) – IDEA is a statistical data analysis tool that could import data from all file types. IDEA utilizes powerful, built-in tools designed to increase the audit automation process. Some examples of data extraction and analysis include the ability to generate statistical samples, extract data from sources, or build reports based upon testing.



- **Suralink Client Portal** – Our client portal provides a dynamical PBC list, assignment workflow, and secure file hosting that allows us to provide a more efficient and organized engagement. The portal provides access anytime, anywhere to view or upload documents anywhere you connect to the internet. The portal also allows a two-way communication between the Town and Firm and provides access to all your documents in a single place.



A. GENERAL REQUIREMENTS

AUDIT APPROACH DETAIL

CWDL's knowledge and experience auditing governments allows us to provide a work plan and timeline that will ensure a smooth completion of all audit testing in accordance with standards, along with the delivery of a quality report in a timely manner. **Note that all estimated dates are subject to Town approval.** The schedule listed below offers a standard two-week approach, with one week for preliminary fieldwork and another for final fieldwork. If the Town would prefer an alternate schedule, we can accommodate that request.

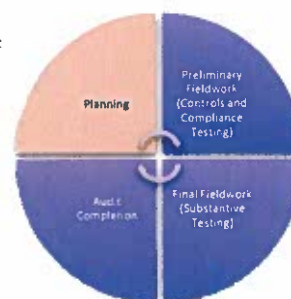
Phase	Timing	Proposed Work Summary	Percentage of Work Done
Pre-audit & Planning	Upon Award	Pre-audit conference and Town planning. We will meet with management to discuss the timelines, risk assessment and planned procedures, including any new GASB or auditing standards that need to be addressed.	10%
Fieldwork	June - August	Site testing: walkthroughs and tests of controls, inquiries and observations & Single Audit testing. Site testing: Balance sheet, revenues, and expenditure testing. Audit Reports drafted for review.	80%
Audit Completion	December 15th	Upon approval, reports submitted to all agencies and presented to Town Council.	10%

Pre-audit & Planning Phase

CWDL will meet with the Town's key staff at this phase of the audit. We will begin planning the audit services for interim and year-end. We will schedule meetings to discuss significant items and the proposed audit plan. During this phase, we plan to:

- Establish an understanding of services to be performed.
- Identify key personnel and contacts.
- Conduct interviews with management and other key personnel regarding fraud and gain an understanding of the entity's procedures for identifying and preventing fraud.
- Perform our risk assessment documentation and determine scope of work.
- Perform our preliminary analytical procedures.
- Propose testing for interim fieldwork as well as establish interim dates.
- Plan and determine the involvement of the entities staff.
- Finalize timeframes related to fieldwork and exit meetings.

At this phase of the audit, we will provide management with a listing of items requested that we would need for the interim phase of the audit. Having this information provided prior to the beginning of interim will help increase the efficiency and timing of audit fieldwork.



A. GENERAL REQUIREMENTS

Fieldwork Phase

The scheduling of fieldwork will be based on the Town's agreed upon time. This phase makes up approximately 80% of the total audit and is when we begin our site-testing. **We commit to being onsite and performing most of our audit procedures so we can meet with management and Town employees to gain an accurate understanding of the Town processes.** We perform limited off-site procedures only to prepare for our onsite fieldwork. During site testing, we will test the following work:

Single Audit
Compliance
Testing

Gaining an
Understanding

Key control
Walkthrough
and Testing

Substantive
Testing

Gaining an Understanding

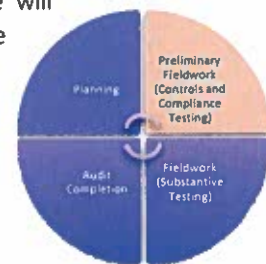
Perhaps one of the most important preliminary procedures is to gain an understanding of the key changes and elements of an organization's operations. During this phase, we will gain an understanding of what new GASBs may need to be implemented based on the Town's operations, as well as any changes to their internal operations. If changes have occurred, we may need to perform additional walkthroughs of key control procedures.

During this process, we will work closely with management to determine what areas of the Town have the most significant risk and where we should focus on. We will also discuss any fraud related concerns that may be out there. We will also address changes in key management positions and organization objectives. At CWDL, when we gain an understanding of our clients, we are not just filling out the forms for the audit process, but we are listening to where we can help our clients and provide recommendations to make a difference within their operations. During this phase, expect the partners to take a keen interest in how we can help.

Key Control Walkthrough and Testing

During this phase, after we have gained an understanding of the entity, we will perform walkthroughs over key areas of the Town's operations. Those key areas are usually the following:

- Information Technology
- Accounts Payable Disbursements
- Payroll Disbursements
- Revenue and Accounts Receivable
 - Utility billing receipts
 - Building permit and related receipts
 - Golf receipts, if material



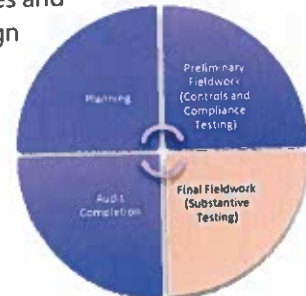
By performing these control walkthroughs and testing, we can gain a better understanding of control effectiveness and amend of substantive testing if controls are working effectively. During this testing, we also gain some insight into Town operations and can propose recommendations for future improvement, if applicable.

A. GENERAL REQUIREMENTS

Substantive Testing

During this phase, we plan to:

- Perform substantive procedures over the year-end balance sheet, revenues and expenses. This includes using our risk-based approach to design procedures and test details of account balances and transactions as well as analytical procedures. Significant audit areas have been identified as the following:
 - Pension and OPEB reporting
 - Capital Assets
 - Compensated Absences
 - Cash with County Reconciliation
 - Revenue Recognition and Accruals
 - Expenditure Review
- Evaluate and review the quality and sufficiency of audit evidence by Managers and Partners.

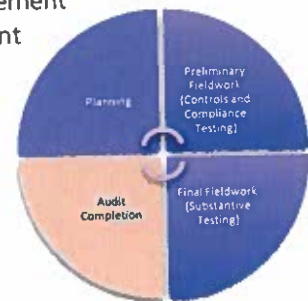


This phase of the audit will complete our substantive testing. We will provide management with a management letter outlining a summary of findings and recommendations. It is important to us that there are no surprises during the audit process. After this testing, the principal and manager on the engagement will meet with management to go over the findings as well as answer any questions the Town has. We believe that if we report a finding, it is important that management agree with the finding and that there wasn't any miscommunication.

Audit Completion Phase

During this phase of the audit, we will begin preparing the audit report and management letter to present to the Town for review. Once the audit report and management letter are approved, we will begin to finalize our audit by doing the following:

- Complete the final analytical procedures.
- Issue the Annual Financial Report and single audit report
- Complete the HURF Report and AELR
- Finalize the court report, if applicable
- Issuance a management letter, if applicable.



As noted in our statement of understanding, we will provide the Town with completed financial statement drafts two weeks after the completion of year-end fieldwork. We will deliver drafts of the audit report no later than December 31st of each year. In addition to the above, we will present the audit reports to the town council on the dates requested by management.

A. GENERAL REQUIREMENTS

AUDIT HOURS & SIGNIFICANT AREAS

CWDL is committed to providing an experienced team for the Town. Therefore, we expect that over **46%** of the work performed will be conducted by the engagement partners (Dennis V. Maschke and Ben Leavitt) and engagement manager (Daniel Johnson). Having this level of partner and manager involvement is paramount to providing a smooth audit transition and experience.

Position	Expected Hours
Engagement Partner	40
Engagement Manger	80
Engagement Senior	60
Engagement Associates	60
Concurring Partner	16
Secretarial	2
TOTAL	258



Our time estimate is based on an experienced team and the ability to perform many of the audit procedures remotely ahead of time. When these procedures are performed ahead of the audit fieldwork date, this reduces the time in the field and makes the audit run more efficiently and is less disruptive to the Town. If additional time is necessary to address any newly discovered risks or questions from the Town, we will gladly take the time to review those areas and answer all questions. **While our #1 goal will always be the performance of a quality audit, right behind it is our mission to provide an excellent client experience.**

Our time estimate is based on an experienced team that understands the Town of Wellton, Arizona. In addition, if we can receive information ahead of our audit weeks, we can expediate our audit procedures. When these procedures are performed ahead of the audit fieldwork date, this reduces the time in the field and makes the audit run more efficiently and is less disruptive to the Town. If additional time is necessary to address unknown risks or questions from the Town, we will gladly take the time to review those areas or answer all questions.

Based on review of the prior year audited financial statements, we feel the following are the more significant areas to the audit:

Cash and Investments	Single Audit Reporting	Utility Billings/Receipts
Capital Assets	Long-Term Commitments	Pension Plans
Accounts Payable	Intergovernmental Receivables	Federal/State Funding

These areas are the most significant within the financial statements, and we find are the most complex to prepare. CWDL will help answer any questions the Town has in compiling and preparing these sections for the audit. The following page represents our estimated time requirement for each section of the audit. Please remember these are just estimates, and if any additional information should come to light, we have no problem putting in the time to fully analyze any significant audit area.

A. GENERAL REQUIREMENTS

AUDIT TIMELINE IN HOURS

In addition to the details previously listed, the following is a timeline by segment and the total number of expected hours for each segment.

Audit Work Segment	Estimated Hours of Completion	Audit Work Segment	Estimated Hours of Completion
Planning		Substantive Testing (All District Funds)	
Planning	12	Cash and Investments	12
Audit Programs	6	Receivables	8
Contingencies/Subsequent Events	1	Prepaid Expenses	-
Risk Assessment Documentation	8	Inventories	-
Board Minutes	3	Capital Assets	14
Correspondence (including Confirmations)	1	Accounts Payable	6
		Other liabilities	2
Meetings		Compensated absences	5
Entrance/Exit Conferences	2	Long-Term Debt/Commitments	8
Other Meetings	1	Pension Accounting	10
Internal Control Interviews	3	Net Position	4
Meetings with Governing Board Members	1	Analytical Review Procedures	6
Meetings - Other	2	Member Contributions	4
Internal Controls and Compliance		Revenues	14
Internal Control Documentation	8	Expenses	8
HURF Report and AELR	14		
Federal Compliance Testing (Single Audit)	25	Audit Wrap-up	
Data Processing Review		Audit Reports	24
Data Processing Interviews & Documentation	2	Supervision & Quality Control Review	16
Transactions		Management Letter	2
Cash Disbursements	6	Federal Data Collection Report	2
Payroll	6	Secretarial	2
Cash Receipting	10	Total Time (Hours)	258

Continued next col.

AUDIT TIMELINE SNAPSHOT

Our overall audit timeline is presented within the audit approach detail and a snapshot of what that looks like is pictured below. We anticipate 1 week of fieldwork where the audit team will be onsite. Other hours will be comprised of virtual work performed to compile the financial statements and plan the audit procedures.



B. INDEPENDENCE

INDEPENDENCE

CWDL, Certified Public Accountants, and all firm personnel are independent of the Town of Wellton, Arizona. On a yearly basis, CWDL reviews independence concerns to ensure there are none related to the entities we serve.

PEER REVIEW

CWDL is extremely proud to provide our peer review report. As members of the AICPA Private Practices Group we participate in the peer review process. The peer review process is conducted every three years. In our peer review report issued in December 2019, we are proud to report that the opinion was **Pass**, the best opinion that a firm can receive. This opinion was issued over our governmental audit practice as well as our not-for-profit and for-profit audit engagements. We are extremely proud to say that all aspects of our quality control systems have received these opinions. We are currently undergoing our peer review of the period ending 2021 and are not aware of any findings related to the government audit practice.

ORGANIZATIONAL AFFIRMATIONS

CWDL understands the requirements and scope of work detailed within the RFP and certifies the ability of our firm to comply with all terms, requirements, and conditions of the resultant contract. CWDL meets all mandatory criteria listed within RFP - Professional Audit Services. **CWDL does not have any pending or threatened litigation or claims against the firm during the past five (5) years.** CWDL has not had any complaints filed against the firm with the Arizona State Board of Accountancy during the past five (5) years.

CWDL certifies that we are properly licensed as a certified public accounting firm in the State of Arizona and meet the independence standards of the Standards for Audit of Governmental Organizations, Programs, Activities and Functions, 1981 revision, published by the U.S. General Accounting Office. We are also in good standing with the American Institute of Certified Public Accountants.

CWDL meets the continuing education requirements of GAS. Each auditor who is responsible for the planning, directing, conducting, or reporting on GAS audits has completed 80 hours on continuing education every two (2) years, with at least 24 hours of continuing education in each year focused on subjects related to the governmental environment, governmental auditing, or the specific or unique environment in which the Town operates.

WORKPAPER RETENTION

All working papers and reports will be maintained at the Firm's expense for a minimum of seven (7) years. We will make all working papers and reports available upon request to the following agencies:

- Town of Wellton, Arizona
- Arizona Auditor General, and passthrough-entities, as necessary
- Parties designated by the Town

INSURANCE

CWDL has errors and omissions insurance, property and liability, and workers' compensation insurance and will indemnify and hold harmless the Town from and against all losses and claims in the execution of our work or the consequences of any negligence or carelessness on our part. We carry a minimum of \$2,000,000 in professional liability insurance. A Certificate of Insurance will be provided if we are selected to perform services for the Town.

C. QUALIFICATIONS AND EXPERIENCE

GENERAL OVERVIEW AND HISTORY

Who we are – CWDL is a regional CPA firm, located in Arizona and California, offering audit, tax, and consulting services. We have three partners, six managers, six senior associates, and eight associates who specialize in municipal, school district, and higher education audits. The firm was started in 2015 by John Dominguez and Ben Leavitt, and the Arizona operations were started in 2020 with the addition of Dennis V Maschke as a partner. Since 2015, the firm has gone from a small regional firm to serving over 160 governmental entities through Arizona and California.

The logo for CWDL, consisting of the letters 'CWDL' in a large, bold, blue serif font.

You are our primary focus! – Our dedicated governmental team audits year-round, which means we are flexible in scheduling and are always responsive to client needs. **We commit to having partner involvement throughout the entire process (including fieldwork).** Our governmental audit partners provide direct cell phone numbers to all clients and pride themselves on being available 24/7 for any client need. It is important to our partners and firm management that we deliver the level of service that we say we are going to provide. **Our proposed engagement team are those exact individuals that will be serving Town of Wellton, Arizona. We will not make a change in the Partner, Manager or even Senior without prior client approval.**

Governmental Experience – Our experience in serving governmental entities goes far beyond what is listed within our current client lists. We are a growing regional firm in Arizona and California that was established by three high-quality CPAs who started out at national and large regional accounting firms. The experience they gained through their careers has given them the opportunity to serve large and small governmental throughout Arizona and California. Dennis V Maschke has worked with over 100 governmental entities throughout his career. A sample of those can be found within his resume and client list in the appendices. Dan Johnson has also worked with over 50 governmental entities in his career. **Our experience enables us to provide premium large firm-level service at a small firm price point.**

Importance of Certifications – At CWDL we understand that the Certified Public Account ("CPA") designation is a valuable credential for advancing a career in accounting and auditing. It demonstrates a strong knowledge of accounting practice, in addition to knowledge of applicable laws and regulations.

Not just CPAs – In addition to being licensed CPAs, we have two Certified Fraud Examiners on staff who are governmental audit experts. Our CFEs regularly assist our audit clients with forensic services should the need arise. An expert who understands the operations of the Town of Wellton, Arizona and is also a CFE adds even more to the value that our firm brings to your organization.

More than an Audit Firm – CWDL prides itself on being a resource to our clients year-round, not just during the audit process. **We are available to come to the Town anytime outside of the audit season to provide training on a topic of the Town's choice, at no additional cost to the Town.** This is unprecedented in the public accounting industry, but we find this is a great way for us to better understand our clients, gain their trust, and help them succeed. In addition, we provide guidance on upcoming GASBs, federal, and state regulations.

C. QUALIFICATIONS AND EXPERIENCE

ENGAGEMENT TEAM

The audit of the Town of Wellton, Arizona, will be staffed out of our Scottsdale office located at:

7047 E Greenway Pkwy., Ste. 250
Scottsdale, AZ 85254

CWDL overall has over 50 employees throughout the southwest region. However, the audit staff and team scheduled on the Town's audit will be out of the Scottsdale office which has 14 employees. These employees work exclusively on governmental entities and non-profit organizations. The Town's audit will be executed by those individuals within the personnel section of this quote and will not be changed without Town approval.

EXPERIENCE AUDITING MUNICIPAL GOVERNMENTS

The list provided below is comprised of the audits that Dennis V Maschke, audit partner, and Dan Johnson, audit senior manager, have worked on over their career, and those in bold represent municipalities they have worked on over the past five years:

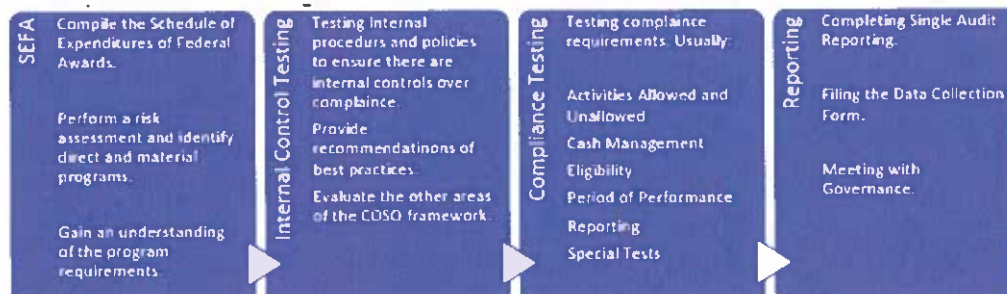
Town of Sahuarita	City of South El Monte	Town of Clifton
Town of Youngtown	City of Nogales	Lake Havasu City
City of Glendale	Town of Wickenburg	City of Douglas
Town of Paradise Valley	Town of Tombstone	Town of Payson
Town of Star Valley	City of Sedona	Town of Huachuca City

EXPERIENCE AUDITING FEDERAL PROGRAMS

CWDL has extensive experience auditing federal programs, specifically as they relate to those of municipal entities. The list below provides those that we find most applicable to Arizona municipalities. The engagement team, led by Dennis V. Maschke, has significant experience auditing these federal programs. Listed below is a sample of the single audit programs that may be relevant to Town of Wellton, Arizona.

CDBG Grants	Airport Improvement Grants	COVID-19 Grants	Highway Safety Grants
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For our single audit testing procedures, we will obtain the trial balance to determine the expenditures within each grant type. From there, we will perform a risk assessment, then perform internal control testing, and lastly compliance testing on each area. Since the Uniform Grant guidance has been effective, there have been many changes to the required testing. We are aware of all the applicable changes and will ensure the audit is done in accordance with federal guidelines and standards. Listed below is a snapshot of the various activities we will perform for the Single Audit.



C. QUALIFICATIONS AND EXPERIENCE

EXPERIENCE AUDITING OTHER GOVERNMENTS

In addition to serving municipal entities, CWDL services many Arizona School District's and Community Colleges. The list below represents those school districts in Arizona that CWDL currently serves and then on the following page is a listing of a portion of the other types of entities we serve.

Current Arizona School Districts Served by CWDL Within the Past Two Years	
Ajo Unified School District	Mountain Institute CTED
Apache Junction Unified School District	Nadaburg Unified School District
Antelope Union High School District	NAVIT
Bagdad Unified School District	Page Unified School District
Beaver Creek Unified School District	Paloma Elementary School District
Bisbee Unified School District	Palominas Elementary School District
Bonita Elementary School District	Patagonia Elementary School District
Bouse Elementary School District	Patagonia Union High School District
Bowie Unified School District	Peoria Unified School District
Canon Elementary School District	Phoenix Elementary School District
Casa Grande Elementary School District	Pima Unified School District
Cedar Unified School District	Pomerene Elementary School District
Cobre Valley Institute of Technology	Red Rock Elementary School District
Colorado River Union High School District	Riverside Elementary School District
Cottonwood Elementary School District	Round Valley Unified School District
Deer Valley Unified School District	Saddle Mountain Unified School District
Duncan Unified School District	Safford Unified School District
East Valley Institute of Technology	Salome CSD
Elfrida Elementary School District	Sanders Unified School District
Flagstaff Unified School District	San Carlos Unified School District
Florence Unified School District	San Simon Unified School District
Fowler Elementary School District	Sentinel Elementary School District
Fredonia Unified School District	Sierra Vista Unified School District
Ft Thomas Unified School District	Solomon Elementary School District
Ganado Unified School District	St. Johns Unified School District
Glendale Elementary School District	STEDY
Globe Unified School District	Superior Unified School District
Holbrook Unified School District	Thatcher Unified School District
Hyder Elementary School District	Superior Unified School District
Joseph City Unified School District	Tombstone Unified School District
Kayenta Unified School District	Tonto Basin Elementary School District
Kingman Unified School District	Topock Elementary School District
Kirkland Elementary School District	Tuba City Unified School District
Laveen Elementary School District	WAVED
Maine Elementary School District	Wellton Elementary School District
Mayer Unified School District	Whiteriver Unified School District
Mobile Elementary School District	Wickenburg Unified School District
Mohave Valley Elementary School District	Window Rock Unified School District
Mohawk Valley Elementary School District	Winslow Unified School District
Morenci Unified School District	Yavapai Accommodation School District
Morristown Elementary School District	Young Elementary School District

C. QUALIFICATIONS AND EXPERIENCE

EXPERIENCE AUDITING OTHER GOVERNMENTS (CONTINUED)

CLIENT	ENTITY TYPE
Arizona Association of School Business Officials	Nonprofit AZ Association
Eastern Arizona College	Community College
Gila County Provisional Community College District	Community College
Santa Cruz Center	Community College
Butte Glenn Community College District	Community College
Daisy Education Corporation	Charter School
Dilcon Community School	Community School
Emery Unified School District	Community College
Empire Springs Charter School	Charter School
Grossmont-Cuyamaca Community College District	Community College
Harbor Springs Charter School	Charter School
Hartnell Community College District	Community College
Imperial Community College District	Community College
Magma Fire Control District	Other Government Unit
Mendocino-Lake Community College District	Community College
Mohave Community College	Community College
Mohave Community College Foundation	Foundation
Mt. San Jacinto Community College District	Community College
Napa Valley Community College District	Community College
Northern Arizona Public Employees Benefits Trust	Other Government Unit
Pacific Springs Charter School	Charter School
Pupil Transit JPA	Other Government Unit
Rio Hondo Community College District	Community College
San Jose Evergreen Community College District	Community College
Sequoia Community College District	Community College
Shasta Community College District	Community College
Shonto Governing Board of Education	Charter School
Siskiyou Community College District	Community College
Town of Star Valley, Arizona	Town
Wide Ruins Community Schools	Charter School

D. PERSONNEL

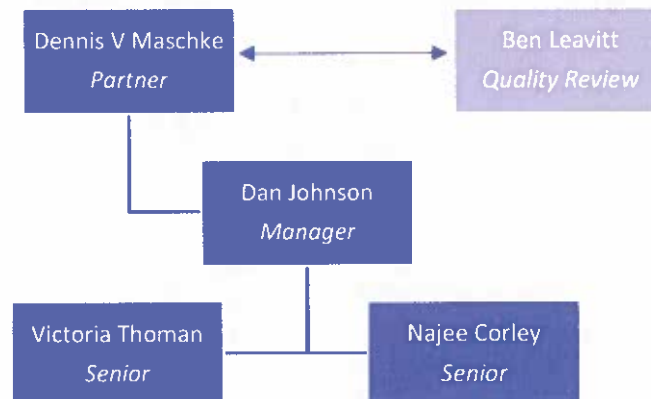
ENGAGEMENT LEADERS & STAFFING

At CWDL we believe we have an extraordinary group of 50 employees. In order to perform at a high level and provide excellent quality service, we understand the importance of training and retaining our people. Listed on the following page is a description of those individuals that will work with Town of Wellton, Arizona on the annual audit.

"THE MOST
VALUABLE ASSET
WE HAVE IS OUR
PEOPLE"

Dennis V Maschke will be the **in-field partner** for the audit. Dan Johnson, CPA, will serve as the **in-field manager** on the audit and Ben Leavitt will provide **concurring review** of the engagement. Dan will monitor and review the audit work performed to ensure adherence to applicable government auditing standards. Dennis, Dan, and Ben will be available to meet with Town administrators and the governing board and provide technical advice to the Town as needed. All in-field partners, managers, and supervisors assigned to the audit have a minimum of four years of experience performing audits of Towns like Town of Wellton, Arizona.

The following organizational chart shows the team members of the audit engagement and their roles:



The two major factors to performing a high-quality audit are: accountability and supervision. CWDL has developed a team and organizational chart that adhere to both factors. Dennis V Maschke is the engagement partner on the audit and will supervise the in-field manager, senior, and associates. In addition, to ensure his commitment to high standards, the files will be reviewed by Dan Johnson, thereby ensuring a high-quality audit. Inevitably, during the audit process, questions arise. With a clear chain of command structure, it is for audit associates and senior to understand where they should go with questions. If issues or findings arise, seniors and associates will go to their supervisors to ensure they are evaluating the information accurately. Quality is a core value at CWDL and providing a strong organizational team is one way we adhere to those values.

Another way we provide quality service is through our experienced teams. We understand the changing environments that towns face, and it is important that our engagement teams are properly trained and certified. It is important to us that each of our team members are properly certified so they can provide quality service and knowledge to each of our clients.

AUDIT FIRM PROFILE AND QUALIFICATIONS

Audit Partner Dennis Maschke, CPA, MBA will be the lead partner on the engagement. He will be responsible for planning and completing the engagement. He will monitor engagement progress and communicate with the Town during each phase of the engagement. Dennis has over 17 years of experience working in public accounting. He has dedicated 100% of his time to serving governmental entities. Dennis has extensive knowledge in performing single audits, state-specific compliance audits, USFR compliance questionnaires, and a wide variety of consulting projects.

Concurring Review Partner Ben Leavitt, CPA, CFE specializes in auditing governmental agencies and nonprofits. He will be responsible for completing the audit fieldwork and will manage the team members out in the field. He will work on some of the more complex areas of the audit. Ben's over 12 years of audit experience has particularly focused on Federal single audits, community colleges, governmental entities as well as fraud audits and forensic investigations.

Audit Manager Daniel Johnson, CPA has over four years of experience providing accounting and audit services for governmental agencies, including both K-12 schools, and municipal entities. Dan will be onsite and work with the Town to complete audit workpapers. Prior to joining CWDL, Daniel worked as an associate with a top ten accounting firm within Arizona. Daniel has worked on over 50 governmental entities.

Audit Senior Victoria Rose Thoman, CPA graduated from the University of Wyoming with a Bachelor of Arts in Accounting. Victoria is a licensed CPA in the state of Wyoming and has recently moved to Arizona. Her experience consists of working 100% with governmental and non-profit entities.

Audit Senior Najee Corley graduated from Kennesaw State and has spent his entire three-plus-year career serving governmental entities, specifically Arizona governmental entities, at a top-ten accounting firm prior to joining CWDL one year ago.

CONTINUING PROFESSIONAL EDUCATION

For the past two (2) years, our entire team has received over 80 hours of continuing professional education with over 48 hours specifically focused on audits of governmental agencies. This includes semi-annual in-house training, conferences and seminars of the California and Arizona Association of School Business Officials, Association of Chief Business Officials, and the American Institute of Certified Public Accountants.

AUDIT RESUMES AND CLIENT EXPERIENCE

On the following pages, we have attached the resumes and client lists of the assigned engagement team. Each member of the team has experience auditing governmental entities and understands your environment. In each resume we have listed the experience the individuals have earned throughout their career. Each engagement is a steppingstone that has led these team leaders to where they are today.

AUDIT FIRM PROFILE AND QUALIFICATIONS



PROFILE

Mr. Maschke specializes in audits and consulting engagements of school districts and municipal entities. He has over seventeen (17) years of audit and consulting experience. He has spoken at numerous AASBO, GFOA and ASCPA events and has been published in the ASCPA magazine. Mr. Maschke joined CWDL on August 1, 2012, after a 13-year career with a top ten accounting firm. He is a licensed CPA in the State of Arizona and had earned his MBA from Davenport University.

CONTACT

PHONE:
480-678-7462

WEBSITE:
www.cwdl.com

EMAIL:
dmaschke@cwdl.com

HOBBIES

- Spending time with family
- Golf
- Continuous education

DENNIS V MASCHKE

Partner

CLIENTS SERVED DURING CAREER

Unified School Districts

St. Johns Unified School District
Thatcher Unified School District
Hayden-Winkelman Unified School District
Tombstone Unified School District
Deer Valley Unified School District
Window-Rock Unified School District
Tuba City Unified School District
Peoria Unified School District
Flagstaff Unified School District
San Carlos Unified School District
Chandler Unified School District
San Simon Unified School District
Page Unified School District
Kingman Unified School District
Nadaburg Unified School District

Elementary School Districts

Madison Elementary School District
Roosevelt Elementary School District
Elfrida Elementary School District
Paloma Elementary School District
Sentinel Elementary School District
Mohave Valley Elementary School District
Tempe Elementary School District
Palominas Elementary School District

High School Districts

Colorado River Union High School District
Valley Union High School District
Phoenix Union High School District

CTEDs

Central Arizona Valley Institute of Technology
East Valley Institute of Technology
Cochise Technology District
Cobre Valley Institute of Technology

Charter Schools

Shonto Governing Board of Education, Inc.
Stepping Stones Academy
Paradise Education

Municipalities

Town of Youngtown
Town of Star Valley
Town of Paradise Valley
Town of Tombstone
Town of Huachuca City

Amongst more not listed

AUDIT FIRM PROFILE AND QUALIFICATIONS



PROFILE

Mr. Leavitt specializes in audits and consulting engagements of school district, community college and other nonprofit organizations. He has over twelve (12) years of audit and consulting experience. Mr. Leavitt has also performed many forensic audits and investigations. He is a certified CFE and CPA both in the State of Arizona and California. Mr. Leavitt annually attends school finance conferences and workshops. Mr. Leavitt graduated from California State University San Marcos with Honors, earning a Bachelor's degree in Business Administration, Option Accountancy

CONTACT

PHONE:
858-472-0216

WEBSITE:
www.cwdl.com

EMAIL:
bleavitt@cwdl.com

HOBBIES

- Spending time with family
- Cars
- Continuous education
- Walking dogs

BEN LEAVITT

Partner

CLIENTS SERVED DURING CAREER

School Districts

Cobre Valley Institute of Technology
Sentinel Elementary School District
Paloma Elementary School District
Shonto Governing Board of Education, Inc.
San Diego Unified School District
Emery Unified School District
Arcohe Union School District
Pleasanton Unified School District
Lennox School District
South Whittier School District
South Pasadena Unified School District
South San Francisco Unified School District
Sweetwater Union High School District
Santa Monica-Malibu Unified School District
La Mesa-Spring Valley Elementary School District
Culver City Unified School District
Grassmont Union High School District
Redondo Beach Unified School District

Community College Districts

Lassen Community College
San Jose/Evergreen Community College
Butte-Glenn Community College
Rio Hondo Community College
West Valley-Mission Community College
Siskiyou Joint Community College
Napa Valley Community College
Mt. San Jacinto Community College
Shasta-Tehama-Trinity Community College
Yuba Community College
Lake Tahoe Community College
Mendocino Lake Community College
San Diego Community College
South Orange County Community College
Palomar Community College
Oklahoma Community College
MiraCosta Community College
Grassmont-Cuyamaca Community College
Arizona Western College
Mohave Community College

Amongst more not listed

AUDIT FIRM PROFILE AND QUALIFICATIONS



DAN JOHNSON

Senior Associate

PROFILE

Mr. Johnson specializes in audits of school districts and municipal entities. He has three (3) years of audit experience. Mr. Johnson has recently joined CWDL after spending 3 years with a top ten accounting firm within Arizona. He is a licensed CPA in the State of Arizona. He earned bachelor's degrees in accountancy and French from the University of North Dakota and is a member of Phi Beta Kappa.

CONTACT

PHONE:
763-486-0691

WEBSITE:
www.cwdl.com

EMAIL:
djohnson@cwdl.com

HOBBIES

- Spending Time with Family
- Travel
- Cooking
- Continuous Education

CLIENTS SERVED DURING CAREER

Unified School Districts

Hayden-Winkelmann Unified School District
Tombstone Unified School District
Window-Rock Unified School District
Peoria Unified School District
Flagstaff Unified School District
San Simon Unified School District
Page Unified School District
St. David Unified School District
Saddle Mountain Unified School District
Apache Junction Unified School District
Payson Unified School District

Elementary School Districts

Madison Elementary School District
Sacaton Elementary School District
Litchfield Elementary School District

High School Districts

Phoenix Union High School District

CIEDs

Central Arizona Valley Institute of Technology
East Valley Institute of Technology
Cochise Technology District

Charter Schools

Shonto Governing Board of Education, Inc.
Stepping Stones Academy
Kingman Academy of Learning
Horizon Community Learning Center
Sedona Charter School
Eagle Charter, South Mountain
Eagle Charter, Maryvale
Eagle Charter, Mesa
Eagle Charter, Harmony (Phoenix South)

Municipalities & Other Governments

Town of Star Valley
Town of Clifton
Town of Sahuarita
City of Douglas
City of Nogales
City of Sedona
Lake Havasu City
Phoenix-Mesa Gateway Airport Authority

Amongst more not listed

E. PRICING AND ACCOUNT ANALYSIS

Listed below is our fee for the fiscal year ending June 30, 2023, along with an estimated cost increase for the subsequent two years, if the option to renew was exercised.

Description	FYE2023	FYE2024	FYE2025	Total
Town Audit	\$ 24,500	\$ 25,000	\$ 25,500	\$ 75,000
Single Audit**	3,500	3,500	3,500	10,500
AELR	2,500	2,500	2,500	7,500
HURF Report	800	800	800	2,400
Court Report	6,000	-	-	6,000
Travel Costs*	-	-	-	-
Other Costs*	-	-	-	-
TOTAL	\$ 37,300	\$ 31,800	\$ 32,300	\$ 101,400

*Other costs: We do not bill for any other costs. All costs are included in the fees presented above.

**Single audit fee per major program audited.

5



Town of Wellton

28634 Oakland Avenue • P.O. Box 67 • Wellton, Arizona 85356 • (928) 785-3348 • Fax (928) 785-4374 • wellton@town.wellton.az.us

Staff Report

To: Board of Adjustment
From: Sandra Jones
Deputy Town Clerk
Date: September 5, 2023
Re: Variance Case V-24-002

1. Requested Action

Variance Case #V-24-002: Scott and Twanette Staath request a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 on his lot located at 11771 Castle Dome Street (Parcel #: 709-59-312). The request is for a 5-foot variance of the interior yard setback for construction of 2 storage sheds and a 2-foot variance of the rear yard setback for one of the storage sheds.

2. Summary

The location is 11771 Castle Dome Street.

3. Fiscal Impact

N/A

4. Recommended Motion

Prepared by:


Sandra Jones, Deputy Town Clerk

Approved for
Agenda by:


Richard Marsh, Town Manager



Town of Wellton
Department of Planning and Zoning

PO Box 67 • 28634 Oakland Avenue
Wellton, Arizona 85356
(928) 785-3348 • (928) 785-4374 Fax

APPLICATION

- ☐ REZONING ☒ VARIANCE ☐ CONDITIONAL USE PERMIT
☐ MAJOR AMENDMENT ☐ MINOR AMENDMENT ☐ LOT SPLIT/LOT TIE
☐ OTHER: _____

Case Number: V-24-002 Public Hearing Date: 8/1/2023

70459312 Property Information	
Address/Parcel No.: <u>11771 Castle Dome St., Wellton</u>	Current Zoning: <u>Residential</u>
Area (acres/sq ft) to be affected: <u>90 sq. ft.</u>	Proposed Zoning or Number of Lot Splits/Ties: <u>n/a</u>
Current Use: <u>Single family Home</u>	Proposed Use: <u>add 2 storage Sheds</u>
Request: <u>Setback reduction</u>	Valuation of Work: <u>\$10,000</u>
Purpose of the above requested actions? <u>See attached supplemental sheet</u>	

Property Owner(s) / Agent(s) Information	
Property Owner's Name(s): <u>Scott & Twanette Stauth</u>	Agent's Name(s):
Mailing Address: <u>11771 Castle Dome St.</u>	Mailing Address:
City, State, & Zip: <u>Wellton, AZ 85356</u>	City, State, & Zip:
Phone: <u>(214) 586-5180</u>	Phone:
E-mail: <u>Twanette2271@yahoo.com</u>	E-mail:
Fax: <u> </u>	Fax:

I affirm that I am the owner of record of the subject property. If an agent is named, I hereby authorize that person to act on my behalf in matters relating to this application. Property Owner's signature is mandatory on all applications.		I hereby declare that all of the above information contained in this application is true and correct to the best of my knowledge and belief. I acknowledge that errors in this application may delay review.	
Property Owner's Signature <u>[Signature]</u>	Date	Agent's Signature	Date
Property Owner's Signature <u>Twanette Stauth</u>	Date	Agent's Signature	Date

VARIANCE APPLICATION SUPPLEMENTAL INFORMATION

Property owner: Scott and Twanette Stauth
11771 Castle Dome Street, Wellton, AZ

PURPOSE OF THE REQUESTED VARIANCE:

To place two small storage sheds on the subject property. Both sheds will be placed on pads 9'x 5' and be 7 feet high.

Shed #1 request a variance of Zoning Code Section 8-5.4.1-D(1) in sideyard (interior) setback from 6' to 1' on south side of property

Shed #2 request a variance of Zoning Code Section 8-5.4.1-D(1) from sideyard (interior) setback from 6' to 1' and from rearyard setback from 3' to 1'.

REASONS FOR GRANTING THE VARIANCE:

1. The strict application of the Zoning Code deprives the property owner of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. The variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which this property is located.
3. The variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification.
4. Granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located.



Legend

1: 659

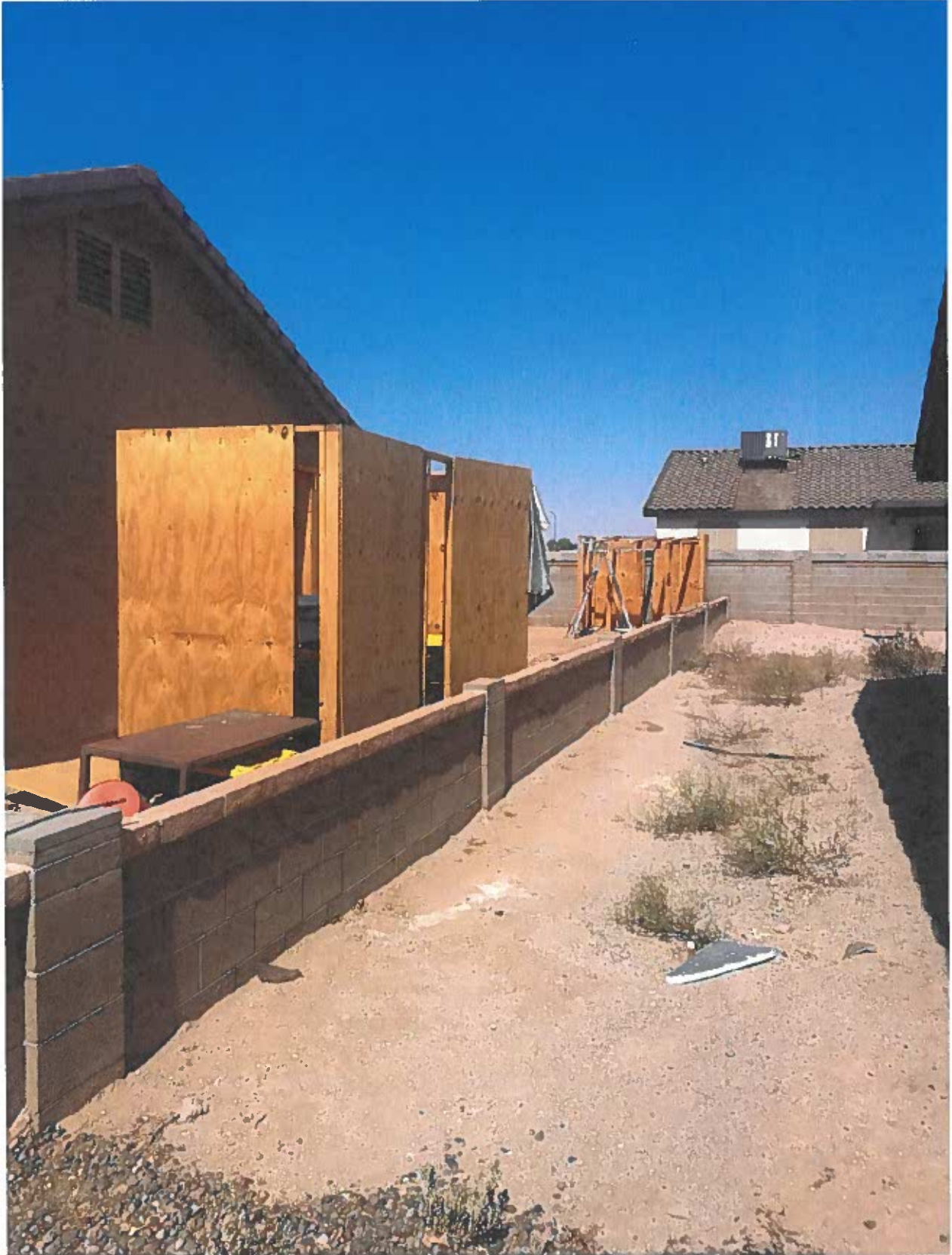


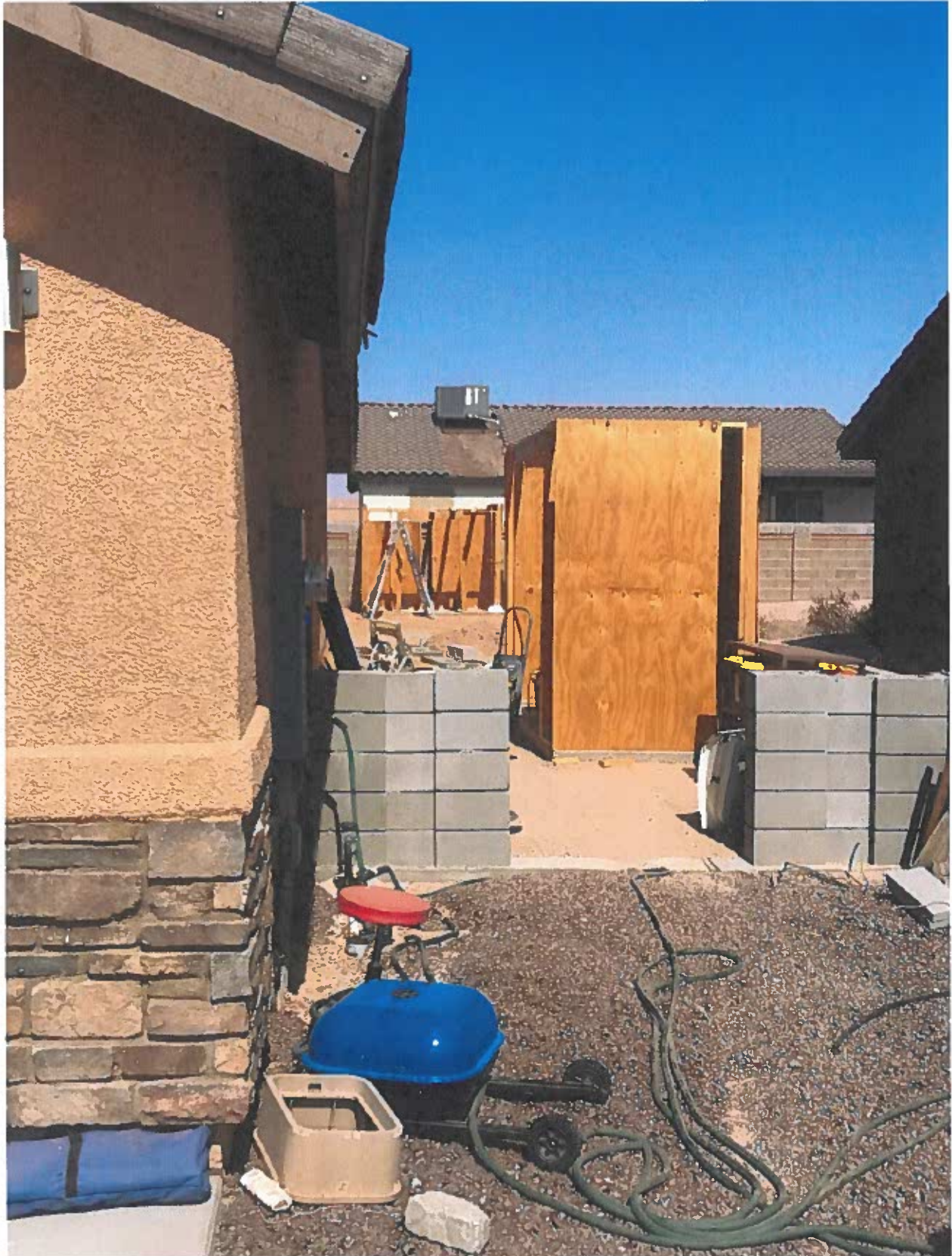
INFORMATION TECHNOLOGY SERVICES

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

YUMA COUNTY

Geographic Information System





PUBLIC NOTICE

The Town of Wellton Board of Adjustment will hold a Public Hearing on Tuesday, August 1, 2023, at 6:00PM in the Town Council Chambers, Wellton Town Hall, 28634 Oakland Avenue, Wellton Arizona, to consider the following item(s):

1. **Variance Case #V-24-002:** Scott and Twanette Stauth request a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 on his lot located at 11771 Castle Dome Street (Parcel #: 709-59-312). The request is for a 5 foot variance of the interior yard setback for construction of 2 storage sheds and a 2 foot variance of the rear yard setback for one of the storage sheds.
2. **Variance Case #V-24-003:** Jose A Montoya requests a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 feet on his lot located at 28412 Telegraph Avenue (Parcel #: 709-58-332). The request is for a 6 foot variance of the interior yard setback for construction of a carport.

6



Town of Wellton

28634 Oakland Avenue • P.O. Box 67 • Wellton, Arizona 85356 • (928) 785-3348 • Fax (928) 785-4374 • wellton@town.wellton.az.us

Staff Report

To: Board of Adjustment
From: Sandra Jones
Deputy Town Clerk
Date: September 5, 2023
Re: Variance Case V-24-003

1. Requested Action

Variance Case #V-24-003: Jose A Montoya requests a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 feet on his lot located at 28412 Telegraph Avenue (Parcel #: 709-58-332). The request is for a 6-foot variance of the interior yard setback for construction of a carport.

2. Summary

The location is 28412 Telegraph Avenue.

3. Fiscal Impact

N/A

4. Recommended Motion

Prepared by:


Sandra Jones, Deputy Town Clerk

Approved for
Agenda by:


Richard Marsh, Town Manager



Town of Wellton
Department of Planning and Zoning

PO Box 67 • 28634 Oakland Avenue
Wellton, Arizona 85356
(928) 785-3348 • (928) 785-4374 Fax

APPLICATION

- ☐ REZONING ☒ VARIANCE ☐ CONDITIONAL USE PERMIT
☐ MAJOR AMENDMENT ☐ MINOR AMENDMENT ☐ LOT SPLIT/LOT TIE
☐ OTHER: _____

Case Number: V-24-003 Public Hearing Date: 8/1/2023

Property Information	
Address/Parcel No.: <u>28412 Telegraph AV 709 58332</u>	Current Zoning: <u>residential</u>
Area (acres/sq ft) to be affected:	Proposed Zoning or Number of Lot Splits/Ties: <u>—</u>
Current Use: <u>residential</u>	Proposed Use: <u>residential</u>
Request: <u>6 ft variance on east</u>	Valuation of Work: <u>—</u>
Purpose of the above requested actions? <u>install a carport</u>	

Property Owner(s) / Agent(s) Information	
Property Owner's Name(s): <u>Jose A Montoya</u>	Agent's Name(s):
Mailing Address: <u>28412 Telegraph AV</u>	Mailing Address:
City, State, & Zip: <u>Wellton, AZ 85356</u>	City, State, & Zip:
Phone: <u>928-581-5898</u>	Phone:
E-mail: <u>JoseMontoya39756@gmail.com</u>	E-mail:
Fax:	Fax:

<i>I affirm that I am the owner of record of the subject property. If an agent is named, I hereby authorize that person to act on my behalf in matters relating to this application. Property Owner's signature is mandatory on all applications.</i>		<i>I hereby declare that all of the above information contained in this application is true and correct to the best of my knowledge and belief. I acknowledge that errors in this application may delay review.</i>	
<u>Jose A Montoya</u> Property Owner's Signature	<u>7/12/23</u> Date		
		Agent's Signature	Date
		Agent's Signature	Date



Legend

1: 434



INFORMATION TECHNOLOGY SERVICES

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Town of Wellton
28634 Oakland Ave.
P.O. Box 67
Wellton, AZ 85356

May 26, 2023

To Whom It May Concern:

We Gary and Connie Bennett reside at 28402 Telegraph Ave. in Wellton, Az. It has come to our attention that permits will be needed by our neighbors Jose and Nora Montoya living at 28412 Telegraph Ave to install a shaded car port on their property.

This letter is to inform the Town of Wellton that we Gary and Connie Bennett, who are the neighbors west of 28412 Telegraph Ave, are perfectly accepting of the installment of the car port on Jose and Nora Montoya's property.

Sincerely

Gary and Connie Bennett

Gary Bennett

Connie J. Bennett

28402 Telegraph Ave.
Wellton, AZ
970-946-4564

cc Jose and Nora Montoya

PUBLIC NOTICE

The Town of Wellton Board of Adjustment will hold a Public Hearing on Tuesday, August 1, 2023, at 6:00PM in the Town Council Chambers, Wellton Town Hall, 28634 Oakland Avenue, Wellton Arizona, to consider the following item(s):

1. **Variance Case #V-24-002:** Scott and Twanette Stauth request a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 on his lot located at 11771 Castle Dome Street (Parcel #: 709-59-312). The request is for a 5 foot variance of the interior yard setback for construction of 2 storage sheds and a 2 foot variance of the rear yard setback for one of the storage sheds.
2. **Variance Case #V-24-003:** Jose A Montoya requests a variance of Planning & Zoning Code Chapter 8, Section 8-5.4.1-D (1): Minimum Interior Yard Setback: 6 feet on his lot located at 28412 Telegraph Avenue (Parcel #: 709-58-332). The request is for a 6 foot variance of the interior yard setback for construction of a carport.

7



Town of Wellton

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Staff Report

To: Board of Adjustment
From: Sandra Jones
Deputy Town Clerk
Date: September 5, 2023
Re: Rezoning Case RZ-24-001

1. Requested Action

Rezoning Case #V-24-001: Terry and Catherine Kuhl request a rezoning of a 2.01 gross acre parcel located at PID 200-11-037 in Wellton, Arizona, from Agricultural District to Residential District.

2. Summary

The property location is Avenue 26 1/4 E and County 11 3/4th Street.

The original lot split of the original 10-acre parcel was performed and recorded by the original owner on March 16, 2009. It created 4 parcels that were each less than the 10-gross acres necessary for the Agricultural District designation. There is no evidence of rezoning at that time.

This request is to bring the zoning into compliance with the existing lot size.

3. Fiscal Impact

N/A

4. Recommended Motion

Prepared by:


Sandra Jones, Deputy Town Clerk

Approved for
Agenda by:


Richard Marsh, Town Manager



Town of Wellton
Department of Planning and Zoning

PO Box 67 • 28634 Oakland Avenue
Wellton, Arizona 85356
(928) 785-3348 • (928) 785-4374 Fax

APPLICATION

- ☒ REZONING ☐ VARIANCE ☐ CONDITIONAL USE PERMIT
☐ MAJOR AMENDMENT ☐ MINOR AMENDMENT ☐ LOT SPLIT/LOT TIE
☐ OTHER: _____

Case Number: RZ-24-001 Public Hearing Date: 09/05/2023

Property Information	
Address/Parcel No.: 200-11-037	Current Zoning: Agricultural
Area (acres/sq ft) to be affected:	Proposed Zoning or Number of Lot Splits/Ties: Residential
Current Use:	Proposed Use: Residential
Request:	Valuation of Work:
Purpose of the above requested actions? Rezone to have property size in compliance with zoning.	

Property Owner(s) / Agent(s) Information	
Property Owner's Name(s): Terry A and Catherine L Kuhl	Agent's Name(s):
Mailing Address: 13524 E 43rd Drive	Mailing Address:
City, State, & Zip: Yuma AZ 85367	City, State, & Zip:
Phone: 760-628-8677 or 928-615-2838	Phone:
E-mail: cathygary12@gmail.com	E-mail:
Fax:	Fax:

<i>I affirm that I am the owner of record of the subject property. If an agent is named, I hereby authorize that person to act on my behalf in matters relating to this application. Property Owner's signature is mandatory on all applications.</i>		<i>I hereby declare that all of the above information contained in this application is true and correct to the best of my knowledge and belief. I acknowledge that errors in this application may delay review.</i>	
08/09/2023			
Property Owner's Signature	Date 08/09/2023	Agent's Signature	Date
Property Owner's Signature	Date	Agent's Signature	Date

PUBLIC NOTICE

The Town of Wellton Council will hold a Public Hearing, on Tuesday, September 5, 2023, at 6:00PM in the Town Council Chambers, Wellton Town Hall, 28634 Oakland Avenue, Wellton Arizona, to consider the proposed requests as described below.

1. **Rezoning Case #RZ-24-001:** Terry and Catherine Kuhl request a rezoning of a 2.01 gross acre parcel located at PID 200-11-037 in Wellton, Arizona, from Agricultural District to Residential District.

Copies of the proposed request is available at the Town of Wellton Town Hall, 28634 Oakland Avenue, Wellton, Arizona during normal office hours: Monday through Thursday, 6:30AM to 5:00PM. Any comments or questions regarding these requests are invited and may be submitted to: Town Manager, Town of Wellton at the above address. Telephone: (928) 785-3348.



Legend

1: 3,484



YUMA COUNTY



INFORMATION TECHNOLOGY SERVICES
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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Geographic Information System

8

9



RESOLUTION NO. 712

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF WELLTON, ARIZONA,
AMENDING THE TOWN OF WELLTON GENERAL PLAN LAND-USE
DESIGNATION OF APPROXIMATELY 2.01 ACRES LOCATED AT 200-11-037,
WELLTON, ARIZONA.**

WHEREAS, the Town of Wellton General Plan (the "General Plan") was adopted by the Mayor and Council in 2013; and,

WHEREAS, the Town Council desires to amend the General Plan to change the land-use designation for approximately 2.01 acres of real property generally located at PID 200-11-037, Wellton, Arizona (the "General Plan Amendment"); and;

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Town of Wellton (the "Town") has consulted with, advised, and provided the opportunity for public comment on the General Plan Amendment; and;

WHEREAS, all due and proper notice of the public hearings on the General Plan Amendment held before the Town Council was given in the time, form and substance provided by ARIZ. REV. STAT. § 9-461.06; and;

WHEREAS, pursuant to the General Plan, the Town Council held a public hearing on the proposed General Plan Amendment in the Town Council Chambers on September 5, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Wellton, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The General Plan is hereby amended to change the land-use designation for approximately 2.01-acre parcel, parcel #200-11-037, Wellton, Arizona from Agricultural to Residential.

SECTION 3. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Common Council of the Town of Wellton, Arizona, 5th day of September 2023.

Scott Blitz, Mayor

ATTEST:

Richard Marsh, Town Manager

APPROVED AS TO FORM:

Andrew McGuire, Town Attorney

10

WHEN RECORDED RETURN TO:

**TOWN MANAGER/TOWN CLERK
TOWN OF WELLTON
PO BOX 67
WELLTON AZ 85356**

TOWN OF WELLTON

ORDINANCE NO. 151

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF WELLTON, ARIZONA, AMENDING THE ZONING MAP OF APPROXIMATELY 2.01 ACRE PARCEL, LOCATED AT #200-11-037, WELLTON, ARIZONA, FROM RESIDENTIAL TO COMMERCIAL.

WHEREAS, this Ordinance has been properly noticed for public hearing and the necessary hearings were completed on September 5, 2023; and

WHEREAS, changing the zoning district of the property will enhance the health, safety, and welfare of the community, and will not depreciate surrounding property values, and at the same time is in harmony with the purposes and intent of the Town of Wellton General Plan, as amended.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Wellton, Arizona, that:

Section 1: The Zoning Map of the Town of Wellton is hereby amended by changing the property described in Exhibit A, attached hereto, from the Agricultural Zoning District to Residential District.

Section 2: All present and future owners of the property described in Exhibit A, attached hereto, shall develop the property in accordance with the requirements of the Residential Zoning District.

Section 3: The Mayor, Town Manager, Town Clerk, and the Town Attorney are hereby authorized to take all steps and to execute all documents necessary to implement the purpose and intent of this ordinance.

(Signatures on the following page)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wellton, Arizona, this 5th day of September 2023.

Scott Blitz, Mayor

ATTEST:

Richard Marsh, Town Manager/Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

11

TOWN OF WELLTON

ORDINANCE NO. 152

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF WELLTON, ARIZONA, AMENDING THE CODE OF THE TOWN OF WELLTON, ARIZONA, BY AMENDING CHAPTER 5, MAGISTRATE, ARTICLE 5-4, MUNICIPAL COURT FUND AND FEES, SECTION 5-4.2, MUNICIPAL COURT FEES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Code of the Town of Wellton, Arizona (the "Code"), sets forth Municipal Court fees in Article 5-4; and

WHEREAS, Arizona Revised Statutes Title 16, Section 16-976(c) provides for a 1% surcharge, applied to civil and criminal penalties; and

WHEREAS, this new surcharge was adopted by the Wellton Justice Court on December 5, 2022; and

WHEREAS, in the interest of orderly court administration, the Wellton Municipal Court strives to maintain a fee schedule that matches the schedule of the Wellton Justice Court.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Wellton, Arizona:

Section 1. The Code of the Town of Wellton, Arizona, is amended by amending Chapter 5, Magistrate, Article 5-4, Municipal Court Fund and Fees, Section 5-4.2, Municipal Court Fees, to read as follows:

Section 5-4.2 Municipal Court Fees

A. Municipal Court Enhancement Fee

Persons convicted of criminal traffic or misdemeanor offenses, or found responsible for civil traffic offenses, shall pay a Municipal Court Enhancement Fee in the amount of seventy-two dollars (\$72.00), plus applicable surcharges, for each offense.

B. Municipal Court Civil Traffic Default Cost Recovery Fee

A Default Cost Recovery Fee in the amount of fifty dollars (\$50.00) shall be imposed on each default judgment entered for failure to appear in a civil traffic case, or for failure to satisfy in full a civil sanction imposed in a civil traffic case.

C. Municipal Court Warrant Cost Recovery Fee

When a Town Magistrate issues a warrant for non-compliance with court orders, failure to pay a fine or failure to pay any other fees, the Town Magistrate shall impose a Municipal Court Warrant Cost Recovery Fee in the amount of one hundred dollars (\$100.00) upon the person for whom the arrest warrant is issued; and this fee shall be added to the amount set forth in the arrest warrant.

D. Municipal Court Deferred Prosecution Cost Recovery Fee

A Deferred Prosecution Fee in an amount between one hundred dollars (\$100.00) and five hundred dollars (\$500.00) shall be imposed on each criminal charge for which the court defers prosecution pursuant to Rule 38 of the Arizona Rules of Criminal Procedure (or its substitute).

E. State Fees and Surcharges

All fees and surcharges imposed pursuant to State law shall be imposed in addition to those fees set forth in this Section.

Section 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 4. The provisions of this Ordinance shall be effective from and after December 5, 2022.

PASSED AND ADOPTED by the Mayor and Council of the Town of Wellton, Arizona, this 5th day of September 2023.

Scott Blitz, Mayor

ATTEST:

Richard Marsh, Town Manager/Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

4731739.5

12

State of Arizona
Department of Liquor Licenses and Control

Created 07/25/2023 @ 03:35:10 PM

Local Governing Body Report

LICENSE

Number:		Type:	010 BEER AND WINE STORE
Name:	FOURTH AVENUE MINIMART		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	28873 COMMERCE WAY SUITE B-1 WELLTON, AZ 85356 USA		
Mailing Address:	2778 W 29TH STREET YUMA, AZ 85364 USA		
Phone:	(928)580-3003		
Alt. Phone:			
Email:	MAJIDJAJOI@GMAIL.COM		

AGENT

Name:	MAJID SAEDE JAJO
Gender:	Male
Correspondence Address:	2778 W 29TH STREET YUMA, AZ 85364 USA
Phone:	(928)580-3003
Alt. Phone:	
Email:	MAJIDJAJOI@GMAIL.COM

OWNER

Name:	FOURTH AVENUE SMOKE SHOP LLC		
Contact Name:	MAJID SAEDE JAJO		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	23265265	State of Incorporation:	AZ
Incorporation Date:	08/27/2021		
Correspondence Address:	2778 W 29TH STREET YUMA, AZ 85364 USA		
Phone:	(928)580-3003		
Alt. Phone:			
Email:	MAJIDJAJOI@GMAIL.COM		

Officers / Stockholders

Name:	Title:	% Interest:
MAJID SAEDE JAJO	MEMBER	100.00

FOURTH AVENUE SMOKE SHOP LLC - MEMBER

Name:	MAJID SAEDE JAJO
Gender:	Male
Correspondence Address:	2778 W 29TH STREET YUMA, AZ 85364 USA
Phone:	(928)580-3003
Alt. Phone:	
Email:	MAJIDJAJO1@GMAIL.COM

APPLICATION INFORMATION

Application Number: 251833
Application Type: New Application
Created Date: 07/14/2023

QUESTIONS & ANSWERS

010 Beer and Wine Store

- 1) Are you applying for an Interim Permit (INP)?
No
- 2) Provide name, address, and distance of nearest school.
(If less than one (1) mile note footage)
WELLTON ELEMENTARY SCHOOL 29126 SAN JOSE AVE WELLTON, AZ 85356 1.2
MILES
- 3) Are you one of the following? Please indicate below.
Property Tenant
Subtenant
Property Owner
Property Purchaser
Property Management Company
PROPERTY TENANT
- 4) Is there a penalty if lease is not fulfilled?
Yes
What is the penalty?
\$50.00
- 5) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 6) What is the total money borrowed for the business not including the lease?
Please list each amount owed to lenders/individuals.
ZERO
- 7) Are there walk-up or drive-through windows on the premises?
No
- 8) Does the establishment have a patio?
No
- 9) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
No

10S Beer and Wine Store Sampling

- 1) Have you uploaded a sampling privileges form?
Yes

13

14

TOWN OF WELLTON

ORDINANCE NO. 147

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WELLTON, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE TOWN CLERK ENTITLED THE "TOWN OF WELLTON AMENDMENTS TO THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE" BY REFERENCE; AND AMENDING THE WELLTON TOWN CODE BY AMENDING CHAPTER 8, BUILDING, PLANNING, ZONING CODE, BY ADDING ARTICLE 8-8, PROPERTY MAINTENANCE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, that certain document entitled the "Town of Wellton Amendments to the 2018 International Property Maintenance Code," of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the Town Clerk; and

WHEREAS, the Mayor and Council of the Town of Wellton, Arizona (the "Town Council") deem it necessary, to protect public health and safety, to update certain rules and regulations for maintaining property within the Town of Wellton; and

WHEREAS, the Town Council finds that the proposed rules and regulations will further protect public health and safety by updating the Town Code to incorporate changes provided for in the 2018 International Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Wellton, Arizona, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled the "Town of Wellton Amendments to the 2018 International Property Maintenance Code," of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the Town Clerk and open for public inspection during normal business hours, is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 3. Wellton Town Code, Chapter 8, Building, Planning, Zoning Code, is hereby amended by adding a new Article 8-8, Property Maintenance Code, as set forth in that certain document entitled "December 2022 Town of Wellton Amendments to the 2018 International Property Maintenance Code."

Section 4. The Town Code is hereby amended by amending Chapter 8, Building, Planning, Zoning Code, Article 8-4, Building Official, as follows (additions shown in ALL CAPS):

The Building official and administrative authority as such may be referenced in any section of this chapter for all matters pertaining to any building, PROPERTY MAINTENANCE, plumbing, electrical or any other inspections shall be vested in the office of the clerk, provided that the council may authorize such deputies as needed to perform any inspection work or other functions that may be required by this chapter.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the "Town of Wellton Amendments to the 2018 International Property Maintenance Code" adopted herein by reference are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or of the "Town of Wellton Amendments to the 2018 International Property Maintenance Code" adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

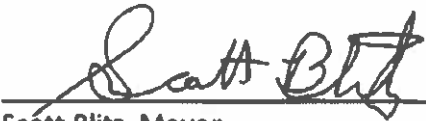
Section 7. In accordance with Chapter 8, Building, Planning, Zoning Code, Article 8-8, Property Maintenance Code, violations of this Ordinance are subject to the following penalties:

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Signatures on the following page)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wellton, Arizona, this 7th day of February 2023.



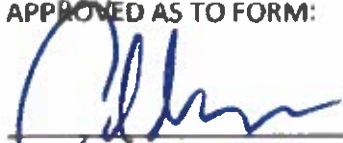
Scott Blitz, Mayor

ATTEST:



Richard Marsh, Town Manager/Town Clerk

APPROVED AS TO FORM:



Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

TOWN OF WELLTON AMENDMENTS TO THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION 1. Wellton Town Code, Chapter 8 (Building, Planning, Zoning Code), is hereby amended by adding Article 8-8 (Property Maintenance Code), to read as follows:

Article 8-8 **PROPERTY MAINTENANCE CODE**

Section 8-8.1 Adoption of International Property Maintenance Code

Section 8-8.2 Amendments to the International Property Maintenance Code

Section 8-8.3 Must Conform to Zoning Ordinance

Section 8-8.1 **Adoption of International Property Maintenance Code**

That certain document designated and marked as the 2018 International Property Maintenance Code, as published by the International Code Council, three paper copies or one paper copy and one electronic copy of which are on file in the office of the town clerk, is hereby adopted by reference as the “Property Maintenance Code of the Town of Wellton” as if fully set forth herein, and may be cited as such, or as the “Property Maintenance Code.”

Section 8-8.2 **Amendments to the International Property Maintenance Code**

The following Sections of the 2018 International Property Maintenance Code, as adopted by Section 8-8.1, are hereby amended as follows:

Section [A] 101.1, Title, is amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the Town of Wellton, hereinafter referred to as “this code.”

Section [A] 102.3, Application of other codes, is amended to read as follows:

[A] 102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Uniform Building Code of the Town of Wellton, the Fire Prevention Code of the Town of Wellton, the Uniform Plumbing Code of the Town of Wellton, and the Uniform Electrical Code of the Town of Wellton. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the Town of Wellton Planning and Zoning Code.

References in this code to the *International Building Code* mean the Uniform Building Code of the Town of Wellton, or the Town's most recently adopted building code.

References in this code to the *International Fire Code* mean the Fire Prevention Code of the Town of Wellton, or the Town's most recently adopted fire code.

References in this code to the *International Plumbing Code* mean the Uniform Plumbing Code of the Town of Wellton, or the Town's most recently adopted plumbing code.

References in this code to the *NFPA 70* mean the Uniform Electrical Code of the Town of Wellton, or the Town's most recently adopted electrical code.

Other references in this code to *International Codes* not adopted by the Town mean the Town's most recently adopted equivalents, if applicable.

Section [A] 103.1, General, is amended to read as follows:

[A] 103.1 General. The department of property maintenance inspection is hereby created and the Town of Wellton Building Official, as defined in Wellton Town Code Article 8-4, shall be known as the *code official*.

Section [A] 103.2, Appointment, is amended to read as follows:

[A] 103.2 Appointment. The *code official* shall be appointed by the common council of the Town of Wellton, Arizona.

Section [A] 103.5, Fees, is amended to read as follows:

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the fee schedule adopted by Town Council from time to time.

Section 201.3, Terms defined in other codes, is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Uniform Building Code of the Town of Wellton, the Fire Prevention Code of the Town of Wellton, the Uniform Plumbing Code of the Town of Wellton, the Uniform Electrical Code of the Town of Wellton, or the Town of Wellton Planning and Zoning Code, such terms shall have the meanings ascribed to them as stated in those codes.

Section 302.8, Motor vehicles, is amended to read as follows:

302.8 Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept, or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Section 304.13.2, Openable windows, is deleted in its entirety.

Section 304.14, Insect screens, is deleted in its entirety.

Section 308.3.1, Garbage facilities, is amended to read as follows:

308.3.1 Garbage facilities. The owner of every dwelling shall supply an approved mechanical food waste grinder in each dwelling unit or an approved leak-proof, covered, outside garbage container.

Section 602.4, Occupiable work spaces, is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 8-8.3 **Must Conform To Zoning Ordinance**

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the Zoning Ordinance of Wellton in addition to the provisions of this chapter.

15

Town of Wellton

Code of Ethics for Elected Officials



Mayor Scott Blitz
Mayor Pro Tem Cecilia McCollough
Councilmember Barbara Biggs
Councilmember Sylvia Davidson
Councilmember Michelle Jones

Town of Wellton
28634 Oakland Avenue
PO Box 67
Wellton, Arizona 85356
(928) 785-3348
www.town.wellton.az.us

Adopted: January 17, 2023
Updated: January 12, 2023

<u>I.</u>	<u>TOWN OF WELLTON ETHICS POLICY</u>	<u>3</u>
<u>II.</u>	<u>APPLICABLE LAWS AND POLICIES</u>	<u>3</u>
A.	GENERAL CHARACTER	3
1.	HONESTY AND INTEGRITY	3
2.	FAIRNESS AND RESPECT	3
3.	EFFORT	4
B.	CIVILITY AND DECORUM	4
1.	IN PUBLIC MEETINGS	4
2.	IN PRIVATE ENCOUNTERS	4
3.	RESPONSIBILITY FOR THE RULES OF DECORUM	5
C.	CONFLICT OF INTEREST	5
1.	SELF-DEALING AND FINANCIAL DISCLOSURE	5
2.	DISCLOSURE OF AND POLICY ON ACCEPTANCE OF GIFTS AND FAVORS	5
3.	LOYALTY	6
4.	NEPOTISM (AS PER ARS § 38-481)	6
D.	LEGAL COMPLIANCE	6
1.	MEETINGS	6
2.	ATTENDANCE	7
3.	DISCLOSURE OF CONFIDENTIAL INFORMATION	8
4.	DISCRIMINATION AND HARASSMENT	8
E.	POLITICAL ACTIVITIES	8
F.	FACILITIES, RESOURCES, AND EXPENSES	9
1.	EXPENSE REPORTS AND TRAVEL	9
2.	USE OF EQUIPMENT AND FACILITIES	9
3.	USE OF STAFF	10
<u>III.</u>	<u>PROCEDURES</u>	<u>10</u>
A.	WHERE TO SEEK ADVICE	10
B.	WHAT TO DO IF YOU ARE UNCERTAIN	10
C.	HOW TO DECLARE A POSSIBLE CONFLICT	10
D.	WHERE TO REPORT IMPROPER BEHAVIOR	11
<u>IV.</u>	<u>PENALTIES AND SANCTIONS</u>	<u>11</u>
<u>V.</u>	<u>ADOPTION AND AMENDMENT</u>	<u>11</u>

I. Town of Wellton Ethics Policy

IT IS THE POLICY of the Town of Wellton to uphold, promote, and demand the highest standards of ethical behavior from its mayor, councilmembers, and individuals appointed to serve on Town boards, commissions, committees, task forces, and other appointed advisory groups (collectively, "Town Officials"). Accordingly, Town Officials shall maintain the utmost standards of honesty, integrity, transparency of action, and fairness in carrying out their public duties, including but not limited to avoiding any improprieties in their roles as public servants, complying with all applicable laws, and never using their office or position for personal gain or inappropriate influence.

The Town of Wellton and its Town Officials all share a commitment to ethical conduct in service to their community. The Town created this Code of Ethics to ensure that all Town Officials have clear guidance for carrying out their responsibilities.

II. Applicable Laws and Policies

A. General Character

Town Officials are often called upon to make decisions that adversely affect various groups and individuals. Balancing diverse constituent interests is a difficult task. While someone will always be disappointed in decisions, Town Officials shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness, or illegality. Preservation of public trust is critical for the preservation of democracy.

A certain amount of detail is required in any code of ethics to serve as a clear guide. However, certain ethical standards are hallmarks of public service, such as always treating others as you would have them treat you. Another standard is to reflect on how your actions or decisions might be viewed by persons you or the public hold in high regard because of their ethical integrity. Regardless of the pathway, Town Officials shall conduct themselves in a manner beyond reproach.

1. Honesty and Integrity

Honesty and integrity shall be Town Officials' primary values in all issues. Public trust in Town Officials can be a reality only when they are truthful.

2. Fairness and Respect

Town Officials shall address and handle all issues and citizens with impartiality and respect and treat all citizens fairly, such as by dividing time reasonably among potential speakers at public meetings. In reviewing, discussing, and deciding issues, Town Officials must be accessible, open, and direct, not only with the other Town Officials but also with citizens and business representatives who appear before them. The public is entitled to communicate with their public servants and understand Town Officials' positions on

public issues.

3. Effort

Town Officials must prepare for and attend meetings. Town Officials are expected to review relevant materials, participate in discussions, and make informed decisions on the merits of issues.

B. Civility and Decorum

Town Officials come from a wide variety of backgrounds and represent diverse personalities, values, opinions, and goals. Yet, despite this diversity, all have chosen to serve in public office to preserve and protect the community's present and future. This common goal should be acknowledged in all cases, even as Town Officials may "agree to disagree" on contentious issues.

1. In Public Meetings

A. Practice civility, professionalism, and decorum in discussions and debates.

Difficult questions, conflicting points of view, and criticism of ideas and information are legitimate elements of a free democracy in action; however, they do not allow Town Officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threats will be tolerated. Town Officials should conduct themselves professionally at all times.

B. Demonstrate practical problem-solving approaches.

Town Officials have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Therefore, town Officials should strive to do so.

C. Be punctual and keep comments relative to topics discussed.

Town Officials committed to attending meetings and participating in discussions. Therefore, it is vital that they be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues.

2. In Private Encounters

A. Continue respectful behavior in private.

The same level of respect and consideration of differing viewpoints deemed appropriate for public discussions should be maintained in private conversations. This is especially important when a Town Official is attending or participating in an event in his or her official capacity.

B. Be Technology Aware.

Technology allows words written or said without much forethought to be distributed wide and far, often without necessary context. Consider the impact of such possibilities before leaving a voicemail, sending a text or email, or posting something online.

3. Responsibility for the Rules of Decorum

Town Officials shall promote the use of and adherence to these guidelines for behavior at all public meetings within the Town.

C. Conflict of Interest

Town Officials must constantly be on guard against conflicts of interest. In short, Town Officials shall not be involved in any activity which conflicts with their responsibilities to the Town and its residents. The people of Wellton have a right to expect independence and fairness toward all groups without favoring individuals or personal interests, and Town Officials are responsible for preserving that right.

1. Self-Dealing and Financial Disclosure

A conflict of interest arises when a Town Official, a relative of that official, or an entity in which a Town Official has a substantial interest is actively engaged in an activity that involves the Town's decision-making processes. "Decision-making processes" is broader than just voting and includes being involved with any aspects of the Town's decisions, such as contracting, sales, purchases, permitting, and zoning.

When a conflict of interest arises, the Town Official involved must immediately refrain from participating in any manner in the Town's decision-making processes on the matter as a Town Official, including voting on the matter or attending meetings with, having written or verbal communications with, or offering advice to any Town Official, employee, contractor, or agent (other than the Town Attorney when the Town Official is seeking legal advice regarding a possible conflict).

Town Officials are strongly encouraged to avoid involvement in situations where a ruling declares no technical conflict of interests, but where active participation might raise the perception of undue influence or impropriety.

Additionally, Councilmembers must comply annually with the Financial Disclosure Act, as outlined in A.R.S. §§ 38-541 to 545.

2. Disclosure of and Policy on Acceptance of Gifts and Favors

Arizona law prohibits Town Officials from receiving anything of value or compensation other than their normal salary for any service rendered in connection with that person's duties with the Town. A.R.S. § 38-505(A).

Under no circumstances shall a Town Official accept a bribe or any gift or favor that reflects, to a reasonable person, an effort to improperly influence the Town Official.

This section does not apply to gifts exceeding \$50 in value and intended for the Town rather than as a personal gift to a Town Official. Such items are Town of Wellton property. Town Officials who receive a gift on behalf of the Town exceeding \$50 in value shall promptly turn the gift over to the Town Manager for public display or other appropriate handling.

3. Loyalty

Town Officials must put the interests of the Town of Wellton over all personal considerations. Their goal should be "what is in the best interest for the broadest public good of the Town of Wellton, consistent with constitutional and other legal protections for minority, property, and other interests."

4. Nepotism (As Per ARS § 38-481)

- a. It is unlawful, unless otherwise expressly provided by law, for an executive, legislative, ministerial or judicial officer to appoint or vote for appointment of any person related to him by affinity or consanguinity within the third degree to any clerkship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages or compensation of such appointee is to be paid from public funds or fees of such office, or to appoint, vote for or agree to appoint, or to work for, suggest, arrange or be a party to the appointment of any person in consideration of the appointment of a person related to him within the degree provided by this section.
- b. Any executive, legislative, ministerial or judicial officer who violates any provision of this section is guilty of a class 2 misdemeanor.
- c. The designation executive, legislative, ministerial or judicial officer includes all officials of the state, or of any county or incorporated city within the state, holding office either by election or appointment, and the heads of the departments of state, county or incorporated cities, officers and boards or managers of the universities.

D. Legal Compliance

1. Meetings

- A. Public Access: Open Meetings and Public Records.

Discussion of issues that may appear before Town Officials shall be prohibited when a situation arises where a quorum of the Council or board exists. Numerous Arizona and Town laws require that meetings of public bodies be open to the public and that public

records be available for inspection. Open Meeting Laws are found in A.R.S. §§ 38-431 through 431.09 and Public Records Laws are found in A.R.S. §§ 39-121 through 121.03.

2. Attendance

Attendance is outlined in this Code of Ethics, Section a. Mayor and Town Council below.

a. Mayor and Town Council

This Ethics Code provides that four councilmembers may discipline another councilmember if he or she misses three (3) consecutive and duly noticed meetings of the Town Council without good cause. Duly noticed meetings of the Town Council include regular council meetings, special council meetings, study sessions, policy sessions, executive sessions, budget review meetings, and council committee meetings to which a councilmember is assigned.

Through this Ethics Code, the Town Council finds that personal illness, family emergencies, military absences, family weddings, family graduation exercises, and bona fide business and vacation trips constitute good cause for nonattendance at council meetings. Whether good cause exists for any other absence shall be determined by vote of the entire City Council upon request of any councilmember made within ten (10) business days following the absence. The vote shall be taken after sufficient information is received explaining the reason for the councilmember's absence.

b. Advisory Boards, Commissions and Committees

This Ethics Code establishes attendance policy for members of advisory boards, commissions and committees and provides that, if a member fails to attend three (3) consecutive and duly noticed meetings of such groups without being excused for good cause, the Town Council may declare the seat vacant and appoint a replacement.

Members of Town boards, commissions and committees are expected to attend all regularly scheduled meetings and should make every effort to do so. The Town Council appoints members for their experience, background and perspective in a particular policy area, and desires the benefit of knowledgeable consideration and judgment. Moreover, boards, commissions and committees cannot conduct any business unless a quorum is present.

Members should notify the chairperson of the board or the staff liaison regarding any meeting missed or to be missed.

The advisory board, commission, or committee shall decide by vote of the entire body, upon request made by any member of the body within ten (10) business days following the absence, whether the absence was for good cause or not.

Advisory boards, commissions, and committees shall use the same standard for good cause as set forth above for councilmembers.

3. Disclosure of Confidential Information

Arizona law provides that, during their employment or service with the Town and for two years thereafter, no Town Official may disclose or use confidential information without appropriate authorization. The information is outlined in A.R.S. § 38-504(B). For example, confidential information includes discussions during executive sessions and certain economic development information such as prospect leads.

4. Discrimination and Harassment

Public decision-making must be fair and impartial and shall not be discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state, and city laws and ordinances.

It is the policy of the Town of Wellton that its Town Officials conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion, both internally and in the relationships of the Town Officials with their constituencies.

In addition, it is the policy of the Town of Wellton that the Town Officials strive to create an operating environment internally and in the relationships of the other Town Officials with their constituencies, that is productive and free from intimidation, hostility or other adversity. Harassment of any sort – verbal, physical, visual – including intentional and unwarranted actions that would constitute sexual harassment were they to occur in an employment relationship, by any Town Council, advisory board, commission, or committee member, is prohibited and is considered a violation of this Code of Ethics.

E. Political Activities

Town Officials shall not use their political or appointed office to advance private interests. Board members are also governed by the resign-to-run regulation, which requires the board member to resign from the Town board when they seek any elective public office.

Town Officials and candidates shall not engage in political campaigning at Town meetings or within city buildings. However, nothing in this section shall prohibit a Town Council, advisory board, commission, or committee member, or candidate from participating in public forums/debates or utilizing town buildings in the same manner and to the same extent as that provided to the general public. For example, participation in candidate forums or debates sponsored by private or non-profit organizations, and attendance at non-town sponsored meetings held in town community rooms. The use of these town buildings will only be provided in the same manner and under the same terms and conditions as these facilities are made available to the general public.

They shall also not use public resources for political campaigning. For example, candidates or supporters of candidates shall refrain from circulating petitions during a Town meeting and refrain from soliciting Town employees to support their specific cause. Town Officials are free to express their opinions about the public issues on the agenda before them, but they must not make campaign speeches at council or board meetings touting their, or another's, candidacy, nor may they urge residents to vote for them or another, through words, signs, buttons or other means during duly noticed meetings of the Town Council or its citizens advisory boards.

F. Facilities, Resources, and Expenses

1. Expense Reports and Travel

When traveling on Town business, Town Officials shall conduct themselves professionally as representatives of the Town of Wellton. Officials are entitled to be reimbursed for actual and necessary expenses during travel. Expenses must be documented completely and accurately. Officials are asked to contact the appropriate Town staff for assistance in travel plans and expense reports.

2. Use of Equipment and Facilities

Town Officials shall not use Town equipment or Town facilities for private purposes, except to the extent that they are available to the public. A.R.S. §13-1802.

a. Software Management

Town Officials shall not make, use, accept or install illegal copies of computer software, documentation, or templates. The Town conducts periodic audits to ensure compliance with Town policies on software installed on Town-owned computers.

The legality of software is ideally established by possession or accountability of the following five items: the original software diskettes, the license, the original manuals, documented evidence of purchase, or copy of the completed product registration.

b. Electronic Mail

Town-assigned electronic mail accounts shall be used only for Town business or for minor personal use such as setting up medical appointments or communicating occasionally with one's family in a way that does not interfere with Town business. Town-assigned electronic mail accounts may not be used for personal business or for any campaign purpose.

All Town-assigned electronic mail is considered official Town business and must be retained in accordance with the Town's records management program. In general, electronic mail communications are public records and subject to

disclosure under the public records law in A.R.S. § 39-101 et. seq.

3. Use of Staff

Under the council-manager form of government, the Town Council appoints a Town Manager, who directs the day-to-day operations of all employees. Councilmembers need to be sensitive to the role of the Town Manager and Town staff, and shall work through the Town Manager or the Town Manager's staff.

Councilmembers may ask other staff members about the status of a matter and may ask for information, but Councilmembers shall not expressly or implicitly give orders or direction to staff, except through their participation on the Town Council. They shall not try privately to influence the decisions or recommendations of staff members, but they may share information with staff. When in doubt about what staff contact is appropriate, Councilmembers should ask the Town Manager for direction.

Town Officials shall not intervene directly with staff on behalf of a particular constituent or organization on a pending matter, but shall participate with council or board colleagues in discussing and deciding policy matters for staff to carry out.

Appointed board members shall work through the staff liaisons of their board.

III. Procedures

A. Where to Seek Advice

Questions about this Code, a conflict of interest, or other ethical problems should be presented to the Town Manager's Office (928-785-3348). If time permits, requests should be in writing to the Town Manager directly. When necessary the Town Manager will consult the Town's Attorney. Requests related to conflicts of interest, A.R.S. §38-507 must be kept confidential. However, official opinions of the Town Attorney are required by law to become a public record.

B. What to Do if You Are Uncertain

The existence of an ethical issue often does not arise until a meeting is underway. Rather than risk an inadvertent violation of law, the safest course of action is simply to declare that a conflict may exist that prevents the Town Officials from participating. Indeed, if there is a consistent theme to this code, it would be: "If in doubt, don't."

C. How to Declare a Possible Conflict

If an official believes that a conflict of interest (or even a possible conflict) exists, then he or she should disclose the fact as soon as possible. For example, as soon as a Town Council, advisory board, commission, or committee member realizes that a conflict exists on a given matter, they must disclose the conflicting interest on the record for the minutes. From that point on, the official shall not participate in any manner (by discussing, questioning or voting) in that matter.

Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. Indeed, officials should declare possible conflicts to avoid any appearance of impropriety.

D. Where to Report Improper Behavior

Town Officials have a duty to create the image and reality of a responsive, accessible, and fair city government. Accordingly, Council, advisory boards, commissions, and committee members have a duty to report if another Town Council, advisory board, commission, or committee member is violating laws or ethics relating to town government, as set forth in this code and handbook. Moreover, officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

If an official believes that someone else may have violated this Handbook, they may consult with the Town Attorney's Office, the Town Manager / Clerk, or their colleagues.

IV. Penalties and Sanctions

It is the intent of the Town Council to educate, and where necessary, discipline Town Council, advisory boards, commissions, or committee members who violate this Code and Handbook. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving a matter, including the intent of the one accused of wrongdoing. This Code does not prevent informal resolution of minor infractions, such as by immediate corrective action of the possible misconduct.

V. Adoption and Amendment

Adoption of and amendments to this Ethics Code and Handbook shall require the affirmative vote of at least a four-fifths super majority of the full Town Council — that is, four (4) votes. Adoption and amendment shall occur through passage of a resolution by the Town Council.