

**CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL  
Council Chambers  
310 N. 4th Street**

**5:30 PM**

**AGENDA**

**Tuesday, December 1, 2015**

**REGULAR MEETING**

**CALL TO ORDER AND ROLL CALL**

**INVOCATION**

The invocation will be given by Pete Ernst of Manzanita Baptist Church.

**PLEDGE OF ALLEGIANCE**

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

**1. APPROVAL OF MINUTES**

- a. The Regular Meeting and Executive Session minutes of November 17, 2015**

**2. APPOINTMENTS**

- a. Administer oath of office to newly appointed councilmember**

Judge Jeffrey Singer will administer the oath of office for new Councilmember Kenneth Dean.

- b. Consideration of appointing and/or reappointing Planning & Zoning commissioners**

The terms of Commissioners Kirkham and Kress end on December 31, 2015. Commissioner Mark Wimpee Jr. has more than four unexcused absences. Commissioner Wimpee's term ends December 31, 2016. The City has received two applications for the Planning and Zoning Commission, one of which is from an individual who resides outside City limits. **If the residency requirement stands, Staff recommends reappointing Commissioner Kress and appointing Jed Noble. If the residency requirement does not stand, Staff recommends following the Planning and Zoning Commission's recommendation to reappoint Commissioners Kirkham and Kress and appoint Randy Gorder.**

- c. Consideration of appointments/reappointments to the Clean City Commission (CCC)**

The terms of commission members William Ressegue and Margie Hicks end on December 31, 2015. The commission voted unanimously to recommend Council appoint William Ressegue to a three-year term on the CCC ending on December 31, 2018. Commissioner Hicks asked the commission to postpone her reappointment for one month for personal reasons. **Staff recommends appointing William Ressegue to serve on the CCC for a term ending on December 31, 2018.**

- d. Parks & Recreation Commission appointments**

At the November 18, 2015 meeting of the Parks & Recreation Commission the commission voted to recommend appointing Corralyn Dunshie to her first full three year term. The commission also voted to recommend David Wayt and Edward Pyrzynski for the two upcoming vacant positions of two outgoing members for a three year term on the commission. **Staff recommends approval.**

### **3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

### **4. CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

#### **a. Vehicle purchase for the Engineering Department**

The Public Works Fleet Maintenance Division requests Council approve the purchase of one 2015 3/4 ton truck, four wheel drive, gas engine, single rear wheels, long wheel base, crew cab service truck for the Engineering Department. **Staff recommends Council award the bid and purchase the vehicle from Courtesy Chevrolet.**

#### **b. Liquor license application**

Applicant Robert E. Wheaton of J.B.'s Restaurant #373 has applied for a new Series 12 Liquor License for a restaurant located at 2940 E. Andy Devine Avenue. **Staff recommends approval.**

#### **c. Consideration of extending the preliminary plat of the Vista Bella Ranchitas Subdivision - Tract 6029**

On November 3, 2015, the Council granted Doug Angle an exemption to Subsection 2.2(8)b.(iv) of the Subdivision Ordinance (which terminates a preliminary plat if it is not extended within 24 months of Council approval) on the Vista Bella Ranchitas Tract 6029 Preliminary Plat. Mr. Angle is seeking an approval of an extension of the Vista Bella Ranchitas Preliminary Plat. **Staff recommends approval of the Vista Bella Ranchitas Tract 6029 Preliminary Plat with the condition that the developer comply with the drainage requirements specified by the Engineering Department.**

#### **d. Consideration of Resolution 4983 to expand the boundaries of the Entertainment District**

Councilmember Carver requested the Council consider expanding the boundaries of the Entertainment District to include the area south of Andy Devine Avenue to Park Street. This expansion is still within the one square mile limitation of the Arizona Revised Statutes (ARS). Staff has drawn a new boundary map and it is attached to Resolution 4983. **Staff recommends approval.**

#### **e. Consideration of a professional services agreement with Sunrise Engineering, Inc. for a Water Master Plan Update**

It has been ten years since the last Master Plan Update, which is intended to identify

and recommend solutions for the current and future water system. Staff has been negotiating with Sunrise Engineering, Inc. regarding a proposal for the work. The adopted budget includes \$300,000 for an update and Sunrise has submitted a proposal for \$232,000 to complete all tasks associated with the update. **Staff recommends approval.**

**f. Resolution 4984, allowing an exception to Section 1-12 of the Streets and Sidewalks Regulations**

Staff has received a request for an exception to Section 1-12 of the Streets and Sidewalks Rules and Regulations for 3150 and 3152 Stockton Hill Road (Parcels 320-13-007 & 320-13-044). Section 1-12 of the Streets and Sidewalks Development Rules and Regulations allows one commercial driveway for properties with frontage of less than 300 feet. When combined, the subject properties will have approximately 200 feet of frontage. Rex Ruge has submitted a site plan requesting two driveways for the subject properties. The site plan was reviewed at the November 19, 2015 Traffic Safety Committee and the committee generally agrees with the exception allowing two driveways for the subject properties. **Staff recommends approval.**

**g. Inmate work contract**

GEO is the new private administrator of the Arizona State Prison Complex - Kingman. The Arizona Department of Corrections has prepared an amendment to the City's inmate work contract naming the new administrator as GEO. There are no other substantive changes to the contract. In order to avoid an interruption of service and continue receiving our inmate work crews, Staff signed the amendment naming GEO as the new administrator.

**h. Award of bid for emergency equipment for police vehicles**

The Kingman Police Department solicited bids for emergency equipment for four (4) Ford Police Interceptors. Three (3) separate bids were submitted and opened on November 20, 2015. Bids submitted included; \$54,031.60 from MHQ of Arizona in Tempe, \$54,143.60 from Arizona Emergency Products in Phoenix and \$68,481.91 from Creative Communications Sales and Rentals Inc. of Phoenix. **Staff recommends accepting and awarding the bid to MHQ of Arizona who submitted the low bid.**

**5. OLD BUSINESS**

**a. Ban handheld electronic device driving ordinance**

Staff has reviewed several ordinances from other Arizona cities and modeled the proposed ordinance from one recently enacted by the City of Tempe. The ordinance bans the use of electronic devices by a driver of a vehicle while on the public right of way, though it does allow for some exceptions. This ordinance may be adopted tonight or Council may make revisions for later adoption. Unless directed otherwise, the ordinance will take effect 30 days after passage. On November 3, 2015 the Council failed to pass a motion to direct Staff to revise and broaden the ordinance and did not take any additional action on this item. Councilmember Carver has requested that the Council revisit Ordinance 1807 as written. **Council discretion.**

**b. Discussion and consideration of initiating a landscape maintenance district**

At its November 17, 2015 meeting, the Council requested information and examples of landscape maintenance districts in Arizona. **Staff recommends forming a landscape maintenance district for the Kingman Crossing Area.**

**c. Golf Course Management Agreement**

On November 17, 2015, the Golf Course Manager Agreement was proposed by Staff and reviewed with Council. **Staff recommends approval with no changes to**

**the agreement that was proposed at the meeting and reviewed and discussed in Executive Session.**

**6. NEW BUSINESS**

**a. Transportation for Veteran's Court clients**

Judge Singer is asking for municipal support for veterans who have been admitted to the program but do not have transportation by providing a free pass on KART buses to veterans with Court ordered appointments. **Staff recommends approval.**

**b. Public Hearing and consideration of Ordinance 1808 approving the rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum**

A request from Raymond W. Stadler, P.E., applicant, and Mallory Loop Re Trust, property owner, for a rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum. The R-2-PDD zoning allows for common wall single family homes with reduced setbacks on eight lots on Mallory Loop east of Fripps Ranch Road. The property is described as Lots 9-16, Block 1, Mission Estates, Tract 1982. The intent is to re-subdivide the eight lots into five new lots with five single family homes with typical R-1-6 zoning district setbacks and development standards. There is a concurrent request for the approval of a preliminary plat for Mission Estates II, Tract 6044 for the site. The Planning and Zoning Commission held a public hearing on November 10, 2015. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with the condition that the subject property shall be re-platted as indicated in the preliminary plat for Mission Estates II, Tract 6044 with a maximum of five lots in accordance with R-1-6 zoning development standards. **Staff recommends approval.**

**c. Consideration of Resolution 4981 approving the preliminary plat for Mission Estates II, Tract 6044**

Raymond W. Stadler, P.E., applicant and project engineer, and Mallory Loop Re Trust, property owner, have requested the approval of a preliminary plat of a residential subdivision known as Mission Estates II, Tract 6044. The proposed subdivision is a re-subdivision of Lots 9-16, inclusive, Block 1, Mission Estates, Tract 1982. The proposal is to replat eight existing lots on Mallory Loop east of Fripps Ranch Road into five lots. There is a concurrent request for the approval of the rezoning of the subject property from R-2-PDD to R-1-6. The replatted lots will range from 6,273 square feet to 10,715 square feet and will be developed with single family homes. The Planning and Zoning Commission held a public hearing on November 10, 2015. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with five conditions. The conditions included requirements for the final plat including adding lot and block numbers on the plat, addressing surveying comments, providing a grading plan, geotechnical report and grading permit, showing the existing and proposed water and sewer services, and a requirement that the developer would be responsible for the costs of moving any existing utilities to serve the new lots. **Staff recommends approval.**

**d. Public Hearing and consideration of Ordinance 1809 modifying Ordinance 1189 by removing condition "B" of this ordinance as applied to certain property described as Lot 2, Block 4, Southern Vista III, Tract 6002, and prescribing conditions**

A request from KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099,

property owner, for the removal of condition “B” of Ordinance 1189 which rezoned property, including the subject site to R-1-20: Residential, Single Family, 20,000 square foot lot minimum in 1998. While the minimum lot size in the R-1-20 district is normally 20,000 square feet, condition “B” of this ordinance required that any future lots abutting Hualapai Foothill Estates to be at least 30,000 square feet in size. The subject property, located at 2406 Steamboat Drive, is 47,322 square feet, and the intent is to split the property into two parcels for two single family homes. Due to rezonings that have occurred on surrounding properties, only the subject site and the lot immediately to the north remain subject to the lot size requirements of condition “B.” A minimum lot size of 20,000 square feet for this property will conform to the Projected Land Use Map of the Kingman General Plan 2030. Any splitting will need to be accomplished with an approved parcel plat. There are some drainage concerns in the area and the City Engineering Department has requested that a drainage report be submitted with the parcel plat that addresses these concerns. The Planning and Zoning Commission held a public hearing on November 10, 2015. There were objections raised to the proposal that were voiced by several property owners in the Hualapai Foothills area to the east. **In response to the objections, the Planning and Zoning Commission voted 5-1 to recommend denial of the request. An ordinance has been prepared with Staff recommended conditions for the Council’s consideration.**

**e. Public Hearing and Consideration of Resolution 4980 for Conditional Use Permit (CUP) at 4798 North Stockton Hill Road - CUP15-002**

Kingdom of God Church, applicants, and Baltic Enterprises, property owners, have requested approval of a conditional use permit (CUP) to allow for a “Public Assembly Indoor-General” use at 4798 North Stockton Hill Road, Kingman, to operate a church in a C-2 Zoning District. The subject property is zoned C-2: Commercial, Community Business. A parking plan was submitted and reviewed by Staff. The Planning and Zoning Commission met on November 10, 2015 and held a public hearing on this request. The Commission voted 6-0 to recommend approval of the request for the CUP with a condition that the applicant obtain a letter from Mohave County that the existing septic system is sufficient for the proposed use. Comments were received from Mohave County Environmental Quality on 11-17-15 that the existing septic systems are adequate for the proposed use. There was only one objection from a neighboring property owner which was submitted to the City of Kingman by email prior to the meeting. **Staff recommends approval.**

**f. FY15 financial audit update**

Staff will provide Council with an update to the City's FY15 financial audit. This is an informational item only.

**7. REPORTS**

**Board, Commission and Committee Reports by Council Liaisons**

**8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

*Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.*

**ADJOURNMENT**



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** City Clerk's Office

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** The Regular Meeting and Executive Session minutes of November 17, 2015

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**SUMMARY:**

Please be advised there are some formatting issues that will be addressed in the final version of the minutes. The Clerk's Office is working with Novusolutions to address the problems.

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

Approve the minutes.

**ATTACHMENTS:**

Description

Regular Meeting minutes of November 17, 2015

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Roper, Erin	Approved	11/23/2015 - 3:39 PM

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MEETING OF THE COMMON COUNCIL  
Council Chambers  
310 N. 4th Street**

**5:30 PM**

**MINUTES  
REGULAR MEETING**

**Tuesday, November 17, 2015**

**CALL TO ORDER AND ROLL CALL**

**DRAFT MINUTES**

Mayor Anderson called the meeting to order at 5:30 P.M. All councilmembers were present.

**INVOCATION**

The invocation will be given by Mike Herdt of St. John's United Methodist.

Pastor Herdt was unable to attend the meeting. The invocation was given by City Attorney Carl Cooper after which the Pledge of Allegiance was said in unison.

**PLEDGE OF ALLEGIANCE**

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**1. APPROVAL OF MINUTES**

**a. The Work Session meeting minutes of October 26, 2015**

Councilmember Abram made a MOTION to APPROVE the Work Session meeting minutes of October 26, 2015. Councilmember Young SECONDED and it was approved by a vote of 6-0.

**b. The Regular Meeting minutes of November 3, 2015**

Councilmember Abram made a MOTION to APPROVE the Regular Meeting minutes of November 3, 2015. Councilmember Yocum SECONDED and it was approved by a vote of 6-0.

**2. AWARDS/RECOGNITION**

**a. Introduction of new canine officers**

The Kingman Police Department will introduce two new canine officers to the Mayor, Council, and citizens of Kingman.

Officer Adam Simonsen and Officer Billy Fancher presented the Kingman Police Department's new canine officers, Amigo and Cyrus. Chief of Police Robert DeVries stated Lieutenant Bob Fisk was responsible for securing grant funding to pay for the canines, training and equipment.

**3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Joanne Marquez thanked Mayor Anderson and the City Staff for their recent attention to a broken water line near her home. Ms. Marquez stated local government worked when citizens took the proper steps to work with Staff.

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

#### **4. CONSENT AGENDA**

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##### **a. Special Event Liquor License/Kingman Kiwanis**

Applicant Regina Musumeci of Kingman Powerhouse Kiwanis has applied for a Special Event Liquor License for an event to take place Saturday, December 05, 2015 from 4:00 P.M. to 11:00 P.M. at the Central Commercial Building located at 112 N. Fourth Street in Kingman. **Staff recommends approval.**

##### **b. Powerhouse rehabilitation grant project**

Staff is working on a grant project to rehabilitate the Powerhouse Visitor Center. The City was awarded \$220,241.00 in federal funds with a local match of \$55,061.00 for a total of \$275,302.00. The architect and Staff have submitted 95% plans, specifications, and cost estimate to the Arizona Department of Transportation (ADOT) for review and approval of the grant project. The ADOT Contract and Specifications (C&S) Department has reviewed these items and completed their own cost estimate, which is \$47,262.00 more than the estimated project cost determined by the architect and City staff. An additional cost of \$21,000.00 has been added to the project for the plan review time performed by ADOT C&S. In order for this project to continue, ADOT will invoice the City for the original local match, the additional over match funds, and the review fee cost. The exact amount required of City match funds will not be determined until the contract is awarded. At the November 5, 2015 TDC meeting, TDC approved the request for funds. **Staff recommends approval.**

##### **c. Recommendation from the Tourism Development Commission (TDC) for the quarterly payment to Kingman Visitor Center, Inc. for tourism related services**

The Kingman Visitor Center, Inc. receives a quarterly payment of \$51,250 from the City upon submission and acceptance of the tourism quarterly report. The most recent quarterly report was submitted and accepted by TDC at the November 5, 2015 regular meeting. **Staff recommends approval.**

Councilmember Yocum made a MOTION to APPROVE the Consent Agenda as presented. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

#### **5. OLD BUSINESS**

##### **a. Report to Council regarding the 2015 Best of the West on Route 66 Festival**

Coordinator Dora Manley will provide a report to Council regarding the 2015 Best of the West on Route 66 Festival including information gathered via survey of the event and how the City's contribution to the event was spent.

Event Coordinator Dora Manley stated the festival was granted \$25,000 by the Tourism Development Commission (TDC). Ms. Manley stated the funds were not spent exactly as budgeted due to the date the funds were received and the changes were necessary for effective marketing. Ms. Manley stated \$15,000 was originally assigned for marketing and \$10,000 for event coordination; however, the entire \$25,000 was spent on marketing. Ms. Manley stated the festival was marketed in Kingman and the outlying areas including Needles, Flagstaff, Laughlin, Las Vegas, Sedona, and Parker. Ms. Manley stated 250 to 300 surveys were collected from attendees and the data was included in the agenda packet. Ms. Manley stated the surveys showed many people made day trips from Las Vegas to attend the festival. Ms. Manley stated people from 13 different countries attended as well. Ms. Manley stated the local hotels directed many people to the festival and tour buses were able to find the festival thanks to signage on the freeway. Ms. Manley stated 81 motel rooms were occupied due to the festival.

**b. Update from Venture Club Regarding the Splash Pad**

The Venture Club of Kingman has requested an agenda item to update the Council on the progress of the Splash Pad. This item is for discussion only.

Lisa Bruno presented slides, which are included at the end of this report. On slide one Ms. Bruno stated the Kingman Daily Miner ran weekly updates on the fundraising progress. On slide two Ms. Bruno stated the club was still accepting donations. Ms. Bruno read slide three. On slide four Ms. Bruno stated the club researched different splash pad systems and talked to various companies while raising money. On slide five Ms. Bruno stated communities generally had a use for the waste water when a flow through system was installed. On slide six Ms. Bruno stated the recirculation system acted like a mini pool. On slide seven Ms. Bruno stated the repurposing system was the initial focus of the project, however the tank would need to hold 30,000 to 50,000 gallons of water in order to be viable. Ms. Bruno stated there were few repurposing systems in the United States. Ms. Bruno reviewed slide eight. On slide nine Ms. Bruno stated the club had enough money to construct a recirculation system and the recirculation system would not restrict the amount of water used per day or the gallons per minute, which would allow big splash features. On slide 10 Ms. Bruno stated the disadvantage to the recirculation system would be the treatment of the water, which required monitoring the levels of chemicals in the water. On slide 11 Ms. Bruno stated it was hard to estimate the maintenance costs of the repurposing system due to the limited number of them in the United States. On slide 12 Ms. Bruno stated the club felt there was a lot of risk involved with installing a repurposing system. On slide 13 Ms. Bruno stated the club could provide one to two years of maintenance funds until the City could financially take on the obligations. On slide 14 Ms. Bruno stated the cities the club contacted were the same size as Kingman. On slide 15 Ms. Bruno stated funds would need to be set aside for shade structures. On slide 16 Ms. Bruno stated the club proposed a 3,000 square foot splash pad. On slide 17 Ms. Bruno stated the main water feature would be the water tower, which was a high volume water feature and popular with children. On slide 18 Ms. Bruno stated children in Kingman were currently using Monsoon Park on Eastern Street as a "splash pad." Ms. Bruno reviewed slides 19 and 20.

Mayor Anderson stated it was obvious the community wanted the splash pad.

Councilmember Miles asked if there was a good location at Centennial Park for the splash pad.

Ms. Bruno stated the club would defer to Parks & Recreation Director Mike Meersman to decide a location, but the club was adamant the splash pad remain free and available to everyone.

City Manager John Dougherty stated he spoke with Mr. Meersman and the club's timeline was possible. Mr. Dougherty stated the City had \$150,000 in the Parks Department budget that could be used to fund a repurposing system if the Council approved it. Mr. Dougherty stated the club should have the final say on the structures in the park as they raised the money. Mr. Dougherty stated he would return the item to Council on the December 15, 2015 meeting.

**c. Public Notice relating to establishing a property tax**

Notification of a public meeting to approve a property tax levy amount must be posted on the homepage of the City's website at least 60 days before the date of the public meeting. Notification will be placed on the City's website beginning November 18, 2015. The next City Council meeting following the 60-day requirement is January 19, 2016. **Staff recommends Council approve a property tax levy amount at the January 19, 2016 City Council regular meeting.**

Finance Director Tina Moline stated the next step in the process to establish a primary property tax would be to hold a public meeting to determine the amount to be levied. Ms. Moline stated the 60 day notification period for the public meeting would begin on November 18, 2015 and the notice would be posted on the City website. Ms. Moline stated the decision to send the tax to a special election ballot in May, 2016 would be brought before Council at the January 19, 2015 meeting.

**6. NEW BUSINESS**

**a. Consideration of Ordinance 1800 to amend the business license renewal schedule**

Ordinance 1800 will amend Chapter 8, Article IV of the City of Kingman Code of Ordinances Section 8-124 Renewal and Transfer and Section 8-125 Fees by changing the date of expiration to one year from the date issued instead of December 31st of the year issued. **Staff recommends adopting Ordinance 1800.**

City Clerk Sydney Muhle stated there was one change to the proposed ordinance, which was the removal of the increase to the temporary transfer fee from \$5 to \$11. Ms. Muhle stated the fee would be amended at a later date.

Councilmember Carver made a MOTION to ADOPT Ordinance 1800 with the removal of the \$11 change to the temporary transfer fee. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

**b. Information on Water finances**

The Public Works Director has requested additional money for the Professional Services -Temp Help line due to a staffing shortage in the department. The City Manager has authorized the transfer within the department and will provide information to the Council on the transfer.

Public Works Director Rob Owen stated the department was using temporary workers to address unfunded positions, current vacancies and employees on medical leave. Mr. Owen stated the temporary workers were vital to completing repairs to reduce leaks and the water loss rate. Mr. Owen stated temporary workers were also used to complete brush removal in easements in order to allow the contracted meter reader to access water meters. Mr. Owen stated approximately \$500,000 would be recouped in the operating account. Mr. Owen stated the Water Department was down six people and the Streets Department was down eight people and completing necessary work would not be possible without the temporary help.

Mr. Dougherty stated there would be no need to return to Council to ask for additional funding if no major issues occurred within the year, however, if a major repair became necessary Council would be asked to consider awarding additional funding.

**c. Discussion and direction regarding the possibility of a Landscape Maintenance District to overlay both the northern and southern planned development districts (PDDs) surrounding Kingman Crossing**

After this topic arose at the Regular Council Meeting of November 3, 2015, Councilmember Miles requested an agenda item to discuss the possibility of a Landscape Maintenance District to overlay both the northern and southern planned development districts (PDDs) surrounding Kingman Crossing. Staff is seeking direction from Council on whether or not to pursue this matter further. **Council discretion.**

Development Services Director Gary Jeppson stated the Arizona Revised Statutes (ARS) allowed cities to create landscape maintenance districts, which were similar to improvement districts. Mr. Jeppson stated landscaping on public property would be maintained with funds obtained by taxing the property owners within the boundaries of the district. Mr. Jeppson stated other communities hired private firms to maintain the landscaping. Mr. Jeppson stated the landscape maintenance district would not be tied to the zoning ordinance. Mr. Jeppson stated the district would provide the ability to maintain enhanced landscaping without taxing the entire community. Mr. Jeppson stated the process to establish the district would be the same as for an improvement district, including public hearings, and would not impact the Kingman Crossing timetable.

Mayor Anderson asked if the City would pay into the district if it owned the property.

Mr. Jeppson stated all property owners who paid a property tax would pay into the district.

Kingman resident Doug Dickmeyer asked the Council to approve the creation of a landscape maintenance district on the north and south properties. Mr. Dickmeyer stated it would enhance the look of the property and add continuity.

Councilmember Carver stated he wanted to see photographs of landscape enhanced public property.

Mayor Anderson agreed and wanted to know what the additional cost to property owners would be.

Mr. Jeppson stated he could provide graphics of streetscapes from other communities, but determining a cost would be challenging as there was currently no developer for the property.

Mr. Dougherty stated he wanted photos from Kingman showing examples of what the area could look like if the landscape maintenance district was not implemented. Mr. Dougherty stated the Public Works Department did not have time to clean areas that were the responsibility of the property owners and there were many places in Kingman where property owners were not taking care of their areas of responsibility.

**d. Battalion Chief - Operations reclassification**

The position of Battalion Chief – Operations for the Fire Department is currently an “exempt” status position due to their supervisory status and responsibilities within the department based on their assignment as “Shift Commanders.” The individuals within these positions serve in a mixture of exempt and non-exempt status however lose many of the benefits associated with each classification. The work schedule and the requirements of this position bring the conclusion that these individuals would be better served and better serve the City of Kingman in a non-exempt classification. **Staff recommends the approval of the reclassification of the position of Battalion Chief - Operations as non-exempt status within the adopted pay plan for the city of Kingman.**

Mr. Dougherty stated Kingman Fire Department Chief Jake Rhodes met with him, the Finance Department and the Human Resources Department and Mr. Dougherty agreed with Chief Rhodes on the reclassification. Mr. Dougherty stated the Operations Battalion Chiefs (BC) were assigned to work specific shifts, did not have the flexibility otherwise granted to exempt employees, and could not obtain overtime pay as non-exempt employees did for time worked over 40 hours. Mr. Dougherty stated Chief Rhodes would need to work with the existing department budget and wanted the reclassification to take place the first pay period of January, 2016.

Chief Rhodes stated the three Operations BCs had different work assignments than most exempt employees who worked 40 hour work weeks. Chief Rhodes stated the Operations BCs were part of the department's minimum staffing standards and if an individual was on vacation, sick leave or light duty the department relied on the Operations BCs, paid on call personnel, or regular personnel on overtime. Chief Rhodes stated a mandatory call back system could be put into place, but it was not a fair or reliable system. Chief Rhodes stated part of the money for the reclassification would come from letting an unnecessary engineer position lapse.

Councilmember Young asked if the reclassification would address the compression issues in the department.

Chief Rhodes stated it would address some of the issues and it was a priority for the department.

Councilmember Miles asked if there was a way to differentiate the titles of the two types of BCs.

Chief Rhodes stated it was possible to change the title of the Administrative BCs to "Division Chiefs."

Councilmember Abram stated the Department of Labor had definitions of exempt and non-exempt standards.

Chief Rhodes stated he was aware of the differences and the reclassification was based

on the fact that the Operations BCs were assigned to a shift.

Kingman Police Lieutenant Jim Brice stated he, Lieutenant Fisk and Lieutenant Mark Chastain were opposed to the reclassification. Lieutenant Brice stated the matter should be discussed in the Compensation Committee that was created to bring united views on salary to the City Manager. Lieutenant Brice stated there were other public safety employees in the same pay grade and the reclassification would not be fair to them.

Mr. Dougherty stated it was not a compensation issue, rather a matter of whether an employee was able to take advantage of exempt status and the Operations BCs could not. Mr. Dougherty stated he recognized the Police Department was overworked and understaffed as many other exempt employees were, but unlike other employees the Operations BCs could not have another employee cover for them for brief periods of time.

Councilmember Miles stated it seemed unusual to have exempt and non-exempt employees at the same place on the salary scale as exempt employees should be at a point where their pay was higher than a non-exempt employee.

Chief Rhodes stated classifying the Operations BCs as exempt employees was abnormal when compared to the rest of the state.

Councilmember Carver stated there was an exemption under the United States Department of Labor that could apply to BCs and police lieutenants. Councilmember Carver stated there was also a challenge in Kern County regarding BCs. Councilmember Carver stated he wanted more information before proceeding. Councilmember Carver's notes on the referenced statute and court case are included at the end of this report.

Councilmember Carver made a MOTION to TABLE the reclassification of the Battalion Chief - Operations positions. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

Mayor Anderson stated he wanted to see similar adjustments made to the Police Department staff, but did not want to drag the decision out as it directly affected the Operations BCs.

**e. Railroad Museum presentation and request for expansion**

The Whistle Stop Railroad Club wishes to address the Council with a presentation to request expansion into the vacant suite formerly occupied by Hertz Rent-A-Car in the railroad depot at 4th Street and Andy Devine Avenue. **Staff recommends denying the request.**

Mr. Dougherty stated Staff's recommendation was changed to a neutral to "for" position as he recently learned Hertz terminated their agreement for the space. Mr. Dougherty stated the space was now vacant and there was no other use for it.

Whistle Stop Railroad Club Treasurer Lorraine Brownfield stated the club was out of space and needed the Hertz suite to store supplies and display artifacts. Ms. Brownfield stated the museum would also have a nicer entrance due to the wheelchair access ramp and historic baggage counter in the Hertz suite. Ms. Brownfield stated the additional suite would provide a dedicated place for people to sit and enjoy the club's library

materials as people currently had to stand in the doorway while they read. Ms. Brownfield stated the club was planning a Thomas the Tank Engine hands-on play area and also needed a place to hold their popular hands-on demonstrations and workshops. Ms. Brownfield stated the club survived solely on its \$2 entrance fee and donations and used the funds to pay for insurance, professional janitorial service for the restrooms, restroom supplies, improvements to artifacts and make charitable contributions in the community. Ms. Brownfield stated the club and its museum were an asset to Kingman as it was a tourist attraction.

Councilmember Abram asked how many visitors the museum received per day.

Ms. Brownfield stated the average was 30 per day, however the club allowed service people, schools and disabled people in free of charge.

Mr. Dougherty stated there was very little use for the space other than what the club could use it for. Mr. Dougherty stated the City would prefer to rent the space, but it was a poor location for many types of businesses due to the train noise. Mr. Dougherty stated the goal now was to keep the building occupied.

Mr. Cooper stated the Council that initially granted the lease to the club determined the rent-free space did not violate the gift clause because the club offered services by drawing in tourists and making improvements to the building.

Councilmember Yocum asked who paid for the utilities.

Mr. Owen stated the City paid for the club's utilities.

Councilmember Yocum asked if the club would be willing to pay for their electricity.

Ms. Moline stated the utilities were \$2,500 per year, which was approximately \$200 per month.

Ms. Brownfield asked if the City contributed money to the other museums in Kingman.

Councilmember Young stated the club paid for janitorial services and all supplies.

Ms. Brownfield stated the club spent \$125 per month on janitorial services and supplies.

Councilmember Yocum made a MOTION to DIRECT Staff to develop an occupancy contract with the Whistle Stop Railroad Club. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

## **7. REPORTS**

There were no reports.

### **Board, Commission and Committee Reports by Council Liaisons**

## **8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

Mr. Dougherty stated the Kingman animal shelter would hold the Whiskers & Wine Fundraiser on December 5, 2015 and tickets would be available for \$40 per individual or \$75

per couple. Mr. Dougherty stated City budget analyst Diane Richards was relieved of duties due to an open investigation with the Arizona Attorney General's Office and the United States Department of Homeland Security. Mr. Dougherty stated he was working with the department director and the investigators to correct all issues.

*Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.*

## **9. EXECUTIVE SESSION**

Councilmember Abram made a MOTION to ENTER into Executive Session to discuss the Golf Course Management Agreement. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

The Council entered Executive Session at 7:09 P.M.

The Council returned from Executive Session at 7:24 P.M.

Mayor Anderson directed Staff to pursue the contract and return to Council for action on it.

Councilmember Abram made a MOTION to ENTER into Executive Session to discuss the Council vacancy. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

The Council entered Executive Session at 7:25 P.M.

The Council returned from Executive Session at 7:36 P.M.

Mayor Anderson stated there were four individuals that would be invited to speak for three minutes each: Erin Cochran, Kenneth Dean, Travis Lingenfelter and Joe Longoria.

Erin Cochran stated she was a councilmember for four and a half years, held a masters degree in public administration, and was currently in a doctorate program. Ms. Cochran stated she was passionate about Kingman and volunteered in several community groups including the Cancer Unit and Rotary. Ms. Cochran stated she worked with the Youth Advisory Commission and the majority of the current Council and intends on running for a Council seat next year.

Kenneth Dean and Travis Lingenfelter were not present.

Joe Longoria stated he was a long-time citizen of the community and graduated from Kingman High School in 1972. Mr. Longoria stated he was a member of the Clean City Commission and worked with the community on several cleanup and beautification projects. Mr. Longoria stated he was civic-minded and had the abilities and leadership necessary to help improve Kingman.

Councilmember Carver made a MOTION to RETURN to Executive Session to discuss the Council vacancy. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

The Council entered Executive Session at 7:43 P.M.

The Council returned from Executive Session at 8:09 P.M.

Councilmember Miles made a MOTION to APPOINT Kenneth Dean to fill the remainder of Mark Wimpee, Sr.'s term. Councilmember Abram SECONDED and it was approved by a vote of 5-1 with Councilmember Carver voting NAY.

Councilmember Carver made a MOTION to ADJOURN. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

ADJOURNMENT - 8:11 P.M.

**ADJOURNMENT**

ATTEST:

APPROVED:

\_\_\_\_\_  
Sydney Muhle  
City Clerk

\_\_\_\_\_  
Richard Anderson  
Mayor

STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)

**CERTIFICATE OF COUNCIL MINUTES**

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on November 17, 2015.

Dated this AMENDED.

\_\_\_\_\_  
Erin Roper, Deputy City Clerk and Recording Secretary

United States Department of Labor  
Wage and Hour Division  
Wage and Hour Division (WHD)

FLSA2005-40

October 14, 2005

Dear **Name\***,

This is in response to your request for an opinion on the application of 29 C.F.R. Part 541 (copy enclosed) to high ranking police officers and fire fighters. Specifically you asked whether a particular city's Police Lieutenants, Police Captains, and Fire Battalion Chiefs are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).

The job duties of the Police Lieutenant include the following: supervising a group of Police Officers and Sergeants assigned to patrol duties; deploying patrol units in accordance with needs of the workload; planning, directing, and coordinating activities of any of the special units; assisting and instructing Police Officers and Sergeants in handling difficult problems; conducting and participating in training courses; supervising and participating in the development and maintenance of a police records system; performing employee appraisals on subordinates; and disciplining subordinates when required. Additionally, Police Lieutenants are responsible for the following duties: supervising, commanding and reviewing work of station and field personnel; assisting in the direction of the training and development of personnel; assisting in budget preparation and management; and coordinating and directing expenditures, material acquisition, and maintenance.

The Police Captain position is the commanding officer for one to several divisions of the Police Department. The Police Captain plans, coordinates, and controls the activities of division personnel regarding allocation and deployment of personnel and equipment as well as evaluates performance, recommends strategies and develops policies and procedures regarding division activities. Your letter lists the following job functions of the Police Captain: conducting and participating in training courses; performing employee appraisals on subordinates; holding subordinates accountable for rules, regulations and written directives; disciplining subordinates; making decisions in accordance with laws, regulations and policies; and assisting in budget preparation and management.

The Fire Battalion Chief performs work under the direction of the Assistant Fire Chief but manages and provides leadership for a section of the Fire Department. The position involves managing the administrative and operational functions of the assigned section while integrating the Department's goals into day-to-day operation. The Fire Battalion Chief position is responsible for the following activities: enforcing and implementing rules, regulations, procedures and values of the Fire Department; directing activities of personnel; taking proper action in all emergency situations until relieved by higher ranking officer; coordinating pre-fire planning, company inspection activities, and conducting routine fire cause investigations; preparing, reviewing and processing reports and records; and assisting in necessary research and preparation of budget needs. The completed questionnaire attached to your letter states that all three positions spend 50% or more of their time in management, customarily and regularly direct the work of at least 2 full time employees, and make suggestions regarding the hiring, firing, advancement and promotion of other employees which are given particular weight.

You have stated that the employees in question are paid at least \$455 a week on a salary basis as is defined in 29 C.F.R. § 541.602. Based on the information that you provided regarding the primary duties of each position, the three positions are exempt under the executive exemption, as explained below. We note that job titles alone are "insufficient to establish the exempt status of an employee," and the exempt status of any particular employee turns on "whether the employee's salary and duties meet the requirements of the regulations" 29 C.F.R. § 541.2.

As you know, Section 13(a)(1) of the FLSA provides an exemption from the minimum wage and overtime provisions for any employee employed in a bona fide executive, administrative, or professional capacity, as defined by the Department. The Department of Labor's updated Part 541 regulations that define certain executive, administrative and professional exempt employees were published as a final rule in the Federal Register on April 23, 2004 (69 FR 22122). The revised Part 541 regulations went into effect on August 23, 2004.

Revised § 541.3(b) of the Regulations states that the §13(a)(1) exemptions do not apply to police officers, fire fighters or other first responder employees who perform work such as extinguishing fires, rescuing crime or accident victims, performing surveillance, pursuing or restraining suspects, interviewing witnesses, and other similar work identified in the regulations because their primary duty is not management or directly related to the management or general business operations of the employer. Thus, such employees do not qualify for an exemption as an executive or administrative employee under § 541.100 or § 541.200. These positions also do not meet the test for an employee in a professional capacity because there is no requirement of knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. 29 C.F.R. §§ 541.3(b)(1)-(4).

However, the § 13(a)(1) exemptions may apply to police lieutenants, police captains, and fire battalion chiefs positions so long as the employees in these positions meet all of the requirements set out in the Regulations. See 69 Fed. Reg. 22122, 22130 (April 23, 2004) (citing e.g. West v. Anne Arundel County, Maryland, 137 F.3d 752 (4th Cir.), cert. denied, 525 U.S. 1048 (1998)). Specifically, they may fit within the regulatory exemption for Executive Employees in § 541.100. Section 541.100 states that an employee is employed in a "bona fide executive capacity" for purposes of the exemption if the employee is:

1. Compensated on a salary basis at a rate of not less than \$455 per week..., exclusive of board, lodging or other facilities;
2. Whose primary duty is management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;
3. Who customarily and regularly directs the work of two or more other employees; and
4. Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

Because the salary requirements of the regulation are met, application of the exemption to the three positions you described turns on whether the positions meet the primary duty requirement of § 541.100(a)(2)-(4).

Meeting the requirements of § 541.100(a)(2) depends on the employees' "primary duty" in their management position. Primary duty is defined in § 541.700(a) as "principal, main, major, or most important duty that the employee performs." Factors to consider in determining an employee's primary duty include "the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative

freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee." 29 C.F.R. §541.700(a). It is important to remember that the primary duty determination is based on all of the facts and circumstances in each individual case with major emphasis on the character of the employee's job as a whole. Further, although the amount of time spent on exempt work can act as a guide, time is not conclusive. However, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. 29 CFR § 541.700(b).

Section 541.102 is a non-exhaustive list that illustrates what type of activities constitutes "management." Your letter included job descriptions which stated that each position involved the primary duty of management of a recognized department or subdivision for more than 50% of the time in each case. The management duties included, but were not limited to, selecting and training other employees; setting work schedules; directing the work of others; evaluating worker productivity; handling complaints and grievances; disciplining employees; determining techniques, materials, and equipment to be used; and determining supplies, equipment and tools to be purchased. Each of the duties that you described is mentioned in the § 541.102 list. Therefore, so long as the employee's actual activities correspond with his or her job description, each position meets the primary duty requirement of management laid out in § 541.100(a)(2).

Next, § 541.100(a)(3) states that the employee must customarily and regularly direct the work of two or more employees. Again, you stated in your job description that the employees in the position of police lieutenant, police captain, and fire battalion chief regularly direct the work of at least two employees. Therefore, those positions meet the second part of the "executive" employee duties test.

The third duties requirement under the executive exemption is that the employee must have the authority to hire or fire other employees or have their suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees be given particular weight. 29 C.F.R. § 541.100(a)(4). In determining whether an employee's suggestions and recommendations are given "particular weight," factors such as whether it is part of the employee's job to make such recommendations, the frequency with which such recommendations are made or requested, the frequency with which the recommendations are relied upon, among others, are relevant. However, the regulations do not require the employee to have authority to make the ultimate decision and a higher level manager's recommendation may be given more importance. 29 C.F.R. §541.105. The questionnaires you provided stated that each employee's recommendation is given particular weight while others make the final decision regarding hiring, firing, advancement, or promotion of other employees (due to the civil service system). Thus, this requirement appears to be satisfied.

Accordingly, the duties described in your letter are sufficient to qualify the City's Police Lieutenants, Police Captains, and Fire Battalion Chiefs as exempt from the minimum wage and overtime provisions of the FLSA. Therefore, so long as the actual duties performed by these employees are consistent with those described, the referenced employees are exempt from these provisions of the FLSA.

This opinion is based exclusively on the facts and circumstances described in your request and is given on the basis of your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the questions presented. Existence of any other factual or historical background not contained in your request might require a different conclusion than the one expressed herein. You have represented that this opinion is not sought by a party to a pending private litigation concerning the issue addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor. This opinion letter is issued as an official ruling of the Wage and Hour Division for purposes of the Portal-to-Portal Act, 29 U.S.C. 259. See 29 C.F.R. 790.17(d), 790.19; Hultgren v. County of Lancaster, Nebraska, 913 F.2d 498, 507 (8th Cir. 1990).

We trust that the above discussion is responsive to your inquiry.

Sincerely,

Alfred B. Robinson, Jr.  
Deputy Administrator

Enclosures: 29 C.F.R. Part 541

**\* Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. 552 (b)(7).**

**ABSHIRE v. COUNTY OF KERN**

NO. 88-15154.

908 F.2d 483 (1990)

**Dan ABSHIRE, Dennis Carroll, Larry Frank, Bill Rickman, Tom Blackmon, Richard Pellerin, Billie McKenzie, Bob Temple, Barry Schulz, Jim Chapman, Bob Turner, and Steve McLemore, Plaintiffs-Appellants, v. COUNTY OF KERN, Defendant-Appellee.**

**United States Court of Appeals, Ninth Circuit.  
Decided July 11, 1990.**

*Duane W. Reno, Davis, Reno & Courtney, San Francisco, Cal., for plaintiffs-appellants.*

*B.C. Barmann, County Counsel, Robert D. Woods, Chief Deputy — Litigation, County of Kern, Bakersfield, Cal., for the defendant-appellee.*

*Before TANG, REINHARDT and WIGGINS, Circuit Judges.*

REINHARDT, Circuit Judge:

At issue in the instant appeal is whether employees whose pay is subject to deduction for absences of less than a day are paid "on a salary basis" according to the regulations implementing the Fair Labor Standards Act. We conclude that they are not, and that therefore such employees are not "bona fide executives" exempt from the protections of the Act.

Appellants, Battalion Chiefs in the Kern County Fire Department ("Department"), brought a class action against Kern County ("County") seeking back overtime pay plus interest allegedly due them under the overtime provisions of the Fair Labor Standards Act ("FLSA" or "Act"), 29 U.S.C. § 201, *et. seq.* (1982), as amended, Pub.L. 99-150 (1985). The FLSA requires employers to provide overtime compensation for hours worked in excess of a prescribed work week. 29 U.S.C. § 207. Under the Act, however, "bona fide executives" are exempt from the FLSA's overtime provisions. 29 U.S.C. § 213(a)(1). After a bench trial, the district court ruled that the Battalion Chiefs are "bona fide executives" and are therefore not entitled to relief. The Battalion Chiefs appeal. We reverse.

The administrative regulations promulgated pursuant to the FLSA establish a "duties test" and a "salary test" for determining whether an employee is a "bona fide executive." *See* 29 C.F.R. § 541.1(a-e) (1988); 29 C.F.R. § 541.1(f) (1988). Generally, in order to claim an exemption, an employer must prove that the employee meets *both* tests. Here, the district court concluded that the Battalion Chiefs met both. In the alternative, the court ruled that the salary test does not apply to the Battalion Chiefs. It based this conclusion on a Department of Labor letter ruling which held that the salary test is inapplicable to persons covered by a state or local law that precludes payment of regular compensation to absent public employees. Because we find that the court erred both in concluding that the appellants met the salary test and in determining in the alternative that the salary test is inapplicable, we

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need not decide whether appellants satisfy the criteria set out in the duties test.

The essential facts are not in dispute. The County concedes that the Department is an employer subject to the FLSA and has been so since April 15, 1986. The ranks held by employees in the Department, and the number of employees in each rank, are as follows: Chief (1), Deputy Chief (4), Battalion Chief (28), Captain (171), Engineer (193), Firefighter (111), and Heavy Equipment Operator (6). The majority of employees who perform fire suppression duties are "56-hour fire duty" employees, whose work schedules commence

salaried professional employee may not be docked pay for fractions of a day of work missed." *Donovan v. Carls Drug Co., Inc.*, 703 F.2d 650, 652 (2nd Cir.1983). Subjecting an employee's pay to deductions for absences of less than a day, including absences as short as an hour, is completely antithetical to the concept of a salaried employee. A salaried employee is compensated not for the amount of time spent on the job, but rather for the general value of services performed. It is precisely because executives are thought not to punch a time clock that the salary test for "bona fide executives" requires that an employee's predetermined pay not be "subject to reduction because of variations in the ... quantity of work performed" — especially when hourly increments are at issue.

There is no dispute in this case that the pay of Kern County's Fire Battalion Chiefs is subject to reduction for absences of less than a day. A Battalion Chief who did not have accrued paid or compensatory leave in a given pay period would, under Kern County's rules, have his pay docked on an hourly basis for any time that he is tardy or absent from work. If a Battalion Chief took four hours of vacation or compensatory time off from work during a pay period but had only accrued three hours of vacation or compensatory time, his pay for that period would be reduced by one hour. This scheme of compensation simply does not comport with the requirements of section 541.118(a).

Our conclusion that appellants are not paid on a salary basis is supported by the overtime policy for Battalion Chiefs. Battalion Chiefs receive overtime pay or compensatory time off for every tenth of an hour which they work outside of their regularly scheduled hours of duty. Thus, when a Battalion Chief attends meetings within the fire department or stays past the scheduled end of his shift to continue fighting a fire or to fill out a report, he receives additional compensation. Compensatory time off is provided on an hour-by-hour basis; thus a Battalion Chief who works one hour of overtime will receive one hour of compensatory time off. Such additional compensation for extra hours worked is also not generally consistent with salaried status. See *Brock v. Claridge Hotel and*

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*Casino*, 846 F.2d 180, 184-85 (3rd Cir.), cert. denied sub nom. *Claridge Hotel and Casino v. McLaughlin*, 488 U.S. 925, 109 S.Ct. 307, 102 L.Ed.2d 326 (1988); *Banks v. City of North Little Rock*, 708 F.Supp. 1023, 1024 (E.D.Ark.1988).<sup>2</sup>

The County argues that Battalion Chiefs are "salaried" even though their pay is admittedly subject to deductions for part days missed because no such deductions have ever actually been made. That fact, however, is both misleading and irrelevant. That Battalion Chiefs will generally accrue sufficient compensatory or leave time to avoid an actual reduction in their take-home pay does not change the fact that deductions from pay based on hourly attendance are explicitly provided for under the County's policy. The policy provides, in effect, that the deductions shall be made first from accrued compensatory or leave time and then from the employee's base pay. However, whether the employee's base pay is the first or second source for recoupment of monies paid for hours missed is of no significance for purposes of section 541.118(a). The dispositive factor is that under the County's policy, the employee's pay is at all times "subject to" deductions for tardiness or other occurrences. Either pay is fixed and immutable, and not subject to such deductions, or it is contingent. Battalion Chiefs' pay is contingent. Section 541.118(a) does not require that a deduction for an absence of less than a day *actually* have been made, but only that an employee's pay be "subject to" such a deduction.<sup>3</sup> That, it clearly is. In short, the deductions provided for by the County's policy meet the "subject to" standard and that is all that the regulations require.<sup>4</sup>

The County also argues that a January 15, 1986 Wage and Hour Division Letter Ruling supports its position that the Battalion Chiefs are "salaried" employees. A paragraph near the end of the letter ruling states:

*Where an occasional deduction that is not permitted is made from the salary of an otherwise exempt employee, the exemption would be lost in that workweek when the deduction is made. However, if such deductions are regular and*

at 8:00 a.m. and conclude at 8:00 a.m. two days later, for a scheduled duration of 48 hours. These employees are scheduled to work 144 hours during each 18-day cycle. Of the 28 Battalion Chiefs: 21 are permanently assigned to particular battalions; three are assigned to provide relief duty for other Battalion Chiefs who are temporarily absent; and one is assigned to each of the following units — Training, Arson, Fire Prevention, and Hazardous Material Control. With the exception of the Battalion Chiefs assigned to Training, Arson, Fire Prevention, and Hazardous Material Control, all of the Battalion Chiefs are "56-hour fire duty" employees. The others are "40-hour safety" employees.

The district court found that Battalion Chiefs are paid an amount expressed and computed as a biweekly salary and that their pay exceeds \$250.00 per week. The parties have stipulated that the pay of Battalion Chiefs is subject to a potential deduction for absences from work of less than a day's duration if the absence cannot be "covered" or paid as vacation, sick leave, or accrued compensatory time off. There does not appear to be any evidence that such a deduction has in fact ever been made. The parties have also stipulated that Battalion Chiefs are paid overtime "for each tenth of an hour that they work outside of their regularly scheduled work shifts." However, appellants are only paid their usual hourly rates rather than time and one-half for their attendance at training activities outside of their work shifts, and this is one of the parties' major points of contention. Finally, the County concedes that Department personnel who are not "bona fide executives" and who have work periods of 18 days must be paid at the rate of time and one-half for all hours worked in excess of 136 hours during any such work period.<sup>1</sup> The forty-hour employees who are not "bona fide executives" must, of course, be paid overtime after forty hours.

The principles governing our review are well established. Exemptions to FLSA are to be narrowly construed in order to further Congress' goal of providing broad federal employment protection. *Mitchell v. Lublin, McGaughy & Assoc.*, 358 U.S. 207, 211, 79 S.Ct. 260, 263, 3 L.Ed.2d 243 (1959); Employers who claim that an exemption applies to their employees not only have the burden of proof, *Corning Glass Works v. Brennan*, 417 U.S. 188, 196-97, 94 S.Ct. 2223, 2228-29, 41

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L.Ed.2d 1 (1974), but they must show that the employees fit "plainly and unmistakably within [the exemption's] terms." *Arnold v. Ben Kanowsky, Inc.*, 361 U.S. 388, 392, 80 S.Ct. 453, 456, 4 L.Ed.2d 393 (1960). Moreover, since a determination of the Battalion Chief's salary status requires an application of the facts to the law, our standard of review is *de novo*. *Icicle Seafoods, Inc. v. Worthington*, 475 U.S. 709, 714, 106 S.Ct. 1527, 1530, 89 L.Ed.2d 739 (1986).

As noted above, in order to be considered a "bona fide executive" exempt from the minimum wage provisions of the Fair Labor Standards Act ("FLSA"), an employee must be paid on a salary basis rather than on an hourly basis. In distinguishing these two methods of compensation, the regulations implementing the FLSA provide that:

*An employee will be considered to be paid 'on a salary basis' within the meaning of the regulations if under his employment agreement he regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of his compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. Subject to the exceptions provided below, the employee must receive his full salary for any week in which he performs any work without regard to the number of days or hours worked.*

29 C.F.R. § 541.118(a) (emphasis added). In order to satisfy the salary test, an employee's pay cannot be *subject to* deductions for absences of less than a day. The Department of Labor has stated that "deductions from the salary of an otherwise exempt employee for absences of less than a day's duration for personal reasons, or for sickness or disability, would not be in accordance with sections 541.118(a)(2) and (3)." U.S. Department of Labor, Wage and Hour Division, Letter Ruling of January 15, 1986. The only court of appeals to have considered this question has also concluded that "[a]

recurring, we would question whether the employee is actually paid 'on a salary basis' and the exemption may be denied in all workweeks in which it is claimed, including those weeks when no deductions are made. The County interprets this letter ruling as saying that whether or not employees' base pay is subject to deductions, the employees only lose their salary status for the specific weeks in which an employer actually makes a deduction not permitted by section 541.118 (a). The letter ruling responded to a request by certain counties for an opinion as to whether they were compensating their employees on a salary basis. The counties had a policy of reducing employees' pay for absences due to illness of less than a day but only when an employee had already exhausted all earned sick leave. Thus the policy presented precisely the same legal question as does the policy before us. The counties requesting the letter ruling asked specifically whether the deductions provided for in their policies could be made under the Department's regulations. The Deputy Administrator responded that they could not, and that an employee whose pay was reduced pursuant to those policies would not meet the criteria for a salaried employee exempt from the FLSA provisions. At the end of the letter ruling, after answering the counties' question in the negative, the Deputy Administrator added the ambiguous paragraph on which the County relies. Although the Deputy Administrator's statement that an occasional unpermitted deduction would not change an individual's overall salary status appears at first glance to provide some support for the County's view, the statement would make little sense if deemed applicable to an employer's general policy providing for unpermitted deductions as a matter of course. The purpose of the statement was quite to the contrary. It was to ensure that an employer is not permanently penalized for an inadvertent or unintentional deduction. Where there is an occasional deduction made because of an error on the part of a government entity or because of an individual decision by a supervisor, there is good reason to say that the affected employee's status will be changed only for the week in which the unpermitted deduction was made. Cf. § 541.118(a)(6) (where individual error made and corrected). But where an employer deliberately adopts a policy rendering employees' pay subject to deductions for unpermitted reasons, the frequency with which an employer is forced to apply that policy is irrelevant. If there is any cause to determine the frequency with which an employer makes unpermitted deductions, it is only to help in determining whether such a policy exists (causing the Department to question whether the employee is actually paid 'on a salary basis'). Here there is no question that the County's policy provides for such deductions. To read the letter ruling differently would be to write the subject to language out of the Department's regulations. It is unlikely that the Deputy Administrator in a casual paragraph added after completing his answer to the counties' question — a paragraph that does not even mention the subject to provision — intended to make so drastic a change in the regulations. Nor, even if that were the Deputy Administrator's intention, could he have effectively done so, for an Administrator's letter ruling cannot override the express provisions of a Department of Labor regulation. For similar reasons, we reject any suggestion that subsection (6) of section 541.118(a) is applicable to the present case. The complete text of subsection 541.118(a)(6) provides: The effect of making a deduction which is not permitted under these interpretations will depend upon the facts in the particular case. Where deductions are generally made when there is no work available, it indicates that there was no intention to pay the employee on a salary basis. In such a case the exemption would not be applicable to him during the entire period when such deductions were being made. On the other hand, where a deduction not permitted by these interpretations is inadvertent, or is made for reasons other than lack of work, the exemption will not be considered to have been lost if the employer reimburses the employee for such deductions and promises to comply in the future. Once again, the thrust behind the regulations is to facilitate the determination whether an employer has a general policy of deducting for absences of less than a day or whether a deduction is made as a result of

inadvertence or error. The exception in subsection (6) is for an employer that makes a one-time improper deduction and then corrects its error. This provision is of no relevance in the case of an employer that, like the County of Kern, has adopted an express policy of deducting for part-day absences when an employee has no accrued leave, and has continued to adhere to such a policy. Finally, the County argues that even if appellants cannot be considered salaried under the regulations, the salary test is inapplicable to the Kern County Battalion Chiefs in light of Article XVI, section 6 of the California Constitution. In a January 9, 1987 Letter Ruling, the Wage and Hour Division announced that it would not apply the salary test to public employees where the public employer can show that a provision contained in the applicable state or local law in effect prior to April 15, 1986, prohibits payments to an employee for absence(s) ... which are not covered by available paid leave. The County contends that Article XVI, section 6, is such a provision. In ruling in the alternative that the salary test does not apply to the Battalion Chiefs, the district court apparently accepted this argument. It erred in doing so. Article XVI, section 6 of the California Constitution provides that the Legislature shall not have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever. There is neither any authority nor any logic to support a holding that a general constitutional provision like Article XVI, section 6, which on its face simply bars gifts of public funds, constitutes a requirement that a deduction be made from the compensation of any salaried public employee who takes an hour or so off from work. With the exception of the district court below, no court, state or federal, in the long history of Article XVI and its predecessors has drawn the conclusion that the California Constitution's prohibition against gifts of public funds mandates the reduction of state employees' pay for absences from work. The unique suggestion that the California Constitution precludes the state from paying any state employee, including the Governor, a full salary without making deductions for an extra long lunch hour or time off during work to get a haircut, is simply untenable. In fact, the California Constitution's prohibition against gifts of public funds is designed to ensure that public monies are expended for public, rather than private, purposes. Numerous California cases interpreting this provision have held that, where money is spent for a public purpose, the appropriation is not a gift even though private persons are benefited by the expenditure. *Los Angeles County v. La Fuente*, 20 Cal.2d 870, 877, 129 P.2d 378, 382 (1942), cert. denied, 317 U.S. 698, 63 S.Ct. 441, 87 L.Ed. 558 (1943). In the case before us, not only is the purpose public, but also the benefited employees. California courts have repeatedly recognized that the payment of salaries and employment benefits to government employees in order to remain competitive in the labor market with private companies constitutes a legitimate public purpose. See, e.g., *San Joaquin County Employee's Association, Inc. v. County of San Joaquin*, 39 Cal.App.3d 83, 86, 113 Cal.Rptr. 912, 914 (1974); *Jarvis v. Cory*, 28 Cal.3d 562, 578 n. 10, 170 Cal.Rptr. 11, 21 n. 10, 620 P.2d 598, 607 n. 10 (1980) (en banc). Nothing in private or public employment law suggests that a bona fide executive must punch a time clock, nor that he must suffer a pay-deduction if he is late for work or occasionally uses a small portion of his time to take care of personal necessities, and we see no reason to construe Article XVI, section 6 of the California Constitution as proclaiming so odd a policy. The January 1987 letter ruling is therefore not a reason to hold that the salary test does not apply to the Kern County Battalion Chiefs. For the above reasons, we hold that the appellants are not salaried within the meaning of section 541.118(a) and thus are not bona fide executives exempt from the provisions of the FLSA. REVERSED AND REMANDED. FootNotes 1. The Department has elected to avail itself of the provisions of 29 U.S.C. § 207(k), which deals specifically with the calculation of maximum hours for firefighters and police, by declaring an 18-day work week for its fire protection personnel. Subsection 207(k) provides: (k) Employment by public agency engaged in fire protection or law enforcement

activities No public agency shall be deemed to have violated subsection (a) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if — (1) in a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed the lesser of (A) 216 hours, or (B) the average number of hours (as determined by the Secretary pursuant to section 6(c)(3) of the Fair Labor Standards Amendments of 1974) in tours of duty of employees engaged in such activities in work periods of 28 consecutive days in calendar year 1975; or (2) in the case of such an employee to whom a work period of at least 7 but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 216 hours (or if lower, the number of hours referred to in clause (B) of paragraph (1)) bears to 28 days, compensation at a rate not less than one and one-half times the regular rate at which he is employed. 2. Although the salary status of Deputy Chiefs and the Fire Chief is not at issue in this case, the emphasis on hours worked for Battalion Chiefs is even more apparent when the treatment of Battalion Chiefs is contrasted with the treatment of Deputy Chiefs (and the Fire Chief). Deputy Chiefs are not required to report absences of a short duration and thus will not have such absences charged against accrued leave time or deducted from their salary. Similarly, their salary is not subject to deduction for tardiness. Nor do Deputy Chiefs receive overtime pay or even compensatory time off for hours worked beyond their normal work hours. Thus, if a Deputy Chief worked beyond his regularly scheduled hours to fill out a report, he would not receive extra time off. Only under special circumstances might he receive compensatory time — for example, if a large fire required his presence outside of his normal work hours; even in such an instance, however, the compensatory time would be measured loosely, not balanced hour-by-hour. 3. In fact, a strong argument can be made that even if deductions were required only from fringe benefits such as leave time, and not from base pay, the affected employees would still not qualify as salaried. However, we need not decide that question here. 4. Although no circuit courts have yet faced the question, a majority of district courts that have addressed it have held that employees whose pay is subject to reduction for such absences are not salaried, even if no deductions have actually been made. See, *Banks*, 708 F.Supp. at 1025 (no showing of actual deductions is needed); *Hawks v. City of Newport News, Virginia*, 707 F.Supp. 212, 215 (E.D.Va.1988) ([I]t is the defendant's policy which is under attack in a suit brought under the FLSA. The fact that the policy has not been applied to a particular group of employees does not alter the policy itself.); *Persons v. City of Gresham, Oregon*, 704 F.Supp. 191, 194 (D.Or.1988) (that employees did not allege any instance in which county had reduced pay of employee who had no accrued leave for an absence of less than a day did not alter the fact that their pay was subject to such deductions); *D'Camera v. District of Columbia*, 693 F.Supp. 1208, 1212 (D.D.C.1988) ([T]he test under 29 C.F.R. § 541.118(a) is whether a sergeant's paycheck is 'subject to reduction,' not the frequency with which a sergeant's pay is so reduced.); *Knecht v. City of Redwood*, 683 F.Supp. 1307 (N.D.Cal.1987) (That no Fire Captain has actually had his pay reduced as a result of a short-term absence since April 15, 1986 does not alter the undisputed fact that Fire Captains' pay checks are 'subject to reduction' for such absences.); but see *Harris v. District of Columbia*, 709 F.Supp. 238, 241 (D.D.C.1989) (declining plaintiffs' invitation to declare them eligible for overtime compensation at this stage of the proceeding because, since no unauthorized deduction has actually been made, the court is unable to analyze the facts and circumstances surrounding such a deduction). Comment Name Email Comment Yqur Comments on this Decision 1000 Characters Remaining Leagle.com reserves the right to edit or remove comments but is under no obligation to do so, or to



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Administer oath of office to newly appointed councilmember

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**SUMMARY:**

Judge Jeffrey Singer will administer the oath of office for new Councilmember Kenneth Dean.

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

**REVIEWERS:**

Department	Reviewer	Action	Date
City Manager	Muhle, Sydney	Approved	11/24/2015 - 6:42 PM



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Gary W. Jeppson, Development Services Director

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Consideration of appointing and/or reappointing Planning & Zoning commissioners

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**SUMMARY:**

The terms of Commissioners Kirkham and Kress end on December 31, 2015. Commissioner Mark Wimpee Jr. has had more than four unexcused absences. Commissioner Wimpee's term ends December 31, 2016.

The City has received two applications for the Planning and Zoning Commission.

The Commissioner Kirkham is serving the unexpired term of Shawn Walsh, which is greater than one half of Commissioner Walsh's term, and would normally be eligible for reappointment without a super majority. However, Commissioner Kirkham does not live within the corporate boundaries of the City.

Commissioner Kress was appointed to fill less than one-half of Commissioner Craig Schritter's term plus was appointed to a full term, and therefore is eligible for another full term without a super majority.

The two candidates applying for the Planning and Zoning Commission are:

Randy M. Gorder, 4216 E. Old Ranch Lane (Not in the corporate limits of the City)  
Jed Noble, 950 Palo Verde Drive.

Mr. Noble did not attend the November 10, 2015 Planning and Zoning Commission meeting, but staff did contact him and he is interested in serving if appointed. Mr. Noble is a resident of the City.

Mr. Gorder attended the November 10, 2015 Planning and Zoning Commission meeting and expressed interest in being appointed to the Planning and Zoning Commission. However, like Commissioner Kirkham, Mr. Gorder is not a city resident.

The Planning and Zoning Commission met on November 10, 2015, prior to receiving the City Attorney's opinion concerning residency, recommended that Commissioners Kirkham and Kress be reappointed and that Randy Gorder be appointed to fill Commissioner Wimpee's unexpired term.

The applications of these two candidates are attached.

The City Council has the option of the following:

1. Reappoint Commissioners Kirkham and Kress and the appointment of a candidate for the unexpired term of Commissioner Wimpee;
2. Reappoint of Commissioner Kress and appoint Jed Noble. Leave the third seat vacant until another suitable and eligible candidate applies.
3. Appoint of three new candidates when at least three new candidates apply.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

If the residency requirement stands, Staff recommends reappointing Commissioner Kress and appointing Jed Noble. If the residency requirement does not stand, follow the Planning and Zoning Commission's recommendation to reappoint Commissioners Kirkham and Kress and appoint Randy Gorder.

**ATTACHMENTS:**

Description

Kingman City Code Section 2-131 and 2-157

Candidate Applications

City Attorney Opinion

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	11/23/2015 - 11:07 AM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:07 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:22 AM

**ARTICLE VIII.  
PLANNING AND ZONING<sup>1</sup>**

**DIVISION 1. PLANNING AGENCY AND ADOPTION OF GENERAL PLAN<sup>2</sup>**

**Sec. 2-130 Planning agency created.**

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There is hereby established a planning agency for the City of Kingman. The planning agency shall consist of:

- (1) A planning and zoning commission;
- (2) The planning (community development) department; and
- (3) The common council.

(Ord. No. 1314, 10-15-01)

**Sec. 2-131 Planning and zoning commission—Composition and appointment.**

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(1) The planning and zoning commission shall consist of seven (7) members. A member shall have maintained his or her primary residence within the city limits for at least one hundred eighty (180) days before being appointed. A member shall maintain his or her primary residence within the city limits during the term of his or her membership. A member who moves outside the city limits during the term of his or her membership shall immediately notify the mayor in writing and may be required to resign at the discretion of the common council.

(2) Terms and methods of appointment and removal shall be in accordance with the procedures called out in the City of Kingman Code of Ordinances, Chapter 2, Article IX, Division 1.

(Ord. No. 1314, 10-15-01)

**Sec. 2-132 Planning department—Establishment.**

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As authorized by section 9-461.03, Arizona Revised Statutes, the Kingman Common Council has established a planning department, being a division of the city's community development department. Working in conjunction with the other divisions of the community development department, and other city departments the planning staff is charged with overseeing the administration of the provisions of the city's adopted general plan, along with any and all specific plans, rules, regulations and ordinances adopted by the council for the implementation and enforcement of the provisions and intent of the general plan.

(Ord. No. 1314, 10-15-01)

**ARTICLE IX.**  
**ADVISORY BOARDS, COMMITTEES, AND COMMISSIONS<sup>1</sup>**

**DIVISION 1. GENERALLY<sup>2</sup>**

**Sec. 2-155 Council authorized to create; applicability of article.**

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(a) *Council's authority.* In addition to boards, committees, and commissions required by the Arizona Revised Statutes, the commission council may create such advisory boards, committees, and commissions as it deems appropriate.

(b) *Applicability of article.* Unless different requirements are specified for a particular board, committee, or commission in the Arizona Revised Statutes or elsewhere in this Code, this article shall apply to all boards, committees, and commissions of the city.

(Ord. No. 1549, 7-3-06)

**Sec. 2-156 Definitions.**

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As used in this article, the following terms shall have the following meanings:

*Body* refers to a board, committee or commission of the city.

*Special body* is a body organized for a limited period to address a specific issue. Special bodies shall be so designated by the common council at the time such bodies are organized.

*Standing body* is a body organized for an indefinite period to address ongoing issues within its area(s) of responsibility. A body is a standing one unless designated as a special one.

(Ord. No. 1549, 7-3-06)

**Sec. 2-157 Membership.**

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(a) *Balanced membership.* It is the policy of the city that each body shall have a balanced membership which (1) possesses expertise within the body's area(s) of responsibility, and (2) is representative of the diverse interests affected by the body's decisions. No body shall be dominated by any profession or special interest group. Achieving this objective shall be a priority in the recommendation and appointment of members.

(b) *Application.* An application of prospective members is hereby created and the following procedures are established:

(1) From time to time the city clerk shall publish in the newspaper an ad, in such form as the city clerk deems appropriate, listing vacancies and describing the application procedure.

(2) Application forms shall be uniform for all bodies and shall be available from the city clerk. Completed applications shall be returned to the city clerk and retained for the balance of that calendar year and one (1) calendar year thereafter. Applications are deemed public records and shall be available for public inspection.

(c) *Council authority.* Membership, meetings, compensation, and other regulations applicable to each body shall be established by the common council.

(d) *Appointments.*

(1) *Members.* The original members of a body shall be appointed by the mayor and must be approved by a majority vote of the common council. Subsequent appointments shall be by majority vote of the council after receiving the recommendation(s) of the body. Appointments recommended by the body shall be considered before other persons may be nominated. No person who has not filed a talent bank application with the city clerk shall be considered.

(2) *Chairpersons.* Annually, each body shall appoint from among its members a chairperson and vice-chairperson. The chairperson and vice-chairperson shall remain in office for one (1) year or until a successor is appointed.

(3) *Vacancies.* Upon the resignation or removal of a member, the remaining members shall within thirty (30) days recommend a replacement from among those persons who have filed talent bank applications. Such recommendations must be approved by the common council as described in subsection (d)(1) of this section.

(4) *Oath of office.* Within ten (10) days after receiving notice of his or her appointment, each member shall file with the city clerk the oath of office required by A.R.S. § 38-231.

(5) *Compensation.* Members shall serve without compensation. Actual out-of-pocket expenses will be reimbursed upon approval by the chairperson and confirmation by a majority vote of the common council (subject to the availability of funds).

(e) *Membership of councilmembers.*

(1) *Standing bodies.*

a. *Voting membership.* A councilmember shall not be appointed as a voting member of a standing body unless the councilmember is in the final six (6) months of his or her term and is not a candidate for a subsequent term. This prohibition does not apply to membership on the emergency services council (section 6-1).

b. *Advisory membership.* One (1) councilmember shall be appointed to serve as a nonvoting advisory member of each standing body and as general liaison between the body and the council. The councilmember is encouraged to attend as many meetings of the body as time permits. The councilmember shall not be included in determining the number of members of the body.

(2) *Special bodies.* One (1) or more councilmembers may be appointed as voting members of special bodies.

(3) *Appointments.* Appointments of councilmembers pursuant to subsections (e)(1) and (2) of this section shall be a majority vote of the remaining councilmembers. Councilmember appointments to advisory boards and commissions shall be for a one (1) year period or until a successor is appointed, and during the month of January of each year the councilmembers shall be reassigned to new boards and commissions. In the event that a councilmember has been appointed to an advisory board or commission for less than one (1) year, then that councilmember may remain with that advisory board or commission for another full term.

(f) *Residency.*

(1) *Standing bodies.*

a. *Residency before appointment.* Except as provided in subsections (f)(1)(c) of this section, a member of a standing body shall have maintained his or her primary residence within the city limits and be a registered voter for at least one hundred eighty (180) days before being appointed. Residency of at least one (1) year is strongly recommended.

b. *Residency during membership.* Except as provided in subsections (f)(1)(c) of this section, a member of a standing body shall maintain his or her primary residence within the city limits during the term of his or her membership. A member who moves outside the city limits during the term of his or her membership shall immediately notify the mayor in writing and may be required to resign at the discretion of the common council.

c. *Limited exceptions for certain bodies.* Notwithstanding subsections (f)(1)(a) and (b) of this section, the membership of the following bodies (which are responsible for facilities or services available to nonresidents as well as residents) may include a maximum of two (2) members (or, for bodies with more than seven (7) members, a maximum of one-third (1/3) of the members) who are nonresidents of the city but have maintained their primary residences within the greater Kingman area (as defined below) for at least fifty (50) days before their appointments:

1. Golf course advisory committee.
2. Parks and recreation commission.
3. Municipal utilities commission.
4. Tourism and development commission.
5. Clean city commission.
6. Transit advisory commission.
7. Economic development and marketing commission.

Such a member shall continue to reside in the greater Kingman area during the term of his or her appointment or may be required to resign as provided in subsection (f)(1)(b) of this section. As used in this subsection, "greater Kingman area" shall include actual residences that have a Kingman or Golden Valley residential mailing address.



CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION

OR MEMBERSHIP ON THE PLANNING & ZONING Commission  
Estimated hours per month you can devote to this group: 10

Name Randy M. GORDER Home Phone # 928-530-9099

Address 4216 E OLD DANCH LN, KINGMAN Alternative Phone # N/A

Zip Code 86409

Email rmgrph1@gmail.com

Resident Located in -

Kingman City Limits

Mohave County

Length of Residency 30 years Are you a registered voter? Yes  No

Asked, I would be willing to serve on another board or Commission. Yes  No

List other boards or commissions interested in:

List your educational background.

BS PHARMACY, SOUTH DAKOTA STATE UNIVERSITY, 1977  
REGISTERED PHARMACIST, AZ

Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.

RETIRED  
ORDER HOMES, OWNER  
PHARMACY MANAGER, RET. 16 SECTOR

Describe your involvement in the Kingman community.

24 WIFE OF 41 YEARS, KIP, AND I RAISED OUR FAMILY AND  
VOTED OUR PROFESSIONAL CAREERS AS A PHARMACIST &  
16th SCHOOL TEACHER HERE IN KINGMAN.

Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.

1ST PRESIDENT LAKE JUNIPER HOMEOWNERS ASSOCIATION  
WORKED JOINTLY w/ DEDRA HERBERT, MOHAVE CITY MGR, IN DEVELOPMENT  
AND BUILD OUT OF LAKE JUNIPER WATER SYSTEM.

CITY OF KINGMAN  
BUILDING

SEP 26 4 REC'D  
Revised June 27, 2012

RCV'D

5. Describe why you are interested in serving in this position. I BELIEVE THAT THE GROWTH OPPORTUNITIES ARE MORE CHALLENGING NOW FOR KINGMAN THAN EVER. HAVING A LOW KEY HERE & RECENTLY RETIRED, I WOULD LIKE TO PARTICIPATE IN THE PLANNING THAT GROWTH.

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: \_\_\_\_\_  
PROPERTY OWNER - COMMERCIAL - DETROIT AVE.  
GRANDER HOMES, RESIDENTIAL CONTRACTOR, CURRENTLY ON INACTIVE STATUS

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Economic Development Marketing Commission	2nd Wednesday/Monthly @ 7:30 AM
Golf Course Advisory Committee	3rd Wednesday/odd months @ 4:30PM
Historical Preservation Commission	4th Tuesday/odd months @ 5:30PM
Industrial Development Board	As Needed
Local Public Safety Personnel Retirement Board	As Needed
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 5:30 PM
Parks & Recreation Commission	3rd Wednesday/odd months @ 6:00PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 6:00PM
Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Transit Advisory Commission	2nd Tuesday/1st month of Quarter @10:00

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant Randy M. Anderson Date 9.3.15

Please return this application to:  
 City of Kingman  
 City Clerk's Office Fax (928) 753-6867  
 310 North Fourth Street  
 Kingman, AZ 86401

For further information, please call: City Clerk's office at (928) 753-5561.

Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.



CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION

*JL*  
15 MAR 6 11:28 23s

FOR MEMBERSHIP ON THE Transit Advisory Commission  
Estimated hours per month you can devote to this group: 10 hours

Name Jed Noble Home Phone # 928-263-1366

Address 950 Palo Verde Dr. Alternative Phone # 928-716-5861

Zip Code 86409

Email jednoble@gmail.com Resident Located in -

Kingman City Limits

Mohave County

Length of Residency 11 currently, 36 total Are you a registered voter? Yes  No

If asked, I would be willing to serve on another board or Commission. Yes  No

List other boards or commissions interested in:  
Building Board of Appeals

Planning and Zoning Commission

1. List your educational background. B.S. Civil Engineering, Professional Engineer (Civil),  
ICC Commercial Building Inspector

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.

Mohave County Public Works Engineering Manager-Civil Infrastructure

Mohave County Public Works Engineering Manager - Facilities

3. Describe your involvement in the Kingman community. NAYSL Soccer Coach - 5 years

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.

Member of the Mohave County Traffic Safety Committee. Staff assigned to the MC Transportation Commission and WACOG Transportation Advisory Committee. I conduct inspection, analysis, and planning for O&M, preservation, CIP, and expansion of Mohave County transportation systems.

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: I DO NOT SEE ANY AT THIS TIME.  
THE ONLY POTENTIAL CONCERN IS ENSURING COMPLIANCE  
WITH BROWN ACT RULES AT CHAMBER OF COMMERCE EVENTS  
WHERE OTHER COMMISSION MEMBERS MAY BE PRESENT

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

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This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant [Signature] Date 9-9-15

Please return this application to:  
City of Kingman  
City Clerk's Office  
310 North Fourth Street  
Kingman, AZ 86401

Fax (928) 753-6867

For further information, please call: City Clerk's office at (928) 753-5561.

Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Rich Ruggles, Development Services Department

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Consideration of appointments/reappointments to the Clean City Commission (CCC)

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**SUMMARY:**

The following table shows the current membership of the Clean City Commission:

<b>Term Expires</b>	<b>Member</b>	<b>Term Status</b>
12-31-2015	William Ressegue	Appointed to less than 18 month term
12-31-2015	Margie Hicks	Serving 1 <sup>st</sup> Term
12-31-2016	Ralph Bowman	Serving 1 <sup>st</sup> Term
12-31-2016	Clarence Russell	Serving 1 <sup>st</sup> Term
12-31-2016	Marianne Van Hasselt	Serving 2 <sup>nd</sup> Term
12-31-2017	John Carpenter	Serving 1 <sup>st</sup> Term
12-31-2017	Joe Longoria	Serving 1 <sup>st</sup> Term

The terms of commission members William Ressegue and Margie Hicks end on December 31, 2015. Commissioner Hicks is completing her first full term and may be reappointed for a second three-year term. Commissioner Ressegue was appointed in July, 2015 and is serving the unexpired term of Ron Giesbrecht and may be appointed to his first three-year term. Both Mr. Ressegue and Ms. Hicks live outside of the city limits. There are no other County residents currently serving on the CCC at this time. In accordance with KMC §2-157(f)(1)c a maximum of two commission members may be non-city residents living within the greater Kingman area.

The commission members voted unanimously, 6-0, to recommend that the City Council appoint William Ressegue to a three-year term to serve on the Clean City Commission ending on December 31, 2018. Commissioner Hicks asked that the commission hold off on her reappointment for one month for personal reasons.

**FISCAL IMPACT:**

None expected.

**STAFF RECOMMENDATION:**

Appoint William Ressegue to serve on the Clean City Commission for a term ending on December 31, 2018.

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	11/23/2015 - 11:09 AM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:07 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:23 AM



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Mike Meersman Director of Parks and Recreation

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Parks & Recreation Commission appointments

---

**SUMMARY:**

At the November 18, 2015 meeting of the Parks & Recreation Commission the commission voted to recommend appointing Corralyn Dunshie to her first full three year term. The commission also voted to recommend David Wayt and Edward Pyrzynski for the two upcoming vacant positions of two outgoing members for a three year term on the commission.

Both Tom Peeler and Brent Potter are Finishing out 9 Years serving this Commission and are not eligible for Reappointment

After reviewing the Board and Commission Applications and much discussion the Commission Members voted on the upcoming reappointment and replacements.

Motion by Vice-Chairperson David West recommends to Council that current member, Corralyn Dunshie be appointed to her 1st full 3 year term on the commission. The motion was seconded by member Brent Potter, motion passed by a vote of 6-0.

Motion by Vice-Chairperson David West recommends to council that both David Wayt and Edward Pyrzynski fill the two upcoming vacant positions of two outgoing members for a three year term on the commission. The motion was seconded by member Brent Potter, motion passed by a vote of 6-0.

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description

Park and Recreation Commission Applicants 111815

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Meersman, Michael	Approved	11/23/2015 - 1:17 PM

City Attorney  
City Manager

Cooper, Carl  
Moline, Tina

Approved  
Approved

11/23/2015 - 3:54 PM  
11/24/2015 - 8:27 AM



CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION

15 NOV 17 14:12 14s

FOR MEMBERSHIP ON THE Parks & Rec  
Estimated hours per month you can devote to this group: As many as needed

Name Sydney Bailey Home Phone # (928) 715-7474

Address 4594 N. Edward Ln. Alternative Phone # \_\_\_\_\_

Zip Code Kingman

Email sbailey@citlink.net Resident Located in -

Kingman City Limits

Mohave County

Length of Residency 30+ Are you a registered voter? Yes  No \_\_\_\_\_

If asked, I would be willing to serve on another board or Commission. Yes \_\_\_\_\_ No \_\_\_\_\_

List other boards or commissions interested in:  
Any If needed

1. List your educational background. High School, w/ College

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.

Work @ Wright Veterinary Service & Wright Electric for the past 10+ years, before that Frontier Communications for 12 years

3. Describe your involvement in the Kingman community. Active w/ Parks & Rec activities,

Treasurer on the Mohave Community College Kingman Campus Board

Active in 4th & Mohave County Fair, Past member of the Parks & Rec Commission

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.

I love to be involved with the community,

5. Describe why you are interested in serving in this position. The Parks : Rec programs offer many valuable programs for the community. I want to be part of the program.

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: None that I am aware of.

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Economic Development Marketing Commission	2nd Wednesday/Monthly @ 7:30 AM
Golf Course Advisory Committee	3rd Wednesday/odd months @ 4:30PM
Historical Preservation Commission	4 <sup>th</sup> Tuesday/odd months @ 5:30PM
Industrial Development Board	As Needed
Local Public Safety Personnel Retirement Board	As Needed
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 5:30 PM
Parks & Recreation Commission	3rd Wednesday/odd months @ 6:00PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 6:00PM
Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Transit Advisory Commission	2nd Tuesday/1 <sup>st</sup> month of Quarter @10:00

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant *Supriya Bury* Date 11/17/15

Please return this application to:

City of Kingman  
City Clerk's Office  
310 North Fourth Street  
Kingman, AZ 86401

Fax (928) 753-6867

For further information, please call: City Clerk's office at (928) 753-5561.

*Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.*



CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION

14 DEC <sup>du</sup> 416:54 483

FOR MEMBERSHIP ON THE PLANNING & ZONING COMMISSION  
Estimated hours per month you can devote to this group: 8-12

Name DAVID JAY WYATT Home Phone # (801) 471-9630

Address 3156 NORTH RAINBOW DR. KINGMAN AZ Alternative Phone # (801) 512-5685

Zip Code 86401

Email DAVID.WYATT@MOHAVECOUNTY.US Resident Located in -

Kingman City Limits   
Mohave County

Length of Residency 5 MONTHS Are you a registered voter? Yes  No

If asked, I would be willing to serve on another board or Commission. Yes  No

List other boards or commissions interested in:  
PARKS AND RECREATION COMMISSION

1. List your educational background. GRADUATED LEHI HIGH SCHOOL  
BACHELORS DEGREE - UTAH VALLEY UNIVERSITY - MAJOR PARALEGAL STUDIES  
- MINOR SPANISH  
JURES DOCTORATE - UNIVERSITY OF NEBRASKA - LINCOLN COLLEGE OF LAW

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.  
I CURRENTLY WORK FOR THE MOHAVE COUNTY ATTORNEY'S OFFICE IN THE  
CRIMINAL DIVISION. WHILE WORKING FOR SEWARD COUNTY NEBRASKA (ATTORNEY'S OFFICE)  
I WAS ASSIGNED ZONING RELATED RESPONSIBILITIES. HELPED PROSECUTE ZONING ORD  
VIOLATIONS WHILE EMPLOYED WITH PROVID CITY UTAH.

3. Describe your involvement in the Kingman community.  
I AM CURRENTLY THE BOY SCOUT LEADER OF A LOCAL TROOP.

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.  
WHILE WORKING FOR THE PROVID CITY ATTORNEY'S OFFICE I WAS INVOLVED  
IN MULTIPLE ZONING PROJECTS ASSIGNED TO OUR OFFICE BY THE CITY  
I ALSO ASSISTED THE ATTORNEYS IN THE PROSECUTION OF ZONING ORDINANCE VIOLATIONS.

5. Describe why you are interested in serving in this position. THIS SEEMS TO BE AN INTERESTING AND INTRIGUING WAY OF GETTING FURTHER INVOLVED IN my community.

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: N/A

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Economic Development Marketing Commission	2nd Wednesday/Monthly @ 7:30 AM
Golf Course Advisory Committee	3rd Wednesday/odd months @ 4:30PM
Historical Preservation Commission	4th Tuesday/odd months @ 5:30PM
Industrial Development Board	As Needed
Local Public Safety Personnel Retirement Board	As Needed
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 5:30 PM
Parks & Recreation Commission	3rd Wednesday/odd months @ 6:00PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 6:00PM
Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Transit Advisory Commission	2nd Tuesday/1 <sup>st</sup> month of Quarter @10:00

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant [Signature] Date 12/01/14

Please return this application to:  
 City of Kingman  
 City Clerk's Office  
 310 North Fourth Street  
 Kingman, AZ 86401

Fax (928) 753-6867

For further information, please call: City Clerk's office at (928) 753-5561.

*Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.*



copy to Ruggles 1/28 2/1/12

CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION

12 JAN 8:12:41 555

FOR MEMBERSHIP ON THE Clean City  
Estimated hours per month you can devote to this group: \_\_\_\_\_

Name EDWARD H. Pyrzyński Home Phone # 773-655-6791

Address 1833 Club Ave Alternative Phone # \_\_\_\_\_

Zip Code 86401

Email chpyrzyński@hotmail.com Resident Yes  No

Length of Residency 3 months Are you a registered voter? Yes  No

If asked, I would be willing to serve on another board or Commission. Yes  No

List other boards or commissions interested in:  
Parks & Recreation Economical Development  
Historic Local Public Safety

1. List your educational background. Bachelor of Arts - Adult Education - Training & Development, Northern Eastern Illinois University

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.  
USPS 41 years Letter Carrier - Retired

3. Describe your involvement in the Kingman community. I have recently relocated to Kingman and have at this time just been looking into the workings of the community.

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.  
12 years involvement on Chicago Local School Council - I was involved in many projects that improved grounds of school campus, along with other improvements.

5. Describe why you are interested in serving in this position. To be active in the community and participate in positive development of the community I live in.

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: \_\_\_\_\_

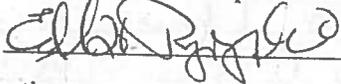
\_\_\_\_\_

\_\_\_\_\_

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Economic Development Marketing Commission	2 <sup>nd</sup> Wednesday/Monthly @ 7:30 AM
Golf Course Advisory Committee	3rd Wednesday/odd months @ 4:30PM
Historic District Design Review Board	As Needed
Historical Preservation Commission	4 <sup>th</sup> Tuesday/odd months @ 5:30PM
Industrial Development Board	As Needed
Local Public Safety Personnel Retirement Board	As Needed
Mohave County Water Authority	Varies
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 6:00 PM
Parks & Recreation Commission	3rd Wednesday/odd months @ 6:30PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 6:00PM
Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Transit Advisory Commission	2 <sup>nd</sup> Tuesday/1 <sup>st</sup> month of Quarter @10:00

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant  Date 1-6-2012

Please return this application to:

City of Kingman  
 City Clerk's Office Fax (928) 753-6867  
 310 North Fourth Street  
 Kingman, AZ 86401

For further information, please call: City Clerk's office at (928) 753-5561.

*Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.*



RECEIVED

JAN 25 2010

CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION  
CITY OF KINGMAN

10 JAN 25 13:53 168

FOR MEMBERSHIP ON THE Business License Review Board  
Estimated hours per month you can devote to this group: Unlimited

Name JANICE L. PALMER Home Phone # 928-303-9462  
Address 1440 E ANDY DEWINE #146 Alternative Phone # 928-753-6520  
Resident Yes  No

Mona's  
Phone #  
El Traveller  
Hotel

Length of Residency 2 1/2 yrs Are you a registered voter? Yes  No   
If asked, I would be willing to serve on another board or Commission. Yes  No

List other boards or commissions interested in:  
Park & Recreation Board Personnel Board  
Economic & TOURISM Clean City

1. List your educational background. University Degree (Bachelors) Business Mgmt & Psychology, Certification (Computers), Radiation Chef School (Chef), 25 courses (American Red Cross) (Disaster Services) First Aid Instructor, Renaissance Trucking School, USAFI (Criminal Justice Course), CNA Course, Golden Care Center

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.  
BUSINESS OWNER 3 times (Restaurants), Managed Hotel & Casino Restaurants as a chef.

3. Describe your involvement in the Kingman community. Worked at Democratic HQ's, 2008 Worked at Golden Valley Polls (Judge Primary Election, Marshal- Dan E. Pate)

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.  
For 25 yrs Umpire, Referee & Coach for Little League, H.S., & College Baseball, Football & Volleyball. Vice-Pres. Clark County Democratic Club (Las Vegas) Ran for State Senator & 27 Governor

5. Describe why you are interested in serving in this position. I believe in civic duty, Helping with changes, & serving public needs

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: None

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Cultural Arts Commission	As Needed
Economic & Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Golf Course Advisory Committee	3rd Wednesday/even months @ 4:30PM
Historic District Design Review Board	As Needed
Historical Preservation Commission	3rd Tuesday/Monthly @ 5:30PM
Industrial Development Board	As Needed
Kingman Airport Authority	3rd Thursday/Mthly @ 4:00PM
Local Public Safety Personnel Retirement Board	As Needed
Mohave County Water Authority	Varies
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 5:30PM
Parks & Recreation Commission	3rd Wednesday/Monthly @ 6:30PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 7:00PM
Transportation Enhancement Review Committee	Not a Board/Commission - Council appointed to maintain the City's interest
Transit Advisory Commission	2nd Tuesday/1st month of Quarter @ 11:00AM
WACOG - Executive Board	2nd Thursday/Quarterly @ 1:00PM
WACOG - WAEDD	2nd Thursday/Quarterly @ 11:00AM
WACOG - Advisory Committee	Quarterly
WACEMS	2nd Thursday/Mthly @ 10:00AM

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant James L. Palmer Date Jan 23 - 2010

Please return this application by the deadline to:

City of Kingman  
 City Clerk's Office  
 310 North Fourth Street  
 Kingman, AZ 86401

Fax (928) 753-6867

For further information, please call: City Clerk's office at (928) 753-5561.

Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Scott M. Yocum, Equipment and Facilities Superintendent

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Vehicle purchase for the Engineering Department

---

**SUMMARY:**

The Public Works Department's Fleet Maintenance Division requests that Council approve the purchase of one service truck for the Engineering Department.

**FISCAL IMPACT:**

Engineering Department: 501-3490-590-94-20 - \$40,000 (budgeted)  
2015 3/4 ton truck, four wheel drive, gas engine, single rear wheels, long wheel base, crew cab pickup. The low bidder was Courtesy Chevrolet, Phoenix, Arizona, with a price of \$32,004.29.

**STAFF RECOMMENDATION:**

Staff recommends that Council award the bid and purchase the vehicle from Courtesy Chevrolet.

**ATTACHMENTS:**

Description

Bid tabulation sheets and winning bids.

**REVIEWERS:**

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Rejected	11/18/2015 - 12:41 PM
Public Works	King, Donna	Approved	11/18/2015 - 12:43 PM
Public Works	Owen, Rob	Rejected	11/18/2015 - 12:49 PM
Public Works	Owen, Rob	Approved	11/23/2015 - 1:38 PM
Public Works	Owen, Rob	Approved	11/23/2015 - 1:39 PM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 4:13 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:30 AM





# City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • (928)753-5561  
www.cityofkingman.gov

## Advertisement For Bid

### **Bid and Specifications for City of Kingman Vehicle**

Please submit written/sealed bid to the office of the City Clerk at 310 North Fourth Street, Kingman, AZ 86401. Bids will be accepted until **2:00 PM** Local Time on **November 9, 2015**. Bids will be opened and announced at this time.

Bidder must state the approximate time required for delivery after receipt of order on the Bid Sheet.

**Delivery:** Vehicle shall be delivered to the City of Kingman Public Works Department at 3700 E. Andy Devine in Kingman AZ on or before the date of delivery as submitted on the bid sheet. A vehicle that is bid with an expected delivery time in excess of 120 days from the date of order may be grounds for the bid to be awarded to the second lowest bidder.

If you have any questions regarding these bid specifications, please contact the Buyer/Contact Department Representative listed on the Notice of Invitation for Bid page of this package.

The undersigned certifies that he or she is an authorized agent of the bidder and is empowered to enter into a contract with the City of Kingman for the purpose stated herein. Further, this offer must meet all of the bid specifications and requirements. Please see the attached sheet for the requirements.

Bidder's Legal Name: CERBAT HILLS FORD D.B.A.  
COLORADO RIVER FORD

Address: 3601 STOCKTON HILL ROAD KINGMAN AZ 86401

Phone Number: 928-757-3131

Authorized Signature: [Signature]

Printed Name & Title: RYAN CHAN SALES MGR

AZ Sales Tax (use tax) License No. 08028179

Expected Date of Delivery: ESTIMATED 8 WEEKS FROM TIME  
OF ORDER SEE EXCEPTIONS

# BID SHEET

The bid shall include all applicable cost for equipment, as specified, *including tax and delivery*. Payment will be made at this bid price as total and final.

Bid: 1 (One) – 2015 or Newer 3/4 ton truck, 4 wheel drive, gas engine, single rear wheels, LWB, Crew Cab (Engineering – Survey Dept.)

\$ 33,198<sup>68</sup>/<sub>xxx</sub>

**Delivery:**

Bid 60 Days  
*SEE EXCEPTIONS*

**Warranty:**

Bid \$2410<sup>00</sup>/<sub>xxx</sub>  
*SIX YEARS OR 100,000 MILES*

**Conditions:**

If any of the equipment bid varies from the specifications, such variations must be submitted in writing and included with the bid package.

The City of Kingman reserves the right to waive minor variations if, in the opinion of the City of Kingman, the basic unit meets the general intent of these specifications.

The complete equipment/material bid shall not include a major component that is a prototype nature or has not been in production a sufficient length of time to demonstrate reliability.

**Substitution for Specifications:**

Whenever in the specifications any materials or process is indicated or specified by patent or proprietary name and/or by name of manufacturer, such specifications shall be deemed to be used for the purpose of facilitating descriptions of the material and/or process desired and shall be deemed to be followed with the words "or equivalent." The bidder may offer any material(s) or process(as) which shall be equal in every respect to that so indicated or specified provided, however, that if the material(s), process(as) or article(s) delivered by the bidder must furnish the material(s), process(as) or article(s) specified, or one that, in the opinion of the City of Kingman, is equal.

**Exceptions to Specifications:**

The fact that manufacturers choose not to produce equipment or materials to meet these specifications will not be considered sufficient cause to adjudge these specifications as restrictive. Bidders shall offer the equipment that comes closest to meeting these specifications. The bidder shall note where deviations from specifications are necessary.

**Warranty:**

Bidder shall state on the Bid Sheet the conditions and durations of the warranty being offered and include pertinent information in detail on an attachment to the bid. For bidding purposes, only standard warranty coverage's will be considered. Additional warranty coverage's may be offered at the time of the bid, but will not be considered as part of the bid and shall not be included in any bid prices.

**City of Kingman Contact:**

**Scott Yocum - Equipment and Facilities Superintendent**  
3700 E. Andy Devine Ave. Kingman, AZ 86401-3454  
OFFC: (928) 692-3119 [syocum@cityofkingman.gov](mailto:syocum@cityofkingman.gov)

**Bid**

**Survey Department – 1 – 2015 or Newer – 3/4 Ton, Crew Cab, 4 Wheel Drive, LWB**

<b>Color</b>	<b>White</b>
<b>Windows &amp; Doors</b>	<b>Power/ Factory Standard Tinted</b>
<b>Steering</b>	<b>Power</b>
<b>Air Bags</b>	<b>Driver</b>
<b>Power Outlet</b>	<b>Dash 12 V</b>
<b>Brakes</b>	<b>Front &amp; Rear Disc, Power Assisted</b>
<b>Alternator</b>	<b>100 – Amp</b>
<b>Battery</b>	<b>Factory Standard</b>
<b>Engine</b>	<b>V-8 Gas, minimum 5.7 Liter</b>
<b>Transmission</b>	<b>Auto O/D</b>
<b>Bumper Front</b>	<b>Factory Standard</b>
<b>Bumper Rear</b>	<b>Factory Standard</b>
<b>Fuel Tank</b>	<b>Factory Standard</b>
<b>Windshield Wipers</b>	<b>Intermittent Adj. Pause</b>
<b>Windshield</b>	<b>Legally Tinted and Shaded</b>
<b>Mirrors</b>	<b>Adjustable/Tow Mirrors</b>
<b>Tires/Wheels</b>	<b>Factory Standard</b>
<b>Air Conditioning</b>	<b>Factory Standard</b>
<b>Heater</b>	<b>Factory Standard</b>
<b>Instrumentation</b>	<b>Factory Standard</b>
<b>Radio</b>	<b>Factory Standard</b>
<b>Inner Trim Panel</b>	<b>AM/FM/CD</b>
<b>Floor Covering</b>	<b>Color Coordinated</b>
<b>Front Seat</b>	<b>Vinyl W/ Rubber Mats</b>
<b>Rear Seat</b>	<b>Bench/ Factory Standard</b>
<b>Tow Package</b>	<b>Factory Standard</b>
<b>Receiver Hitch</b>	<b>Factory Std. W/OEM Trailer</b>
	<b>Brake Sending Unit</b>
	<b>Factory Standard</b>

## Exceptions

Delivery times are estimated at eight weeks from time of order. Exact delivery times can not be guaranteed, there could be possible material delays beyond Ford Motor CO. control.

The front seat is a 40/20/40 seat with fold down arm rest, full one piece bench seat is not available.

Rubber mats are not available with a vinyl floor for driver safety reasons

**Advertisement For Bid**

**Bid and Specifications for City of Kingman Vehicle**

Please submit written/sealed bid to the office of the City Clerk at 310 North Fourth Street, Kingman, AZ 86401. Bids will be accepted until **2:00 PM Local Time on November 9, 2015**. Bids will be opened and announced at this time.

Bidder must state the approximate time required for delivery after receipt of order on the Bid Sheet.

**Delivery:** Vehicle shall be delivered to the City of Kingman Public Works Department at 3700 E. Andy Devine in Kingman AZ on or before the date of delivery as submitted on the bid sheet. A vehicle that is bid with an expected delivery time in excess of 120 days from the date of order may be grounds for the bid to be awarded to the second lowest bidder.

If you have any questions regarding these bid specifications, please contact the Buyer/Contact Department Representative listed on the Notice of Invitation for Bid page of this package.

The undersigned certifies that he or she is an authorized agent of the bidder and is empowered to enter into a contract with the City of Kingman for the purpose stated herein. Further, this offer must meet all of the bid specifications and requirements. Please see the attached sheet for the requirements.

Bidder's Legal Name: Courtesy Chevrolet  
Address: 1233 E Camelback Rd. Phoenix, AZ 85014  
Phone Number: (602) 604 3040  
Authorized Signature: Berney Kullas.  
Printed Name & Title: Berney Kullas Fleet Manager  
AZ Sales Tax (use tax) License No. 07-37036  
Expected Date of Delivery: 90 Days ARO

# BID SHEET

The bid shall include all applicable cost for equipment, as specified, *including tax and delivery*. Payment will be made at this bid price as total and final.

Bid: 1 (One) – 2015 or Newer 3/4 ton truck, 4 wheel drive, gas engine, single rear wheels, LWB, Crew Cab (Engineering – Survey Dept.)

\$ 32,004.29

**Delivery:**

Bid 120 ARO Days

**Warranty:**

Bid 3yr 36,000 Bumper to Bumper  
5yr 100,000 Powertrain.

**Conditions:**

If any of the equipment bid varies from the specifications, such variations must be submitted in writing and included with the bid package.

The City of Kingman reserves the right to waive minor variations if, in the opinion of the City of Kingman, the basic unit meets the general intent of these specifications.

The complete equipment/material bid shall not include a major component that is a prototype nature or has not been in production a sufficient length of time to demonstrate reliability.

**Substitution for Specifications:**

Whenever in the specifications any materials or process is indicated or specified by patent or proprietary name and/or by name of manufacturer, such specifications shall be deemed to be used for the purpose of facilitating descriptions of the material and/or process desired and shall be deemed to be followed with the words "or equivalent." The bidder may offer any material(s) or process(as) which shall be equal in every respect to that so indicated or specified provided, however, that if the material(s), process(as) or article(s) delivered by the bidder must furnish the material(s), process(as) or article(s) specified, or one that, in the opinion of the City of Kingman, is equal.

**Exceptions to Specifications:**

The fact that manufacturers choose not to produce equipment or materials to meet these specifications will not be considered sufficient cause to adjudge these specifications as restrictive. Bidders shall offer the equipment that comes closest to meeting these specifications. The bidder shall note where deviations from specifications are necessary.

**Warranty:**

Bidder shall state on the Bid Sheet the conditions and durations of the warranty being offered and include pertinent information in detail on an attachment to the bid. For bidding purposes, only standard warranty coverage's will be considered. Additional warranty coverage's may be offered at the time of the bid, but will not be considered as part of the bid and shall not be included in any bid prices.

**City of Kingman Contact:**

**Scott Yocum - Equipment and Facilities Superintendent**  
3700 E. Andy Devine Ave. Kingman, AZ 86401-3454  
OFFC: (928) 692-3119 syocum@cityofkingman.gov

**Bid**

**Survey Department – 1 – 2015 or Newer – 3/4 Ton, Crew Cab, 4 Wheel Drive, LWB**

<b>Color</b>	<b>White ✓</b>
<b>Windows &amp; Doors</b>	<b>Power/ Factory Standard Tinted ✓</b>
<b>Steering</b>	<b>Power ✓</b>
<b>Air Bags</b>	<b>Driver ✓</b>
<b>Power Outlet</b>	<b>Dash 12 V ✓</b>
<b>Brakes</b>	<b>Front &amp; Rear Disc, Power Assisted ✓</b>
<b>Alternator</b>	<b>100 – Amp ✓</b>
<b>Battery</b>	<b>Factory Standard ✓</b>
<b>Engine</b>	<b>V-8 Gas, minimum 5.7 Liter ✓</b>
<b>Transmission</b>	<b>Auto O/D ✓</b>
<b>Bumper Front</b>	<b>Factory Standard ✓</b>
<b>Bumper Rear</b>	<b>Factory Standard ✓</b>
<b>Fuel Tank</b>	<b>Factory Standard ✓</b>
<b>Windshield Wipers</b>	<b>Intermittent Adj. Pause ✓</b>
<b>Windshield</b>	<b>Legally Tinted and Shaded ✓</b>
<b>Mirrors</b>	<b>Adjustable/Tow Mirrors ✓</b>
<b>Tires/Wheels</b>	<b>Factory Standard ✓</b>
<b>Air Conditioning</b>	<b>Factory Standard ✓</b>
<b>Heater</b>	<b>Factory Standard ✓</b>
<b>Instrumentation</b>	<b>Factory Standard ✓</b>
<b>Radio</b>	<b>AM/FM/CD AM/FM/USB Aux Jack</b>
<b>Inner Trim Panel</b>	<b>Color Coordinated ✓</b>
<b>Floor Covering</b>	<b>Vinyl W/ Rubber Mats ✓</b>
<b>Front Seat</b>	<b>Bench/ Factory Standard ✓</b>
<b>Rear Seat</b>	<b>Factory Standard ✓</b>
<b>Tow Package</b>	<b>Factory Std. W/OEM Trailer ✓</b>
	<b>Brake Sending Unit ✓</b>
<b>Receiver Hitch</b>	<b>Factory Standard ✓</b>

## SELECTED MODEL & OPTIONS

### SELECTED MODEL - 2016 Fleet/Non-Retail CK25943 4WD Crew Cab 167.7" Work Truck

<u>Code</u>	<u>Description</u>	<u>Invoice</u>	<u>MSRP</u>
CK25943	2016 Chevrolet Silverado 2500HD 4WD Crew Cab 167.7" Work Truck	\$37,496.60	\$39,890.00

### SELECTED VEHICLE COLORS - 2016 Fleet/Non-Retail CK25943 4WD Crew Cab 167.7" Work Truck

<u>Code</u>	<u>Description</u>
-	Interior: No color has been selected.
-	Exterior 1: No color has been selected.
-	Exterior 2: No color has been selected.

### SELECTED OPTIONS - 2016 Fleet/Non-Retail CK25943 4WD Crew Cab 167.7" Work Truck

#### CATEGORY

<u>Code</u>	<u>Description</u>	<u>Invoice</u>	<u>MSRP</u>
<b>BODY CODE</b>			
E63	PICKUP BOX (STD)	\$0.00	\$0.00
<b>SUSPENSION PKG</b>			
Z85	SUSPENSION PACKAGE, STANDARD includes 51mm twin tube shock absorbers and 33mm front stabilizer bar (STD)	\$0.00	\$0.00
<b>EMISSIONS</b>			
FE9	EMISSIONS, FEDERAL REQUIREMENTS	\$0.00	\$0.00
<b>ENGINE</b>			
L96	ENGINE, VORTEC 6.0L VARIABLE VALVE TIMING V8 SFI, E85-COMPATIBLE, FLEXFUEL capable of running on unleaded or up to 85% ethanol (360 hp [268.4 kW] @ 5400 rpm, 380 lb-ft of torque [515.0 N-m] @ 4200 rpm) (Does not include E85 capability with (ZW9) pickup box delete.) (STD)	\$0.00	\$0.00
<b>TRANSMISSION</b>			
MYD	TRANSMISSION, 6-SPEED AUTOMATIC, HEAVY-DUTY, ELECTRONICALLY CONTROLLED with overdrive and tow/haul mode. Includes Cruise Grade Braking and Powertrain Grade Braking (STD) (Requires (L96) Vortec 6.0L V8 SFI engine or (LC8) 6.0L V8 SFI Gaseous engine.)	\$0.00	\$0.00
<b>GVWR</b>			
C4M	GVWR, 9900 LBS. (4490 KG) (Requires Crew Cab CK25943 model and (L96) Vortec 6.0L V8 SFI engine or (LC8) 6.0L V8 SFI Gaseous engine or Regular Cab model and (LML) Duramax 6.6L Turbo Diesel V8 engine. Not available on 2WD Crew Cab models.)	\$0.00	\$0.00
<b>AXLE</b>			
GT5	REAR AXLE, 4.10 RATIO (Requires (L96) Vortec 6.0L V8 SFI engine or (LC8) 6.0L V8 SFI Gaseous CNG (Compressed Natural Gas) engine.)	\$0.00	\$0.00
<b>PREFERRED EQUIPMENT GROUP</b>			
1WT	WORK TRUCK PREFERRED EQUIPMENT GROUP includes standard equipment	\$0.00	\$0.00
<b>WHEELS</b>			

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 410.0, Data updated 10/27/2015  
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Customer File:

## SELECTED MODEL & OPTIONS

### SELECTED OPTIONS - 2016 Fleet/Non-Retail CK25943 4WD Crew Cab 167.7" Work Truck

<u>CATEGORY</u>			<u>Invoice</u>	<u>MSRP</u>
<u>Code</u>	<u>Description</u>			
<b>WHEELS</b>				
PYN	WHEELS, 17" (43.2 CM) STEEL includes 17" x 7.5" (43.2 cm x 19.1 cm) steel spare wheel. Spare not included with (ZW9) pickup box delete unless a spare tire is ordered (STD)		\$0.00	\$0.00
<b>TIRES</b>				
QHQ	TIRES, LT245/75R17E ALL-SEASON, BLACKWALL (STD)		\$0.00	\$0.00
<b>PAINT SCHEME</b>				
ZY1	PAINT, SOLID		\$0.00	\$0.00
<b>PAINT</b>				
GAZ	SUMMIT WHITE		\$0.00	\$0.00
<b>SEAT TYPE</b>				
AE7	SEATS, FRONT 40/20/40 SPLIT-BENCH, 3-PASSENGER, DRIVER AND FRONT PASSENGER RECLINE with outboard head restraints and center fold-down armrest with storage. Vinyl has fixed lumbar and cloth has manually adjustable driver lumbar. (STD) (Upgradeable to (AZ3) front 40/20/40 split-bench seat.)		\$0.00	\$0.00
<b>SEAT TRIM</b>				
H2R	DARK ASH WITH JET BLACK INTERIOR ACCENTS, CLOTH SEAT TRIM		\$0.00	\$0.00
<b>RADIO</b>				
IO3	AUDIO SYSTEM, 4.2" DIAGONAL COLOR DISPLAY, AM/FM STEREO with USB port and auxiliary jack (Not available with (AZ3) 40/20/40 split-bench seat. Upgradeable to (IOB) 7" diagonal color display radio with Chevrolet MyLink.) (STD)		\$0.00	\$0.00
<b>ADDITIONAL EQUIPMENT</b>				
JL1	TRAILER BRAKE CONTROLLER, INTEGRATED (Included with (PDA) Texas Edition or (PDU) All Star Edition. With (E63) pickup box, requires available (Z82) heavy-duty trailering equipment. Available to order as a free flow option with (ZW9) pickup box delete.)		\$250.25	\$275.00
Z82	TRAILERING EQUIPMENT Trailering hitch platform 2.5" with a 2.0" insert for HD, 7-wire harness with independent fused trailering circuits mated to a 7-way sealed connector to hook up parking lamps, backup lamps, right and left turn signals, an electric brake lead, battery and a ground. The trailer connector also includes the 4-way for use on trailers without brakes - park, brake/turn lamps (Included with (PCN) Silverado HD Custom. Not available with (ZW9) pickup box delete or (9J4) rear bumper delete.)		\$254.80	\$280.00
DF2	MIRRORS, OUTSIDE HIGH-VISIBILITY VERTICAL TRAILERING, BLACK with manual folding and extension and lower convex spotter glass (Not available with (PCR) WT Fleet Convenience Package.)		\$63.70	\$70.00
<b>OPTIONS TOTAL</b>			<b>\$568.75</b>	<b>\$625.00</b>

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 410.0, Data updated 10/27/2015  
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Customer File:

## PRICING SUMMARY

PRICING SUMMARY - 2016 Fleet/Non-Retail CK25943 4WD Crew Cab 167.7" Work Truck

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	<u>Invoice</u>	<u>MSRP</u>
Base Price	\$37,496.60	\$39,890.00
Total Options:	\$568.75	\$625.00
Vehicle Subtotal	\$38,065.35	\$40,515.00
Advert/Adjustments	\$0.00	\$0.00
Destination Charge	\$1,195.00	\$1,195.00
<b>GRAND TOTAL</b>	<b>\$39,260.35</b>	<b>\$41,710.00</b>

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:

November 04, 2015 3:53:48 PM

Page 3



# City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • (928)753-5561  
www.cityofkingman.gov

## Advertisement For Bid

### **Bid and Specifications for City of Kingman Vehicle**

Please submit written/sealed bid to the office of the City Clerk at 310 North Fourth Street, Kingman, AZ 86401. Bids will be accepted until 2:00 PM Local Time on November 9, 2015. Bids will be opened and announced at this time.

Bidder must state the approximate time required for delivery after receipt of order on the Bid Sheet.

**Delivery:** Vehicle shall be delivered to the City of Kingman Public Works Department at 3700 E. Andy Devine in Kingman AZ on or before the date of delivery as submitted on the bid sheet. A vehicle that is bid with an expected delivery time in excess of 120 days from the date of order may be grounds for the bid to be awarded to the second lowest bidder.

If you have any questions regarding these bid specifications, please contact the Buyer/Contact Department Representative listed on the Notice of Invitation for Bid page of this package.

The undersigned certifies that he or she is an authorized agent of the bidder and is empowered to enter into a contract with the City of Kingman for the purpose stated herein. Further, this offer must meet all of the bid specifications and requirements. Please see the attached sheet for the requirements.

Bidder's Legal Name: MARTIN SWARTY CDJR  
Address: 2120 E ANDY DEVINE AVE KINGMAN AZ 86401  
Phone Number: (928) 753-3131  
Authorized Signature: [Signature]  
Printed Name & Title: Michael Mohr Business Unit Mgr  
AZ Sales Tax (use tax) License No. 860501836  
Expected Date of Delivery: 120 DAYS FROM DATE OF ORDER

# BID SHEET

The bid shall include all applicable cost for equipment, as specified, *including tax and delivery*. Payment will be made at this bid price as total and final.

Bid: 1 (One) – 2015 or Newer 3/4 ton truck, 4 wheel drive, gas engine, single rear wheels, LWB, Crew Cab (Engineering – Survey Dept.)

\$ 32,198.<sup>00</sup>

**Delivery:**

Bid 120 Days

**Warranty:**

Bid 5yr 100,000 Powertrain  
3yr 70,000 Limited Bumper to Bumper

**Conditions:**

If any of the equipment bid varies from the specifications, such variations must be submitted in writing and included with the bid package.

The City of Kingman reserves the right to waive minor variations if, in the opinion of the City of Kingman, the basic unit meets the general intent of these specifications.

The complete equipment/material bid shall not include a major component that is a prototype nature or has not been in production a sufficient length of time to demonstrate reliability.

**Substitution for Specifications:**

Whenever in the specifications any materials or process is indicated or specified by patent or proprietary name and/or by name of manufacturer, such specifications shall be deemed to be used for the purpose of facilitating descriptions of the material and/or process desired and shall be deemed to be followed with the words "or equivalent." The bidder may offer any material(s) or process(as) which shall be equal in every respect to that so indicated or specified provided, however, that if the material(s), process(as) or article(s) delivered by the bidder must furnish the material(s), process(as) or article(s) specified, or one that, in the opinion of the City of Kingman, is equal.

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**City of Kingman Contact:**

**Scott Yocum - Equipment and Facilities Superintendent**  
3700 E. Andy Devine Ave. Kingman, AZ 86401-3454  
OFFC: (928) 692-3119 syocum@cityofkingman.gov

**Bid**

**Survey Department – 1 – 2015 or Newer – 3/4 Ton, Crew Cab, 4 Wheel Drive, LWB**

<b>Color</b>	<b>White</b>
<b>Windows &amp; Doors</b>	<b>Power/ Factory Standard Tinted</b>
<b>Steering</b>	<b>Power</b>
<b>Air Bags</b>	<b>Driver</b>
<b>Power Outlet</b>	<b>Dash 12 V</b>
<b>Brakes</b>	<b>Front &amp; Rear Disc, Power Assisted</b>
<b>Alternator</b>	<b>100 – Amp</b>
<b>Battery</b>	<b>Factory Standard</b>
<b>Engine</b>	<b>V-8 Gas, minimum 5.7 Liter</b>
<b>Transmission</b>	<b>Auto O/D</b>
<b>Bumper Front</b>	<b>Factory Standard</b>
<b>Bumper Rear</b>	<b>Factory Standard</b>
<b>Fuel Tank</b>	<b>Factory Standard</b>
<b>Windshield Wipers</b>	<b>Intermittent Adj. Pause</b>
<b>Windshield</b>	<b>Legally Tinted and Shaded</b>
<b>Mirrors</b>	<b>Adjustable/Tow Mirrors</b>
<b>Tires/Wheels</b>	<b>Factory Standard</b>
<b>Air Conditioning</b>	<b>Factory Standard</b>
<b>Heater</b>	<b>Factory Standard</b>
<b>Instrumentation</b>	<b>Factory Standard</b>
<b>Radio</b>	<b>AM/FM/CD</b>
<b>Inner Trim Panel</b>	<b>Color Coordinated</b>
<b>Floor Covering</b>	<b>Vinyl W/ Rubber Mats</b>
<b>Front Seat</b>	<b>Bench/ Factory Standard</b>
<b>Rear Seat</b>	<b>Factory Standard</b>
<b>Tow Package</b>	<b>Factory Std. W/OEM Trailer</b>
	<b>Brake Sending Unit</b>
<b>Receiver Hitch</b>	<b>Factory Standard</b>



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** City Clerk's Office

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Liquor license application

---

**SUMMARY:**

Applicant Robert E. Wheaton of J.B.'s Restaurant #373 has applied for a new Series 12 Liquor License for a restaurant located at 2940 E. Andy Devine Avenue.

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

Approve the liquor license application

**ATTACHMENTS:**

Description

First Page JB's

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	11/19/2015 - 11:59 AM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:52 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:27 AM



Arizona Department of Liquor Licenses and Control  
 800 W Washington 5th Floor  
 Phoenix, AZ 85007  
 www.azliquor.gov  
 (602) 542-5141

15 OCT 26 149. Lic. PM 2:18

**THIS COPY**  
**Application for Liquor License**  
 Type or Print with **Black Ink**

NOT REDACTED  
 NOT FOR PUBLIC DISSEMINATION

**SECTION 1** This application is for a:

- Interim Permit (Complete Section 5)
- New License (Complete Sections 2, 3, 4, 13, 14, 15, 16)
- Person Transfer (Complete Sections 2, 3, 4, 13, 14, 16)
- Location Transfer (Bars and Liquor Stores Only)  
(Complete Section 2, 3, 4, 11, 13, 14, 16)
- Probate/ Will Assignment/ Divorce Decree  
(Complete Sections 2, 3, 4, 9, 13, 14, 16)  
(Fee not required)
- Government (Complete Sections 2, 3, 4, 10, 13, 16)
- Seasonal

**SECTION 2** Type of Ownership:

- J.T.W.R.O.S. (Complete Section 6)
- Individual (Complete Section 6)
- Partnership (Complete Section 6)
- Corporation (Complete Section 7)
- Limited Liability Co (Complete Section 7)
- Club (Complete Section 8)
- Government (Complete Section 10)
- Trust (Complete Section 6)
- Tribe (Complete Section 6)
- Other (Explain) \_\_\_\_\_

**SECTION 3** Type of license

LICENSE # 12083547

1. Type of License: Restaurant - Series 12

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE**

A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

**SECTION 4** Applicants

1. Individual Owner/Agent's Name: Dowdy Wheaton Robert E.  
 Last First Middle

2. Owner Name: JB's Star Holdings, Inc.  
 (Ownership name for type of ownership checked on section 2)

3. Business Name: JB's Restaurant #373 B1016531  
 (Exactly as it appears on the exterior of premises)

4. Business Location Address: 2940 E Andy Devine Ave Kingman AZ 86401 Mohave  
 (Do not use PO Box) Street City State Zip Code County

5. Mailing Address: 2501 N Hayden Road, Suite 103 Scottsdale AZ 85257  
 (All correspondence will be mailed to this address) Street City State Zip Code

6. Business Phone: 928-753-2499 1532499 Daytime Contact Phone: 928-753-2499 480-425-2457

7. Email Address: stardowdy@aol.com

8. Is the Business located within the incorporated limits of the above city or town?  Yes  No

9. Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?  Yes  No

If Yes, what City, Town or Tribal Reservation is this Business located in: \_\_\_\_\_

10. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store ( license only) \$ \_\_\_\_\_

Fees: <u>100</u>	<b>Department Use Only</b>						
Application	Interim Permit	Site Inspection	Finger Prints	\$ <u>216</u>			
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Accepted by: <u>MS</u>		Date: <u>10/26/2015</u>		License # <u>12083547</u>			



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Gary Jeppson

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Consideration of extending the preliminary plat of the Vista Bella Ranchitas Subdivision - Tract 6029

---

**SUMMARY:**

On November 3, 2015, the City Council granted Mr. Doug Angle an exemption to Subsection 2.2(8)b.(iv) of the Subdivision Ordinance (which terminates a preliminary plat if it is not extended within 24 months of Council approval) on the Vista Bella Ranchitas Tract 6029 Preliminary Plat. Mr. Angle is seeking an approval of an extension of the Vista Bella Ranchitas Preliminary Plat.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval of the Vista Bella Ranchitas Tract 6029 Preliminary Plat with the condition that the developer comply with the drainage requirements specified by the Engineering Department.

**ATTACHMENTS:**

Description  
Engineering Letter  
Preliminary Plat  
Resolution #4982

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	11/23/2015 - 11:07 AM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:09 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:24 AM

# Memo



To: Gary Jeppson  
From: Mike Prior  
CC: Greg Henry and File  
Date: October 26, 2015  
Re: Vista Bella Ranchitas, Tract 6029  
Preliminary Plat (Unreadable Seal Date)

---

Item Reviewed: Time Extension Request Dated 10-20-2015

Thank you for this submittal. Past storm events have shown that lots downstream of Vista Bella Ranchitas Tract 6029 are at risk for flooding. A temporary berm and channel have been constructed by the developer along the southern boundary of this preliminary plat to protect these properties from storm runoffs. It is vital that the drainage improvements for this subdivision be designed and constructed to maintain historical flows conditions and not increase the flood risk for those downstream lots.

We have reviewed the Time Extension Request for the Vista Bella Ranchitas, Tract 6029 preliminary plat and offer the following comments:

1. The Preliminary Drainage report need to evaluate and determine in much greater detail the locations, volumes and type of flows impacting this subdivision, especially the offsite flows along the southern boundary of this site. The Preliminary Drainage report will also need to show in more detail how the current design and layout of this subdivision will accommodate those flows and maintain historical flow volumes and conditions.
2. The current roadway layout shown on the preliminary plat has Roma Road in close proximity to Drainage Parcel A. The existing grades for Roma Road at Diamond Joe Road are less than a foot higher than the grades of the low water crossing in Diamond Joe Road for Drainage Parcel A. The existing wash upstream of this area is a braided wash with a main channel that meanders with time. The point where this wash crosses Diamond Joe Road may change unless there are some improvements in place to force this wash to cross at a certain location. These factors increase the risk that offsite flows intended to be carried in Drainage Parcel A cross at an unintended location and are carried by Roma Road. There are existing water lines in Diamond Joe Road that will limit how deep the low water crossing for Drainage Parcel A can be designed. These factors need to be evaluated at the preliminary plat stage to insure that the current preliminary plat layout can accommodate the necessary drainage improvements. Previous Engineering Department Preliminary Plat Time Extension comments and a marked up aerial mapping of this location are included for reference.



**PLANNING & ZONING DIVISION**  
**MEMORANDUM**

---

**DATE:** 6/24/2009

**TO:**

<input checked="" type="checkbox"/> City Engineer	<input checked="" type="checkbox"/> Frontier Communications
<input checked="" type="checkbox"/> City Surveyor	<input checked="" type="checkbox"/> UniSource Electric
<input type="checkbox"/> City Special Projects Admin	<input checked="" type="checkbox"/> UniSource Gas
<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> NPG Cable
<input type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Mohave County Flood Control
<input checked="" type="checkbox"/> City Building Department	<input checked="" type="checkbox"/> Karl Taylor Mohave Co Planning & Zoning
<input type="checkbox"/> City Police Department	<input type="checkbox"/> Mohave County Cartography
<input checked="" type="checkbox"/> City Fire Department	<input type="checkbox"/> Mohave County Environmental Health
<input type="checkbox"/> City Attorney & Legal	<input type="checkbox"/> Black Mesa Pipeline Co.
<input checked="" type="checkbox"/> City Parks & Recreation	<input type="checkbox"/> Kingman School District
<input type="checkbox"/> City Development Svs. Director	<input type="checkbox"/> Kingman Post Office, USPS
<input type="checkbox"/> City Transit, KART	<input type="checkbox"/> City Information Systems
<input type="checkbox"/> City Sanitation Department	<input type="checkbox"/> Arizona Department of Transportation
<input checked="" type="checkbox"/> City Public Works Department	<input type="checkbox"/> Transwestern Pipeline Co.

---

**FROM:** Kyle Taylor, City of Kingman Planning and Zoning Division  
**RE:** **Project Number: SB09-006: Vista Bella Ranchitas, Tract 6029**

A request from Mohave Engineering Associates, Inc., project engineer, and Hualapai Development, LLC, applicant and property owner, for an approval of an **extension of time on a preliminary plat for Vista Bella Ranchitas, Tract 6029**. This residential subdivision has 71 single family lots on 21.69 acres. The subject property is located north of Diamond Joe Road, east of Prospector Street and south of Valle del Sole subdivision. The subject property is further described as a portion of the NW ¼ of Section 10, Township 21 N., Range 16 W., of the Gila and Salt River Meridian, Mohave County, Arizona.

Please review the attached materials and submit any comments by **Monday, July 6, 2009**. City departments may respond through Trak-it. If no comments are received by that date, it will be assumed that you have no objections.

If you have any questions, please contact me at 753-8587 or you may email me at [ktaylor@cityofkingman.gov](mailto:ktaylor@cityofkingman.gov)

Thank you,

Kyle Taylor - Planner

# Memo



**Engineering Department**

**To:** Kyle Taylor  
**From:** Mike Prior  
**CC:** Greg Henry and File  
**Date:** June 29, 2009  
**Re:** Vista Bella Ranchitas, Tract 6029 (SB09-006)  
Request for Extension of Time on Preliminary Plat

---

The Engineering Department does not have any objection to the approval of the time extension on the preliminary plat for this subdivision. The following items will need to be addressed on the Final Drainage Report and Subdivision Improvement Plans submittals for this project.

- 1) Revised calculations submitted for review on September 6, 2006 for the drainage capacity of the 2% crowned cross section for Diamond Joe Road shows that the 100 year storm runoffs can be contained within the right-of-way if the right-of-way grades to the north is higher than the back of sidewalk grades by a minimum of two inches. The subdivision grading plan will need to show this or the proposed bar-ditch on the south side of Diamond Joe Road as shown in the typical cross section for this roadway is designed to accommodate additional storm runoffs.
- 2) The Preliminary Drainage Report indicates that all offsite flows from Basin B will cross Diamond Joe Road from the south near the eastern boundary of this subdivision and flow into the existing drainage parcel along the east boundary of this subdivision. Past storm events have shown that some of the runoffs from Basin B have turned northward along the proposed alignment of Roma Road located just roughly 130 to the west of the existing drainage parcel. The southeastern corner of this subdivision will need to be designed to accommodate the runoffs from offsite Basin B and to insure that all runoffs from this basin will be conveyed to the existing drainage parcel.

11/7/2011

North

Approximate Location of  
Drainage Parcel A

Vista Bella Ranchitas

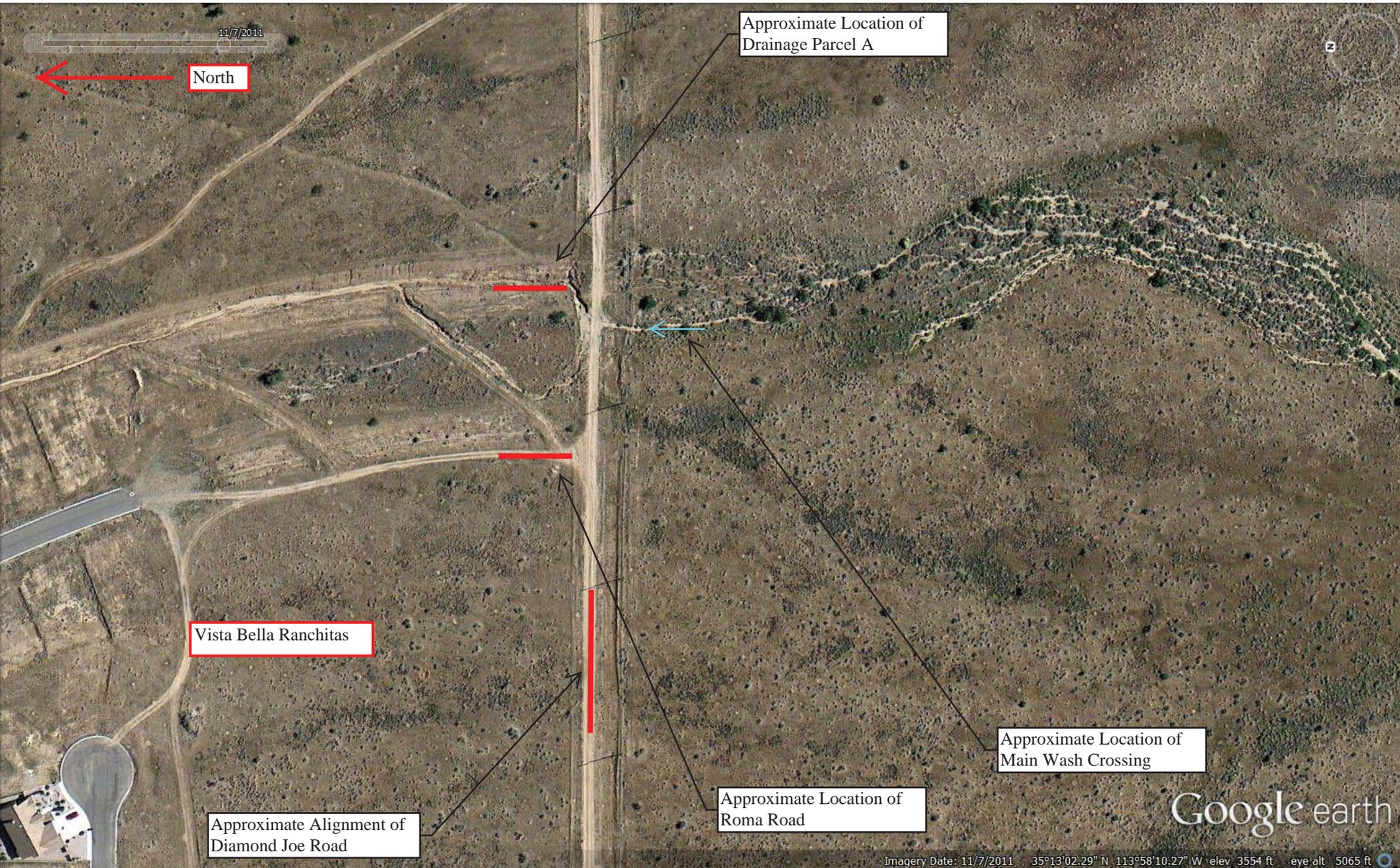
Approximate Location of  
Main Wash Crossing

Approximate Alignment of  
Diamond Joe Road

Approximate Location of  
Roma Road

Google earth

Imagery Date: 11/7/2011 35°13'02.29" N 113°58'10.27" W elev 3554 ft eye alt 5065 ft





WHEN RECORDED HOLD FOR  
KINGMAN CITY CLERK  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona 86401

**CITY OF KINGMAN  
RESOLUTION NO.4982**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF  
KINGMAN, ARIZONA: APPROVING AN EXTENSION OF A PRELIMINARY  
SUBDIVISION PLAT FOR VISTA BELLA RANCHITAS, TRACT 6029 UNDER  
SPECIFIC CONDITIONS**

**WHEREAS**, Hualapai Development LLC, property owner, and Mohave Engineering Associates, Inc., project engineer, have requested the approval of a preliminary plat of a residential subdivision, to be known as Vista Bella Ranchitas, Tract 6029, located on property described as a portion of the NW ¼ of Section 10, T.21N., R.16W., of the G&SRM, Mohave County, Arizona, as shown in the attached Exhibit "A", and

**WHEREAS**, a preliminary plat and preliminary drainage report was prepared by Mohave Engineering Associates, Inc., a licensed engineering firm in the State of Arizona, and

**WHEREAS**, said proposed subdivision is 21.69 acres in size with 71 lots on five blocks, and

**WHEREAS**, said preliminary plat and preliminary drainage report has been reviewed by the City Engineer and Development Services Director and other concerned agencies, and were found to be generally in compliance with the Subdivision Ordinance, the Zoning Ordinance, and

**WHEREAS**, the preliminary plat, preliminary drainage report, and exception requests were reviewed and recommended for approval with certain conditions by the Planning and Zoning Commission at the regular meeting on September 12, 2006 by a 7-0 vote, and

**WHEREAS**, the Mayor and Common Council approved the preliminary plat on October 2, 2006, with the adoption of Resolution #4547, and

**WHEREAS**, the Mayor and Common Council granted a one-year extension on the said preliminary plat with the adoption of Resolution #4620 and two two-year extensions on said preliminary plat with the adoption of Resolutions #4707 and #4812, and

**WHEREAS**, Hualapai Development LLC, property owner, received permission to seek an extension for a fourth preliminary plat extension on November 3, 2015, and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona: That upon the preliminary plat for Vista Bella Ranchitas, Tract 6029, as shown in Exhibit "A" and generally described as a portion of the NW ¼ of Section 10, T.21N., R.16W., of the G&SRM, Mohave County, Arizona, is hereby approved, with the conditions:

1. The Preliminary Drainage report need to evaluate and determine in much greater detail the locations, volumes and type of flows impacting this subdivision, especially the off-site flows along the southern boundary of this site. The Preliminary Drainage report will also need to show in more detail how the current design and layout of this subdivision will accommodate those flows and maintain historical flow volumes and conditions.
2. The current roadway layout shown on the preliminary plat has Roma Road in close proximity to Drainage Parcel A. The existing grades for Roma Road at Diamond Joe Road are less than a foot higher than the grades of the low water crossing in Diamond Joe Road for Drainage Parcel A. The existing wash upstream of this area is a braided wash with a main channel that meanders with time. The point where this wash crosses Diamond Joe Road may change unless there are some improvements in place to force this wash to cross at a certain location. These factors increase the risk that offsite flows intended to be carried in Drainage Parcel A cross at an unintended location and are carried by Roma Road. There are existing water lines in Diamond Joe Road that will limit how deep the low water crossing for Drainage Parcel A can be designed. These factors need to be evaluated at the preliminary plat stage to insure that the current preliminary plat layout can accommodate the necessary drainage improvements. Previous Engineering Department Preliminary Plat Time Extension comments and a marked up aerial mapping of this location are included for reference.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 1st day of December, 2015.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

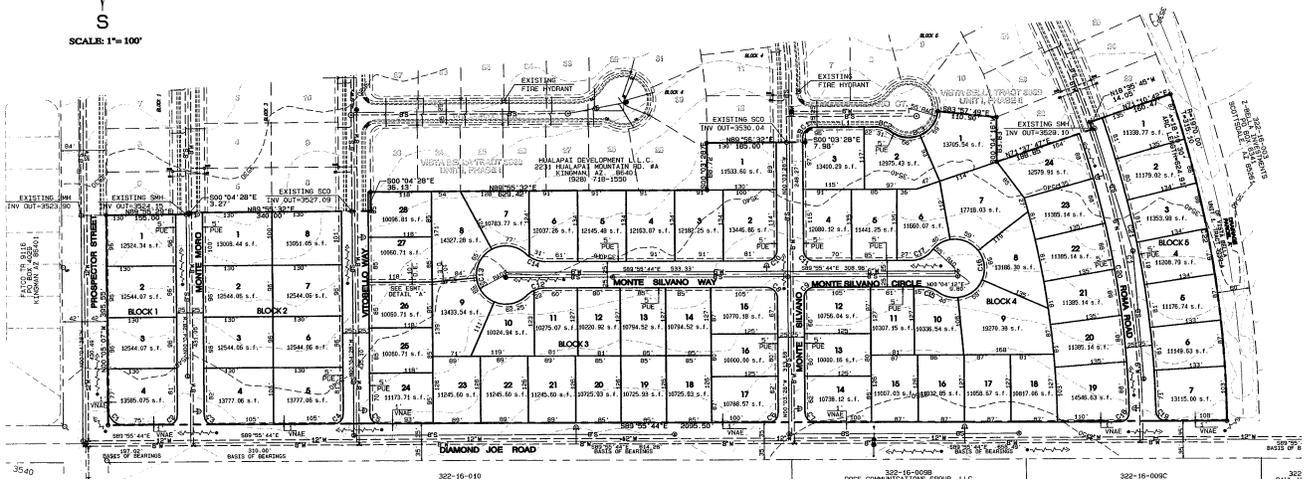
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney

# EXHIBIT "A"

## PRELIMINARY PLAN FOR VISTA BELLA RANCHITAS TRACT 6029

A PORTION OF SECTION 10,  
TOWNSHIP 21N RANGE 16W  
OF THE GIL A AND SALT RIVER MERIDIAN,  
MOHAVE COUNTY, KINGMAN, ARIZONA  
± 21.69 ACRES





**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Gary Jeppson

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Consideration of Resolution 4983 to expand the boundaries of the Entertainment District

---

**SUMMARY:**

Councilmember Carver requested that the City Council consider expanding the boundaries of the Entertainment District to include the area south of Andy Devine Avenue to Park Street. This expansion is still within the one square mile limitation of the Arizona Revised Statutes. Staff has drawn a new boundary map and it is attached to Resolution #4983

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Approve Resolution #4983

**ATTACHMENTS:**

Description

Resolution #4983

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	11/23/2015 - 11:09 AM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:12 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:25 AM

WHEN RECORDED HOLD FOR:  
KINGMAN CITY CLERK  
310 N. 41h Street  
Kingman, Arizona 86401

## **CITY OF KINGMAN RESOLUTION NO. 4983**

### **A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA AMENDING THE BOUNDARIES OF ITS ENTERTAINMENT DISTRICT PURSUANT TO ARIZONA REVISED STATUTES §4-207.C.4.**

**WHEREAS**, the City of Kingman desires to promote and revitalize its downtown area;  
and

**WHEREAS**, establishments serving spirituous liquor, wine and/or beer are important for  
the viability of the historic downtown Kingman; and

**WHEREAS**, the Arizona Revised Statutes §4-207 prohibits the issuance of licensing of  
establishments that sell or serve spirituous liquor, wine and/or beer within three hundred  
horizontal feet of a church, public or private school building with kindergarten programs  
or any of grades one through twelve or three hundred horizontal feet of a fenced  
recreational area adjacent to such school building; and

**WHEREAS**, the City of Kingman has a population less than 250,000; and

**WHEREAS**, Arizona Revised Statutes §4-207.C.4. allows a city or town that has a  
population less than 250,000 to have one Entertainment District; and

**WHEREAS**, the Arizona Revised District §4-207.D.5. defines an Entertainment District  
as "...a specific contiguous area that is designated an entertainment district by a  
resolution adopted by the governing body of a city or town, that consists of no more  
than one square mile, that is no less than one-eighth of a mile in width and that contains  
a significant number of entertainment, artistic and cultural venues, including music halls,  
concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants,  
bars, and other related facilities.' and

**WHEREAS**, Arizona Revised Statutes §4-207.C.4. allows a city or town to establish an  
Entertainment District to approve an exemption from the distance restrictions prescribed  
in Arizona Revised Statutes §4-207 for a church or a public or private school that is  
located in an Entertainment District, on a case-by-case basis; and

**WHEREAS**, the City of Kingman established an Entertainment District on October 20,  
2015; and

**WHEREAS**, the City of Kingman desires to expand the boundaries of its Entertainment District to include the area from Park Street to Andy Devine Avenue.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona that its Entertainment District is hereby the area shown in Exhibit "A".

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona, this 1st day of December, 2015.

**ATTEST:**

**APPROVED:**

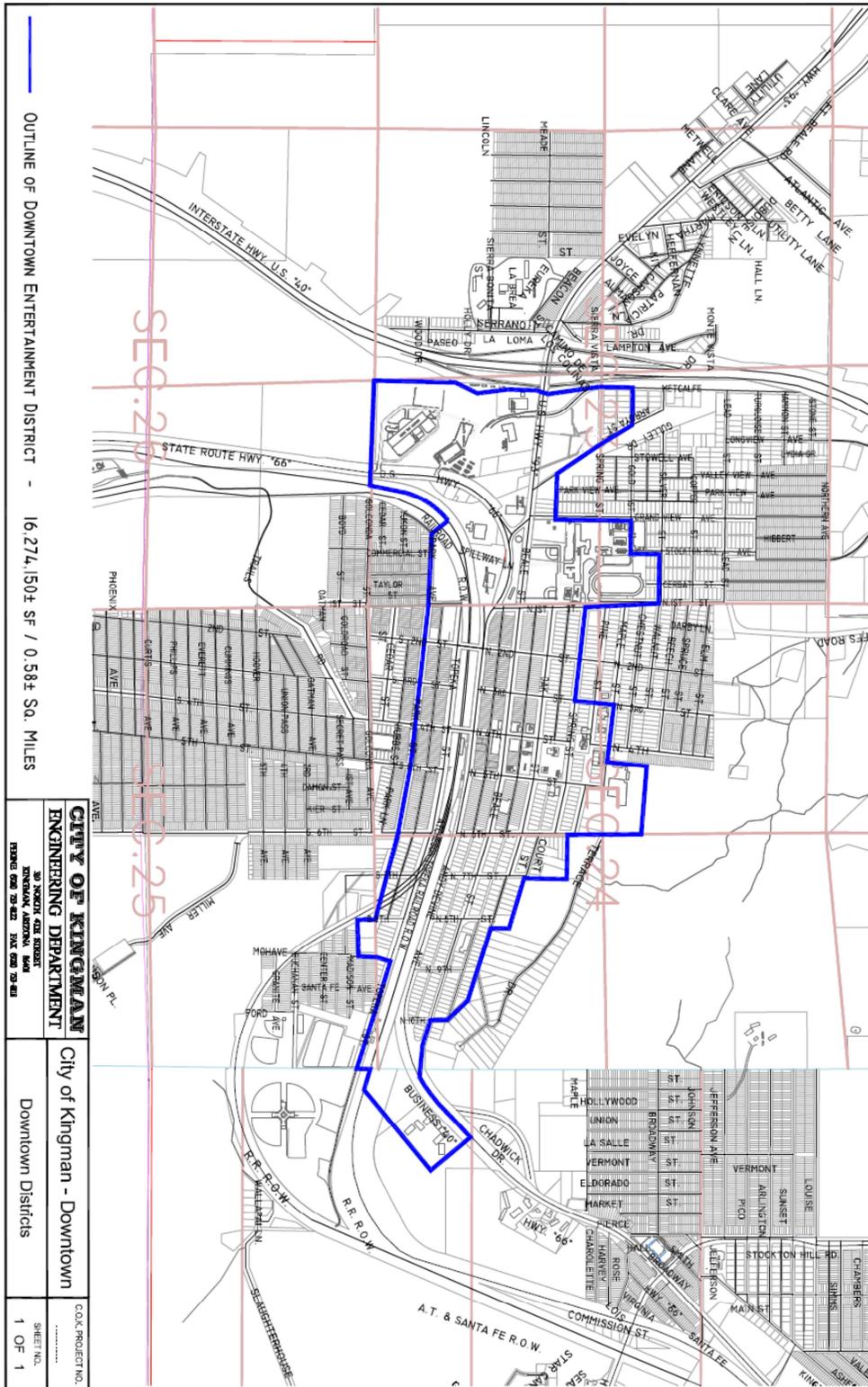
\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney

# EXHIBIT "A"





## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Engineering Services

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Consideration of a professional services agreement with Sunrise Engineering, Inc. for a Water Master Plan Update

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### **SUMMARY:**

The adopted budget includes funding for a Master Plan Update. It has been ten years since the last Master Plan update. The update is intended to identify and recommend solutions for the current and future water system. Specifically the Master Plan will:

1. Analyze the existing water system's capacity.
2. Identify current deficiencies within the system and determine impacts of future growth.
3. Assist in the planning of future services areas outlined in the City's current General Plan.
4. Develop a list of Capital Projects and Cost Estimates.
5. Update the City's computer model of the water system.

Staff has been in negotiations with Sunrise Engineering, Inc. regarding a proposal for the work. Sunrise Engineering is based in Mesa and has prepared numerous master plans for various cities within Arizona. They currently are under contract with the City of Kingman to update the Sewer Master Plan. Sunrise has submitted a proposal for \$232,000 to complete all tasks associated with the Master Plan. The adopted budget includes \$300,000 for the Master Plan.

### **FISCAL IMPACT:**

The cost for this work will be \$232,000 from the Water Projects Fund.

### **STAFF RECOMMENDATION:**

Staff recommends that Council approve the Professional Services Agreement with Sunrise Engineering, Inc. and authorize the Mayor to sign the Agreement on behalf of the City.

### **ATTACHMENTS:**

Description

Professional Services Agreement

### **REVIEWERS:**

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Rejected	11/20/2015 - 5:47 PM

Engineering	Allred, Phil	Approved	11/20/2015 - 5:52 PM
Engineering	Henry, Greg	Approved	11/20/2015 - 5:54 PM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:01 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:21 AM

**AGREEMENT FOR  
FOR ENGINEERING SERVICES FOR A  
WATER MASTER PLAN UPDATE  
ENG15-046**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of December, 2015, by and between the City of Kingman, an Arizona municipal corporation, hereinafter called "CITY" and Sunrise Engineering Inc., hereinafter called "ENGINEER".

**WITNESSETH**

WHEREAS, the CITY wishes to obtain engineering services for a Water Master Plan Update; and

WHEREAS, ENGINEER submitted a Detailed Scope of Services dated November 19, 2015, attached hereto and made a part hereof as Exhibit A, offering to perform engineering services for a Water Master Plan Update; and

WHEREAS, ENGINEER has agreed to complete the work for a fee not to exceed \$232,000.00 as detailed in Exhibit A; and

WHEREAS, it has been determined that ENGINEER is qualified and ready to perform the services as required by this Agreement;

NOW THEREFORE, it is mutually agreed as follows:

**I. ENGINEER'S DUTIES**

- A. ENGINEER shall provide all labor, materials and equipment and complete all tasks necessary for the completion of the Water Master Plan Update as outlined in Exhibit A.
- B. ENGINEER shall provide electronic and, as applicable, hard copies of all reports, models, plans, drawings and other materials prepared under this Agreement.

**II. CITY DUTIES**

The CITY agrees to provide information and make payment for the work covered under this Agreement in accordance with the following:

- A. The CITY shall provide ENGINEER with copies of plans, reports, drawings or other information of record applicable to this project.
- B. The CITY shall pay ENGINEER for the work performed on a monthly basis, upon receipt of a progress report that coincides with the hours completed for a given phase of work during the preceding month. The final payment will be paid after the project is complete and the work is accepted by the City Council.

**III. GENERAL COVENANTS**

It is further agreed by the CITY and ENGINEER as follows:

- A. **TERMINATION OF CONTRACT FOR CAUSE.** If through any cause, and after reasonable opportunity to commence a remedy, ENGINEER shall fail to fulfill in a timely and proper manner the obligations under the Agreement, or if ENGINEER shall violate any of the covenants, agreements, or stipulations of this Agreement, the CITY shall thereupon have the right to terminate this Agreement by giving written notice to ENGINEER of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by ENGINEER under this Agreement shall at the option of the CITY, become its property and ENGINEER shall be entitled to receive compensation for any work satisfactorily completed on the date of termination.

Notwithstanding the above, ENGINEER shall not be relieved of liability to the CITY for damages sustained by the CITY by virtue of any breach of the Agreement by ENGINEER.

- B. **CHANGES.** The CITY may, from time to time, request changes in the scope of the services of ENGINEER to be performed hereunder. Such changes, including any increase or decrease in the amount of ENGINEER compensation, which are mutually agreed upon by and between the CITY and ENGINEER, shall be incorporated in written amendments to this Agreement.
- C. **PERSONNEL.** ENGINEER represents that he has or will secure at his expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have contractual relationship with the CITY. All personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
- D. **ASSIGNABILITY.** Neither party shall assign, subcontract or transfer their interests, rights or obligations in this Agreement without prior written consent of the other party.
- E. **RECORDS AND AUDITS (Maintenance and Retention).** ENGINEER shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement to assure proper accounting for all project funds. A monthly summary of these records will be maintained by ENGINEER at the completion of the Agreement for retention for five years. Said records shall be made available for Inspection at ENGINEER's offices during normal business hours, upon request, to the CITY and any other body authorized in writing by the CITY.
- F. **FINDINGS CONFIDENTIAL.** All of the reports, data, information, etc., prepared or assembled by ENGINEER under this Agreement are confidential and shall not be made available to any individual or organization without the prior written approval of the CITY, with the exception of any recording of survey information required by law and with respect to information that:

- 1) becomes generally available to the public other than as a result of disclosure by ENGINEER or its agents or employees;
- 2) was available to ENGINEER on a non-confidential basis prior to its disclosure by City;
- 3) becomes available to ENGINEER from a third party who is not, to the knowledge of ENGINEER, bound to retain such information in confidence.

In the event ENGINEER is compelled by subpoena, court order, or administrative order to disclose any confidential information, ENGINEER shall promptly notify CITY and shall cooperate with CITY prior disclosure so that CITY may take necessary actions to protect such confidential information from disclosure.

- G. **COPYRIGHT**. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of ENGINEER.
- H. **DELAYS**. ENGINEER shall not be responsible for damages or be deemed to be in default by reason of delays in performance by reason of strikes, lockouts, accidents, acts of God, shortages of materials, delays caused by failure of CITY or CITY's agents to furnish information or to approve or disapprove work promptly or any other event beyond the control of ENGINEER. In the case of the happening of any such cause of delay, the time of completion shall be extended accordingly.
- I. **CONFLICT OR DISPUTE**. In the event of a conflict or dispute as to the interpretation, application or implementation of this Agreement, either party shall have the right to submit the conflict or dispute to mediation in accordance with the rules of the American Arbitration Association then in effect. Any disputes arising from this Agreement in any way and involving an amount of less than \$50,000 shall be settled by arbitration.
- J. **STANDARD OF CARE – PROFESSIONAL SERVICES**. Subject to limitations inherent in the agreed scope of work as to the degree of care, amount of time and expenses to be incurred, and subject to any other limitations contained in this Agreement, ENGINEER shall perform its services in accordance with generally accepted standards and practices customarily utilized by competent engineering firms in effect at the time ENGINEER's services are rendered. ENGINEER does not expressly or impliedly warrant or guarantee its services.
- K. **RELIANCE UPON INFORMATION PROVIDED BY OTHERS**. If ENGINEER's performance of services hereunder requires ENGINEER to rely on information provided by other parties (excepting ENGINEER's subcontractors) ENGINEER shall not independently verify the validity, completeness, or accuracy of such information unless expressly engaged to do so by CITY.
- L. **SEPARABILITY**. In the event any term or provision of this Agreement is held to be invalid and unenforceable, the validity of the other provisions shall not be affected, and this Agreement shall be construed and enforced as if it did not contain the particular term or provision that is invalid or unenforceable.

- M. **COMPLETION TIME.** The ENGINEER shall complete the work per the schedule outlined in Exhibit A.
- N. **INDEMNIFICATION.** To the fullest extent permitted by law, the ENGINEER shall defend, indemnify and hold harmless the City, its agents, representatives, officers, directors, officials and employees from and against all claims, damages, losses and expenses (including but not limited to reasonable attorney fees, court costs, and the cost of appellate proceedings) to the extent arising out of, or alleged to have resulted from the ENGINEER's negligent acts, errors, mistakes or omissions relating to professional work or services in the performance of this Contract. ENGINEER's duty to defend, hold harmless and indemnify the City, its agents, representatives, officers, directors, officials and employees shall arise in connection with any claim, damages, loss or expense that is attributable to bodily injury, sickness, disease or death, or injury to, impairment, or destruction of property caused by any negligent acts, errors, mistakes or omissions related to professional services in the performance of this Contract, including any person for whose acts, errors, mistakes or omissions the ENGINEER may be held legally responsible and liable for under the law.
- O. **INSURANCE REQUIREMENTS.** The ENGINEER retained by the City to provide the work or service required by this contract will maintain Professional Liability insurance covering ENGINEER's negligent acts, errors, mistakes and omissions arising out of the work or services performed by the ENGINEER, or any person employed by the ENGINEER, with a limit of not less than \$1,000,000 each claim. Proof of such insurance shall be provided to the CITY.

The amount and type of insurance coverage as required herein will in no way be construed as limiting the scope of the indemnity in this paragraph.

- P. **COMPLIANCE WITH FEDERAL AND STATE LAWS.** The Consultant understands and acknowledges the applicability to it of the American with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The Consultant must also comply with A.R.S. § 34-301, "Employment of Aliens on Public Works Prohibited", and A.R.S. § 34-302, as amended, "Residence Requirements for Employees".

Under the provisions of A.R.S. §41-4401, Consultant hereby warrants to the City that the Consultant and each of its subconsultants ("Subconsultants") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter "Consultant Immigration Warranty").

A breach of the Consultant Immigration Warranty shall constitute a material breach of this Contract and shall subject the Consultant to penalties up to and including termination of this Contract at the sole discretion of the City.

The City retains the legal right to inspect the papers of any Consultant or Subconsultant's employee who works on this Contract to ensure that the Consultant or Subconsultant is

complying with the Consultant Immigration Warranty. The City may, at its sole discretion, conduct random verification of the employment records of the Consultant and any of Subconsultants to ensure compliance with Consultant's Immigration Warranty. Consultant agrees to assist the City in regard to any such inspections. The Consultant and its Subconsultants warrant to keep the papers and records open for random inspection during normal business hours by the City. The Consultant and its Subconsultants shall cooperate with the City's random inspections including granting the City entry rights onto its property to perform the random inspections and waiving their respective rights to keep such papers and records confidential.

Neither the Consultant nor any of Subconsultants shall be deemed to have materially breached the Consultant Immigration Warranty if the Consultant or Subconsultant establishes that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

IN WITNESS WHEREOF, we have set our hands and seal the day, month and year first above written.

SUNRISE ENGINEERING INC.

\_\_\_\_\_  
Gregory D. Potter, P.E.  
Principal/Vice President

State of Arizona                    )  
  )ss.  
County of \_\_\_\_\_            )

Subscribed and Sworn to  
Before Me This \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

.....  
CITY OF KINGMAN, ARIZONA

\_\_\_\_\_  
RICHARD ANDERSON, MAYOR

Attest:

\_\_\_\_\_  
SYDNEY MUHLE, CITY CLERK



## EXHIBIT A

Date: November 19, 2015

To: Gregory T. Henry, P.E.  
City Engineer  
City of Kingman  
310 N. 4<sup>th</sup> Street  
Kingman, AZ 86401  
Phone: 928-753-8122  
Email: [ghenry@cityofkingman.gov](mailto:ghenry@cityofkingman.gov)

Subject: **CONTRACT for Engineering Services  
Water System Master Plan**

Dear Mr. Henry,

Sunrise Engineering, Inc. (SEI) is pleased to provide the following proposal and agreement to provide Professional Engineering Services for the above referenced project. SEI agrees, upon receipt of your acceptance to this agreement, to perform the following identified services in accordance and the terms and conditions contained herein.

### **Scope of Services**

The City of Kingman is in need of an analysis of the City's existing water system to determine existing system capacity, determine impacts of future growth and assist in the planning of future potential service areas. The last system analysis was performed in 2005. Since that time the City has experienced different growth patterns than anticipated in this analysis.

The purpose of this Water Master Plan is to provide an analysis of the City's existing water system that will determine existing system capacity, identify current deficiencies within the system, determine impacts of future growth, assist in the planning of future service areas outlined in the City's current General Plan and develop a capital improvements program for the water system.

Based on the conditions described above the scope of services for this project has been divided into separate phases and tasks are as follows:

**PHASE 1: Data Collection & Design Criteria** – This phase of the project will develop the background data used in the master planning phases of the project.

**Task 1 - Kick-off Meeting:** SEI will attend a team meeting with the City of Kingman staff to review the overall scope of work, evaluation criteria, schedule, communication lines, project reporting, planning period confirmation and confirm the project planning limits.

**Task 2 - Data Collection & Evaluation:** SEI will work with City staff to obtain the most recent existing digital files from the City to support the water system modeling and master planning. These files are anticipated to include:

- a. WaterGems Model Information (pipe, tanks, wells & pumps)
- b. Connection and water use information
- c. Well pumping information
- d. Water system inventory information
  - i. Distribution system information
  - ii. Storage tanks
  - iii. Booster pumps (field verify flow & pressure)
  - iv. Water production wells (field verify flow & pressure)
  - v. Pressure reducing valves (PRV's)
- e. Water sampling test data

The City of Kingman's current water model is 8" and larger pipe with 6" critical lines for looping. The intent of this scope is to update this model with same criteria. An allowance to add additional lines (6" and smaller) has been included in the scope (see Phase 6).

**Task 3 – Design Criteria Development:** This task includes the development of the "design criteria" that will be used as the governing analysis criteria for the water system. The project team will review the City's development design criteria for new water infrastructure. In addition, the team will meet collaboratively with the City to determine infrastructure analysis/sizing criteria, anticipated growth rates, peaking factors and new development population/connection densities.

**PHASE 2: 2016 (Current) Water System Analysis** – The analysis for this phase of the project will evaluate the existing conditions within the system today and provide recommendations for improvements to correct existing deficiencies and optimization within the water system.

**Task 1 - Demand Analysis:** Sunrise Engineering will work with the City staff to obtain the most recent water use and well pump information for the past several years. This information will be used to develop/update the existing water use loading within the system. In addition this will be used to project future loading of the system as development occurs.

**Task 2 - Source Analysis:** Based on the demand analysis, Sunrise Engineering will perform a source analysis for the system for the current number of connections. This analysis will be based on ADEQ requirements and guidelines. The intent of this analysis is to show either a surplus or deficit of water source (well and well pumping capacity) within the system. In addition this will include an analysis of the well pump flow data in comparison to the water meter data to determine the amount of loss being experienced by the distribution system.

**Task 3 - Storage Analysis:** Based on the demand analysis, Sunrise Engineering will perform a water storage analysis for the system for the current number of connections. This analysis will be based on ADEQ requirements and fire storage needs. The intent of this analysis is to show either a surplus or deficit of water storage (storage tank capacity) within the system.

**Task 4 - Distribution System Modeling:** Sunrise Engineering will convert the City's existing WaterGems model of the distribution system to an H2ONet model using the information gathered in the data collection and demand analysis sub-tasks. The following scenarios will be analyzed and maps created as part of the distribution system modeling:

- a. Flow Simulation: A steady state flow simulation will be conducted on the system at average day, max day and peak day demands. This analysis is intended to simulate how the system operates on "the hottest day of the year" with all of the system components contributing flow to the system.
- b. Fire Flow Analysis: In addition to the peak day demand, fire flows will be applied on nodes throughout the system (one at a time) to simulate the required fire flow demands. Fire flow rates will be determined by the City's adopted building codes and current land use (i.e. residential, commercial, multifamily, etc.). This simulation will show the system's ability to meet the required fire flow demand without reducing the pressure at any point in the system below 20 psi.
- c. Pressure zone analysis: The City currently operates five main pressure zones within the system governed by over 30 PRV's. The distribution modeling will include an analysis of these pressure zones, piping and PRV's to determine the infrastructure required to optimize these pressure zones and eliminate as many PRV's as practicably as possible.
- d. Pipe age and material map: Based on City staff input and information a pipe age map defining the estimated decade (70's, 80's, etc.) that the infrastructure was installed will be created. In addition, a pipe material type map will be created based on input and information provided by the City staff. This task does not include a detailed review of City as-builts by SEI to create this map.

**Task 5 - Improvement Recommendations & Cost Estimates:** Based on the analysis performed as described above, a prioritized list of proposed improvement recommendations (storage, booster pumps, line extensions, wells, automated meter reading, etc.), if required, will be developed to address any identified shortfalls or optimization opportunities within the water system. Cost estimates for each of these improvements will be developed so they can be added to the City's CIP.

**PHASE 3: 2026 (10-year) Water System Analysis** – The analysis for this phase of the project will evaluate projected growth and resultant improvements necessary to support this growth within the system over the next 10 years.

**Task 1 - Projected Demand Analysis:** Sunrise Engineering will use the historical water use from the City's records to project potential water usages from future development. This information will be used in conjunction with the City's general plan to develop future loading projections within the existing service area and will be compared to the City's in-house water use calculations. This will include projected growth areas (east and west) along the I-40 corridor and within the City's airport industrial zone.

**Task 2 - Source Analysis:** Based on the demand analysis, Sunrise Engineering will perform a source analysis for the system for the build-out number of connections within the City's existing service area. This analysis will be based on ADEQ requirements and guidelines. The intent of this analysis is to show future water source needs (well and well pumping capacity) within the system. In addition, a timeline for the implementation of additional source will be created based on growth projections over time.

**Task 3 - Storage Analysis:** Based on the demand analysis, Sunrise Engineering will perform a storage analysis for the system for the build-out number of connections within the City's existing service area. This analysis will be based on ADEQ requirements and guidelines. The intent of this analysis is to show future water storage needs (well and well pumping capacity) within the system. In addition, a timeline for the implementation of additional storage will be created based on growth projections over time.

**Task 4 - Distribution System Modeling:** Sunrise Engineering will perform simulations by adding to the City's existing H2ONet model of the distribution system using the information gathered in the data collection and demand analysis sub-tasks. These simulations are intended to show two things; one is if the existing system will handle the projected demands and two as the system expands, what size facilities should be installed to meet the demand. Two separate flow conditions will be analyzed as part of the distribution system modeling which are as follows:

- a. Flow Simulation: A steady state flow simulation will be conducted on the system at average day, max day and peak day demands. This analysis is intended to simulate how the system operates on "the hottest day of the year" with all of the system components contributing flow to the system.
- b. Fire Flow Analysis: In addition to the peak day demand fire flows will be applied on nodes throughout the system (one at a time) to simulate the fire flow demands. Fire flow rates will be determined by the City's adopted building codes and projected land use (i.e. residential, commercial, multifamily, etc.) based on the City's general plan. This simulation will show the system's ability to meet the required fire flow demand without reducing the pressure at any point in the system below 20 psi. This analysis is critical, because as the City's employment and commercial base grows the fire flow demands required of the distribution system increase substantially.

**Task 5 - Improvement Recommendations & Cost Estimates:** Based on the analysis performed as described above, a prioritized list of proposed improvement recommendations (storage, booster pumps, line extensions, line size increases, wells, etc.), if required, will be developed to address the growth needs within the existing water system boundary. Cost estimates and projected dates for each of these improvements will be developed so they can be added to the City's CIP.



**PHASE 4: Build-Out Water System Analysis** - The analysis for this phase of the project will evaluate projected growth and resultant improvements necessary to support this growth within the system for a “build-out” condition to the limits of the water system boundary shown in Item 3.

**Task 1 - Projected Demand Analysis:** Sunrise Engineering will use the historical water use from the City’s records to project potential water usages from future development. This information will be used in conjunction with the City’s/County general plan to develop future loading projections within the existing service area and will be compared to the City’s in-house water use calculations.

**Task 2 - Source Analysis:** Based on the demand analysis, Sunrise Engineering will perform a source analysis for the system for the build-out number of connections within the City’s existing service area. This analysis will be based on ADEQ requirements and guidelines. The intent of this analysis is to show future water source needs (well and well pumping capacity) within the system. In addition, a timeline for the implementation of additional source will be created based on growth projections over time. This will include an analysis of possible new areas (i.e. Golden Valley) for source development to support this growth.

**Task 3 - Storage Analysis:** Based on the demand analysis, Sunrise Engineering will perform a storage analysis for the system for the build-out number of connections within the City’s existing service area. This analysis will be based on ADEQ requirements and guidelines. The intent of this analysis is to show future water storage needs (well and well pumping capacity) within the system. In addition, a timeline for the implementation of additional storage will be created based on growth projections over time.

**Task 4 - Distribution System Modeling:** Sunrise Engineering will perform simulations by adding to the City’s existing H2ONet model of the distribution system using the information gathered in the data collection and demand analysis sub-tasks. These simulations are intended to show two things; one is if the existing system will handle the projected demands and two as the system expands, what size facilities should be installed to meet the demand. Two separate flow conditions will be analyzed as part of the distribution system modeling which are as follows:

- a. **Flow Simulation:** A steady state flow simulation will be conducted on the system at average day, max day and peak day demands. This analysis is intended to simulate how the system operates on “the hottest day of the year” with all of the system components contributing flow to the system.
- b. **Fire Flow Analysis:** In addition to the peak day demand fire flows will be applied on nodes throughout the system (one at a time) to simulate the fire flow demands. Fire flow rates will be determined by the City’s adopted building codes and projected land use (i.e. residential, commercial, multifamily, etc.) based on the City’s general plan. This simulation will show the system’s ability to meet the required fire flow demand without reducing the pressure at any point in the system below 20 psi. This analysis is critical, because as the City’s employment and commercial base grows the fire flow demands required of the distribution system increase substantially.



**Task 5 - Improvement Recommendations & Cost Estimates:** Based on the analysis performed as described above, a prioritized list of proposed improvement recommendations (storage, booster pumps, line extensions, line size increases, wells, etc.), if required, will be developed to address the ultimate growth needs within the existing water system boundary. Cost estimates and projected dates for each of these improvements will be developed so they can be added to the City's CIP.

#### **Phase 5: PROJECT MANAGEMENT and FINAL DELIVERABLES**

**Task 1 - Meetings & Project Management:** The scope of work included in this task is for the project meetings and management, which is as follows:

- Attend up to 3 meetings with the client for the project at the City. Attend up to 3 meetings with the client for the project at SEI's office.
- Prepare and maintain project schedule.
- Prepare written monthly project progress update for the scope of work outlined within this contract.
- Coordinate activities of the project team.

**Task 2 – Study Presentation to City:** A power point presentation will be prepared showing a summary of the Water Master Plan. This presentation will be shown so the City can become familiar with the results of the Master Plan. This task is in addition to the meetings outlined in the Meetings & Project Management task shown above.

**Task 3 – Prepare Final Report:** This scope of work includes the preparation of a “Water Master Plan Report” based on the scope of work shown above. This document will summarize the results of the existing, 10-year and build-out analyses performed on the water system.

#### **Phase 6: ALLOWNACES**

**Task 1 – Addition of 6” and smaller lines:** The City's current model only includes 8” and larger lines and critical 6” lines. This optional task is intended to allow for the City to add 6” and smaller lines to achieve a more complete representation of the City's water system. A budget amount has been established to allow for these line additions. Services will be provided on a time and material basis up to the budget amount unless additional budget is authorized by the City.

**Task 2 – Leak/Water Loss Analysis:** The City's suspects that the water system may be experiencing leaks or water losses from the system. If the analysis shown in Phase 2 Task 2 determines that the water losses are in excess of “normal” losses experienced by water systems this task will be used to determine possible sources of the losses (i.e. leaks, water theft, and improper meter reading) and developing a strategy for reducing the losses experienced by the system. A budget amount has been established to allow for this analysis. Services will be provided on a time and material basis up to the budget amount unless additional budget is authorized by the City.



### **Scope of Work Exclusions & Conditions**

1. This proposal has been prepared with the assumption that the City will provide copies of the items outlined in the data collection task.
2. Any additional services, not outlined above, shall be performed at our hourly rates shown in Item 2 in addition to the contract cost.
3. Reproduction costs shall be billed as a reimbursable expense in addition to the project cost.

The scope of work for the engineering services to be performed as part of this contract will be provided on a lump sum basis as shown in Item 1. Any further services requested in excess of those listed above will be performed at the rates and fees shown in Item 2.

If you have any questions regarding this proposal please contact our office at (480) 768-8600. We look forward to working with you.

Sincerely,  
SUNRISE ENGINEERING, INC.

Gregory D. Potter, P.E.  
Principal/Vice President



## ITEM 1 – Fees

<b>Cost Summary</b>					
<b>Water System Master Plan</b>					
Phase	Task	Work Task Description	(\$)	Fee Type	Manhours
<b>0001</b>		<b>Data Collection &amp; Design Criteria</b>			
	001	Kickoff Meeting & Site Visit	\$4,400		32
	002	Data Collection & Evaluation	\$8,300		68
	003	Design Criteria Development	\$2,500		20
		<b>Subtotal</b>	<b>\$15,200</b>	<b>Lump Sum</b>	
<b>0002</b>		<b>2016 (Current) Water System Analysis</b>			
	001	Demand Analysis	\$8,800		72
	002	Source Analysis	\$4,700		42
	003	Storage Analysis	\$4,700		42
	004	Distribution System Modeling	\$33,000		296
	005	Improvement Recommendations & Cost Estimates	\$22,700		208
		<b>Subtotal</b>	<b>\$73,900</b>	<b>Lump Sum</b>	
<b>0003</b>		<b>2026 (10-year) Water System Analysis</b>			
	001	Projected Demand Analysis	\$3,500		28
	002	Source Analysis	\$2,900		26
	003	Storage Analysis	\$2,900		26
	004	Distribution System Modeling	\$21,200		192
	005	Improvement Recommendations & Cost Estimates	\$11,700		108
		<b>Subtotal</b>	<b>\$42,200</b>	<b>Lump Sum</b>	
<b>0004</b>		<b>Build-Out Water System Analysis</b>			
	001	Projected Demand Analysis	\$3,100		26
	002	Source Analysis	\$2,900		26
	003	Storage Analysis	\$2,900		26
	004	Distribution System Modeling	\$21,200		192
	005	Improvement Recommendations & Cost Estimates	\$11,700		108
		<b>Subtotal</b>	<b>\$41,800</b>	<b>Lump Sum</b>	
<b>0005</b>		<b>Project Management &amp; Final Deliverables</b>			
	001	Meetings & Project Management	\$12,900		96
	002	Study Presentation to City	\$5,500		40
	003	Prepare Final Report	\$32,700		296
		<b>Subtotal</b>	<b>\$51,100</b>	<b>Lump Sum</b>	
<b>0006</b>		<b>Project Management &amp; Final Deliverables</b>			
	001	Addition of 6" & Smaller Lines	\$4,800		48
	002	Additional Leak/Water Loss Analysis	\$3,000		24
		<b>Subtotal</b>	<b>\$7,800</b>	<b>T&amp;M</b>	
		<b>TOTAL</b>	<b>\$232,000</b>		1970



## ITEM 2 – Fee Schedule

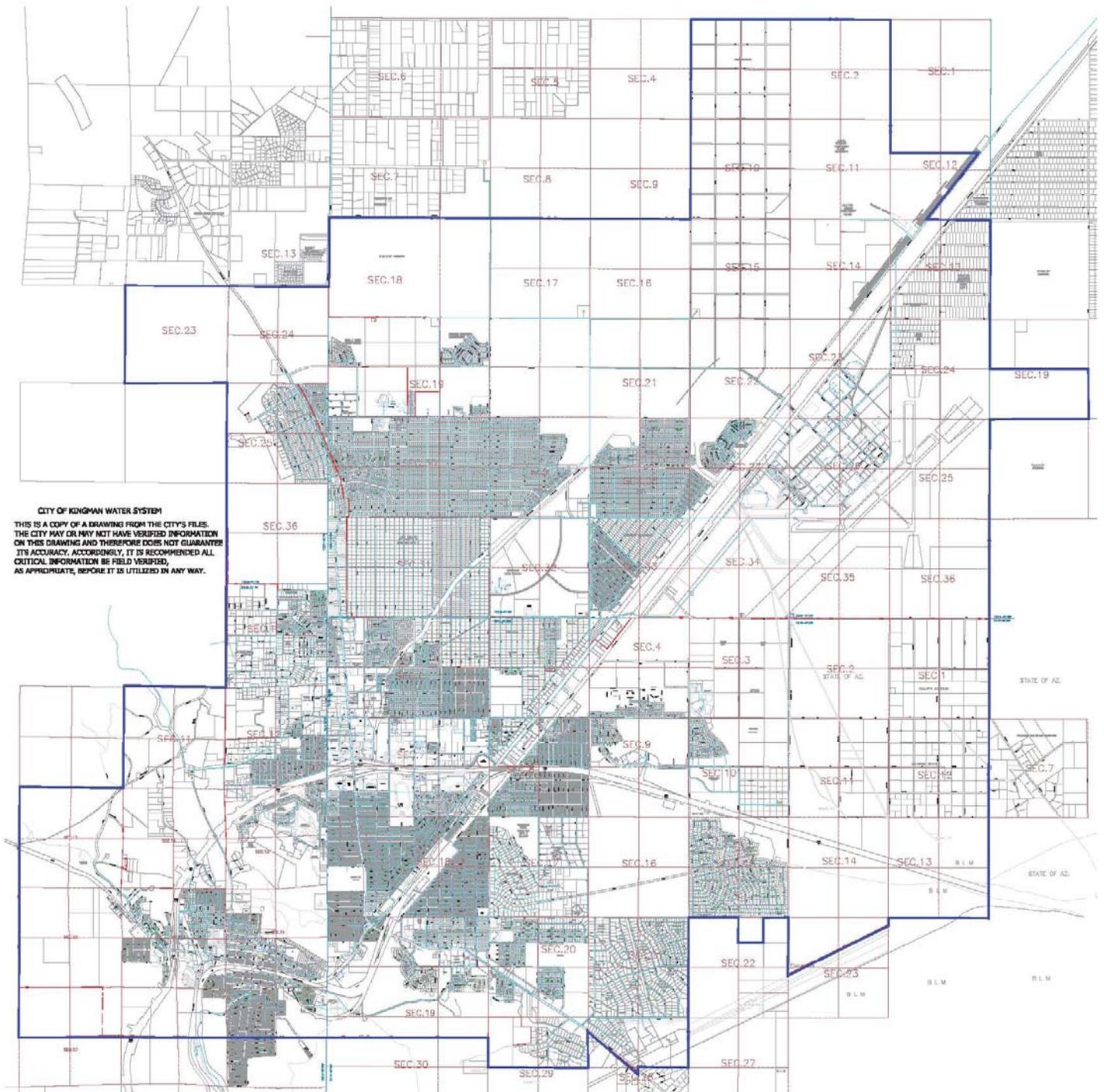
### SUNRISE ENGINEERING, INC.

#### Arizona Offices 2015 Fee Schedule

<u>CODE</u>	<u>CLASSIFICATION</u>	<u>RATE</u>	<u>CODE</u>	<u>CLASSIFICATION</u>	<u>RATE</u>
101	Engineer (E.I.T.) I	\$85 <i>per hour</i>	051	Administrative I	\$40 <i>per hour</i>
102	Engineer (E.I.T.) II	\$95	052	Administrative II	\$49
103	Engineer III	\$125	053	Administrative III	\$59
104	Engineer IV	\$139	922	Survey Tech	\$60
105	Engineer V	\$159	930	Survey CAD Tech	\$85
110	Principal Engineer	\$189	935	Survey Crew Chief	\$110
711	Project Manager I	\$110	940	Survey Manager	\$115
712	Project Manager II	\$150	945	Registered Surveyor	\$125
301	Engineering Tech I	\$69	950	Principal Surveyor	\$160
302	Engineering Tech II	\$85	106	Construction Manager I	\$ 119
303	Engineering Tech III	\$95	107	Construction Manager II	\$ 139
304	Engineering Tech IV	\$105	108	Sr. Construction Manager	\$ 159
401	CAD Technician I	\$59	306	Field Technician I	\$ 59
402	CAD Technician II	\$69	307	Field Technician II	\$ 69
403	CAD Technician III	\$79	308	Field Technician III	\$ 79
404	CAD Technician IV	\$89	MILE	Mileage	\$0.59 <i>per mile</i>

*Subconsultants and other direct expenses as incurred plus 10% handling fee*

## ITEM 3 – System Boundary



**CITY OF KINGMAN WATER SYSTEM**  
THIS IS A COPY OF A DRAWING FROM THE CITY'S FILES.  
THE CITY MAY OR MAY NOT HAVE VERIFIED INFORMATION  
ON THIS DRAWING AND THEREFORE DOES NOT GUARANTEE  
ITS ACCURACY. ACCORDINGLY, IT IS RECOMMENDED ALL  
CRITICAL INFORMATION BE FIELD VERIFIED,  
AS APPROPRIATE, BEFORE IT IS UTILIZED IN ANY WAY.

— SYSTEM BOUNDARY



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Engineering Services

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Resolution 4984, allowing an exception to Section 1-12 of the Streets and Sidewalks Regulations

---

**SUMMARY:**

Staff has received a request for an exception to Section 1-12 of the Streets and Sidewalks Rules and Regulations for 3150 and 3152 Stockton Hill Road (Parcels 320-13-007 & 320-13-044).

Section 1-12 of the Streets and Sidewalks Development Rules and Regulations allows one commercial driveway for properties with frontage of less than 300 feet. When combined, the subject properties will have approximately 200 feet of frontage.

Rex Ruge has submitted a site plan requesting two driveways for the subject properties. The site plan was reviewed at the November 19 Traffic Safety Committee. The Traffic Safety Committee generally agrees with the exception allowing two driveways for the subject properties.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval of Resolution No. 4984

**ATTACHMENTS:**

Description

Resolution No. 4984

Proposed Site Plan

Map

**REVIEWERS:**

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	11/20/2015 - 5:31 PM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 4:11 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:29 AM

**CITY OF KINGMAN  
RESOLUTION NO. 4984**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, AUTHORIZING AN EXCEPTION TO SECTION 1-12 OF THE STREETS AND SIDEWALKS DEVELOPMENT RULES AND REGULATIONS FOR 3150 AND 3152 STOCKTON HILL ROAD (PARCELS 320-13-007 AND 320-13-044), REGARDING DRIVEWAY REQUIREMENTS.**

**WHEREAS**, the Section 1-12 (b) of the Streets and Sidewalks Development Rules and Regulations allows one commercial driveway for properties with frontage of less than three hundred feet; and

**WHEREAS**, staff has received a proposed development plan for parcels 320-13-007 and 320-13-044 which properties together have a frontage of approximately two hundred feet; and

**WHEREAS**, the developer has submitted a site plan requesting that an existing driveway for parcel 320-13-044 remain and that a new driveway for parcel 320-13-007 be allowed; and

**WHEREAS**, the City’s Traffic Safety Committee has reviewed this request at their November 19 meeting and generally concurs with exception allowing the second driveway.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona, that the developer of parcels 320-13-007 and 320-13-044 shall be allowed an exception to the Street Regulations by allowing two driveways to the subject properties.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on this 1<sup>ST</sup> day of December 2015.

ATTEST:

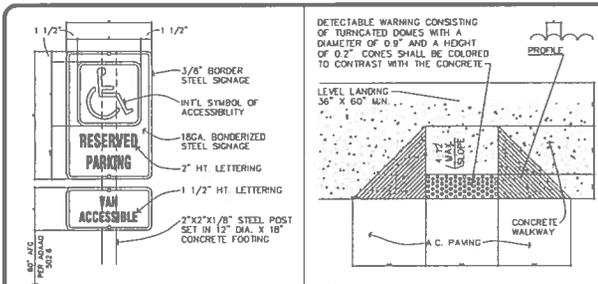
APPROVED:

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

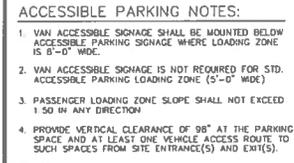
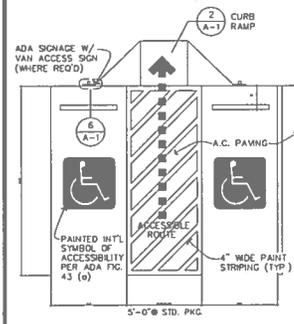
APPROVED AS TO FORM:

\_\_\_\_\_  
Carl Cooper, City Attorney



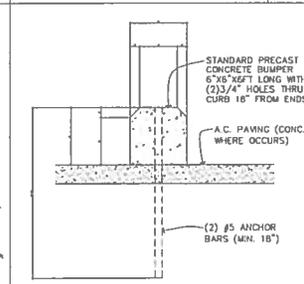
SITE-102 SCALE: 1/2"=1'-0" **PARKING SIGNAGE** 6

TOTAL SPACES	REQUIRED NUMBER OF ACCESSIBLE SPACES	MIN. NUMBER OF VAN ACCESSIBLE SPACES
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1

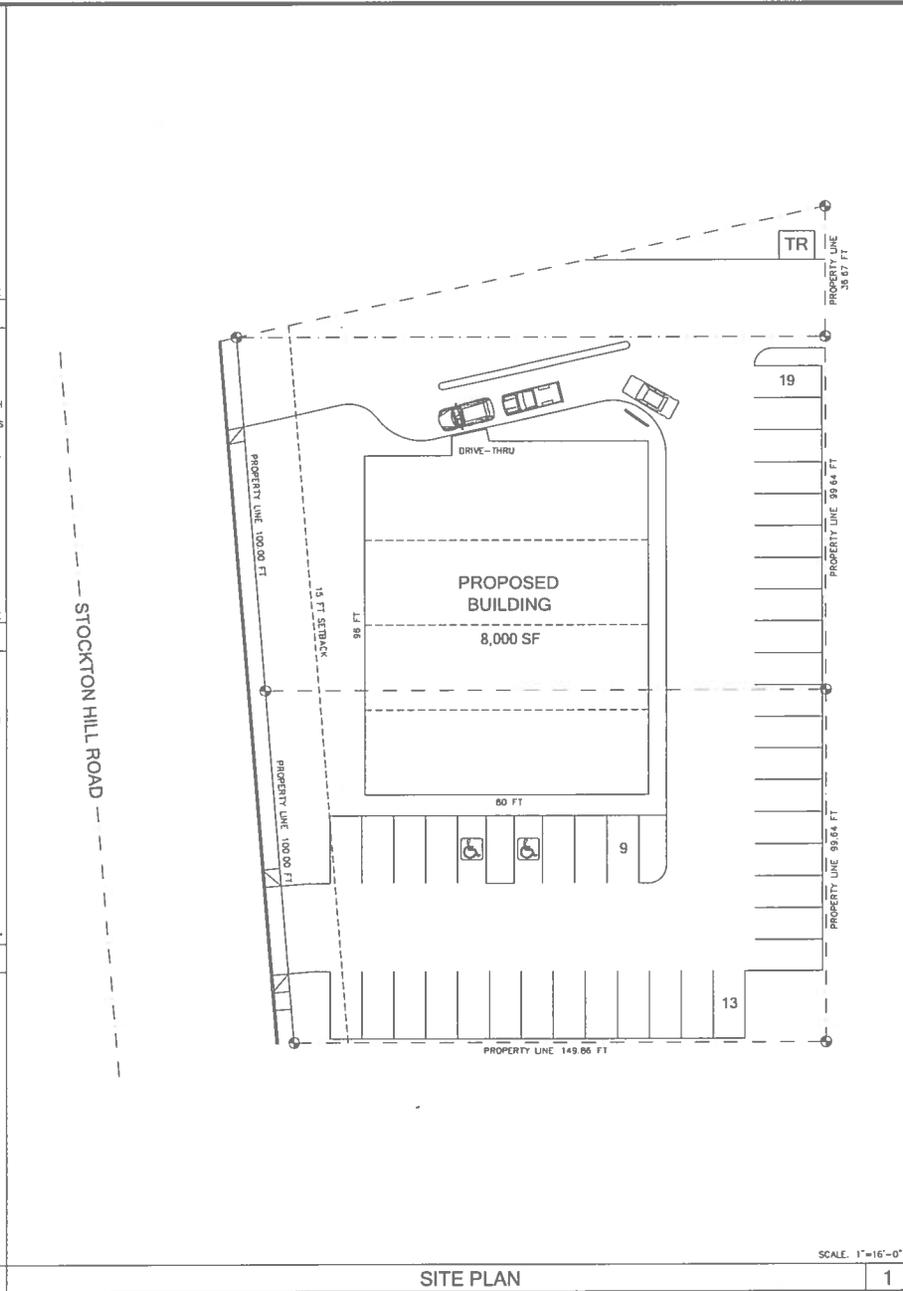


SITE-103 NO SCALE **ADA PARKING STALL** 7

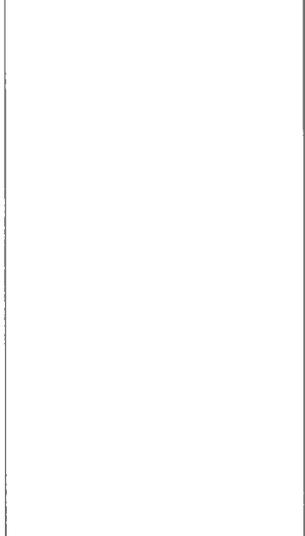
SITE-104 NO SCALE **ADA CURB RAMP** 2



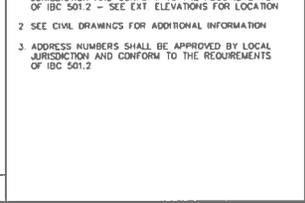
SITE-105 NO SCALE **BICYCLE RACK** 4



- REFERENCE NOTES**
- 1. CONCRETE WALKWAY - SEE CIVIL DRAWINGS
  - 2. CONCRETE WALKWAY/STOOP
  - 3. 6" CONCRETE CURB
  - 4. ASPHALTIC CONCRETE PAVING (SEE CIVIL DWGS)
  - 5. FUTURE MONUMENT SIGNAGE (SEPARATE PERMIT)
  - 6. BICYCLE RACK - SEE DETAIL #4/A-1
  - 7. ELECTRIC SERVICE TO BUILDING
  - 8. BACKFLOW PREVENTION DEVICE - SEE "P" DRAWINGS
  - 9. WATER LINE - SEE CIVIL DRAWINGS
  - 10. RETENTION AREA - SEE CIVIL DRAWINGS
  - 11. CONCRETE PARKING BUMPER - SEE DETAIL #3/A-1
  - 12. LEACH FIELD - CIVIL DRAWINGS
  - 13. POLE LIGHT - SEE "E" DRAWINGS
  - 14. WASTE LINE - SEE CIVIL DRAWINGS
  - 15. ADAAG ACCESSIBLE CONCRETE CURB RAMP - SEE DETAIL #2/A-1
  - 16. 3" PAINTED STRIPING (TYPICAL)
  - 17. FUEL DISPENSING ISLAND (BY OTHERS)
  - 18. WELL, PUMP, AND TANK - SEE CIVIL DRAWINGS
  - 19. TRASH ENCLOSURE - SEE CIVIL DRAWINGS
  - 20. FUEL ENCLOSURE
  - 21. (3) 12,000 GAL. FUEL TANKS (BY OTHERS)
  - 22. NEW CONCRETE DRIVEWAY ENTRANCE - SEE CIVIL DWGS.
  - 23. SEPTIC TANK
  - 24. EXISTING RIGHT-OF-WAY TO BE LANDSCAPED
  - 25. EXISTING POWER POLES
  - 26. PAINTED STEEL PIPE BOLLARD
  - 27. EXISTING CONCRETE WALKWAY
  - 28. SLATED CHAIN-LINK FENCE ALONG PROPERTY LINE
  - 29. RESERVE LEACH LINE
  - 30. GREASE INTERCEPTOR
  - 31. TELEPHONE PEDESTAL
  - 32. PROPANE TANKS
  - 33. UNDERGROUND PROPANE LINE
  - 34. STRIPED ACCESSIBLE PATH TO R.O.W. WITH DETECTABLE WARNING PER CODE - SEE CIVIL DRAWINGS FOR SPECIFIC GRADE/SLOPE INFORMATION



SITE-106 NO SCALE **ADA PARKING STALL** 7



SITE-107 SCALE: 3/4"=1'-0" **BICYCLE RACK** 4

**SITE NOTES**

1. ADDRESS NUMBERS SHALL BE APPROVED BY LOCAL JURISDICTION AND CONFORM TO THE REQUIREMENTS OF IDC 501.2 - SEE EXT. ELEVATIONS FOR LOCATION
2. SEE CIVIL DRAWINGS FOR ADDITIONAL INFORMATION
3. ADDRESS NUMBERS SHALL BE APPROVED BY LOCAL JURISDICTION AND CONFORM TO THE REQUIREMENTS OF IDC 501.2

**STOCKTON DEVELOPMENT**  
KINGMAN, ARIZONA

**R GROUP ON**  
ARCHITECTURE & PLANNING  
678 NORTH LAKEVIEW DRIVE # KINGMAN # AZ 86409 928.718.0195

PROJECT NUMBER: 15-1152  
DATE: 11-13-15  
SHEET NUMBER: **A-1**

Existing Driveway

New Driveway

Subject Parcels

3152 STOCKTON HILL RD

320-13-044

3152 Stockton Hill Road  
320-13-044

3150 Stockton Hill Road  
320-13-007

STOCKTON HILL RD KINGMAN

320-13-054

320-13-043

21N 16W

N STOCKTON HILL RD

RD





## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Public Works

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Inmate work contract

---

**SUMMARY:**

GEO is the new private administrator of the Arizona State Prison Complex - Kingman. The Arizona Department of Corrections has prepared an amendment to our Inmate Work Contract naming the new administrator as GEO. There were no other substantive changes to the contract. In order to avoid an interruption of service and continue receiving our inmate work crews, staff signed the amendment naming GEO as the new administrator.

The City of Kingman first entered into a Inmate Work contract in 2011. It has been renewed four times. Inmate work crews make a significant contribution of labor for several city departments including Streets, Sanitation, Fleet Maintenance, Parks, and Golf Course.

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

**ATTACHMENTS:**

Description  
Amended DOC Agreement

**REVIEWERS:**

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Approved	11/23/2015 - 1:40 PM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:17 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:26 AM

STATE OF ARIZONA  
DEPARTMENT OF CORRECTIONS  
1601 West Jefferson, MC 55302  
Phoenix, Arizona 85007-3002

**AMENDMENT FIVE**

The **Contract** entered into between the **City of Kingman**, hereinafter referred to as the **Contractor**, and the Director of the **Arizona Department of Corrections**, hereinafter known as the **Department and Management and Training Corporation (MTS)**, for and on behalf of its **Arizona State Prison – Kingman** herein after referred to as **ASP-Kingman** as applicable, is hereby amended as follows:

---

**Purpose of Amendment:**

In accordance with Section 5.30, changes are to be handled by formal amendment, this Contract is hereby reassigned:

- From: Management and Training Corporation (MTC)
- To: GEO Corrections and Detention, LLC
- The effective date shall be December 1, 2015 with an expiration date of July 13, 2016.
- Where referenced within this Contract, Management and Training Corporation (MTC) is hereby replaced with GEO Corrections and Detention, LLC

By signing, all parties agree to the terms and conditions of this Contract shall remain in full force and effect.

If further modifications are needed for this Contract shall be issued in writing or via email and shall be addressed by an additional amendment.

**THIS SECTION LEFT BLANK INTENTIONALLY**

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

**CITY OF KINGMAN**  
**FEDERAL ID # 86-60000769**

**ARIZONA DEPARTMENT OF CORRECTIONS**

  
\_\_\_\_\_  
Signature of Authorized Individual      Date 11/23/15

\_\_\_\_\_  
Signature of Authorized Individual      Date

**Richard Anderson**

**Michael P. Kearns**

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Typed Name

**Mayor**

**Division Director, Administrative Services**

\_\_\_\_\_  
Typed Title

\_\_\_\_\_  
Typed Title

**310 North Fourth Street**

**1601 West Jefferson, MC 328**

**Kingman, Arizona 86401**

**Phoenix, Arizona 85007-3002**

\_\_\_\_\_  
Typed Address

\_\_\_\_\_  
Typed Address

Additional Signatures as Applicable

**GEO CORRECTIONS AND DETENTION, LLC**

**MANAGEMENT AND TRAINING  
CORPORATION**

\_\_\_\_\_  
Signature      Date

\_\_\_\_\_  
Signature      Date

**John Bulfin**

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Typed Name

**V.P. Secretary**

\_\_\_\_\_  
Typed Title

\_\_\_\_\_  
Typed Title

Prepared By: Stephen Castillo, Senior Procurement Specialist

Date: November 23, 2015

**This amendment shall be effective when all signatures are affixed.**

STATE OF ARIZONA  
DEPARTMENT OF CORRECTIONS  
1601 West Jefferson, MC 55302  
Phoenix, Arizona 85007-3002

AMENDMENT FOUR

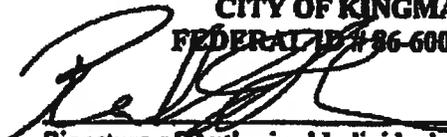
The Contract entered into between the City of Kingman, hereinafter referred to as the Contractor, and the Director of the Arizona Department of Corrections, hereinafter known as the Department and Management and Training Corporation (MTC), for and on behalf of its Arizona State Prison – Kingman herein after referred to as ASP-Kingman as applicable, is hereby amended as follows:

**Purpose of Amendment:**

In accordance with Section 5.2, Contract Extension, this Contract is being renewed for twelve (12) months, effective July 14, 2015 through July 13, 2016.

All other terms and conditions of this Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

**CITY OF KINGMAN**  
FEDERAL ID # 86-60000769  
  
\_\_\_\_\_  
Signature of Authorized Individual      Date 7/9/15  
**Richard Anderson**  
\_\_\_\_\_  
Typed Name  
**Mayor**  
\_\_\_\_\_  
Typed Title  
**310 North Fourth Street**  
**Kingman, Arizona 86401**  
\_\_\_\_\_  
Typed Address

**ARIZONA DEPARTMENT OF CORRECTIONS**  
  
\_\_\_\_\_  
Signature of Authorized Individual      Date 7/12/15  
**Michael P. Kearns**  
\_\_\_\_\_  
Typed Name  
**Division Director, Administrative Services**  
\_\_\_\_\_  
Typed Title  
**1601 West Jefferson, MC 328**  
**Phoenix, Arizona 85007-3002**  
\_\_\_\_\_  
Typed Address

Additional Signatures as Applicable

\_\_\_\_\_  
Signature      Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

\_\_\_\_\_  
Signature      Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

STATE OF ARIZONA  
DEPARTMENT OF CORRECTIONS  
1601 West Jefferson, MC 55302  
Phoenix, Arizona 85007-3002

AMENDMENT THREE

The Contract entered into between the City of Kingman, hereinafter referred to as the Contractor, and the Director of the Arizona Department of Corrections, hereinafter known as the Department and Management and Training Corporation (MTC), for and on behalf of its Arizona State Prison - Kingman herein after referred to as ASP-Kingman as applicable, is hereby amended as follows:

**Purpose of Amendment:**

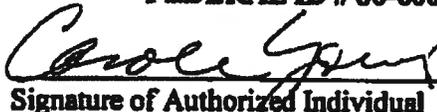
In accordance with Section 5.2, Contract Extension, this Contract is being renewed for twelve (12) months, effective July 14, 2014 through July 13, 2015.

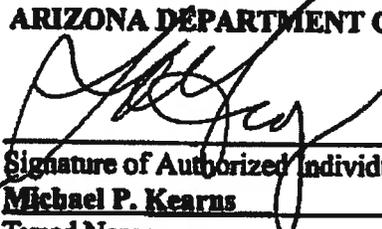
All other terms and conditions of this Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

CITY OF KINGMAN  
FEDERAL ID # 86-60000769

ARIZONA DEPARTMENT OF CORRECTIONS

  
\_\_\_\_\_  
Signature of Authorized Individual  
~~Janet Watson~~ Carole Young  
\_\_\_\_\_  
Typed Name  
Mayer Vice Mayor  
\_\_\_\_\_  
Typed Title  
310 North Fourth Street  
\_\_\_\_\_  
Kingman, Arizona 86401  
\_\_\_\_\_  
Typed Address

  
\_\_\_\_\_  
Signature of Authorized Individual  
7/3/14  
\_\_\_\_\_  
Date  
Michael P. Kearns  
\_\_\_\_\_  
Typed Name  
Division Director, Administrative Services  
\_\_\_\_\_  
Typed Title  
1601 West Jefferson, MC 328  
\_\_\_\_\_  
Phoenix, Arizona 85007-3002  
\_\_\_\_\_  
Typed Address

Additional Signatures as Applicable

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

Prepared By: Colette Lewis, Senior Procurement Specialist  
Date: May 21, 2014

This amendment shall be effective when all signatures are affixed.



# City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • (928)753-5561  
[www.cityofkingman.gov](http://www.cityofkingman.gov)

## CERTIFICATION

I hereby certify that the attached Resolution No. 4900 is a true and correct copy of Resolution No. 4900 duly passed and adopted by the Mayor and Council of the City of Kingman, Arizona at a meeting held on June 17, 2014 by a vote of 6-0.

  
Sydney Muhle  
City Clerk  
City of Kingman, Arizona

**CITY OF KINGMAN, ARIZONA  
RESOLUTION NO. 4900**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL  
OF THE CITY OF KINGMAN, ARIZONA AUTHORIZING THE  
MAYOR TO SIGN AMENDMENT THREE TO ADC  
CONTRACT NO. 110016DC.**

**WHEREAS**, the City of Kingman entered into a contract with the Arizona Department of Corrections to utilize inmate labor from Arizona State Prison Complex – Kingman on July 5, 2011; and

**WHEREAS**, this agreement has been extended twice; and

**WHEREAS**, the current contract will expire on July 13, 2014; and

**WHEREAS**, the City of Kingman wishes to continue receiving inmate labor crews from the prison; and

**WHEREAS**, the Arizona Department of Corrections has prepared an amendment to our contract that would extend the term to July 13, 2015.

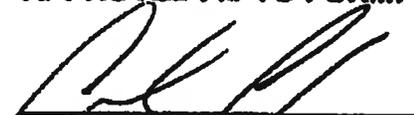
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona, that the Mayor is hereby authorized to sign Amendment Three to Arizona Department of Corrections Contract No. 110016DC.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 17th day of June, 2014.

**ATTEST:**

  
Sydney Muhle, City Clerk

**APPROVED AS TO FORM:**

  
Carl Cooper, City Attorney

**APPROVED:**

  
Janet Watson, Mayor  
Carole Young, Vice Mayor



STATE OF ARIZONA  
DEPARTMENT OF CORRECTIONS  
1601 West Jefferson, MC 55302  
Phoenix, Arizona 85007-3002

AMENDMENT TWO

The Contract entered into between the City of Kingman, hereinafter referred to as the Contractor, and the Director of the Arizona Department of Corrections, hereinafter known as the Department and Management and Training Corporation (MTC), for and on behalf of its Arizona State Prison - Kingman herein after referred to as ASP-Kingman as applicable, is hereby amended as follows:

Purpose of Amendment:

In accordance with Section 5.2, Contract Extension, this Contract is being renewed for twelve (12) months, effective July 14, 2013 through July 13, 2014.

All other terms and conditions of this Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

CITY OF KINGMAN  
FEDERAL ID # 86-60000769

ARIZONA DEPARTMENT OF CORRECTIONS

Janet Watson 7/9/13  
Signature of Authorized Individual Date  
John Salem Janet Watson  
Typed Name  
Mayor Vice-Mayor  
Typed Title  
310 North Fourth Street  
Kingman, Arizona 86401  
Typed Address

[Signature] 7/31/13  
Signature of Authorized Individual Date  
Michael P. Kearns  
Typed Name  
Division Director, Administrative Services  
Typed Title  
1601 West Jefferson, MC 328  
Phoenix, Arizona 85007-3002  
Typed Address

Additional Signatures as Applicable

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed Name \_\_\_\_\_  
Typed Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed Name \_\_\_\_\_  
Typed Title \_\_\_\_\_

Prepared By: Colette Lewis, Senior Procurement Specialist  
Date: May 31, 2013

**CITY OF KINGMAN, ARIZONA  
RESOLUTION NO. 4853**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL  
OF THE CITY OF KINGMAN, ARIZONA AUTHORIZING THE  
MAYOR TO SIGN AMENDMENT TWO TO ADC CONTRACT  
NO. 110016DC.**

**WHEREAS**, the City of Kingman entered into a contract with the Arizona Department of Corrections to utilize inmate labor from Arizona State Prison Complex – Kingman on July 5, 2012; and

**WHEREAS**, the current contract will expire on July 5, 2013; and

**WHEREAS**, the City of Kingman wishes to continue receiving inmate labor crews from the prison; and

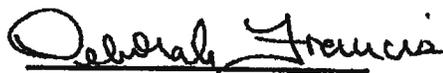
**WHEREAS**, the Arizona Department of Corrections has prepared an amendment to our contract that would extend the term to July 13, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona, that the Mayor is hereby authorized to sign Amendment Two to Arizona Department of Corrections Contract No. 110016DC.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 2nd day of July, 2013.

**ATTEST:**

**APPROVED:**

  
Deborah Francis, City Clerk

  
for John Salem, Mayor

**APPROVED AS TO FORM:**

  
Carl Cooper, City Attorney





# City of Kingman Public Works

3700 E ANDY DEVINE AVE • KINGMAN • ARIZONA • 86401 • (928)757-7467  
[www.cityofkingman.gov](http://www.cityofkingman.gov)

July 19, 2013

Collette Lewis  
Senior Procurement Specialist  
Arizona Department of Corrections  
1601 W. Jefferson  
Phoenix, AZ 85007  
Mail Code 55302

Dear Ms Lewis,

The Kingman Common Council authorized the Mayor to sign Amendment No. 2 to Inmate Work Contract No. 110016DC at their regular meeting on July 2, 2013. Enclosed is the signed amendment and resolution. Please return a copy of the fully executed amendment to us.

Again, I apologize for the delay in returning this to you. We look forward to working with you. If you have any questions or need any additional information, please call me at (928) 692-3101 or email me at [rowen@cityofkingman.gov](mailto:rowen@cityofkingman.gov).

Sincerely,

Rob Owen  
Public Works Director

STATE OF ARIZONA  
DEPARTMENT OF CORRECTIONS  
1601 West Jefferson, MC 55302  
Phoenix, Arizona 85007-3002

AMENDMENT ONE

The Contract entered into between the City of Kingman, hereinafter referred to as the Contractor, and the Director of the Arizona Department of Corrections, hereinafter known as the Department and Management and Training Corporation (MTC), for and on behalf of its Arizona State Prison – Kingman herein after referred to as ASP-Kingman as applicable, is hereby amended as follows:

**Purpose of Amendment:**

In accordance with Section 5.2, Contract Extension, this Contract is being renewed for twelve (12) months, effective July 14, 2012 through July 13, 2013.

All other terms and conditions of this Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

CITY OF KINGMAN  
FEDERAL ID # 86-60000769

ARIZONA DEPARTMENT OF CORRECTIONS

John Salem 6-4-12  
Signature of Authorized Individual Date  
**John Salem**  
Typed Name  
**Mayor**  
Typed Title  
310 North Fourth Street  
Kingman, Arizona 86401  
Typed Address

Michael P. Kearns 6/21/12  
Signature of Authorized Individual Date  
**Michael P. Kearns**  
Typed Name  
**Division Director, Administrative Services**  
Typed Title  
1601 West Jefferson, MC 328  
Phoenix, Arizona 85007-3002  
Typed Address

Additional Signatures as Applicable

Lyle Parry 7/16/12  
Signature Date  
**Lyle Parry**  
Typed Name  
**Senior V.P., CEO and Secretary Treasurer**  
Typed Title

\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

Prepared By: Karen D. Ingram, Senior Procurement Specialist  
Date: May 21, 2012

This amendment shall be effective when all signatures are affixed.

STATE OF ARIZONA  
DEPARTMENT OF CORRECTIONS  
1601 West Jefferson Street, Mail Code 55302  
Phoenix, Arizona 85007-3002

**INMATE WORK CONTRACT**

This Contract is entered into between the City of Kingman, hereinafter referred to as the Contractor, and the Director of the Arizona Department of Corrections, hereinafter known as the Department and Management and Training Corporation (MTC), for and on behalf of its Arizona State Prison - Kingman herein after referred to as ASP-Kingman as applicable.

This document, including the Scope of Services, Special Terms and Conditions, Standard Work Provisions, any addendums, attachments or modifications, shall constitute the entire Contract between the parties and supercedes all other understandings, oral or written.

In accordance with A.R.S §35-391 and A.R.S §35-393, the contractor hereby certifies that the contractor does not have scrutinized business in Sudan and Iran.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Contract.

**CITY OF KINGMAN**  
FEDERAL ID # 86-60000769

**ARIZONA DEPARTMENT OF CORRECTIONS**

John Salem 7-7-11  
Signature of Authorized Individual Date  
John Salem  
Typed Name  
Mayor  
Typed Title  
310 North Fourth Street  
Kingman, Arizona 86401  
Address

Michael P. Kearns 7/18/11  
Signature of Authorized Individual Date  
Michael P. Kearns  
Typed Name  
Division Director, Administrative Services  
Typed Title  
1601 West Jefferson Street, Mail Code 328  
Phoenix, Arizona 85007-3002  
Address

Additional Signatures as Applicable

\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

## WITNESSETH

**WHEREAS**, the Department desires to implement the requirement that each able-bodied inmate under commitment to the Department shall engage in work activity during such term of imprisonment, and

**WHEREAS**, the Director of the Department has the authority to maintain and administer facilities and programs as may be required for the custody, control and rehabilitation of all inmates committed to the Department, and

**WHEREAS**, the Department is duly authorized by A.R.S. §41-1604, et seq.; §31-252, §31-254; to execute and administer contracts and

**WHEREAS**, in accordance with Arizona Revised Statutes A.R.S. §41-1609 the Department has a current Contract with Management and Training Corporation, a private prison business organization, to operate and manage ASP-Kingman a secure private prison to provide housing and treatment to inmates committed to the Department who demonstrate a need for substance or alcohol abuse interventions, and

**WHEREAS**, the Director of the Department may authorize inmate work crews from State institutions to perform acceptable tasks in any part of the State, and

**WHEREAS**, the Contractor is authorized by A.R.S. §9-240, to enter into agreements for services, and;

**WHEREAS**, the Contractor has a need for a work force to support its recycling, weed abatement, trash pick-up, sidewalk sweeping and landscape maintenance along city streets, drainage facilities, city buildings and city parks within the city limits of Kingman, Arizona.

**WHEREAS**, the Department is able to provide an inmate work force to support this work program from its Arizona State Prison - Kingman, as shown herein.

**NOW, THEREFORE**, the Department, the Contractor and Management and Training Corporation (MTC), ASP-Kingman do hereby agree as follows:

- 1 **DEFINITIONS:** For the purposes of this Agreement, the following definitions shall apply:
  - 1.1 **ASP-KINGMAN WARDEN:** The individual employed by Arizona State Prison - Kingman and charged with the overall responsibility to manage and operate ASP-Kingman.
  - 1.2 **ASP - KINGMAN PROCEDURES:** Procedures based on Department written instructions that have been approved by the Department relative to the operation, management and maintenance of ASP-Kingman location.
  - 1.3 **DEPARTMENT MONITOR:** Department employee assigned to ASP-Kingman location who serves as the liaison between the Department and

ASP-Private Prison location regarding matters that arise as a result of the daily monitoring of the services provided by this Agreement.

- 1.4 **DEPARTMENT WRITTEN INSTRUCTIONS:** Department regulations and management directives issued by executive staff of the Department which govern the administration and operation of the Department and ASP-Kingman location consistent with State statutes, rules and sound correctional practices.

**2 THE CONTRACTOR AGREES:**

- 2.1 To provide necessary tools/equipment, drinking water, sanitary facilities safety vests, eye protection, gloves and any special protective clothing required accomplishing work assignments.
- 2.2 To appoint a work crew leader who may provide both technical and job supervision as necessary.
- 2.2.1 Technical supervision means the Contractor shall provide staff that knows the types of work tasks to be accomplished and the correct way to complete each task. Technical supervisors teach assigned inmates how to complete their job assignments.
- 2.2.2 Job supervision means that Contractor personnel shall regularly account for the inmates within guidelines specified by the Department (Attachment #1) and report results to the Department liaison. If an inmate fails to remain at the work site, if an inmate becomes ill at the work site and needs to be returned to the prison, if an inmate poses security concerns, the liaison shall be contacted immediately.
- 2.3 Subsequent to Contract initiation, should the Contractor's supervisors change, ASP-Kingman shall be notified at least two (2) work days prior to the impending change to permit completion of the Department approval process. If prior notice is not possible, the Department may withhold the inmate work crew of that supervisor until the necessary approval process is completed.
- 2.4 To provide, if applicable, pesticide protection and Hazardous Material Training (HAZMAT) for inmates prior to initiating the work activities described in this Contract.
- 2.4.1 The Contractor shall comply with the Site Safety and Health Plan included as Attachment #2 of this contract.
- 2.4.2 Inmates shall not be allowed to be present while hazardous materials, inclusive of pesticides, are being used or applied. The Arizona Structural Pests Control Board advises, no inmate shall be allow to handle or to apply pesticides. However, all hazardous materials (inclusive of pesticides), if stored and/or used on this site, and while ADC staff and/or inmates are present, require they be trained to recognize such hazardous

materials and relative adverse medical signs and symptoms associated with the chemical, in accordance with the federal chemical "Right-to-Know Act (SARA Title III).

- 2.5 To provide a working environment which meets the requirements of the Occupational Safety and Health Act (OSHA), Safety and Health Standards for General and or Construction Industry, 29 CFR Part 1910 and 1926, as adopted by the State of Arizona.
- 2.6 To provide emergency first aid for minor injuries or to contact the nearest medical provider to assist if more extensive first aid services are needed.
- 2.7 To designate a Contractor staff member who shall serve as a liaison between the Contractor, and ASP-Kingman in developing and coordinating work schedules, hours, and transportation. The Contractor shall ensure that ASP-Kingman are given the name and phone number/extension of the contact person.
- 2.8 To assign work hours, work locations, and job assignments subject to the concurrence of the Department. Work sites shall be confined to locations which are within the Contractor's authority to manage and maintain.
- 2.9 To allocate sufficient time from job responsibilities to allow Contractor's staff assigned to this work program to attend mandatory training given by the Department prior to initiating the work activities described in this Contract.
- 2.10 To maintain the work site(s) in the manner/condition in which it was approved by the Department as complying with the requirements imposed by the custody level of assigned inmates and assigned work responsibilities. If, during the term of this Contract, security/safety concerns become evident, or the Contractor wishes to change or alter the work site(s), the following procedure shall be followed:
  - 2.10.1 If, in the opinion of ASP-Kingman, said security/safety concern(s) pose an immediate threat to the inmate workers and/or staff, the Warden of ASP-Kingman may withhold further assignments of the inmate work crew(s) until the source of the concern is rectified.
  - 2.10.2 Security/safety concerns shall be rectified immediately by the Contractor in accordance with direction received from ASP-Kingman.
  - 2.10.3 Failure on the part of the Contractor to respond to the request for corrective action from the ASP-Kingman under circumstances described in Paragraphs 2.10.1 and 2.10.2 shall result in the immediate suspension of the work program.
    - 2.10.3.1 The parties to this Contract may then meet to discuss resolution.
    - 2.10.3.2 If resolution cannot be achieved, this Contract shall be terminated.

- 2.10.3.3 ASP-Kingman Warden, shall be responsible for coordinating all actions shown above
- 2.10.3.4 The Contractor shall make final payment to ASP-Kingman as directed herein.
- 2.11 Should the Contractor wish to alter the work site(s) subsequent to the initiation of the work program, the following procedures shall be followed:
  - 2.11.1 The Contractor shall provide written notice to ASP-Kingman detailing the proposed changes prior to any change or alteration being initiated.
  - 2.11.2 Representatives from the ASP-Kingman and the Contractor shall meet and conduct a review of the proposed changes to the work site(s). If the proposed change or alteration will negatively impact the security and/or safety of assigned inmate workers or staff, necessary corrective action(s) shall be developed.
  - 2.11.3 If the Contractor proceeds with the proposed changes without having received written ASP-Kingman's approval, ASP-Kingman may withhold further assignments of inmate work crews.
- 2.12 To employ adequate loss prevention procedures relative to Contractor's business operations, in order to minimize job related injuries.
- 2.13 To provide training to assigned inmates in accordance with the Contractor's established training program on procedures and responsibilities:
  - 2.13.1 Training shall be on-going and given to each new inmate who is subsequently assigned to this inmate work program.
  - 2.13.2 Inmates shall be advised of the expected performance standards during the training program.
  - 2.13.3 Contractor's training staff shall maintain a training log to document participating inmates and time spent in the training effort. The log shall record the following:
    - 2.13.3.1 Each inmate's name and Department identification number.
    - 2.13.3.2 Number of training hours given to participating inmates.
    - 2.13.3.3 Type of activity for which training was provided.
    - 2.13.3.4 Written acknowledgment from each inmate that the performance standard was provided.

2.13.3.5 Name(s) of the Contractor's instructor(s).

2.13.3.6 Signature of instructor(s) and each participating inmate.

2.14 To notify the Warden, ASP-Kingman of the need for extended work hours at least ninety (90) minutes prior to the inmates scheduled time of departure, in order for approval to be obtained. Extended work hours shall not be provided unless approved by the institution. Overtime is defined as hours worked in excess of forty (40) hours per week.

To pay for the following:

2.14.1 Correctional Officer CO supervision for any inmate who sustains a job related injury and must be transported for emergency medical care to the nearest emergency facility.

2.14.2 To pay for inmate labor at the rate of fifty cents (50¢) per hour, to include approved overtime, if applicable as authorized by the Department.

2.14.3 To pay for Correctional Officer (CO) supervision of inmate work crews under this Contract, including overtime approved by Contractor, if applicable, and all employee related expenses. Should additional crews be needed, Contractor will hire additional staff to supervise inmate work crews. The Contractor in agreement with the Department must authorize the expense of additional Departmental staff before the expense is incurred.

2.14.3.1 CO salary will be paid at Private Prison rate.

2.15 To provide transportation of inmate workers to and from selected work site(s) in Contractor owned vehicles. Inmate workers shall not be transported in privately owned vehicles at any time.

2.16 To comply with the following procedures in recording inmate work hours and rendering all payments due under this Contract:

2.16.1 **Daily Time Sheet(s)**, as identified in Attachment #3, shall be completed by the Contractor and include the signature(s) of the inmate(s), and the Contractor's Supervisor.

2.16.2 The Contractor shall complete the **Inmate Payroll Summary**, as shown by Attachment #4, bi-weekly (once every two weeks)

2.16.3 The original **Inmate Payroll Summary** with the corresponding **Daily Time Sheet(s)** shall be sent to the address specified below within three (3) work days following the end of the Contractor's scheduled pay period.

**SCOPE OF WORK**

**ADC Contract No. 110016DC**

Arizona State Prison - Kingman  
Attention: Business Manager  
P.O. Box 3939  
Kingman, Arizona 86402

- 2.17 The Contractor shall send a copy of the Inmate Payroll Summary and Daily Time Sheet(s) within three (3) work days following the end of the Contractor's scheduled pay period to the attention of the Business Manager to the specified addresses below.

Arizona State Prison - Kingman  
Attention: Business Manager  
P.O. Box 3939  
Kingman, Arizona 86402

- 2.17.1 Should circumstances arise which would prevent the Contractor from being able to comply with this criteria, ASP-Kingman shall prepare the
- 2.17.2 Inmate Payroll Summary, using Daily Time Sheets provided by the Contractor. The cost of such payroll preparation shall be calculated at the rate of one hundred dollars per hour.
- 2.18 Payments as invoiced shall be made payable to Arizona State Prison - Kingman within ten (10) calendar days after receipt of invoice to the address below:

Arizona State Prison - Kingman  
Attention: Business Manager  
P.O. Box 3939  
Kingman, Arizona 86402

- 2.19 ASP- Kingman shall disburse payments as appropriate.
- 2.20 Terms and conditions for payment of invoices:
- 2.20.1 Net amount due within ten (10) work days after receipt of invoice.
- 2.20.2 Invoices not paid within thirty (30) calendar days of invoice date will be subject to a late fee of one and one-half percent (~~1-2%~~) per month of the amount owed. *1 1/2%* *JS.*
- 2.20.3 Invoices not paid within sixty (60) calendar days of invoice date may result in the suspension and possible termination of the inmate work program.
- 2.21 That inmate labor performed under this Contract shall supplement the Contractor's existing workforce and shall not result in the displacement of free-world employees, or otherwise serve as a substitute for Contractor employees.

- 2.22 To comply with Department written instructions that has a bearing upon the Contractor.
- 2.23 That inmates assigned to this work program shall not drive any licensed, over-the-road vehicle as part of their job responsibilities. However, assigned inmates may be permitted to operate the Contractor's off-road mobile equipment, e.g., forklifts, etc., in accordance with Attachment #5.

**3 ASP-Kingman Agrees:**

- 3.1 To provide a mutually agreed number of inmates, subject to availability of said work force, to support the Contractor's recycling, weed abatement, trash pick-up, sidewalk sweeping and landscape maintenance within the city limits.
- 3.2 Inmate workers shall be paid by ASP-Kingman, from the Inmate Trust Account. ASP-Kingman shall subsequently reimburse the Inmate Trust Account.
- 3.3 To be responsible for feeding inmates and providing all clothing, except special protective clothing and/or equipment.
- 3.4 To designate an institutional contact person(s) at the institution identified herein, who shall function as a liaison between the institution, ASP-Kingman and the Contractor in developing and coordinating work schedules, assignments, and work hours. To advise Contractor of the name and telephone number of the institutional contact person.
  - 3.4.1 If such circumstances arise that will impact the availability of inmate labor under this Contract, the institution's contact person shall immediately notify ASP-Kingman and the Contractor.
  - 3.4.2 The Contractor shall ensure that ASP-Kingman is provided with a copy of all documentation relating to the incident and is advised as to when the work program will likely be able to resume. ASP-Kingman will keep the Contractor informed, as appropriate.
- 3.5 That prior to the initiation of this work program, the proposed work site(s) shall be inspected relative to security and safety concerns to ensure the work environment satisfies all requirements imposed by the custody level of assigned inmate workers and assigned work responsibilities. If, during the term of this Contract, security or safety concerns should become evident, or the Contractor wishes to change or alter the work site(s), the procedure described in Paragraph 2.10 of this Contract shall be followed.
  - 3.5.1 All communications between the Department and the Contractor, regarding security/safety issues or work site(s) alterations, shall be documented in writing.

- 3.5.2 All written correspondence related to incidents involving security or safety issues shall be reported in accordance with Department written instructions.
  - 3.6 To perform required background checks of Contractor staff involved in supervising or interacting with inmate workers and provide written results to the Warden, ASP-Kingman.
    - 3.6.1 Prior to initiation of this Contract, the Department shall complete the screening process of Contractor staff referenced above.
    - 3.6.2 Subsequent to Contract initiation, should the Contractor's supervisor(s) change, the Contractor shall notify ASP-Kingman at least two (2) work days prior to the impending change to permit completion of the Department's approval process.
    - 3.6.3 If prior notice is not possible, the institution may withhold the inmate work crew of that supervisor until the necessary approval process is completed.
  - 3.7 That ASP-Kingman or designee shall coordinate all administrative process within the Department to obtain security clearances for the Contractor's staff to access institution(s) identified herein.
- 4 THE DEPARTMENT/ASP-KINGMAN AGREES:**
- 4.1 When mutually agreed to by the Department and the Contractor: to provide a Correctional Officer (CO) who shall remain on site to provide security supervision of the inmate workers each workday. The assigned CO shall follow Department notification procedures if :
    - 4.1.1 An inmate fails to remain at the work site.
    - 4.1.2 An inmate has an accident or becomes seriously ill at the work site.
  - 4.2 To remove and replace as soon as possible, any inmate who does not perform to the satisfaction of the Contractor.
  - 4.3 That work assignments shall be performed at the Contractor's business location(s) as shown herein.
  - 4.4 To ensure that any inmate(s) who drives the Contractor's off-road mobile equipment as an assigned work duty is in compliance with Department written instructions, as shown in Attachment #5, governing the use of inmate drivers.
  - 4.5 To invoice the Contractor for payments due, in accordance with Contract terms, ten (10) work days after receipt of the **Inmate Payroll Summary and Daily Time Sheet(s)**.

- 4.6 That invoices shall be sent to the Contractor at the following address:
- City of Kingman  
Attention: John Salem, Mayor  
310 North Fourth Street  
Kingman, Arizona 86401
- 4.7 That ASP-Kingman or designee shall ensure, when additional Contractor's operations are established at appropriate prison institutions, that each respective Warden shall be provided a copy of the Contract and any amendments.
- 4.8 That ASP-Kingman or designee shall keep the Contractor fully informed of all Department written instructions and activities that have bearing upon the Contractor fulfilling assigned obligations under this Contract, including all security requirements relative to the provision of contracted services.

**5 SPECIAL TERMS AND CONDITIONS:**

- 5.1 **Term of Contract** The term of any resultant contract should commence on the date of award and shall continue for a period of twelve (12) months thereafter, unless terminated, canceled or extended, as otherwise provided herein.
- 5.2 **Contract Extension**
- 5.2.1 By mutual written agreement, any resultant Agreement may be extended for supplemental periods of 12 months, up to a maximum of 48 months
- 5.3 This Contract may be terminated, without cause, by either party by provision of prior written notice to the other. Such **Notice of Termination** shall be effective thirty (30) calendar days after mailing by certified mail, return receipt requested, to the other party.
- 5.4 The Risk Management Division of the Arizona Department of Administration shall review and investigate all claims of Contractor personal property loss due to alleged negligence by the Department or the State.
- 5.5 Circumstances may arise during the term of this Contract which may prohibit the assignment of inmates for work assignments. Such circumstances could include acts of nature, institution riots, lockdowns, inmate work strikes, etc. The following guidelines shall govern, if such circumstances should occur:
- 5.5.1 The Department/ASP-Kingman shall provide verbal notice within 24 hours to the Contractor if circumstances will impact work activities.
- 5.5.2 The Contractor shall not hold the Department/ASP-Kingman liable for failure to perform, or in default of Contract terms due to circumstances described above.
- 5.6 Inmates working under this Contract are not employees of the Contractor and any compensation is provided pursuant to A.R.S. §31-254 and A.R.S. §31-255.
- 5.7 **Non-Availability of Funds** Every payment obligation of the State under this Contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Contract, this Contract may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

- 5.8 **Arbitration** The parties to this Contract agree to resolve all disputes arising out of or relating to this Contract through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. §12-1518 except as may be required by other applicable statutes.
- 5.9 **Applicable Law** This Contract shall be governed and interpreted by the laws of the State of Arizona, including the Arizona Procurement Code (A.R.S. § 41-2501, et seq.) And the administrative rule promulgated there under (A.A.C. R2-7-901, et seq.)
- 5.10 **Non-Discrimination** The Contractor shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The Contractor shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability,
- 5.11 Each party to this Contract shall be responsible for any and all costs, including but not limited to, attorney fees, court costs and other litigation expenses incurred as a result of the errors and omissions of its officers, employees, agents, or assigns arising out of the performance of this Contract.
- 5.12 **Audit of Records** Pursuant to A.R.S. §35-214, the Contractors shall retain and shall contractually require each subcontractor to retain all data, books and other records ("records") relating to this Contract for a period of five years after completion of the Contract. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the Contractor shall produce the original of any or all such records.
- 5.13 The parties to this Contract agree that the State of Arizona and the Department of Corrections shall be indemnified and held harmless by the Contractor for the vicarious liability of the State as a result of entering into this Contract. The parties further agree that each party to this Contract shall be responsible for consequences arising from its own negligence.
- 5.14 Any and all notices, requests or demands given or made upon the parties hereto, pursuant to or in connection with this Contract, unless otherwise noted, shall be delivered in person or sent by United States Mail, postage prepaid, to the parties at their respective addresses as shown on the signature page of this document.
- 5.15 **Third Party Antitrust Violations** The Contractor assigns to the State any claims for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the Contractor.

- 5.16 **Notice Warning** Any person who takes into or out of or attempts to take into or out of correctional facility or the grounds belonging to or adjacent to a correctional facility, any item not specifically authorized by the correctional facility, shall be prosecuted under the provisions of the Arizona Revised Statutes. All persons, including, employee and visitors, entering upon these confines are subject to routine searches of their persons, vehicles, property of packages.

Authority     A.R.S. §13-2501:  
                  A.R.S. §13-2505:  
                  ADC Department Order 708

5.17 **Unlawful Sexual Conduct**

5.17.1     A person who is employed by the State Department of Corrections, a private facility or a city or county jail or who Contracts to provide services with the State Department of Corrections, a private prison facility or a city or county jail commits unlawful sexual conduct by engaging in oral sexual contact, sexual contact or sexual intercourse with a prisoner who is in the custody of the State Department of Corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of the State Department of Corrections or a city or county.

5.17.2     A prisoner who is in the custody of the State Department of Corrections, a private prison facility or a city or county jail or an offender who is on release status and who is under supervision of the State Department of Corrections or a city or county commits unlawful sexual conduct by engaging in oral sexual contact, sexual contact or sexual intercourse with a person who is employed by the State Department of Corrections, a private prison facility or a city or county jail or who contracts to provide services with the State Department of Corrections, a private prison facility or a city or county jail.

5.17.3     This section does not apply to:

5.17.3.1    A person who is employed by the State Department of Corrections, a private prison facility or a city or county jail or who Contracts to provide services with the State Department of Corrections, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the State Department of Corrections or was incarcerated in a city or county jail.

5.17.3.2    An offender who is on release status and who was lawfully married to a person who is employed by the State

Department of Corrections, a private prison facility or a city or county jail or who Contracts to provide services with the State Department of Corrections, a private prison facility or a city or county jail if the marriage occurred prior to the offender being sentenced to the State Department of Corrections or incarcerated in a city or county jail.

5.17.3.3 Unlawful sexual conduct is a class 5 felony

5.17.3.4 Unlawful sexual conduct; correctional employees; prisoners; classification; Definition A.R.S. §13-1419.

**5.18 Federal Prison Rape Elimination Act 2003**

5.18.1 The Contractor shall comply with the Federal Prison Rape Elimination Act of 2003.

5.19 **Contraband** Contraband means any dangerous drug, narcotic drug, intoxicating liquor or any kind, deadly weapon, dangerous instrument, explosive or any other article whose use of or possession would endanger the safety, security or preservation of order in a correctional facility or any person therein. (Any other article includes any substance which could cause abnormal behavior, i.e. marijuana, nonprescription medications, etc.

Promoting prison contraband A.R.S. §13-2505:

A person, not otherwise authorized by law, commits promoting prison contraband:

- By knowingly taking contraband into a correctional facility or the grounds of such a facility; or
- By knowingly conveying contraband to any persons confined in a correctional facility; or
- By knowingly making, obtaining, or possessing contraband while being confined in a correctional facility.

Promoting Prison Contraband is a Class 5 felony.

Authority A.R.S. §13-2501  
A.R.S. §13-2505  
ADC Department Order 708

5.20 **Offshore Performance of Work Prohibited.** Due to security and identity protection concerns, direct services under this contract shall be performed within the borders of the United States. Any services that are described in the

specifications or scope of work that directly serve the State of Arizona or its clients and may involve access to secure or sensitive data or personal client data or development or modification of software for the State shall be performed within the borders of the United States. Unless specifically stated otherwise in the specifications, this definition does not apply to indirect or "overhead" services, redundant back-up services or services that are incidental to the performance of the contract. This provision applies to work performed by subcontractors at all tiers.

- 5.21 Electronic and Information Technology. Unless specifically authorized in the Contract, any electronic or information technology offered to the State of Arizona under this Contract shall comply with A.R.S. §41-2531 and §41-2532 and Section 508 of the Rehabilitation Act of 1973, which requires that employees and members of the public shall have access to and use of information technology that is comparable to the access and use by employees and members of the public who are not individuals with disabilities.
- 5.22 Government Procurement; E-Verify Requirement A.R.S. §41-4401
- 5.22.1 The Contractor warrants compliance with all Federal Immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. §23-214, Subsection A. (That subsection reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.")
- 5.22.2 A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
- 5.22.3 Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
- 5.22.4 The State Agency retains the legal right to inspect the papers of any employee who works on the contract to ensure that the contractor or subcontractor is complying with warranty under paragraph listed herein.
- 5.23 Cancellation for Conflict of Interest Pursuant to A.R.S. §38-511, the state, its political subdivisions or any department or agency of either may, within three years after it execution, cancel any contract, without penalty or further obligation, made by the state, its political subdivisions, or any of the departments or agencies of either if any person significantly involved initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivision or any of the departments or agencies of either is, at any time while the contract or

any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any to any other party of the contract with respect to the subject matter of the contract. A cancellation made pursuant to this provision shall be effective when the Contractor receives written notice of the cancellation unless the notice specifies a later time.

- 5.24 The Department reserves the right to terminate the Contract for default in whole or in part due to the failure of the Contractor to comply with any term or condition of the Contract. The Department shall provide written notice of the termination and the reasons for it to the Contractor.
- 5.25 Upon termination of this Contract, as provided herein, all remaining monetary obligations and removal of the Contractor's property, up to the termination/expiration date, shall be satisfied as follows:
- 5.25.1 The Contractor shall pay for services rendered to the date of termination. All outstanding payments shall be made by the Contractor within ten (10) work days after request for payment, sent certified mail, return receipt requested, is received by the Contractor, in the format and to the location specified herein.
- 5.25.2 Payments made by the Contractor to ASP-Kingman shall be in agreement with ASP-Kingman's records. Should a discrepancy in amount of payment occur and remain unresolved after accomplishing the procedure identified herein, ASP-Kingman may request an audit of the Contractor's financial records. The Contract shall remain in effect until the discrepancy is resolved; however, services to the Contractor shall end in accordance with the Notice of Termination.
- 5.26 ASP-Kingman through Procurement Services shall be responsible for coordinating all actions stipulated above in the event an institution is removed from participation in this work program.
- 5.27 If a discrepancy in payment or payment records is identified by either party to this Contract, the party discovering the discrepancy shall notify the other in writing within ten (10) work days after discovery. Both parties shall resolve the discrepancy by comparison and reconciliation of records.
- 5.28 Both parties recognize that respective and mutual obligations of the parties pertaining to start-up, operation and costs applicable to the subject inmate work Contract shall apply to each new operation established at other institutions as authorized herein.
- 5.29 Proper communication is essential to the success of the work program. The Contractor shall address all programmatic issues with ASP-Kingman. Only immediate security/safety concerns shall be addressed to institution officials without first coordinating through the Department.

5.30 Changes to the Contract shall be handled by formal amendment through Procurement Services.

5.31 **MINIMUM INSURANCE REQUIREMENTS**

**INDEMNIFICATION:**

Contractor shall indemnify, defend, save and hold harmless the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the State of Arizona, its officers, officials, agents and employees for losses arising from the work performed by the Contractor for the State of Arizona.

*This indemnity shall not apply if the contractor or sub-contractor(s) is/are an agency, board, commission or university of the State of Arizona.*

**INSURANCE REQUIREMENTS:**

Contractor and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Contract, are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors.

The *insurance requirements* herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that might arise out of the performance of the work under this contract by the Contractor, its agents, representatives, employees or subcontractors, and Contractor is free to purchase additional insurance.

A. **MINIMUM SCOPE AND LIMITS OF INSURANCE:** Contractor shall provide coverage with limits of liability not less than those stated below.

1. **Commercial General Liability – Occurrence Form**  
Policy shall include bodily injury, property damage, personal injury and broad form

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contractual liability coverage.

• General Aggregate	\$2,000,000
• Products – Completed Operations Aggregate	\$1,000,000
• Personal and Advertising Injury	\$1,000,000
• Blanket Contractual Liability – Written and Oral	\$1,000,000
• Fire Legal Liability	\$ 50,000
• Each Occurrence	\$1,000,000

- a. The policy shall be endorsed to include the following additional insured language: **"The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor"**.
- b. Policy shall contain a waiver of subrogation against the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

**2. Automobile Liability**

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Contract.

Combined Single Limit (CSL) \$1,000,000

- 1. The policy shall be endorsed to include the following additional insured language: **"The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor, involving automobiles owned, leased, hired or borrowed by the Contractor"**.

**3. Worker's Compensation and Employers' Liability**

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	\$ 500,000
Disease – Each Employee	\$ 500,000
Disease – Policy Limit	\$1,000,000

- a. Policy shall contain a waiver of subrogation against the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.
- b. This requirement shall not apply to: Separately, EACH contractor or subcontractor exempt under A.R.S. 23-901, AND when such contractor or subcontractor executes the appropriate waiver (Sole Proprietor/Independent Contractor) form.

**B. ADDITIONAL INSURANCE REQUIREMENTS:** The policies shall include, or be endorsed to include, the following provisions:

1. The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees wherever additional insured status is required such additional insured shall be covered to the full limits of liability purchased by the Contractor, even if those limits of liability are in excess of those required by this Contract.
2. The Contractor's insurance coverage shall be primary insurance with respect to all other available sources.
3. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of this Contract.

**C. NOTICE OF CANCELLATION:** Each insurance policy required by the insurance provisions of this Contract shall provide the required coverage and shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the State of Arizona. Such notice shall be sent directly to (Arizona Department of Corrections, Procurement Services, 1601 West Jefferson Street, MC55302, Phoenix, Arizona 85007) and shall be sent by certified mail, return receipt requested.

**D. ACCEPTABILITY OF INSURERS:** Insurance is to be placed with duly licensed or approved non-admitted insurers in the state of Arizona with an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.

**E. VERIFICATION OF COVERAGE:** Contractor shall furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and endorsements are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this Contract shall be sent directly to (Arizona Department of Corrections, Procurement Services, 1601 West Jefferson Street, MC55302, Phoenix, Arizona 85007). The State of Arizona project/contract number and project description shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time. **DO NOT SEND CERTIFICATES OF INSURANCE TO THE STATE OF ARIZONA'S RISK MANAGEMENT SECTION.**

**F. SUBCONTRACTORS:** Contractors' certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall furnish to the State of Arizona separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to the minimum requirements identified above.

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- G. **APPROVAL:** Any modification or variation from the *insurance requirements* in this Contract shall be made by the Department of Administration, Risk Management Section, whose decision shall be final. Such action will not require a formal Contract amendment, but may be made by administrative action.
- H. **EXCEPTIONS:** In the event the Contractor or sub-contractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a Certificate of Self-Insurance. If the contractor or sub-contractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.

**INMATE WORK PROGRAM UTILIZING CONTRACTOR SUPERVISION**

- A. No inmate shall be placed in a supervisory capacity over any other inmate.
- B. Department authorities shall be notified of unsatisfactory work or malingering of inmates and, if requested, the Contractor shall furnish a written account of such unsatisfactory performance.
- C. The Department and Management and Training Corporation shall receive immediate notification of an inmate's failure to remain at work in accordance with assigned job duties.
- D. The Department and Management and Training Corporation shall receive immediate notification of the discovery or suspicion of any intoxicant or unprescribed drug in the possession of any inmate worker.
- E. In the event of accident or serious illness while on the job, the Contractor may administer first aid as necessary and shall notify Department and Management and Training Corporation authorities without delay. If necessary, in the interest of life or limb, the inmate may be transported to the nearest hospital. Inmate workers shall not be transported in privately owned vehicles at any time.
- F. The Contractor shall provide training and special protective clothing if work environment necessitates use of specific safety precautions or if inmates must work with, near, or around hazardous materials, e.g., asbestos, explosives, radioactive substances. Provision of training shall be documented in writing for each inmate participant. Special protective clothing may include, but shall not be limited to, shoes, safety glasses, gloves, goggles, protective outerwear, hats, etc.
- G. The Contractor shall provide instruction to all inmate workers regarding necessary safety precautions at the job site. If inmate workers are required to operate special equipment as part of their job duties, appropriate training specific to its use shall be provided and documented.
- H. Contractor's supervisors shall have knowledge and training related to the particular work tasks described in the Contract to ensure that qualified technical supervision and assistance shall be provided to inmate workers as applicable to job requirements.
- I. All equipment, machinery and tools needed to accomplish designated work assignments shall be maintained in good repair and working condition by the Contractor.
- J. The Contractor shall comply with the required standards of the Occupational Safety and Health Act (OSHA), Safety and Health Standards for General/ Construction Industry (29 CFR Part 1910/1926), as adopted by the State of Arizona, during the term of this Contract; relative to safety of the work environment and equipment used by assigned inmate workers.
- K. The confidentiality of information regarding any inmate worker acquired in the course of service pursuant to this Contract shall be maintained in accordance with A.R.S. §31-221, and no

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**STANDARD WORK PROVISIONS  
INMATE WORK PROGRAMS**

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information shall be released without prior written authorization from a representative of the Department.

- L. The Contractor's personnel shall be instructed that it is unlawful for anyone to give, take or in any manner barter with inmates, i.e., the supplying of any goods, including food and soft drinks or monies, constitutes a felony for which they can be prosecuted. Inmates are not permitted to work where there are alcoholic beverages or illegal drugs. The Contractor's personnel shall not handle any mail, notes, packages, or verbal messages for assigned inmates. No inmate shall be permitted to make or receive telephone calls unless the call is made to or received from the prison facility in which the inmate is incarcerated.
- M. An authorized representative of the Department shall be permitted to visit or telephone assigned inmates at the prescribed place of work, or to otherwise communicate with the Contractor to discuss each inmate's work performance, work attendance and general behavior.
- N. The visiting of an inmate by any unauthorized person shall not be permitted. If any person is found visiting with an inmate, his or her name and description shall be given to Department and Management and Training Corporation authorities. If it is not possible or feasible to obtain names, other identification such as automobile make, description and license number shall be obtained when possible.
- O. Any allegations of non-compliance with Department written instructions, or other Contractor misconduct, shall be subject to investigation by the Department and Management and Training Corporation.

**STANDARD WORK PROVISIONS  
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ADC Contract No. 110016DC**

# **SITE SAFETY AND HEALTH PLAN**

**Developed by: State of Arizona, Department of Administration  
Risk Management Section**

**Provided by: Barry Keith, Manager, Safety and Environmental Services,  
Administrative Services Division**

## **1 PROGRAM OBJECTIVES**

- 1.1 This Safety and Loss Prevention Program is established to exercise all available means of eliminating or controlling hazards and risks associated with renovation and construction projects.
  - 1.1.1 Minimize Personal Injuries;
  - 1.1.2 Maximize Property Conservations;
  - 1.1.3 Achieve Greater Efficiency; and
  - 1.1.4 Reduce Direct and Indirect Costs
- 1.2 The effectiveness of Safety and Loss Prevention Program will depend on the active participation and full cooperation of all involved with the project to include management, supervisors, inmates, and employees, and their efforts in carrying out the following basic responsibilities.
  - 1.2.1 Plan all work to minimize personal injury, property damage and loss of productive time.
  - 1.2.2 Properly select inmates/employees based upon their skill level for the necessary job tasks.
  - 1.2.3 Provide for the protection of adjacent property and safety of the public.
  - 1.2.4 Coordinate activities with others at the work location.
  - 1.2.5 Establish and conduct an educational program to stimulate and maintain interest and participation of all inmates and employees through:
    - 1.2.5.1 Safety Meetings.
    - 1.2.5.2 Prompt investigation of all accidents and serious potential incidents to determine cause or causes and take necessary corrective action to eliminate a recurrence of a loss or incident.
    - 1.2.5.3 Use of proper work methods, personal protective equipment, and mechanical guards.
    - 1.2.5.4 Employee/inmate safety instructions to all assigned work.
    - 1.2.5.5 Safety training programs.

**2 RESPONSIBILITIES**

- 2.1 It is the purpose of the program to organize and direct activities, which will:
  - 2.1.1 Avoid injuries.
  - 2.1.2 Reduce construction interruption due to an accident.
  - 2.1.3 Assure a safe and healthy place to work.
- 2.2 The Project Manager is required to establish and administer a site-specific safety program and will:
  - 2.2.1 Make periodic loss prevention surveys.
  - 2.2.2 Submit written recommendations.
  - 2.2.3 Periodically attend safety meetings.
  - 2.2.4 Assure safety orientation meetings for employees/inmates are conducted and documented.
  - 2.2.5 Provide warning signs, safety literature, reporting forms, and other educational and training materials as deemed appropriate.
  - 2.2.6 Maintain a written comprehensive Safety and Loss Prevention manual.
  - 2.2.7 Give due consideration to all safety factors during pre-planning.
  - 2.2.8 Employ only those individuals physically and mentally capable of performing in a safe manner.
  - 2.2.9 Comply with the Occupational Safety and Health Act and all other applicable Federal, State and Local regulations.
  - 2.2.10 Provide and enforce the use of all necessary testing equipment for employee/inmate health and safety. Provide and enforce the use of personal protective equipment and use only where Engineering controls are not feasible.
  - 2.2.11 Provide properly guarded and maintained tools, machinery and equipment.
  - 2.2.12 Maintain necessary accident records and promptly file the reports required by the State or Federal authorities and the insurer.
  - 2.2.13 Promptly investigate any incident that causes injury or damage to property.
  - 2.2.14 Plan and schedule work operations so as to control personal injury and property damage hazards.
  - 2.2.15 Maintain good housekeeping conditions and fire protection equipment.
  - 2.2.16 Maintain an effective equipment inspection and maintenance program.

- 2.2.17 Provide proper and specific work task training for employees/inmates regarding the hazards of their jobs and how to work safely.
- 2.2.18 Correct unsafe work habits of employees/inmates as soon as they are observed.
- 2.2.19 Eliminate unsafe conditions under their control and promptly report those they cannot eliminate to the proper authority.
- 2.2.20 Conduct weekly toolbox meetings with all employees/inmates and maintain written records of these meetings. The written record shall include the date, topic discussed, comments, and attendees.
- 2.2.21 Ensure each employee/inmate understands that violations of the project safety program will not be tolerated and that proper disciplinary action will be administered, including removal from the Project for violation of safety policy.

### **3 GENERAL SAFETY REQUIREMENTS**

#### **3.1 Laws and Regulations:**

- 3.1.1 Responsible project management representatives shall comply with and enforce all local, state and federal laws, rules, statutes and regulations of governing or regulatory bodies within the geographical scope of its operations. They will also cooperate with all regulatory agencies regarding job site safety and health, and allow full access to the project for visitation.

#### **3.2 Audit Procedures:**

- 3.2.1 All documentation regarding safety training, hazard communication, electrical safety programs, equipment safety programs, equipment inspection and maintenance records, and fire protection inspection shall be kept on the job site.

#### **3.3 Drug and Alcohol Policy:**

- 3.3.1 The possession or use of any non-prescribed drug or any alcohol beverage on the job site is strictly prohibited.

### **4 SPECIFIC REQUIREMENTS**

#### **4.1 Emergency Procedures Guideline:**

- 4.1.1 The Project Manager will set up emergency procedures for the following categories:
  - 4.1.1.1 Fire
  - 4.1.1.2 Injuries
  - 4.1.1.3 Injury to the general public
  - 4.1.1.4 Property damage, particularly to utilities; i.e., gas, water, sewage, electrical, telephone, or pedestrian and vehicle routes.
  - 4.1.1.5 Public demonstrations
  - 4.1.1.6 Bomb threats
  - 4.1.1.7 Other exposures at the construction site

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- 4.1.2 In order that necessary emergency services are supplied promptly, the Project Manager shall:
- 4.1.2.1 Post in a conspicuous place, a list of emergency phone numbers, along with the type of information to be transmitted for each emergency situation.
  - 4.1.2.2 Delegate responsibility for making emergency calls.
- 4.1.3 It is the responsibility of the Project Manager to ensure immediate (5 min or less) reliable emergency medical response is available or to provide full time dedicated, trained emergency medical staff and facilities to be available to all employees/inmates if employees/inmates are working with materials that could adversely affect their respiration, or are subject to electrical shock that could cause loss of the breathing function, and medical response is longer than 3 to 4 minutes, the Project Manger must adhere to the OSHA rules and regulations, 29 CFR 1926.50, regarding medical response for a construction site.
- 4.1.4 The Project Manager's emergency procedures should be reviewed regularly and, where necessary, adjusted to provide maximum effectiveness.
- 4.2 Protection of the Public:
- 4.2.1 The Project Manager shall take all necessary precautions to prevent injury to the public or damage to property of others. The term "public" shall include all persons not engaged in the project or others working under his/her direction. Precautions to be taken shall include, but not limited to, the following:
    - 4.2.1.1 Work shall not be performed in any area occupied by the public unless specified permitted by the contract or in writing by the Project Manager.
    - 4.2.1.2 When it is necessary to maintain public use of work areas involving sidewalks, entrances to buildings, lobbies, corridors, aisles, stairways and vehicular roadways, the Project Manager s shall protect the public with appropriate guardrails, barricades, temporary partition shields, and adequate visibility. Such protection shall guard against harmful radioactive rays or particles, flying materials, falling or moving materials and equipment, hot or poisonous materials, explosives and explosive atmospheres, flammable or toxic liquids and gasses, open flames, energized circuits or other harmful exposures.
    - 4.2.1.3 Sidewalks, entrances to buildings, lobbies, corridors, aisles, doors or exits shall be kept clear of obstructions to permit safe ingress and egress of the public at all times.
    - 4.2.1.4 Appropriate warnings, signs, and instructional safety signs shall be conspicuously posted where necessary. In addition, a signal shall control the movement of motorized equipment in areas where the public might be endangered.
    - 4.2.1.5 Sidewalk sheds, canopies, catch platforms and appropriate fences shall be provided when it is necessary to maintain public pedestrian traffic adjacent to

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**STANDARD WORK PROVISIONS  
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the erection, demolition or structural, alteration of outside walls on any structure. The protection required shall be in accordance with the laws and regulations of the regulatory bodies.

- 4.2.1.6 A temporary fence shall be provided around the perimeter of above ground operations adjacent to public areas except where a sidewalk shed or fence is, if provided by the contract or as required by Subparagraph 5 above. Perimeter fences shall be at least six feet high and/or in compliance with the laws and regulations of the regulatory bodies involved.
- 4.2.1.7 Guardrails shall be provided on both sides of vehicular and pedestrian bridges, ramps, runways and platforms. Pedestrian walkways elevated above adjoining surfaces, or walkways within six feet of the top of excavated slopes or vertical banks shall be protected with guardrails, except where sidewalk sheds or fences are provided as required by Subparagraph 5 above. Guardrails shall be made of rigid materials capable of withstanding a force of at least 200 pounds applied in any direction at any point in their structure. Their height shall be approximately 42-inches. Top rails and post may be 2-inches by 4-inches dressed wood or equal. Intermediate horizontal rails at mid-height and toe boards at platform level may be 1-inch by 6-inch wood or equal. Posts shall not be over eight feet apart.
- 4.2.1.8 Barricades meeting the requirements of the political subdivision involved shall be provided where sidewalk sheds, fences or guardrails as referenced above, are not required between work areas and pedestrian walkways, roadways or occupied buildings. Barricades shall be secured against accidental displacement and shall be maintained to perform the work. During the period a barricade is removed temporarily for the purposes of work, a watchman shall be placed at all openings.
- 4.2.1.9 Temporary sidewalks shall be provided when a permanent sidewalk is obstructed by the Trade Subcontractor's or any tier operations. They shall be in accordance with the requirements of the political subdivision involved. Guardrails shall be provided on both sides of temporary sidewalks.
- 4.2.1.10 Warning signs and lights including lanterns, torches, flares and electric lights, meeting requirements of the political subdivision involved, shall be maintained from dusk to sunrise along guardrails, barricades, temporary sidewalks and at every obstruction to the public. These shall be placed at both ends of such protection or obstructions and not over 20 feet apart alongside of such protection or obstructions.

#### **4.3 Housekeeping**

- 4.3.1 During the course of construction/renovation, house keeping practices will be followed to keep the work areas, passageways, and stairs in and around the buildings or other structures, free from debris of all types.
  - 4.3.1.1 This shall include scrap lumber and form lumber with protruding nails.

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**STANDARD WORK PROVISIONS  
INMATE WORK PROGRAMS**

**Attachment #2  
ADC Contract No. 110016DC**

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4.3.1.2 Combustible scrap and debris shall be removed at regular intervals. Containers shall be provided for the collection of scrap, trash and other debris.

**4.4 Personal Protective Equipment:**

4.4.1 The Project Manager shall be responsible for requiring the wearing of appropriate personal protective equipment in all operation where there is an exposure to hazardous conditions or where there is an indication of the need for using such equipment to reduce the hazard to employees/inmates. Such equipment will be used where engineering out the hazard is not feasible.

**4.5 Flammable and Combustible Liquids:**

4.5.1 Flammable and combustible liquids shall be stored and dispensed in compliance with regulations and rules established by the governing regulatory bodies.

4.5.2 Any leakage or spillage of flammable or combustible liquids shall be cleaned up immediately and disposed of promptly and safely.

4.5.3 Transfer of flammable liquids from one container to another shall require electrically bonding the containers.

4.5.4 Small quantities of flammable liquids that may be used at various points on the Job Site shall be handled in approved safety cans.

4.5.5 No smoking, matches, or open flames will be permitted within 50 feet of the area where flammable liquids are used or transferred, unless conditions warrant greater clearance.

4.5.6 Fuel trucks will properly marked, contents clearly identified, posted and with proper fire protection.

4.5.7 Fuel tanks over 500 gallons will be diked, grounded, and protected from contact by vehicles on all sides. Proper identification of tanks and access for measurement will be maintained.

**4.6 Tools – Hand and Power:**

4.6.1 All hand and power tools and equipment shall be maintained in a safe condition. The Project Manager shall be responsible for the condition of all tools or equipment used by employees/inmates.

4.6.2 Power operated tools that are designed to accommodate guards shall be equipped with such guards while in use.

4.6.3 Belts, gears, shafts, pulleys, sprockets, spindles, drums, flywheels, chains, or other reciprocating, rotating or moving parts of such equipment or tools shall be guarded if such parts are exposed to contact.

4.6.4 Wrenches shall not be used when the jaws are sprung or worn to the point that slippage occurs.

4.6.5 Impact tool such as wedges and chisels shall be kept free of mushroomed heads.

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**STANDARD WORK PROVISIONS  
INMATE WORK PROGRAMS**

**Attachment #2  
ADC Contract No. 110016DC**

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- 4.6.6 Wooden handles of tool shall be kept free of splinters and cracks and shall be kept tight in the tool.
  - 4.6.7 All hand-held powered drills, fastener drivers, grinders with wheels greater than 2-inches in diameter, disc sanders, belt sanders, reciprocating saws, saber saws and similar operating power tools shall be equipped with a momentary contact off-on control and may have a lock-on control provided that turn off can be accomplished with a single motion of the same finger or fingers that turn it on.
  - 4.6.8 All other hand-held powered tools such as circular saws, chain saws, and percussion tools with positive accessory holding means, shall be equipped with a constant pressure switch that will shut off power when the pressure is released.
  - 4.6.9 The use of electrical cords for hoisting or lowering tools shall not be permitted.
  - 4.6.10 Pneumatic power tools shall be secured to the hose or whip by some positive means to prevent the tool from becoming accidentally disconnected. Each section of supply hose to pneumatic tool shall also be secured by some positive means to prevent accidental disconnection.
  - 4.6.11 Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled.
  - 4.6.12 Pneumatic hoses shall not be used as a means of hoisting or lowering tools.
  - 4.6.13 Only employees/inmates who have been trained in the operation of the particular tool in use shall be allowed to operate a power-actuated tool.
  - 4.6.14 Power-actuated tools shall be tested each day before loading to see that safety devices are in proper working condition. The testing shall be done in accordance with the manufacturer's recommended pressure.
- 4.7 Earth Moving Equipment:
- 4.7.1 Operators will receive instructions on proper mounting and dismounting of equipment.
  - 4.7.2 Operators shall wear seat belts while vehicle is in motion.
  - 4.7.3 Equipment shall be in safe operating condition and inspected daily for proper braking and hydraulic systems and tires.
  - 4.7.4 Dozer, loader, scraper, backhoe buckets, glades and pans will be grounded before the operator dismounts.
  - 4.7.5 Prior to mounting any equipment, the operator will visually inspect the area not visible from the operator's station.
  - 4.7.6 Equipment will have audible warning devices in good working order.





**LETTER OF INSTRUCTION  
REQUEST FOR AUTHORIZATION**

**UTILIZING INMATE WORKERS FOR OPERATION OF OFF-ROAD MOBILE EQUIPMENT**

Inmate Work Contracts between the Department/ASP-Kingman and the Contractor provide authorization for assigned inmate workers to operate off-road mobile equipment under certain conditions. This Letter of Instruction provides the procedure for obtaining approval to utilize inmate workers on Contractors off-road mobile equipment.

- 1 The Contractor shall provide written notice to ASP-Kingman advising of the need to utilize inmate workers to operate specific off-road mobile equipment. The request shall include the following information:
  - 1.2 A complete list describing the type(s) of off-road mobile equipment to be operated;
  - 1.3 Identification of specific training, inmates will receive for each type of off-road mobile equipment; and
  - 1.4 A list of inmates, to include the inmate's Department identification number, for whom approval is being requested. The list shall reflect the type(s) of mobile equipment to be operated, specific to each inmate worker.
- 2 ASP-Kingman shall acknowledge the Contractor's request and, after coordinating with institution officials, notify the Contractor in writing of those inmates approved to be trained to operate off-road mobile equipment. The Contractor shall not proceed with training until written notice of authorization is received from the Department.
- 3 Once approval to proceed with training is received, the Contractor shall provide safety and operational training to approved inmates for each type of specified off-road mobile equipment. The manufacturer's supplied training materials and/or materials developed in accordance with Occupational Safety and Health Act (OSHA) guidelines, for each specific type of mobile equipment, should meet the training requirements for each inmate operator. Copies of training materials shall be provided to ASP-Kingman for record keeping purposes.
- 4 Once training is complete, the Contractor shall furnish ASP-Kingman with documentary evidence of satisfactory completion of training for each inmate. The documentation shall include the inmate's certification by signature that he/she understands the operation and safety issues of each type of mobile equipment he/she has been trained to operate.
- 5 Following review of training documents provided by the Contractor, the General Manager, ASP-Kingman and/or designee, shall furnish the Contractor with notification of approval for individual inmates. ASP-Kingman shall maintain records of training and authorization for all inmate workers as long as they are engaged in this inmate work program.
- 6 The Contractor shall acquire and maintain applicable insurance in compliance with State requirements.



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Chief Robert J. DeVries

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Award of bid for emergency equipment for police vehicles

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**SUMMARY:**

The Kingman Police Department solicited bids for emergency equipment for four (4) Ford Police Interceptors. Three (3) separate bids were submitted and opened on November 20, 2015.

Bids submitted included; \$54,031.60 from MHQ of Arizona in Tempe, \$54,143.60 from Arizona Emergency Products in Phoenix and \$68,481.91 from Creative Communications Sales and Rentals Inc. of Phoenix.

**FISCAL IMPACT:**

\$54,031.60 from the 2015/2016 department capital line item budget

**STAFF RECOMMENDATION:**

Staff recommends accepting and awarding the bid to MHQ of Arizona who submitted the low bid.

**ATTACHMENTS:**

Description

Vehicle Bid Information and Tabulation Sheet

**REVIEWERS:**

Department	Reviewer	Action	Date
Police Department	DeVries, Robert	Approved	11/24/2015 - 5:38 PM
City Attorney	Hocking, Lee	Approved	11/24/2015 - 5:47 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 5:55 PM

**Bidder's Tabulation Sheet**

**PROJECT:**

City of Kingman KPD16-005

**BID OPENING:**

11/20/2015 3:00 P.M.

**BUDGETED AMOUNT:**

BIDDERS NAME AND ADDRESS	Spec Received	Addendum Attached	Bid Bond Attached	CONTRACT PRICE	ALTERNATES				
					BID PROPOSAL				
					BID A	BID B	BID C	BID D	BID E
Arizona Emergency Products 3433 East Wood St. Phoenix, AZ 85040				\$54,143.60					
Creative Communications Sales and Rentals, Inc 3332 E. Broadway Rd. Phoenix, AZ 85040				\$68,481.91					
MHQ of Arizona 1115 W Fairmont Drive Tempe, AZ 85282				\$54,031.60					

**Present:**

S. Muhle  
E. Roper  
J. Sochocki  
R. DeVries

Posted By:

E. Roper

Date & Time:

11/20/2015

Witnessed By:

D. Walden

Bid # KPD16-005

**Invitation to Bid**

Bid # KPD16-005

The City of Kingman Police Department will accept written bids for

**KPD16-005 Emergency Lighting and Upfitting of Four (4) 2016 Ford Utility Police Interceptors**

Bids to be submitted to the City Clerk's Office, 310 N. Fourth St., Kingman, AZ 86401 by **3:00 p.m., MST, Friday, November 20, 2015**. Bids will be opened at this time.

Bidding specifications and bid sheet can be obtained from Jennifer Sochocki, 2730 E. Andy Devine Avenue, Kingman, AZ 86401, (928) 753-2191.

**Delivery:** All vehicles will be picked up by the Kingman Police Department within 45 business days of the delivery of the City of Kingman purchase order and vehicles, once approved by City of Kingman at inspection. There will be a \$45 per vehicle per day penalty for every day the vehicles are not available for pickup in excess of 45 days. Exigent circumstances will be given consideration on a case by case basis. No late penalty will apply if City of Kingman delays inspection and pickup.

**Bid Award:** Bids will be awarded to the lowest responsive, responsible bidder who also complies with these instructions and with the advertisement for bids, and will be considered at the next City of Kingman Council Meeting held **December 1, 2015**. The City of Kingman, however, reserves the right to accept or reject any and all bids if it deem it best for the public good, will reject the bids of any bidder who have been unfaithful or delinquent to any contract with the City of Kingman and to waive informality in the bids received.

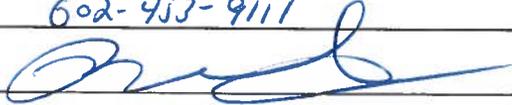
If you have any questions regarding these bid specifications, please contact Jennifer Sochocki, 928-753-2191 or Email [jsochocki@cityofkingman.gov](mailto:jsochocki@cityofkingman.gov)

The undersigned certifies that he or she is an authorized agent of the bidder and is empowered to enter into a contract with the City of Kingman for the purpose stated herein. Further, this offer must meet all of the bid specifications and requirements. Please see the attached sheet for the requirements.

Bidder's Legal Name: Arizona Emergency Products

Address: 3433 East Wood St. Phoenix Az 85040

Phone Number: 602-453-9111

Authorized Signature: 

Printed Name & Title: Arizona Regional Sales Consultant

AZ. Sales Tax (use tax) License No. 07-634625-F

Bid # KPD16-005

**Conditions:**

If any of the equipment bid varies from the specifications, such variations must be submitted in writing and included with the bid package.

The City of Kingman reserves the right to waive minor variations if, in the opinion of the City of Kingman, the basic unit meets the general intent of these specifications.

The complete equipment/material bid shall not include a major component that is of a prototype nature or has not been in production a sufficient length of time to demonstrate reliability.

**Substitution for Specifications:**

The City of Kingman will not accept substitutions for specifications due to fleet uniformity.

**Exceptions to Specifications:**

The fact that manufacturers choose not to produce equipment or materials to meet these specifications will not be considered sufficient cause to adjudge these specifications as restrictive. Bidders shall offer the equipment that comes closest to meeting these specifications. The bidder shall note where deviations from specifications are necessary.

**Warranty:**

Bidder shall state on the Bid Sheet the conditions and durations of the warranty being offered and include pertinent information in detail on an attachment to the bid. For bidding purposes, only standard warranty coverage will be considered. Additional warranty coverage may be offered at the time of the bid, but will not be considered as part of the bid and shall not be included in any bid prices.

**Bid Sheet Summary**

**\*\*Failure to submit this form shall be cause for bid rejection.\*\***

Vendor's Name Arizona Emergency Products

Bidder agrees to provide all required equipment, material, freight and/or labor as specified in bid documents herein for the following prices as listed:

Quantity	Description	Unit Price	Extended Price
4	Equipment & Upfitting of 2016 Ford PI-SUVs Includes Equipment, Install, Delivery, & Tax	13,535 <sup>96</sup>	54,143 <sup>60</sup>
	<b>Grand Total for Total Package (Total Costs for all 4 Vehicles)</b>		

Additional Extended Warranty/Maintenance Service Options may be included as attachments.

Bid # KPD16-005

**Bid Specifications for KPD Vehicle Emergency Lighting & Upfitting**

Vendor's Name Arizona Emergency Products

**DESCRIPTION:**

The emergency lighting and outfitting of four (4) 2016 Ford Utility Police Interceptor Vehicles with Ford Factory Options 55B, 17A, 43D, 17T, 53M, 68G, 21B, 18W, 61S, 59S, 51T, and 86T.

#	ITEM DESCRIPTION	PART #	MEETS SPECS YES/NO	EXCEPTIONS
1	Whelen 55" Liberty II Light Bar with Extended Corners, Flashing Corner LED Modules Red/Red Driver's Side with Traffic Advisor as per KPD specs (see attached drawing).	IX2-S-ITS3-KPD	Yes	N/A
2	Whelen E-Z Lightbar Mount Kit #83	MKEZ83	Yes	N/A
3	SoundOff Headlight Flasher	ETHFSS-SP	Yes	N/A
4	Setina 450-L4 Series Alum Push Bumper ION Full 2016 Interceptor Utility	BK2019ITU16	Yes	N/A
5	Troy PI SUV 18" Center Equipment Console	CC-UV-L-18	Yes	N/A
6	Troy 2 inch faceplate for a Kenwood NX700 radio	FP-KTK7180/8180	Yes	N/A
7	Troy 4" Face Plate Whelen siren WS295HFS9	FP-WS295HFS9	Yes	N/A
8	Troy 3" Blank with 3 DC Outlet Holes	FP-AP3	Yes	N/A
9	Troy DC Outlet w/ Black Cap (Two (2) per unit)	L3-APISET	Yes	N/A
10	Round Dual USB Power Outlet	USBR12V	Yes	N/A
11	Troy 3" Blank Plate	FP-BLNK3	Yes	N/A
12	Troy 2" Blank Plate	FP-BLNK2	Yes	N/A
13	Troy Internal Beverage Holder w/Rubber Pieces	AC-INBHG	Yes	N/A
14	Troy Mic Clip and Mounting Plate Assembly (Two (2) per unit)	AC-MCM1	Yes	N/A
15	Troy adjustable arm rest, mounts to console floor plate	AC-ARM	Yes	N/A
16	Whelen 295 Series 100/200 Siren with lighted controls, park kill & plug in Microphone	295SLSC6	Yes	N/A
17	Whelen Projector Series Speaker	SA315P	Yes	N/A
18	Whelen Siren Speaker Mount 2016 PI-SUV with swing arm	SAK51	Yes	N/A
19	Troy Passenger Side Computer mounts for a 2016 PI-SUV w/ swing arm	CM-PSUV-SL-LED	Yes	N/A

20	Gamber Johnson Mag Dock for Getac B3000 Computer	7160-0526-00	Yes	NIA
21	Gamber Johnson screen support F/CF 30	7160-0060	Yes	NIA
22	AOI Dual stage airbag switch front passenger. "Plug In" with adapter kit	AOI0001	Yes	NIA
23	Remote Air Bag Status Light	RASL	Yes	NIA
24	Setina #10XL C Coated poly partition for 2016 Interceptor Utility	PK1126ITU12	Yes	NIA
25	Setina steel window barrier, 2016 Interceptor Utility	WK0514ITU12	Yes	NIA
26	Setina 2016 Interceptor Door Panel	DK0100ITU12	Yes	NIA
27	Laguna Interior SUV Prisoner Seat with Ready Buckle Seat Belts and Mesh Screen, 2016 Interceptor SUV	FE4502RB	Yes	NIA
28	Whelen OuterEdge Lights for 2016 Ford PI-SUV. Driver side 3 Microns should be all Red (OEMCRNR) and the Passenger side 3 Microns should be all Blue (OEMCRNB).	OE34UR6	Yes	NIA
29	Whelen ION Lights Red/Blue (Two (2) Lights per unit)	IONJ	Yes	NIA
30	Whelen ION Series Body Mount Grommet (Two (2) Kits per unit)	IONGROM	Yes	NIA
31	Whelen Micron Split Red/Blue Light Head with Black Flange (Two (2) per unit)	MCRNSJ	Yes	NIA
32	Whelen Vertex Super-LED/Blue (Two (2) per unit). This LED insert is made to fit into the hole made by the 86T Ford option.	VHB609B	Yes	NIA
33	SoundOff backflash module for Ford	ETFBSSN-P	Yes	NIA
34	Twenty-five (25) foot radio Coax cable kit with PL259 UHF connector and NMO Mount w/Rain Cap (Two (2) Kits per unit)		Yes	NIA
35	Patrol Power Custom Wiring Harness with Color Coded Function Labeled Wire for 2016 Ford PI-SUV <b>must be pre-approved by City of Kingman prior to installing.</b>	03-0211	Yes	NIA
36	Kingman Police Department 2016 Police Interceptor SUV standard decal package in reflective 3M tape per KPD Specs, includes professional installation from Trademark Visual. See attached Drawing.		Yes	NIA

Bid # KPD16-005

Arizona Emergency Products

37	All Window Tinting; front doors 35%. Rear door, rear side windows and hatch 5%		Yes	Yes	N/A
38	Pre-wire for local radio installation of the Kenwood NX-700 ( For the Kenwood NX-700 please install an ignition power block in the console for a KCT-46 ignition sense cable or install the KCT-46 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio, and wire for external speaker)			Yes	N/A
39	B and B Armour® Single gun rack for an AR-15 style weapon only. SC1 gunlock (GR2)	7010-3001		Yes	N/A
40	SL-20LP Streamlight Shall include a twelve (12) volt DC charger	25202		Yes	N/A
41	StopTech Stopsticks 9' Stop Stick SUV Kit with black stick/black sleeve	S3701K		Yes	N/A
42	Sales Tax			Yes	N/A
43	Shipping			Yes	N/A
44	Shop Supplies			Yes	N/A
45	Installation Labor			Yes	N/A
46	Kingman Police Will Deliver and Pickup Vehicles			Yes	N/A

**Individual Per Unit Bid Sheet \*\*Failure to Submit this form shall be cause for bid rejection\*\*  
Specifications for KPD Vehicle Emergency Lighting BID # KPD16-005**

Vendor's Name Arizona Emergency Products

DESCRIPTION: The emergency lighting & outfitting of four (4) 2016 Ford Police Utility Interceptor Vehicles

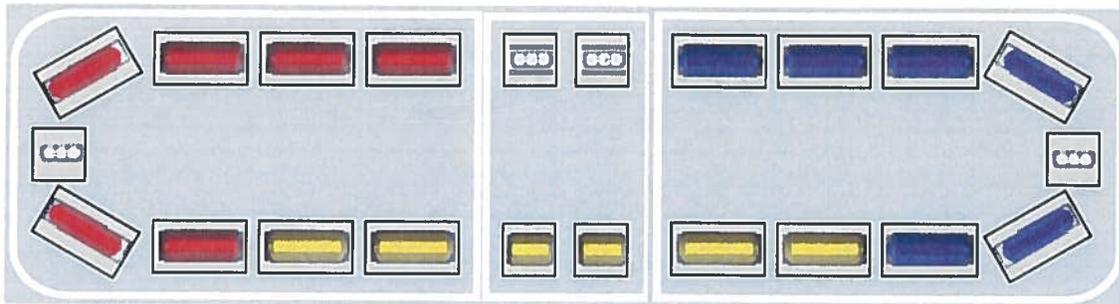
Item #	Description	Part Number	Quantity	Price Each	Total
1	Light Bar	<u>TX2-S-ITS3-KPD</u>	1	\$ <u>1,390<sup>50</sup></u>	\$ <u>1,390<sup>50</sup></u>
2	Light Bar Mount Kit	<u>MKE2 83</u>	1	\$ <u>0<sup>00</sup></u>	\$ <u>0<sup>00</sup></u>
3	Headlight Flasher	<u>BTHFSJ-SP</u>	1	\$ <u>36<sup>18</sup></u>	\$ <u>36<sup>18</sup></u> <i>Bl</i>
4	Aluminum Push Bumper w/2 Side 2 Forward Lights	<u>WK 2019 ITU 16</u>	1	\$ <u>677<sup>31</sup></u>	\$ <u>677<sup>31</sup></u>
5	Equipment Console	<u>CC-UV-L-18</u>	1	\$ <u>309<sup>38</sup></u>	\$ <u>309<sup>38</sup></u>
6	Face Plates for radio	<u>FP-KTK 7180/8180</u>	1	\$ <u>0</u>	\$ <u>0</u>
7	Face Plate Siren Whelen	<u>FP-WS295 HFS9</u>	1	\$ <u>0</u>	\$ <u>0</u>
8	3 inch Blank w/ 3 DC Outlet Holes	<u>FP-AP3</u>	1	\$ <u>0</u>	\$ <u>0</u>
9	DC Outlet w/ Black Cap	<u>L3-API SET</u>	2	\$ <u>6<sup>88</sup></u>	\$ <u>13<sup>76</sup></u>
10	Round Dual USB Power Outlet	<u>USB B 12V</u>	1	\$ <u>12<sup>08</sup></u>	\$ <u>12<sup>08</sup></u>
11	3 inch Blank Plate	<u>FP-BLNK3</u>	1	\$ <u>0</u>	\$ <u>0</u>
12	2 inch Blank Plate	<u>PP-BLNK2</u>	1	\$ <u>0</u>	\$ <u>0</u>
13	Beverage Holder	<u>AC-INWHG</u>	1	\$ <u>34<sup>38</sup></u>	\$ <u>34<sup>38</sup></u>
14	Microphone Clip w/ Mounting Assembly	<u>AC-mcm1</u>	2	\$ <u>10<sup>31</sup></u>	\$ <u>20<sup>62</sup></u>
15	Arm Rest, side mount, adjustable	<u>AC-ARM</u>	1	\$ <u>99<sup>69</sup></u>	\$ <u>99<sup>69</sup></u>
16	Whelen Siren	<u>295 SLSC6</u>	1	\$ <u>402<sup>83</sup></u>	\$ <u>402<sup>83</sup></u>
17	Speaker	<u>SA3NP</u>	1	\$ <u>158<sup>98</sup></u>	\$ <u>158<sup>98</sup></u>
18	Siren Speaker Mount Bracket	<u>SAK51</u>	1	\$ <u>0</u>	\$ <u>0</u>
19	MDC Pass Side Comp Mounts	<u>Cm-PSUV-JL-LED</u>	1	\$ <u>415<sup>94</sup></u>	\$ <u>415<sup>94</sup></u>
20	Docking Station	<u>7160-0520-00</u>	1	\$ <u>740<sup>48</sup></u>	\$ <u>740<sup>48</sup></u>
21	Screen Support	<u>7160-0060</u>	1	\$ <u>36<sup>41</sup></u>	\$ <u>36<sup>41</sup></u>
22	Passenger Side Front Air Bag Cut Off Switch	<u>AOI0001</u>	1	\$ <u>195<sup>22</sup></u>	\$ <u>195<sup>22</sup></u>
23	Remote Air Bag Status Light	<u>BA5L</u>	1	\$ <u>24<sup>45</sup></u>	\$ <u>24<sup>45</sup></u>
24	CRP Coated poly partition	<u>BK 1126 ITU 12</u>	1	\$ <u>574<sup>09</sup></u>	\$ <u>574<sup>09</sup></u>
25	Steel Window Barrier	<u>WK 0514 ITU 12</u>	1	\$ <u>143<sup>01</sup></u>	\$ <u>143<sup>01</sup></u>
26	Steel Door Panel	<u>WK 0160 ITU 12</u>	1	\$ <u>160<sup>80</sup></u>	\$ <u>160<sup>80</sup></u>
27	Prisoner Seat w/ Ready Buckle	<u>FE 4502 RB</u>	1	\$ <u>964<sup>80</sup></u>	\$ <u>964<sup>80</sup></u>
28	Whelen OuterEdge Lights	<u>OE 34 UBC</u>	1	\$ <u>618<sup>78</sup></u>	\$ <u>618<sup>78</sup></u>
29	Whelen ION Lights	<u>IONJ</u>	2	\$ <u>92<sup>00</sup></u>	\$ <u>184<sup>00</sup></u>
30	Light Body Mount Grommet	<u>IONGROM</u>	2	\$ <u>4<sup>35</sup></u>	\$ <u>8<sup>70</sup></u>
31	Micron Light Head w/ Flange	<u>MCRHJT</u>	2	\$ <u>98<sup>52</sup></u>	\$ <u>196<sup>04</sup></u>
32	Vertex LED Blue Lights	<u>VAB 609 B</u>	2	\$ <u>80<sup>83</sup></u>	\$ <u>161<sup>66</sup></u>
33	Backflash Module	<u>BTFBNN-P</u>	1	\$ <u>39<sup>96</sup></u>	\$ <u>39<sup>96</sup></u>
34	Radio Coax Cable Kit & Rain Caps	<u>Nmo KHUFDFMR*25</u>	2	\$ <u>21<sup>34</sup></u>	\$ <u>42<sup>68</sup></u>
35	Power Wiring Harness	<u>OB-0211</u>	1	\$ <u>499<sup>88</sup></u>	\$ <u>499<sup>88</sup></u>
36	Standard Decal Package	<u>NIA</u>	1	\$ <u>862<sup>50</sup></u>	\$ <u>862<sup>50</sup></u>
37	Window Tinting	<u>NIA</u>	1	\$ <u>206<sup>25</sup></u>	\$ <u>206<sup>25</sup></u>
38	Pre-wire for radio installation	<u>NIA</u>	1	\$ <u>0</u>	\$ <u>0</u> <i>Bl</i>
39	Vertical Single Gun Rack	<u>7010-3001</u>	1	\$ <u>236<sup>25</sup></u>	\$ <u>236<sup>25</sup></u>
40	Rechargeable Flashlight	<u>25202</u>	1	\$ <u>88<sup>05</sup></u>	\$ <u>88<sup>05</sup></u>
41	Stopsticks Kit	<u>S3701 K</u>	1	\$ <u>499<sup>88</sup></u>	\$ <u>499<sup>88</sup></u>
42	Sales Tax			\$ <u>804<sup>68</sup></u>	\$ <u>804<sup>68</sup></u>
43	Equipment Shipping Cost			\$ <u>300<sup>00</sup></u>	\$ <u>300<sup>00</sup></u>
44	Shop Supplies			\$ <u>75<sup>00</sup></u>	\$ <u>75<sup>00</sup></u>

Bid # KPD16-005

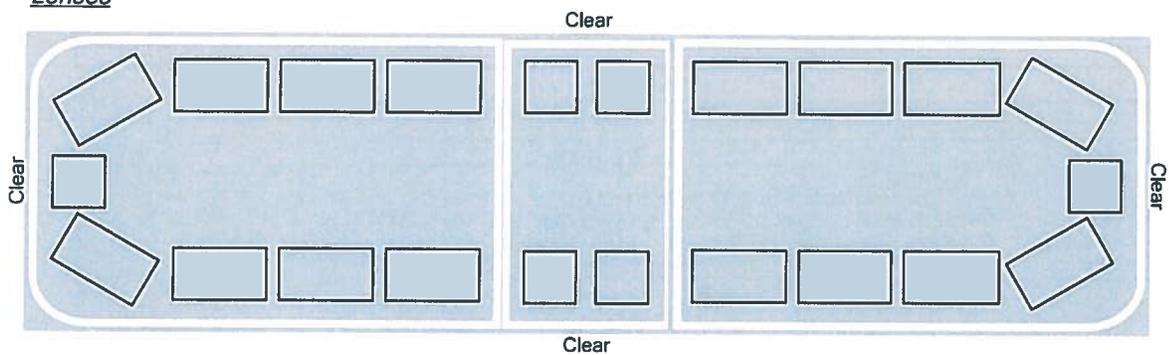
45	Installation Labor Cost	# of Hours <u>40</u>	\$ <u>575<sup>00</sup></u>	\$ <u>2300<sup>00</sup></u>
46	Delivery not necessary (Kingman will Pickup)	# of Days to Completion <u>45</u>		
47	<b>Complete Build Cost for One (1) PI-SUV</b>			\$ <u>13,535<sup>90</sup></u>

## Liberty™ II LC Light Bar Order Form/Worksheet

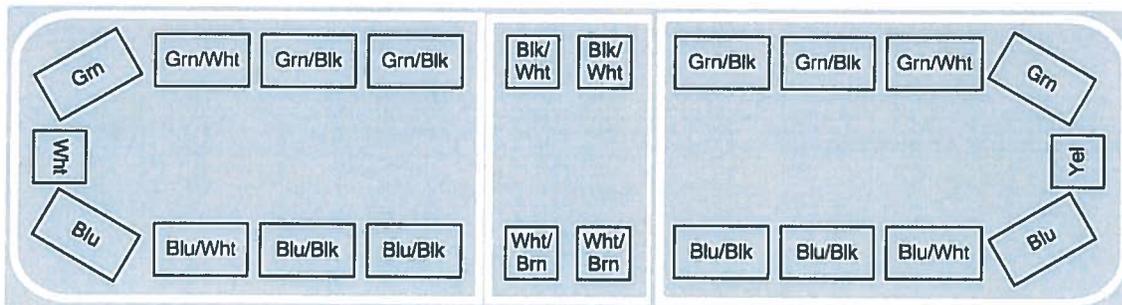
### Configuration



### Lenses

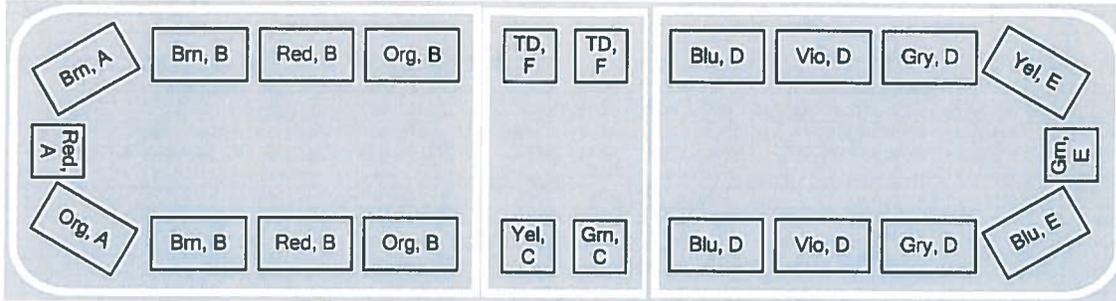


### Control Cable Wiring



## Liberty™ II LC Light Bar Order Form/Worksheet

### Internal Harness Connectors and Colors



Control Cable Color	Function	I/O Ports	Cable
Orange	Cruise		12Conductor
White/Violet	Scanlock		12Conductor
Violet	LowPower		12Conductor

### Line Items

QTY	Model #	Description	List Price
1	IX2BRBR	54" Liberty™ II Series	\$1,552.00
1	ITS3	Add Two Short Super-LED® Takedown Lights	\$128.00
4	IWDLR	Add Solo Series Linear-LED® Flasher, 1 Long Red	\$676.00
4	IWDLA	Add Solo Series Linear-LED® Flasher, 1 Long Yellow	\$676.00
2	IWDSA	Add Solo Series Linear-LED® Flasher, 1 Short Yellow	\$234.00
1	IA3	Add Two Super-LED® Alley Lights	\$128.00
4	IWDLB	Add Solo Series Linear-LED® Flasher, 1 Long Blue	\$676.00
<b>Total:</b>			<b>\$4,070.00</b>

The above costs (in US Dollars) is an estimate only. Refer to the current Whelen Automotive Price List for accurate pricing!

### Order Information

Order Date 12/4/2014  
 Account Number  
 Project Name Kingman 2015  
 Vehicle Type Tahoe/PISUV  
 Voltage  
 Bar Length  
 WECAD Version Application is not deployed using ClickOnce

#### Bill To:

PO Number  
 Name Kingman Police Dept.  
 Address1  
 Address2  
 City  
 State  
 Zip Code  
 Telephone 928-753-8163  
 Contact 1 Jennifer Sochocki <jsoc...ki@cityofkingman.gov>  
 Contact 2

#### Ship To:

PO Number  
 Name Kingman Police Dept.  
 Address1  
 Address2  
 City  
 State  
 Zip Code  
 Telephone 928-753-8163  
 Contact 1 Jennifer Sochocki <jsoc...ki@cityofkingman.gov>  
 Contact 2

## Liberty™ II LC Light Bar Order Form/Worksheet

---

### *Special Instructions*

Standard Mount MKEZ83 Explorer / 2011-2015 and 2013-2015 Police Interceptor Utility / 48"-55"  
Standard Mount MKEZ93 Tahoe / 2015 / 52"-55"

1 Vehicle Graphics - Ford Explorer



QTY: 1ea - 12 3/4" x ±10"

QTY: 1ea - 2 1/2" x 13 3/4" / 12 1/2"

**KINGMAN POLICE**

QTY: 1 - 2" x 64"



A Project Detail : Digital

SCALE 3/8" = 10"

QTY: 1ea - 10 1/2" x 60 1/4" / 61 1/4" Black & Ref Yellow

**POLICE**

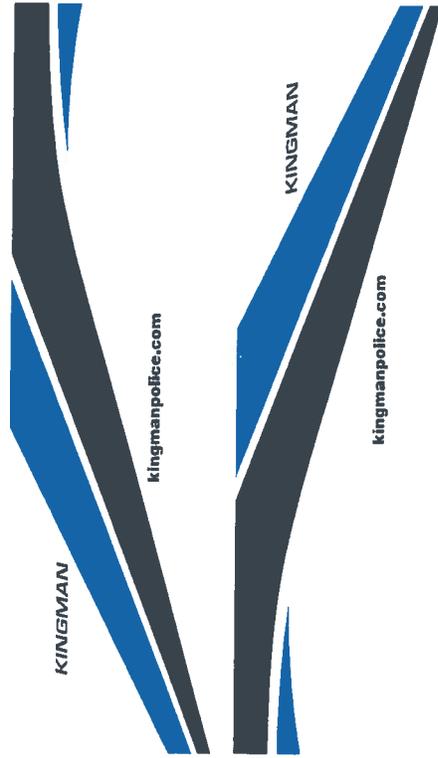
QTY: 3ea - 2 1/2" Caps Black

000

QTY: 1ea - 17 1/2" x 34 1/2" Black

**000**

QTY: 1ea - 36" x 133 1/4" / 2" Cap Height Ref.Black & Ref Blue



QTY: 1 - 4" x 58" Ref.Black



QTY: 1 - 1 1/2" Caps 2" x 2 1/2" Ref.Black

kingmanpolice.com

B Project Detail : Cut Vinyl

SCALE 3/8" = 10"

QUANTITY  
X Vehicles  
ORIENTATION  
1st Surface

PROCESS  
Digital Print  
DIGITAL MEDIA  
Reflective Vinyl (Cast)  
LAMINATE  
Luster (Cast)

PROCESS  
Cut Vinyl  
COLOR  
Black  
(3M 180C-12 ■)  
Reflective Yellow  
(3M 680CR-71 ■)  
Reflective Light Blue  
(3M 680CR-76 ■)  
Reflective Black  
(3M 680CR-95 ■)

FINISHING  
RTA: Die-Cut/Mask/Separate  
COMPLETION  
F-Deliver

Vehicle Mock-Up: on Page 1, 20

GENERAL NOTES  
Vehicle ID:#s  
000

TRADEMARK

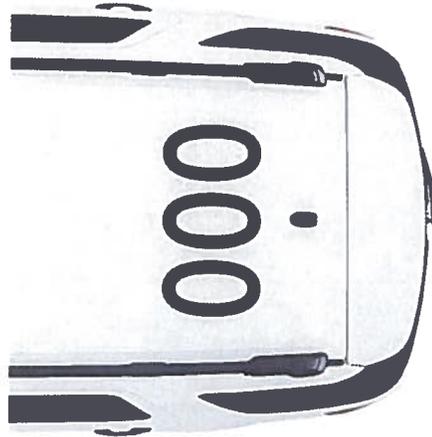
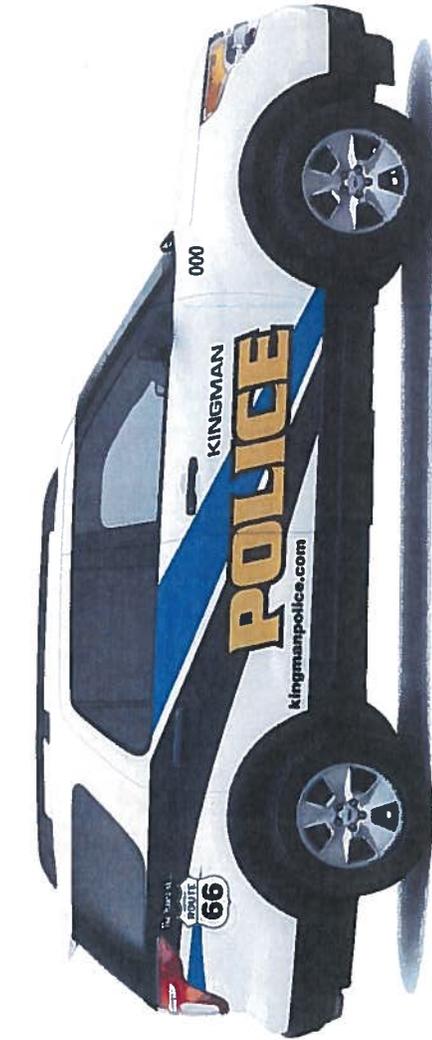
3732 E. University Dr. Phoenix, AZ 85034 602-272-5055 trademarkvisual.com

COURTSHIP  
SUB LOCAL  
ADDRESS  
CITY, STATE  
City of Kingman  
3700 E Andy Divine  
Kingman, AZ 86401

SR	APPROVED	CLIENT SIGNATURE	DATE
AS			
PR	APPROVED	LANDLORD SIGNATURE	DATE

JOB  
DRAWING  
DATE  
SHEET  
19003  
0102jm  
11/02/15  
1.10

1 Vehicle Graphics - Ford Explorer



C Installation Mock-Up  
SCALE 3/8" = 1"

TRADEMARK

3732 E. University Dr., Phoenix, AZ 85034 602.272.5055 trademarkvisual.com

COMPANY: City of Kingman  
SUB LOCAL:  
ADDRESS: 3700 E Andy Divine  
CITY, STATE: Kingman, AZ 86401

SR: AS  
PIN:

CLIENT SIGNATURE  
LANDLORD SIGNATURE

APPROVED: APPROVED

DATE: DATE  
DRAWING DATE: 11/02/15  
JOB SHEET: 19003

19003  
0102jm  
11/02/15  
1.20

# KENWOOD

Listen to the Future

## NEXEDGE™

# NX-700(H)/800(H)

NEXEDGE™ VHF/UHF Digital & FM Mobile Radios

**NXDN®**

**FleetSync®**

### GENERAL FEATURES

- 30W / 50W (136-174 MHz) Models
- 30W / 45W (400-470, 450-520 MHz) Models
- 512 CH-GID / 128 Zones
- Dash & Remote Mount
- 14 Character Alphanumeric Aliases
- Backlit Dot Matrix LCD
- 3-Digit Sub-Display
- Function/Status LCD Icons
- RSSI Indicator
- Date & 12/24 Hour Time Clock
- Transmit/Busy/Call Alert/Warn LED
- On/Off Power Control
- 4 Up/Down Selectors
- 6 Front PF Keys
- Emergency/AUX Key
- 4W Speaker Audio
- Emergency Call Features
- Lone Worker
- Multi-Language Display
- Programmable TX/RX Indication (On/Off)
- Special Alert Tone Patterns
- Time Out Timer
- Busy Channel Lockout
- DB-25 Accessory Connector
- 9 Programmable AUX I/Os
- 2 Programmable AUX Outputs
- Ignition Sense
- Public Address / Horn Alert Option
- MIL-Spec Standard Mic
- MIL-Spec 12-Key DTMF Mic Option
- KPG-111D Windows® FPU
- Flash Firmware Upgrading
- Front Panel Test & Tune
- Cloning
- MIL-STD-810 C/D/E/F
- MIL-STD "Driven-Rain"
- IP-54/55 Water & Dust Intrusion
- Easy Option Port
- PC Serial Interface
- SDM Manual Input<sup>1</sup>
- Transparent Data Mode<sup>1</sup>
- GPS Receiver Option
- VGS-1 Voice Guide / Voice & GPS Data Storage Option

### DIGITAL - COMMON

- NXDN® Digital Air Interface
- AMBE+2™ VOCODER
- 6.25 & 12.5 kHz Channels
- Over-the-Air Alias
- Paging Call
- Emergency Call
- All Group Call
- Status Messaging<sup>1</sup>
- Remote Stun/Kill<sup>1</sup>
- Remote Check<sup>1</sup>
- Short & Long Data Messages<sup>1</sup>
- GPS Location with Voice<sup>1</sup>
- NXDN® Scrambler Included (Conventional: per CH)

### DIGITAL CONVENTIONAL MODE

- 64 Radio Access Numbers (RAN)
- DTMF (Encode/Decode)
- Individual & Group Selective Call
- Mixed FM/Digital Operation

### DIGITAL TRUNKING MODE

- Individual Private Call
- Group Call
- Broadcast Call
- Transmission Trunked Mode<sup>2</sup>
- Message Trunked Mode<sup>2</sup>
- Call Queuing with Priority<sup>2</sup>
- Call Queue Pre-emption<sup>2</sup>
- Late Entry (UID & GID)<sup>2</sup>
- 4 Priority Monitor ID's<sup>2</sup>
- Remote Group Add<sup>1</sup>
- Failsoft Mode
- Multi-Site IP Network Compatible

### SCAN

- Single Zone / Multi-Zone / List Scan
- Dual Priority Scan (Conventional)

### FM MODES - GENERAL

- 25 & 12.5 kHz Channels
- FleetSync®/II
- DTMF Encode/Decode
- Companded Audio
- Voice Inversion Scrambler
- Encryption/ANI Board Control

### FM CONVENTIONAL ZONES

- QT / DOT
- Two-Tone Decode
- Single/Two-Tone Encode
- Call Key 1-6
- Operator Selectable Tone

### FM LTR® TRUNKED ZONES

- Kenwood LTR® Features

### FleetSync®/II (FM)

- PTT ID Digital ANI
- Selective Call & Group Call
- Status Messaging<sup>1</sup>
- Emergency Status
- Caller ID Display
- Short Text Messages<sup>1</sup>
- Power On/Off Status Messages<sup>1</sup>
- Input/Output Status Messages<sup>1</sup>
- Send/Display GPS<sup>1</sup>
- PTT ID & Emergency GPS Reporting<sup>1</sup>
- Status Message Block GPS Reporting<sup>1</sup>
- Ignition On/Off GPS Reporting<sup>1</sup>



## Options

### KMC-35 Microphone



### VGS-1 Voice Guide & Storage Unit



### KAP-2 Horn Alert / PA Relay Unit



### KCT-46 Ignition Sense Cable



### KMC-36 Microphone with Keypad



### KRK-10 Panel Remote Kit



### KCT-23M DC Cable (10 feet)



### KMB-10 Key Lock Adapter



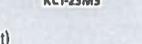
### KMC-9C Control Station Desktop Microphone



### KPS-15 DC Power Supply



### KCT-23M3 DC Cable (23 feet)



### KLF-2 Line Noise Filter



## Main Specifications

All accessories and options may not be available in all markets. Contact an authorized Kenwood dealer for details and complete list of all accessories and options.

GENERAL		NX-700(H) K	NX-800(H) K
Frequency Range	Type 1 Type 2	136-174 MHz	450-520 MHz 400-470 MHz
Number of Channels			512
Zones			128
Max. Channels per Zone			250
Channel Spacing	Analog Digital	12.5 / 15 / 25 / 30 kHz 6.25 / 12.5 kHz	12.5 / 25 kHz 6.25 / 12.5 kHz
Operating Voltage		13.6 V DC ± 15%	
Operating Temperature Range		-22° F to +140° F (-30° C to +60° C)	
Frequency Stability		± 1.0 ppm	
Antenna Impedance		50 Ω	
Dimensions (W x H x D)	Projections not included	6.30 x 1.77 x 6.18 in (160 x 45 x 157 mm)	
Weight (net)		3.04 lb (1.38 kg)	
FCC ID	K Type 1 K Type 2 HK Type 1 HK Type 2	K44378600 K44378701 K44378702 K44378703	K44378700 K44378701 K44378702 K44378703
IC Certification	K Type 1 K Type 2 HK Type 1 HK Type 2	282F-378600 282F-378701 282F-378601 282F-378702	282F-378700 282F-378701 282F-378702 282F-378703

Analog measurements made per IIA/EIA 603 and specifications shown are typical. Kenwood reserves the right to change specifications without prior notice or obligation.

FleetSync™ is a registered trademark of Kenwood Corporation.  
LTR™ is a registered trademark of Transcript International.  
AMBE+2™ is a trademark of Digital Voice Systems Inc.  
Windows® is a registered trademark of Microsoft Corporation.  
NXDN™ is a trademark of Kenwood Corporation and Icom Inc.  
NEXEDGE™ is a trademark of Kenwood Corporation.

RECEIVER		NX-700(H) K	NX-800(H) K
Sensitivity	Digital @ 6.25 kHz (3% BER) Digital @ 12.5 kHz (3% BER) Analog (12 dB SINAD)	0.20 μV 0.28 μV 0.25 μV	
Selectivity	Analog @ 25 kHz Analog @ 12.5 kHz	80 dB 70 dB	
Intermodulation	Analog	75 dB (±50,100 kHz)	
Spurious Response	Analog	90 dB	85 dB
Audio Distortion		Less than 3%	
Audio Output		4 W / 4 Ω	
TRANSMITTER			
RF Power Output	Mid Power	30 W to 1 W	30 W to 1 W 25 W to 1 W (490-520 MHz)
	High Power	50 W to 10 W	45 W to 10 W 40 W to 10 W (490-512 MHz) 35 W to 10 W (512-520 MHz)
Spurious Response		73 dB	75 dB
FM Hum & Noise	Analog @ 25 kHz Analog @ 12.5 kHz		50 dB 45 dB
Audio Distortion		Less than 3%	
Modulation		16K0F3E, 14K4F1D, 11K0F3E, 8K30F1E, 8K30F1D, 8K30F7W, 4K00F1E, 4K00F1D, 4K00F7W, 4K00F2D	

#### Footnotes from Front

- \* Requires NX subscriber unit PC Serial Interface compatible software application (e.g. Kenwood AVL & Dispatch Messaging software) or hardware (e.g. console)
- \*\* These trunked features are primarily system programming and operational dependent. Priority Monitor also requires NX subscriber settings.

## Applicable MIL-STD & IP

MIL Standard	MIL 810C Methods/Procedures	MIL 810D Methods/Procedures	MIL 810E Methods/Procedures	MIL 810F Methods/Procedures
Low Pressure	500.1/Procedure I	500.2/Procedure I, II	500.3/Procedure I, II	500.4/Procedure I, II
High Temperature	501.1/Procedure I, II	501.2/Procedure I, II	501.3/Procedure I, II	501.4/Procedure I, II
Low Temperature	502.1/Procedure I	502.2/Procedure I, II	502.3/Procedure I, II	502.4/Procedure I, II
Temperature Shock	503.1/Procedure I	503.2/Procedure I	503.3/Procedure I	503.4/Procedure I, II
Solar Radiation	505.1/Procedure I	505.2/Procedure I	505.3/Procedure I	505.4/Procedure I
Rain	506.1/Procedure I, II	506.2/Procedure I, II	506.3/Procedure I, II	506.4/Procedure I, III
Humidity	507.1/Procedure I, II	507.2/Procedure II, III	507.3/Procedure II, III	507.4
Salt Fog	509.1/Procedure I	509.2/Procedure I	509.3/Procedure I	509.4
Dust	510.1/Procedure I	510.2/Procedure I	510.3/Procedure I	510.4/Procedure I, III
Vibration	514.2/Procedure VIII, X	514.3/Procedure I	514.4/Procedure I	514.5/Procedure I
Shock	516.2/Procedure I, II, III, V	516.3/Procedure I, IV, V	516.4/Procedure I, IV, V	516.5/Procedure I, IV, V
International Protection Standard				
Dust & Water Protection	IP54: Radio itself IP54/55: Remote head with KRK-10			

## Listen to the Future

Kenwood has always connected with people through sound. Now we want to expand the world of sound in ways that only Kenwood can, listening to our customers and to the pulse of the coming age as we head toward a future of shared discovery, inspiration and enjoyment.

Kenwood U.S.A. Corporation  
Communications Sector Headquarters  
3970 Johns Creek Court, Suite 100, Suwanee, GA 30024

Order Administration/Distribution  
P.O. BOX 22745, 2201 East Dominguez St., Long Beach, CA 90801-5745

Kenwood Electronics Canada Inc.  
Canadian Headquarters and Distribution  
6070 Kestrel Road, Mississauga, Ontario, Canada L5T 1S8

  
www.kenwoodusa.com



## Pre wire for Kenwood TK-5710 & NX700 Mobile radios

For the Kenwood TK-5710 please install an ignition power block in the console for a KCT-18 ignition sense cable or install the KCT-18 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio.

For the Kenwood NX-700 please install an ignition power block in the console for a KCT-46 ignition sense cable or install the KCT-46 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio.



# Quotation

<b>Date</b> Oct 26, 2015	<b>Page</b> 1
<b>Order Number</b> QTE0014148	

## Arizona Emergency Products

3433 E Wood St  
 Phoenix, AZ 85040  
**Phone:** (602) 453-9111  
**Fax:** (602) 453-3743

**Sold To:**

Kingman Police Department, City of  
 2730 E Andy Devine Ave  
 Kingman, AZ 86401

**Ship To:**

AEP PHX INSTALL  
 AEP PHX INSTALL

<b>Reference</b> 2016 PI-SUV / Full Patrol Build	<b>PO Number</b>	<b>Customer No.</b> KIN10604	<b>Salesperson</b> BPY	<b>Order Date</b> Oct 26, 2015	<b>Ship Via</b>	<b>Terms</b> NET30
---	------------------	---------------------------------	---------------------------	-----------------------------------	-----------------	-----------------------

<b>Year</b> 2016	<b>Make</b> Ford	<b>Model</b> PI-SUV	<b>Color</b>	<b>State Contract #</b> None
---------------------	---------------------	------------------------	--------------	---------------------------------

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
		Deputy Chief Cooper / 928-753-2191		
		Jennifer Sochocki / 928-753-8163		
4.00	LBAR02699 / IX2-S-ITS3	LIBERTY II 55" LC LIGHTBAR W/ 3-LED T/D SINGLE COLOR LED'S	1,390.5000	5,562.00
4.00	LBAR00697 / MKEZ83	E-Z LIGHTBAR MOUNT KIT #83 PL-2014-01-01	0.0000	0.00
4.00	FLAS00095 / ETHFSS-SP	100% SS multi pattern headlight flasher no PL 2013-01-01	36.1800	144.72
4.00	BUMP00402 / BK2019ITU16	PB450L4 ALUM BUMPER ION FULL 2016 INTERCEPTOR UTILITY PL 2013-05-01	677.3500	2,709.40
4.00	CONS01181 / CC-UV-L-18	PI-SUV 18 inch Center Equipment Console	309.3800	1,237.52
4.00	CONS00950 / FP-KTK7180/8180	Faceplate, Kenwood TK7180 & TK8180, 2"	0.0000	0.00
4.00	FACE00468 / FP-WS295HFS9	4" inch face plate for Whelen Siren WS295HFS9.	0.0000	0.00
4.00	FACE00378 / FP-AP3	3" Blank with 3 D/C Power Outlet Cut Outs. PL 2012-01-01	0.0000	0.00

Quotation continued on next page ...



# Quotation

Date Oct 26, 2015	Page 2
Order Number QTE0014148	

## Arizona Emergency Products

3433 E Wood St  
Phoenix, AZ 85040  
Phone: (602) 453-9111  
Fax: (602) 453-3743

**Sold To:**

Kingman Police Department, City of  
2730 E Andy Devine Ave  
Kingman, AZ 86401

**Ship To:**

AEP PHX INSTALL  
AEP PHX INSTALL

Reference 2016 PI-SUV / Full Patrol Build	PO Number	Customer No. KIN10604	Salesperson BPY	Order Date Oct 26, 2015	Ship Via	Terms NET30
--	-----------	--------------------------	--------------------	----------------------------	----------	----------------

Year 2016	Make Ford	Model PI-SUV	Color	State Contract # None
--------------	--------------	-----------------	-------	--------------------------

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
8.00	FACE00472 / L3-AP1SET	DC outlet plug with black captured cap. PL 2012-01-01	6.8800	55.04
4.00	BATT00456 / USBR12V	ROUND FLUSH MOUNT 2 PORT USB 1.14" (2.1A/1A)	12.0200	48.08
4.00	FACE00390 / FP-BLNK3	Three (3) inch blank face plate.	0.0000	0.00
4.00	FACE00388 / FP-BLNK2	Two (2) Inch Blank Face Plate.	0.0000	0.00
4.00	CONS00720 / AC-INBHG	Internal Beverage Holder w/Rubber Pieces Priced with	34.3800	137.52
8.00	CONS00722 / AC-MCM1	Mic Clip and Mounting Plate Assembly PL 2012-01-01	10.3100	82.48
4.00	CONS00693 / AC-ARM	Adjustable arm rest mounts to console floor plate. PL 2012-01-01	99.6900	398.76
4.00	SIRE00415 / 295SLSC6	100/200watt siren w/lighted controls, park kill & plug in m	402.8200	1,611.28
4.00	SPEA00062 / SA315P	SA315P SPEAKER, BLACK PLASTIC PL-2014-01-01	158.9800	635.92
4.00	VACC01180 / SAK51	Siren Speaker bracket for a 12+ SUVPI DS lower grille	0.0000	0.00

Quotation continued on next page ...



# Quotation

Date Oct 26, 2015	Page 3
Order Number QTE0014148	

## Arizona Emergency Products

3433 E Wood St  
Phoenix, AZ 85040  
Phone: (602) 453-9111  
Fax: (602) 453-3743

**Sold To:**

Kingman Police Department, City of  
2730 E Andy Devine Ave  
Kingman, AZ 86401

**Ship To:**

AEP PHX INSTALL  
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2016 PI-SUV / Full Patrol Build		KIN10604	BPY	Oct 26, 2015		NET30

Year	Make	Model	Color	State Contract #
2016	Ford	PI-SUV		None

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
4.00	COMP01282 / CM-PSUV-SL-LED	Passenger Side Computer mount for a 12+ PI-SUV w/ swing arm	415.9400	1,663.76
4.00	COMP01525 / 7160-0526-00	GETAC B300 DOCKING STATION WITH NO RF PASSTHROUGH	740.4800	2,961.92
4.00	COMP00492 / 7160-0060	Dock Screen Support PL 2013-05-15	36.4500	145.80
4.00	AIRB00064 / AOI0001	DUAL STAGE AIRBAG SWITCH FRONT PASS. "PLUG IN" W/ADAPTER KIT	195.2700	781.08
4.00	AIRB00001 / RASL	Remote Air Bag Status Light.	24.1500	96.60
4.00	PRIS01136 / PK1126ITU12SCA	#10XL C COATED POLY PART 12-13 INTERCEPTOR UTILITY W/SCA PB 2013-05-700	574.0900	2,296.36
4.00	PRIS00917 / WK0514ITU12	WINDOW BARRIER VS STEEL 11-13 EXPLORER/13-13 INTERCEPTOR UTI PB 2013-05-598	143.0100	572.04
4.00	PRIS00992 / DK0100ITU12	DOOR PANEL S TPO PLASTIC BLACK 12-13 INTERCEPTOR UTILITY PB 2013-05-632	160.8000	643.20

Quotation continued on next page ...



# Quotation

<b>Date</b> Oct 26, 2015	<b>Page</b> 4
<b>Order Number</b> QTE0014148	

## Arizona Emergency Products

3433 E Wood St  
 Phoenix, AZ 85040  
**Phone:** (602) 453-9111  
**Fax:** (602) 453-3743

**Sold To:**

Kingman Police Department, City of  
 2730 E Andy Devine Ave  
 Kingman, AZ 86401

**Ship To:**

AEP PHX INSTALL  
 AEP PHX INSTALL

<b>Reference</b> 2016 PI-SUV / Full Patrol Build	<b>PO Number</b>	<b>Customer No.</b> KIN10604	<b>Salesperson</b> BPY	<b>Order Date</b> Oct 26, 2015	<b>Ship Via</b>	<b>Terms</b> NET30
---	------------------	---------------------------------	---------------------------	-----------------------------------	-----------------	-----------------------

<b>Year</b> 2016	<b>Make</b> Ford	<b>Model</b> PI-SUV	<b>Color</b>	<b>State Contract #</b> None
---------------------	---------------------	------------------------	--------------	---------------------------------

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
4.00	PRIS01305 / FE4502RB	LAGUNA INT. SUV PRISONER SEAT W/ READY BUCKLE AND MESH SCREE	964.8500	3,859.40
4.00	LBAR02933 / OE34UR6	SIX LAMP REAR OUTER EDGE FOR 13-* PI SUV	618.7300	2,474.92
8.00	LEDS00598 / IONJ	ION LIGHT RED/BLUE PL-2014-01-01	92.0000	736.00
8.00	LEDS02258 / IONGROM	ION SERIES BODY MOUNT GROMMET PL-2014-01-01	4.3500	34.80
8.00	LEDS02889 / MCRNSJ	SURFACE MT MICRON R/B BLACK	98.3700	786.96
8.00	LEDS03025 / VHB609B	Vertex Blue Ford Twist Lock LED Light Head.	80.8300	646.64
4.00	FLAS00022 / ETFBSSN-P	Sound Off backflash module. Ford PL 2013-01-01	39.9600	159.84
8.00	ANTE00364 / NMOKHFUDFME*	Twenty-Five (25) Foot Radio Coax Cable Kit with FME Connector and a NMO Mount (No Antenna)	17.3600	138.88
8.00	ANTE00078 / NMO Cap	Plastic NMO rain cap. With gasket.	3.9800	31.84
4.00	PATC00145 / 03-0211	Patrol Power harness for '12-'13 Interceptor SUV	499.9900	1,999.96

*Quotation continued on next page ...*



# Quotation

Date Oct 26, 2015	Page 5
Order Number QTE0014148	

## Arizona Emergency Products

3433 E Wood St  
Phoenix, AZ 85040  
Phone: (602) 453-9111  
Fax: (602) 453-3743

### Sold To:

Kingman Police Department, City of  
2730 E Andy Devine Ave  
Kingman, AZ 86401

### Ship To:

AEP PHX INSTALL  
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2016 PI-SUV / Full Patrol Build		KIN10604	BPY	Oct 26, 2015		NET30

Year	Make	Model	Color	State Contract #
2016	Ford	PI-SUV		None

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
4.00	GRAP00036 / Kingman-PD-Taho	2014 PI-SUV standard decal package in reflective 3M tape per Kingman PD specs, to include professional installation	632.5000	2,530.00
4.00	TINT90001 / Window Tint	All window tinting	206.2500	825.00
4.00	GUNM00384 / 7010-3001	Weapon Armour Single Gun Rack AR style weapon only SC1 lock	236.2500	945.00
4.00	FLGH00057 / 25102	STREAMLIGHT SL-20XP/LED W/DC CHARGER BLACK	88.0500	352.20
4.00	VACC00979 / S3701K	9' Stop Stick, SUV Kit, Black	499.9900	1,999.96
		Shipping		1,200.00
		Shop Supplies		300.00
160.00	LABO90001 / AEP INSTALL	All Labor Charges	57.5000	9,200.00
4.00	GRAP90015 / GGraphics Install	Graphics Install	230.0000	920.00

<b>Terms &amp; Conditions:</b> *Estimate is valid for 60 days. *Our Installations are backed by a lifetime quality warranty. *Fully Authorized Master Distributor for all lines we carry. We sell it, we back it. Period. *Financing Available *No returns on special order items. All other returns are subject to 25% restocking fee. Thank you for the opportunity to earn your business. SIGNATURE _____		<b>Parts</b> <b>Labor / Services</b> <b>Shipping / Misc.</b> <b>Order Discount</b> <b>Subtotal</b> <b>Total sales tax</b>	39,304.88 10,120.00 1,500.00 0.00 50,924.88 3,218.73
		<b>Total order</b>	<b>54,143.61</b>

Bid # KPD16-005

## Invitation to Bid

Bid # KPD16-005

The City of Kingman Police Department will accept written bids for

### **KPD16-005 Emergency Lighting and Upfitting of Four (4) 2016 Ford Utility Police Interceptors**

Bids to be submitted to the City Clerk's Office, 310 N. Fourth St., Kingman, AZ 86401 by **3:00 p.m., MST, Friday, November 20, 2015**. Bids will be opened at this time.

Bidding specifications and bid sheet can be obtained from Jennifer Sochocki, 2730 E. Andy Devine Avenue, Kingman, AZ 86401, (928) 753-2191.

**Delivery:** All vehicles will be picked up by the Kingman Police Department within 45 business days of the delivery of the City of Kingman purchase order and vehicles, once approved by City of Kingman at inspection. There will be a \$45 per vehicle per day penalty for every day the vehicles are not available for pickup in excess of 45 days. Exigent circumstances will be given consideration on a case by case basis. No late penalty will apply if City of Kingman delays inspection and pickup.

**Bid Award:** Bids will be awarded to the lowest responsive, responsible bidder who also complies with these instructions and with the advertisement for bids, and will be considered at the next City of Kingman Council Meeting held **December 1, 2015**. The City of Kingman, however, reserves the right to accept or reject any and all bids if it deem it best for the public good, will reject the bids of any bidder who have been unfaithful or delinquent to any contract with the City of Kingman and to waive informality in the bids received.

If you have any questions regarding these bid specifications, please contact Jennifer Sochocki, 928-753-2191 or Email [jsochocki@cityofkingman.gov](mailto:jsochocki@cityofkingman.gov)

The undersigned certifies that he or she is an authorized agent of the bidder and is empowered to enter into a contract with the City of Kingman for the purpose stated herein. Further, this offer must meet all of the bid specifications and requirements. Please see the attached sheet for the requirements.

Bidder's Legal Name: Creative Communications Sales and Rentals, Inc  
Address: 3332 E. Braodway Rd. Phoenix, AZ 85040  
Phone Number: 800-767-8405  
Authorized Signature:   
Printed Name & Title: Jacki Weisenburger  
AZ. Sales Tax (use tax) License No. 07-398561P

Bid # KPD16-005

**Conditions:**

If any of the equipment bid varies from the specifications, such variations must be submitted in writing and included with the bid package.

The City of Kingman reserves the right to waive minor variations if, in the opinion of the City of Kingman, the basic unit meets the general intent of these specifications.

The complete equipment/material bid shall not include a major component that is of a prototype nature or has not been in production a sufficient length of time to demonstrate reliability.

**Substitution for Specifications:**

The City of Kingman will not accept substitutions for specifications due to fleet uniformity.

**Exceptions to Specifications:**

The fact that manufacturers choose not to produce equipment or materials to meet these specifications will not be considered sufficient cause to adjudge these specifications as restrictive. Bidders shall offer the equipment that comes closest to meeting these specifications. The bidder shall note where deviations from specifications are necessary.

**Warranty:**

Bidder shall state on the Bid Sheet the conditions and durations of the warranty being offered and include pertinent information in detail on an attachment to the bid. For bidding purposes, only standard warranty coverage will be considered. Additional warranty coverage may be offered at the time of the bid, but will not be considered as part of the bid and shall not be included in any bid prices.

### Bid Sheet Summary

**\*\*Failure to submit this form shall be cause for bid rejection.\*\***

**Vendor's Name** Creative Communications Sales and Rentals, Inc

**Bidder agrees to provide all required equipment, material, freight and/or labor as specified in bid documents herein for the following prices as listed:**

Quantity	Description	Unit Price	Extended Price
4	Equipment & Upfitting of 2016 Ford PI-SUVs Includes Equipment, Install, Delivery, & Tax	\$17,120.48	\$68,481.91
	<b>Grand Total for Total Package (Total Costs for all 4 Vehicles)</b>	<b>\$68,481.91</b>	

Additional Extended Warranty/Maintenance Service Options may be included as attachments.

Bid # KPD16-005

**Bid Specifications for KPD Vehicle Emergency Lighting & Upfitting**

Vendor's Name \_\_\_\_\_

**DESCRIPTION:**

The emergency lighting and outfitting of four (4) 2016 Ford Utility Police Interceptor Vehicles with Ford Factory Options 55B, 17A, 43D, 17T, 53M, 68G, 21B, 18W, 61S, 595, 51T, and 86T.

#	ITEM DESCRIPTION	PART #	MEETS SPECS YES/NO	EXCEPTIONS
1	Whelen 55" Liberty II Light Bar with Extended Corners, Flashing Corner LED Modules Red/Red Driver's Side with Traffic Advisor as per KPD specs (see attached drawing).	IX2-S-ITS3-KPD	Yes	
2	Whelen E-Z Lightbar Mount Kit #83	MKEZ83	Yes	
3	SoundOff Headlight Flasher	ETHFSS-SP	Yes	
4	Setina 450-L4 Series Alum Push Bumper ION Full 2016 Interceptor Utility	BK2019ITU16	Yes	
5	Troy PI SUV 18" Center Equipment Console	CC-UV-L-18	Yes	
6	Troy 2 inch faceplate for a Kenwood NX700 radio	FP-KTK7180/8180	Yes	
7	Troy 4" Face Plate Whelen siren WS295HFS9	FP-WS295HFS9	Yes	
8	Troy 3" Blank with 3 DC Outlet Holes	FP-AP3	Yes	
9	Troy DC Outlet w/ Black Cap (Two (2) per unit)	L3-AP1SET	Yes	
10	Round Dual USB Power Outlet	USBR12V	Yes	Substitute 11013
11	Troy 3" Blank Plate	FP-BLNK3	Yes	
12	Troy 2" Blank Plate	FP-BLNK2	Yes	
13	Troy Internal Beverage Holder w/Rubber Pieces	AC-INBHG	Yes	
14	Troy Mic Clip and Mounting Plate Assembly (Two (2) per unit)	AC-MCM1	Yes	Substitute w/ Jotto magnetic mic clip
15	Troy adjustable arm rest, mounts to console floor plate	AC-ARM	Yes	
16	Whelen 295 Series 100/200 Siren with lighted controls, park kill & plug in Microphone	295SLSC6	Yes	
17	Whelen Projector Series Speaker	SA315P	Yes	
18	Whelen Siren Speaker Mount 2016 PI-SUV with swing arm	SAK51	Yes	
19	Troy Passenger Side Computer mounts for a 2016 PI-SUV w/ swing arm	CM-PSUV-SL-LED	Yes	

Bid # KPD16-005

20	Gamber Johnson Mag Dock for Getac B3000 Computer	7160-0526-00	Yes	
21	Gamber Johnson screen support F/CF 30	7160-0060	Yes	
22	AOI Dual stage airbag switch front passenger. "Plug In" with adapter kit	AOI0001	Yes	
23	Remote Air Bag Status Light	RASL	Yes	
24	Setina #10XL C Coated poly partition for 2016 Interceptor Utility	PK1126ITU12	Yes	
25	Setina steel window barrier, 2016 Interceptor Utility	WK0514ITU12	Yes	
26	Setina 2016 Interceptor Door Panel	DK0100ITU12	Yes	
27	Laguna Interior SUV Prisoner Seat with Ready Buckle Seat Belts and Mesh Screen, 2016 Interceptor SUV	FE4502RB	Yes	
28	Whelen OuterEdge Lights for 2016 Ford PI-SUV. Driver side 3 Microns should be all Red (OEMCRNR) and the Passenger side 3 Microns should be all Blue (OEMCRNB).	OE34UR6	Yes	
29	Whelen ION Lights Red/Blue (Two (2) Lights per unit)	IONJ	Yes	
30	Whelen ION Series Body Mount Grommet (Two (2) Kits per unit)	IONGROM	Yes	
31	Whelen Micron Split Red/Blue Light Head with Black Flange (Two (2) per unit)	MCRNSJ	Yes	
32	Whelen Vertex Super-LED/Blue (Two (2) per unit). This LED insert is made to fit into the hole made by the 86T Ford option.	VHB609B	Yes	
33	SoundOff backflash module for Ford	ETFBSSN-P	Yes	
34	Twenty-five (25) foot radio Coax cable kit with PL259 UHF connector and NMO Mount w/Rain Cap (Two (2) Kits per unit)	LARNMOKHFUD25 R/FRFU505 85487	Yes	
35	Patrol Power Custom Wiring Harness with Color Coded Function Labeled Wire for 2016 Ford PI-SUV <b>must be pre-approved by City of Kingman prior to installing.</b>	03-0211	Yes	
36	Kingman Police Department 2016 Police Interceptor SUV standard decal package in reflective 3M tape per KPD Specs, includes professional installation from Trademark Visual. See attached Drawing.		Yes	

Bid # KPD16-005

37	All Window Tinting; front doors 35%. Rear door, rear side windows and hatch 5%		Yes	
38	Pre-wire for local radio installation of the Kenwood NX-700 ( For the Kenwood NX-700 please install an ignition power block in the console for a KCT-46 ignition sense cable or install the KCT-46 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio, and wire for external speaker)		Yes	
39	B and B Armour® Single gun rack for an AR-15 style weapon only. SC1 gunlock (GR2)	7010-3001	Yes	
40	SL-20LP Streamlight Shall include a twelve (12) volt DC charger	25202	Yes	
41	StopTech Stopsticks 9' Stop Stick SUV Kit with black stick/black sleeve	S3701K	Yes	
42	Sales Tax			
43	Shipping			
44	Shop Supplies			
45	Installation Labor			
46	Kingman Police Will Deliver and Pickup Vehicles			

Bid # KPD16-005

**Individual Per Unit Bid Sheet \*\*Failure to Submit this form shall be cause for bid rejection\*\*  
Specifications for KPD Vehicle Emergency Lighting BID # KPD16-005**

**Vendor's Name** Creative Communications Sales and Rental, Inc

**DESCRIPTION:** The emergency lighting & outfitting of four (4) 2016 Ford Police Utility Interceptor Vehicles

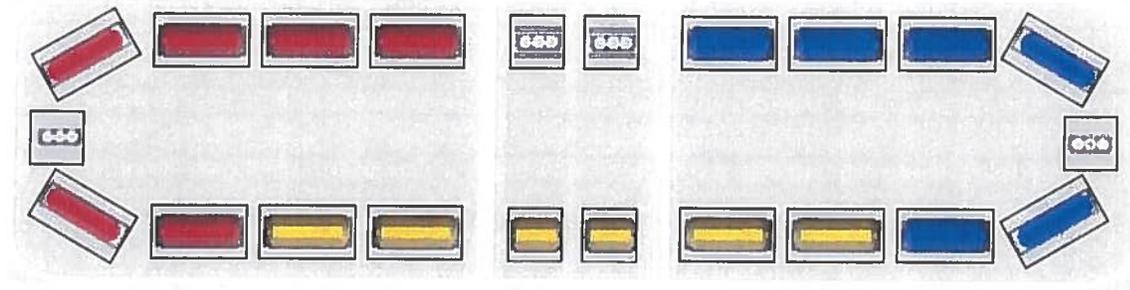
Item #	Description	Part Number	Quantity	Price Each	Total
1	Light Bar	<u>IX2-S-ITS3-KPD</u>	1	\$ 2900.00	\$ 2900.00
2	Light Bar Mount Kit	<u>MKEZ83</u>	1	\$ 40.23	\$ 40.23
3	Headlight Flasher	<u>ETHFSS-SP</u>	1	\$ 33.50	\$ 33.50
4	Aluminum Push Bumper w/2 Side 2 Forward Lights	<u>BK2019ITU16</u>	1	\$ 736.25	\$ 736.25
5	Equipment Console	<u>CC-UV-L-18</u>	1	\$ 262.50	\$ 262.50
6	Face Plates for radio	<u>FP-KTK7180/8180</u>	1	\$ 0.00	\$ 0.00
7	Face Plate Siren Whelen	<u>FP-WS268HFS9</u>	1	\$ 0.00	\$ 0.00
8	3 inch Blank w/ 3 DC Outlet Holes	<u>FP-AP3</u>	1	\$ 0.00	\$ 0.00
9	DC Outlet w/ Black Cap	<u>L3-AP1SET</u>	2	\$ 6.75	\$ 13.50
0	Round Dual USB Power Outlet	<u>11013</u>	1	\$ 14.75	\$ 14.75
1	3 inch Blank Plate	<u>FP-BLNK3</u>	1	\$ 0.00	\$ 0.00
2	2 inch Blank Plate	<u>FP-BLNK2</u>	1	\$ 0.00	\$ 0.00
3	Beverage Holder	<u>AC-INBHG</u>	1	\$ 33.75	\$ 33.75
4	Microphone Clip w/ Mounting Assembly	<u>425-1912</u>	2	\$ 7.65	\$ 15.30
5	Arm Rest, side mount, adjustable	<u>AC-ARM</u>	1	\$ 97.88	\$ 97.88
6	Whelen Siren	<u>295SLSC6</u>	1	\$ 589.41	\$ 589.41
7	Speaker	<u>SA315P</u>	1	\$ 240.75	\$ 240.75
8	Siren Speaker Mount Bracket	<u>SAK51</u>	1	\$ 27.75	\$ 27.75
^	MDC Pass Side Comp Mounts	<u>CM-PSUV-SL-LED</u>	1	\$ 408.38	\$ 408.38
v	Docking Station	<u>7160-0526-00</u>	1	\$ 810.00	\$ 810.00
1	Screen Support	<u>7160-0060</u>	1	\$ 36.45	\$ 36.45
2	Passenger Side Front Air Bag Cut Off Switch	<u>AOI0001</u>	1	\$ 212.25	\$ 212.25
3	Remote Air Bag Status Light	<u>RASL</u>	1	\$ 25.50	\$ 25.50
4	CRP Coated poly partition	<u>PK1126ITU12</u>	1	\$ 624.01	\$ 624.01
5	Steel Window Barrier	<u>WK0514ITU12</u>	1	\$ 155.45	\$ 155.45
6	Steel Door Panel	<u>DK0100ITU12</u>	1	\$ 174.79	\$ 174.79
7	Prisoner Seat w/ Ready Buckle	<u>FE4502RB</u>	1	\$ 1048.75	\$ 1048.75
8	Whelen OuterEdge Lights	<u>OE34UR6</u>	1	\$ 705.18	\$ 705.18
9	Whelen ION Lights	<u>IONJ</u>	2	\$ 124.24	\$ 248.48
0	Light Body Mount Grommet	<u>IONGROM</u>	2	\$ 5.30	\$ 10.60
1	Micron Light Head w/ Flange	<u>MCRNSJ</u>	2	\$ 111.53	\$ 223.09
2	Vertex LED Blue Lights	<u>VHB609B</u>	2	\$ 99.00	\$ 198.00
3	Backflash Module	<u>ETFBSSN-P</u>	1	\$ 37.00	\$ 37.00
4	Radio Coax Cable Kit & Rain Caps	<u>ANTENNA KIT</u>	2	\$ 19.57	\$ 39.14
5	Power Wiring Harness	<u>03-0211</u>	1	\$ 718.75	\$ 718.75
6	Standard Decal Package	<u>GRAPHICS</u>	1	\$ 812.44	\$ 812.44
7	Window Tinting	<u>SUVTINT</u>	1	\$ 180.00	\$ 180.00
8	Pre-wire for radio installation	<u>MRINS</u>	1	\$ 115.00	\$ 115.00
9	Vertical Single Gun Rack	<u>7010-3001</u>	1	\$ 243.75	\$ 243.75
0	Rechargeable Flashlight	<u>25202</u>	1	\$ 88.63	\$ 88.63
1	Stopsticks Kit	<u>S3701K</u>	1	\$ 540.59	\$ 540.59
^	Sales Tax			\$ 1051.68	\$ 1051.68
v	Equipment Shipping Cost			\$ 500.00	\$ 500.00
4	Shop Supplies			\$ 168.00	\$ 168.00

Bid # KPD16-005

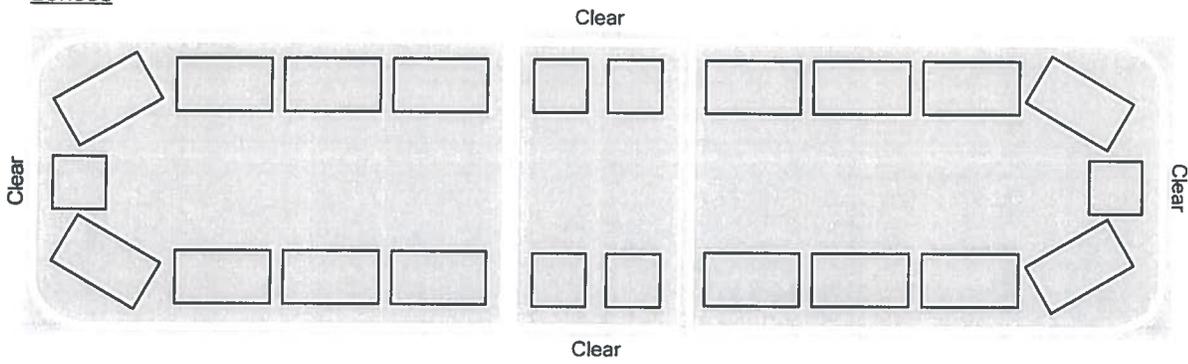
15	Installation Labor Cost	# of Hours <u>42</u>	\$ <u>65.00</u>	\$ <u>2730.00</u>
	Delivery not necessary (Kingman will Pickup) # of Days to Completion _____			
17	<b>Complete Build Cost for One (1) PI-SUV</b>			\$ <u>17,120.48</u>

## Liberty™ II LC Light Bar Order Form/Worksheet

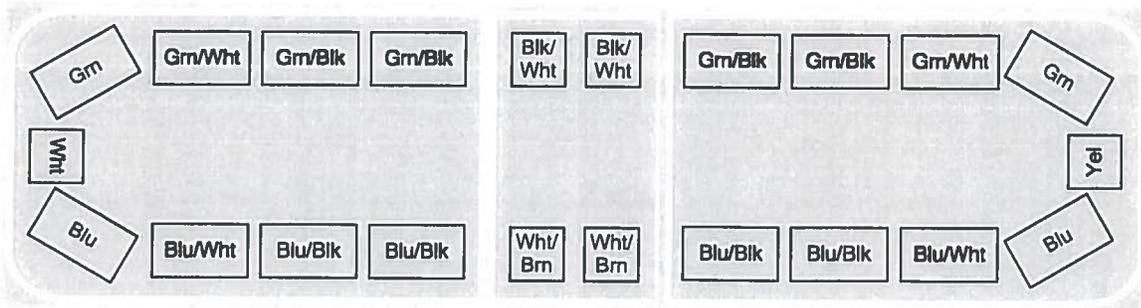
### Configuration



### Lenses

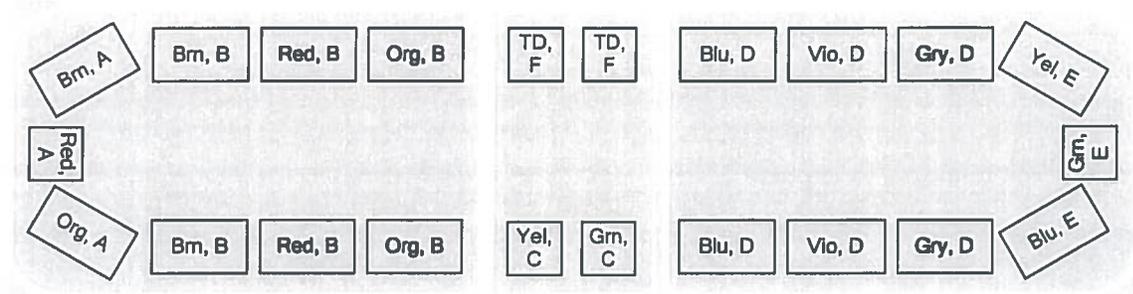


### Control Cable Wiring



## Liberty™ II LC Light Bar Order Form/Worksheet

### Internal Harness Connectors and Colors



Control Cable Color	Function	I/O Ports	Cable
Orange	Cruise		12Conductor
White/Violet	Scanlock		12Conductor
Violet	LowPower		12Conductor

### Line Items

QTY	Model #	Description	List Price
1	IX2BRBR	54" Liberty™ II Series	\$1,552.00
1	ITS3	Add Two Short Super-LED® Takedown Lights	\$128.00
4	IWDLR	Add Solo Series Linear-LED® Flasher, 1 Long Red	\$676.00
4	IWDLA	Add Solo Series Linear-LED® Flasher, 1 Long Yellow	\$676.00
2	IWDSA	Add Solo Series Linear-LED® Flasher, 1 Short Yellow	\$234.00
1	IA3	Add Two Super-LED® Alley Lights	\$128.00
4	IWDLB	Add Solo Series Linear-LED® Flasher, 1 Long Blue	\$676.00
<b>Total:</b>			<b>\$4,070.00</b>

The above costs (in US Dollars) is an estimate only. Refer to the current Whelen Automotive Price List for accurate pricing!

### Order Information

Order Date 12/4/2014  
 Account Number  
 Project Name Kingman 2015  
 Vehicle Type Tahoe/PISUV  
 Voltage  
 Bar Length  
 WECAD Version Application is not deployed using ClickOnce

#### Bill To:

PO Number  
 Name Kingman Police Dept.  
 Address1  
 Address2  
 City  
 State  
 Zip Code  
 Telephone 928-753-8163  
 Contact 1 Jennifer Sochocki <jsoc...ki@cityofkingman.gov>  
 Contact 2

#### Ship To:

PO Number  
 Name Kingman Police Dept.  
 Address1  
 Address2  
 City  
 State  
 Zip Code  
 Telephone 928-753-8163  
 Contact 1 Jennifer Sochocki <jsoc...ki@cityofkingman.gov>  
 Contact 2

## Liberty™ II LC Light Bar Order Form/Worksheet

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### Special Instructions

Standard Mount MKEZ83 Explorer / 2011-2015 and 2013-2015 Police Interceptor Utility / 48"-55"  
Standard Mount MKEZ93 Tahoe / 2015 / 52"-55"

1 Vehicle Grc s - Ford Explorer

QTY: 1ea - 12 3/4" X ±10"



QTY: 1 - 2" x 64"



QTY: 1ea - 2 1/2" x 13 3/4" / 12 1/2"

**KINGMAN POLICE**

**A** Project Detail : Digital  
SCALE 3/4" = 10"

QTY: 1ea - 10 1/2" x 60 1/4" / 61 1/4" Black & Ref Yellow

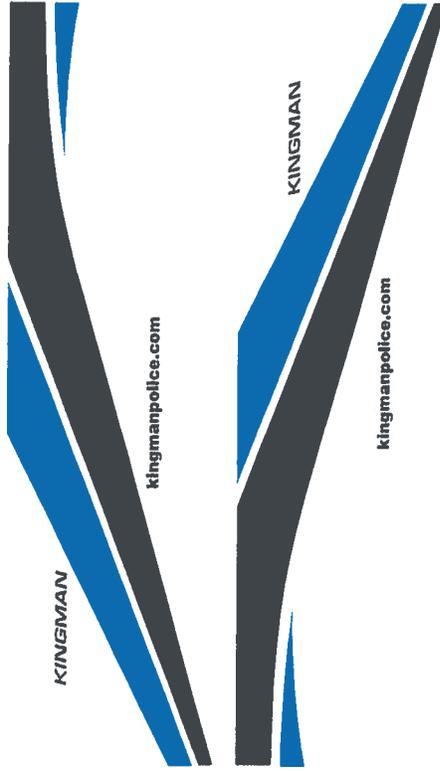
**POLICE**

QTY: 3ea - 2 1/2" Caps Black  
000

QTY: 1ea - 17 1/2" x 34 1/2" Black

**000**

QTY: 1ea - 36" x 133 1/4" / 2" Cap Height Ref Black & Ref Blue



QTY: 1 - 4" x 58" Ref Black



QTY: 1 - 1 1/2" Caps 2" x 21 1/2" Ref Black  
kingmanpolice.com

**B** Project Detail : Cut Vinyl  
SCALE 3/8" = 10"

QUANTITY  
X Vehicles  
ORIENTATION  
1st Surface

PROCESS  
Digital Print  
DIGITAL MEDIA  
Reflective Vinyl (Cast)  
LAMINATE  
Luster (Cast)

PROCESS  
Cut Vinyl  
COLOR  
Black  
(3M 180C-12 ■)  
Reflective Yellow  
(3M 680CR-71 ■)  
Reflective Light Blue  
(3M 680CR-76 ■)  
Reflective Black  
(3M 680CR-85 ■)

FINISHING  
RTA: Die-Cut/Mask/Separate  
COMPLETION  
± Deliver

Vehicle Mock-Up on Page 1,20

GENERAL NOTES  
Vehicle ID#s  
000

**TRADEMARK**

COMPANY  
SUB LOCAL  
ADDRESS  
CITY STATE  
City of Kingman  
3700 E Andy Divine  
Kingman, AZ 86401

SR  
AS

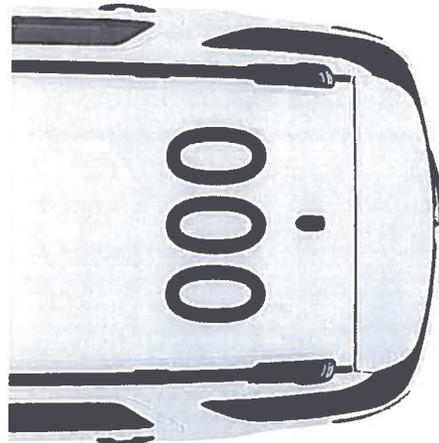
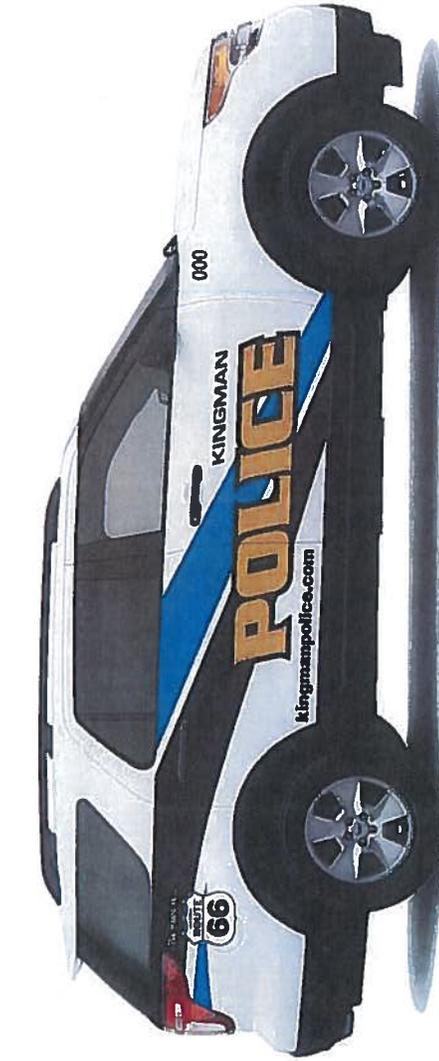
APPROVED  
CLIENT SIGNATURE  
APPROVED  
LANDSCRO SIGNATURE

DATE  
DATE

JOB  
DRAWING  
DATE  
SHEET

19003  
0102jm  
11/02/15  
1.10

1 Vehicle Graphics - Ford Explorer



**C** Installation Mock-Up  
SCALE: 3/8" = 1'

**TRADEMARK**

3132 E. University Ct., Phoenix, AZ 85034 602.272.9055 [trademarkvisual.com](http://trademarkvisual.com)

CITY/STATE: Kingman, AZ  
SUB-LOCAL: City of Kingman  
ADDRESS: 3700 E Andy Divine  
CITY STATE: Kingman, AZ 86401

SR	APPROVED	CLIENT SIGNATURE	DATE	JOB	19003
AS				DRAWING	0102jm
PK	APPROVED	ANGLODOR SIGNATURE	DATE	DATE	11/02/15
				SHEET	1.20

# KENWOOD

Listen to the Future

## NEXEDGE™

# NX-700(H)/800(H)

NEXEDGE™ VHF/UHF Digital & FM Mobile Radios

**NXDN™**

**FleetSync™**

### GENERAL FEATURES

- 30W / 50W (136-174 MHz) Models
- 30W / 45W (400-470, 450-520 MHz) Models
- 512 CH-GID / 128 Zones
- Dash & Remote Mount
- 14 Character Alphanumeric Aliases
- Backlit Dot Matrix LCD
- 3-Digit Sub-Display
- Function/Status LCD Icons
- RSSI Indicator
- Date & 12/24 Hour Time Clock
- Transmit/Busy/Call Alert/Warn LED
- On/Off Power Control
- 4 Up/Down Selectors
- 6 Front PF Keys
- Emergency/AUX Key
- 4W Speaker Audio
- Emergency Call Features
- Lone Worker
- Multi-Language Display
- Programmable TX/RX Indication (On/Off)
- Special Alert Tone Patterns
- Time Out Timer
- Busy Channel Lockout
- DB-25 Accessory Connector
- 9 Programmable AUX I/Os
- 2 Programmable AUX Outputs
- Ignition Sense
- Public Address / Horn Alert Option
- MIL-Spec Standard Mic
- MIL-Spec 12-Key DTMF Mic Option
- KPG-111D Windows® FPU
- Flash Firmware Upgrading
- Front Panel Test & Tune
- Cloning
- MIL-STD-810 C/D/E/F
- MIL-STD "Driven-Rain"
- IP-54/55 Water & Dust Intrusion
- Easy Option Port
- PC Serial Interface
- SDM Manual Input¹
- Transparent Data Mode¹
- GPS Receiver Option
- VGS-1 Voice Guide / Voice & GPS Data Storage Option

### DIGITAL – COMMON

- NXDN® Digital Air Interface
- AMBE+2™ VOCODER
- 6.25 & 12.5 kHz Channels
- Over-the-Air Alias
- Paging Call
- Emergency Call
- All Group Call
- Status Messaging¹
- Remote Stun/Kill¹
- Remote Check¹
- Short & Long Data Messages¹
- GPS Location with Voice¹
- NXDN® Scrambler Included (Conventional: per CH)

### DIGITAL CONVENTIONAL MODE

- 64 Radio Access Numbers (RAN)
- DTMF (Encode/Decode)
- Individual & Group Selective Call
- Mixed FM/Digital Operation

### DIGITAL TRUNKING MODE

- Individual Private Call
- Group Call
- Broadcast Call
- Transmission Trunked Mode²
- Message Trunked Mode²
- Call Queuing with Priority²
- Call Queue Pre-emption²
- Late Entry (UID & GID)²
- 4 Priority Monitor ID's²
- Remote Group Add¹
- Failsoft Mode
- Multi-Site IP Network Compatible

### SCAN

- Single Zone / Multi-Zone / List Scan
- Dual Priority Scan (Conventional)

### FM MODES - GENERAL

- 25 & 12.5 kHz Channels
- FleetSync®/II
- DTMF Encode/Decode
- Companded Audio
- Voice Inversion Scrambler
- Encryption/ANI Board Control

### FM CONVENTIONAL ZONES

- QT / DQT
- Two-Tone Decode
- Single/Two-Tone Encode
- Call Key 1-6
- Operator Selectable Tone

### FM LTR® TRUNKED ZONES

- Kenwood LTR® Features

### FleetSync®/II (FM)

- PTT ID Digital ANI
- Selective Call & Group Call
- Status Messaging¹
- Emergency Status
- Caller ID Display
- Short Text Messages¹
- Power On/Off Status Messages¹
- Input/Output Status Messages¹
- Send/Display GPS¹
- PTT ID & Emergency GPS Reporting¹
- Status Message Block GPS Reporting¹
- Ignition On/Off GPS Reporting¹



<http://nexedge.kenwood.com>

## Options

<p><b>KMC-35</b> Microphone</p> 	<p><b>VGS-1</b> Voice Guide &amp; Storage Unit</p> 	<p><b>KAP-2</b> Horn Alert / PA Relay Unit</p> 	<p><b>KCT-46</b> Ignition Sense Cable</p> 
<p><b>KMC-36</b> Microphone with Keypad</p> 	<p><b>KRK-10</b> Panel Remote Kit</p> 	<p><b>KCT-23M</b> DC Cable (10 feet)</p> 	<p><b>KMB-10</b> Key Lock Adapter</p> 
<p><b>KMC-9C</b> Control Station Desktop Microphone</p> 	<p><b>KPS-15</b> DC Power Supply</p> 	<p><b>KCT-23M3</b> DC Cable (23 feet)</p> 	<p><b>KLF-2</b> Line Noise Filter</p> 
<p><b>KES-5</b> External Speaker</p> 			

## Main Specifications

All accessories and options may not be available in all markets. Contact an authorized Kenwood dealer for details and complete list of all accessories and options.

GENERAL		NX-700(H) K	NX-800(H) K
Frequency Range	Type 1 Type 2	136-174 MHz	450-520 MHz 400-470 MHz
Number of Channels			512
Zones			128
Max. Channels per Zone			250
Channel Spacing	Analog Digital	12.5 / 15 / 25 / 30 kHz 6.25 / 12.5 kHz	12.5 / 25 kHz 6.25 / 12.5 kHz
Operating Voltage		13.6 V DC $\pm$ 15%	
Operating Temperature Range		-22° F to +140° F (-30° C to +60° C)	
Frequency Stability		$\pm$ 1.0 ppm	
Antenna Impedance		50 $\Omega$	
Dimensions (W x H x D)	Projections not included	6.30 x 1.77 x 6.18 in (160 x 45 x 157 mm)	
Weight (net)		3.04 lb (1.38 kg)	
FCC ID	K Type 1 K Type 2 HK Type 1 HK Type 2	K44378600 K44378701 K44378601	K44378700 K44378701 K44378702 K44378703
IC Certification	K Type 1 K Type 2 HK Type 1 HK Type 2	282F-378600 282F-378601	282F-378700 282F-378701 282F-378702 282F-378703

Analog measurements made per TIA/EIA 603 and specifications shown are typical. Kenwood reserves the right to change specifications without prior notice or obligation.

FleetSync™ is a registered trademark of Kenwood Corporation.  
LTR™ is a registered trademark of Transcript International.  
AMBE+2™ is a trademark of Digital Voice Systems, Inc.  
Windows™ is a registered trademark of Microsoft Corporation.  
NXDN™ is a trademark of Kenwood Corporation and Icom Inc.  
NEXEDGE™ is a trademark of Kenwood Corporation.

RECEIVER		NX-700(H) K	NX-800(H) K
Sensitivity	Digital @ 6.25 kHz (3% BER) Digital @ 12.5 kHz (3% BER) Analog (12 dB SINAD)	0.20 $\mu$ V 0.28 $\mu$ V 0.25 $\mu$ V	0.20 $\mu$ V 0.28 $\mu$ V 0.25 $\mu$ V
Selectivity	Analog @ 25 kHz Analog @ 12.5 kHz	80 dB 70 dB	80 dB 70 dB
Intermodulation	Analog	75 dB ( $\pm$ 50, 100 kHz)	
Spurious Response	Analog	90 dB	85 dB
Audio Distortion		Less than 3%	
Audio Output		4 W / 4 $\Omega$	
TRANSMITTER			
RF Power Output	Mid Power	30 W to 1 W	30 W to 1 W 25 W to 1 W / 490-520 MHz
	High Power	50 W to 10 W	45 W to 10 W 40 W to 10 W (490-512 MHz) 35 W to 10 W (512-520 MHz)
Spurious Response		73 dB	75 dB
FM Hum & Noise	Analog @ 25 kHz Analog @ 12.5 kHz	50 dB 45 dB	50 dB 45 dB
Audio Distortion		Less than 3%	
Modulation		16K0F3E, 14K4F1D, 11K0F3E, 8K30F1E, 8K30F1D, 8K30F7W, 4K00F1E, 4K00F1D, 4K00F7W, 4K00F2D	

Footnotes from front

- \* Requires NX subscriber unit PC Serial Interface compatible software application (e.g. Kenwood AM & Dispatch Messaging software) or hardware (e.g. console)
- † These trunked features are primarily system programming and operational dependent. Priority Monitor also requires NX subscriber settings.

## Applicable MIL-STD & IP

MIL Standard	MIL 810C Methods/Procedures	MIL 810D Methods/Procedures	MIL 810E Methods/Procedures	MIL 810F Methods/Procedures
Low Pressure	500.1/Procedure I	500.2/Procedure I, II	500.3/Procedure I, II	500.4/Procedure I, II
High Temperature	501.1/Procedure I, II	501.2/Procedure I, II	501.3/Procedure I, II	501.4/Procedure I, II
Low Temperature	502.1/Procedure I	502.2/Procedure I, II	502.3/Procedure I, II	502.4/Procedure I, II
Temperature Shock	503.1/Procedure I	503.2/Procedure I	503.3/Procedure I	503.4/Procedure I, II
Solar Radiation	505.1/Procedure I	505.2/Procedure I	505.3/Procedure I	505.4/Procedure I
Rain	506.1/Procedure I, II	506.2/Procedure I, II	506.3/Procedure I, II	506.4/Procedure I, III
Humidity	507.1/Procedure I, II	507.2/Procedure II, III	507.3/Procedure II, III	507.4
Salt Fog	509.1/Procedure I	509.2/Procedure I	509.3/Procedure I	509.4
Dust	510.1/Procedure I	510.2/Procedure I	510.3/Procedure I	510.4/Procedure I, III
Vibration	514.2/Procedure VIII, X	514.3/Procedure I	514.4/Procedure I	514.5/Procedure I
Shock	516.2/Procedure I, II, III, V	516.3/Procedure I, IV, V	516.4/Procedure I, IV, V	516.5/Procedure I, IV, V
International Protection Standard				
Dust & Water Protection	IP54 Radio itself IP54/55: Remote head with KRK-10			

## Listen to the Future

Kenwood has always connected with people through sound. Now we want to expand the world of sound in ways that only Kenwood can. Listening to our customers and to the pulse of the coming age as we head toward a future of shared discovery, inspiration and enjoyment.

Kenwood U.S.A. Corporation  
Communications Sector Headquarters  
3970 Johns Creek Court, Suite 100, Suwanee, GA 30024

Order Administration/Distribution  
P.O. BOX 22745, 2201 East Dominguez St., Long Beach, CA 90801-5745

Kenwood Electronics Canada Inc.  
Canadian Headquarters and Distribution  
6070 Kestrel Road, Mississauga, Ontario, Canada L5T 1S8

  
www.kenwoodusa.com



## Pre wire for Kenwood TK-5710 & NX700 Mobile radios

For the Kenwood TK-5710 please install an ignition power block in the console for a KCT-18 ignition sense cable or install the KCT-18 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio.

For the Kenwood NX-700 please install an ignition power block in the console for a KCT-46 ignition sense cable or install the KCT-46 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio.





Good morning,

I wanted to re-introduce myself, while you know I am not new to Arizona or this industry, I am with a new company. As a sales rep with Technical, fleet management and Emergency vehicle up-fitting experience totaling more than 15 years I understand your challenges of cost per mile, down time and warranty support.

MHQ of New Mexico came into Arizona starting up in the red / blue market in Oct of 2014. Since then we have been named on the AZ DPS contract, awarded a co-operative contract for the City of Casa Grande and are building for multiple agencies around the state. We are different than the other up-fitters in the fact that we actually maintain inventory to build Tahoe's and Ford Utilities. While we have great relationships with all Vendors, We have chosen key vendors for stocking lines to eliminate the long wait times you have experienced with others. These vendors are selected for meeting a high standard of USA manufactured and assembled products. This is important to MHQ as it keeps jobs here in the USA. Our parent company is not located in another Country but right here in the US. This makes it possible to have key management contact should the need arise.

We strive for customer satisfaction. Staffed with full time EVT certified, along with manufacturer product trained technicians that have passed stringent background checks and drug testing along with random testing to become a member of our team.

We warranty our workmanship for the life of the vehicle in your fleet.

- **We do Parasitic Draw testing before the unit leaves our shop.**  
This will help to insure you have no battery draw issues once the unit is put into service.
- **Our connections are all made using solder and heat shrink.**  
This will give the secure long lasting connection fleet use demands. Also this type of connection reduces the resistance experienced with crimp style connectors.
- **Our labor is warrantied for the life of the unit in your fleet.**  
In the unlikely event that a connection fails we will offer support within 48 hrs. of contact.
- **For the first year of service MHQ of AZ will warranty all up-fit items with a no questions replacement should an item fail. This is NOT an Industry Standard.**
- **After one year we will default to the printed manufacturer's warranty policy and time line.**
- All warranty applies unless the electrical system has been compromised by outside sources such as: Body Shop repairs, Equipment additions or removal, any breach of the electrical system which is not done at MHQ of AZ.

Thank You For Your Business,

***Brian Shaw***

*Territory Sales Manager*

*480-498-5105 opt. 1 desk*

*480-848-9994 cell*

*[bshaw@mhqaz.com](mailto:bshaw@mhqaz.com)*

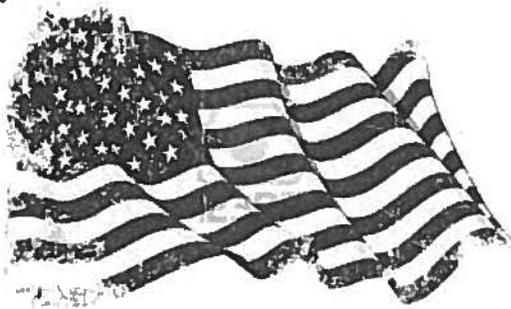
*Over 15yrs Experience in Emergency Vehicle Design.*

*Member Rocky Mountain Fleet Management Assoc. Since 1999.*

**MHQ** OF ARIZONA  
EMERGENCY & SERVICE SOLUTIONS...  
VEHICLES ■ EQUIPMENT ■ GEAR

***1115 W Fairmont Dr. Bldg C***  
***Tempe, AZ. 85282***

***A US Company Supporting US Vendors.***



### Invitation to Bid

Bid # KPD16-005

The City of Kingman Police Department will accept written bids for

#### **KPD16-005 Emergency Lighting and Upfitting of Four (4) 2016 Ford Utility Police Interceptors**

Bids to be submitted to the City Clerk's Office, 310 N. Fourth St., Kingman, AZ 86401 by 3:00 p.m., MST, Friday, November 20, 2015. Bids will be opened at this time.

Bidding specifications and bid sheet can be obtained from Jennifer Sochocki, 2730 E. Andy Devine Avenue, Kingman, AZ 86401, (928) 753-2191.

**Delivery:** All vehicles will be picked up by the Kingman Police Department within 45 business days of the delivery of the City of Kingman purchase order and vehicles, once approved by City of Kingman at inspection. There will be a \$45 per vehicle per day penalty for every day the vehicles are not available for pickup in excess of 45 days. Exigent circumstances will be given consideration on a case by case basis. No late penalty will apply if City of Kingman delays inspection and pickup.

**Bid Award:** Bids will be awarded to the lowest responsive, responsible bidder who also complies with these instructions and with the advertisement for bids, and will be considered at the next City of Kingman Council Meeting held **December 1, 2015**. The City of Kingman, however, reserves the right to accept or reject any and all bids if it deem it best for the public good, will reject the bids of any bidder who have been unfaithful or delinquent to any contract with the City of Kingman and to waive informality in the bids received.

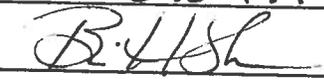
If you have any questions regarding these bid specifications, please contact Jennifer Sochocki, 928-753-2191 or Email [jsochocki@cityofkingman.gov](mailto:jsochocki@cityofkingman.gov)

The undersigned certifies that he or she is an authorized agent of the bidder and is empowered to enter into a contract with the City of Kingman for the purpose stated herein. Further, this offer must meet all of the bid specifications and requirements. Please see the attached sheet for the requirements.

Bidder's Legal Name: MHQ of Arizona

Address: 1115 W. Fairmont Dr.

Phone Number: 480-848-9994 cell / 480-498-5105 office

Authorized Signature: 

Printed Name & Title: Brian H. Shaw Territory Sales Manager

AZ. Sales Tax (use tax) License No. 85-0428532

**Conditions:**

If any of the equipment bid varies from the specifications, such variations must be submitted in writing and included with the bid package.

The City of Kingman reserves the right to waive minor variations if, in the opinion of the City of Kingman, the basic unit meets the general intent of these specifications.

The complete equipment/material bid shall not include a major component that is of a prototype nature or has not been in production a sufficient length of time to demonstrate reliability.

**Substitution for Specifications:**

The City of Kingman will not accept substitutions for specifications due to fleet uniformity.

**Exceptions to Specifications:**

The fact that manufacturers choose not to produce equipment or materials to meet these specifications will not be considered sufficient cause to adjudge these specifications as restrictive. Bidders shall offer the equipment that comes closest to meeting these specifications. The bidder shall note where deviations from specifications are necessary.

**Warranty:**

Bidder shall state on the Bid Sheet the conditions and durations of the warranty being offered and include pertinent information in detail on an attachment to the bid. For bidding purposes, only standard warranty coverage will be considered. Additional warranty coverage may be offered at the time of the bid, but will not be considered as part of the bid and shall not be included in any bid prices.

### Bid Sheet Summary

**\*\*Failure to submit this form shall be cause for bid rejection.\*\***

Vendor's Name MHQ of Arizona

**Bidder agrees to provide all required equipment, material, freight and/or labor as specified in bid documents herein for the following prices as listed:**

Quantity	Description	Unit Price	Extended Price
4	Equipment & Upfitting of 2016 Ford PI-SUVs Includes Equipment, Install, Delivery, & Tax	13,507.90	54,031.60
	<b>Grand Total for Total Package (Total Costs for all 4 Vehicles)</b>		

Additional Extended Warranty/Maintenance Service Options may be included as attachments.

Bid # KPD16-005

**Bid Specifications for KPD Vehicle Emergency Lighting & Upfitting**

Vendor's Name MHQ of Arizona

**DESCRIPTION:**

The emergency lighting and outfitting of four (4) 2016 Ford Utility Police Interceptor Vehicles with Ford Factory Options 55B, 17A, 43D, 17T, 53M, 68G, 21B, 18W, 61S, 595, 51T, and 86T.

#	ITEM DESCRIPTION	PART #	MEETS SPECS YES/NO	EXCEPTIONS
1	Whelen 55" Liberty II Light Bar with Extended Corners, Flashing Corner LED Modules Red/Red Driver's Side with Traffic Advisor as per KPD specs (see attached drawing).	IX2-S-ITS3-KPD	Yes	
2	Whelen E-Z Lightbar Mount Kit #83	MKEZ83	Yes	
3	SoundOff Headlight Flasher	ETHFSS-SP	Yes	
4	Setina 450-L4 Series Alum Push Bumper ION Full 2016 Interceptor Utility	BK2019ITU16	Yes	
5	Troy PI SUV 18" Center Equipment Console	CC-UV-L-18	Yes	
6	Troy 2 inch faceplate for a Kenwood NX700 radio	FP-KTK7180/8180	Yes	
7	Troy 4" Face Plate Whelen siren WS295HFS9	FP-WS295HFS9	Yes	
8	Troy 3" Blank with 3 DC Outlet Holes	FP-AP3	Yes	
9	Troy DC Outlet w/ Black Cap (Two (2) per unit)	L3-AP1SET	Yes	
10	Round Dual USB Power Outlet	USBR12V	Yes	
11	Troy 3" Blank Plate	FP-BLNK3	Yes	
12	Troy 2" Blank Plate	FP-BLNK2	Yes	
13	Troy Internal Beverage Holder w/Rubber Pieces	AC-INBHG	Yes	
14	Troy Mic Clip and Mounting Plate Assembly (Two (2) per unit)	AC-MCM1	Yes	
15	Troy adjustable arm rest, mounts to console floor plate	AC-ARM	Yes	
16	Whelen 295 Series 100/200 Siren with lighted controls, park kill & plug in Microphone	295SLSC6	Yes	
17	Whelen Projector Series Speaker	SA315P	Yes	
18	Whelen Siren Speaker Mount 2016 PI-SUV with swing arm	SAK51	Yes	
19	Troy Passenger Side Computer mounts for a 2016 PI-SUV w/ swing arm	CM-PSUV-SL-LED	Yes	

Bid # KPD16-005

20	Gamber Johnson Mag Dock for Getac B3000 Computer	7160-0526-00	Yes	
21	Gamber Johnson screen support F/CF 30	7160-0060	Yes	
22	AOI Dual stage airbag switch front passenger. "Plug In" with adapter kit	AOI0001	Yes	
23	Remote Air Bag Status Light	RASL	Yes	
24	Setina #10XL C Coated poly partition for 2016 Interceptor Utility	PK1126ITU12	yes	
25	Setina steel window barrier, 2016 Interceptor Utility	WK0514ITU12	Yes	
26	Setina 2016 Interceptor Door Panel	DK0100ITU12	Yes	
27	Laguna Interior SUV Prisoner Seat with Ready Buckle Seat Belts and Mesh Screen, 2016 Interceptor SUV	FE4502RB	Yes	
28	Whelen OuterEdge Lights for 2016 Ford PI-SUV. Driver side 3 Microns should be all Red (OEMCRNR) and the Passenger side 3 Microns should be all Blue (OEMCRNB).	OE34UR6	Yes	
29	Whelen ION Lights Red/Blue (Two (2) Lights per unit)	IONJ	Yes	
30	Whelen ION Series Body Mount Grommet (Two (2) Kits per unit)	IONGROM	Yes	
31	Whelen Micron Split Red/Blue Light Head with Black Flange (Two (2) per unit)	MCRNSJ	Yes	
32	Whelen Vertex Super-LED/Blue (Two (2) per unit). This LED insert is made to fit into the hole made by the 86T Ford option.	VHB609B	Yes	
33	SoundOff backflash module for Ford	ETFBSSN-P	Yes	
34	Twenty-five (25) foot radio Coax cable kit with PL259 UHF connector and NMO Mount w/Rain Cap (Two (2) Kits per unit)		Yes	
35	Patrol Power Custom Wiring Harness with Color Coded Function Labeled Wire for 2016 Ford PI-SUV <b>must be pre-approved by City of Kingman prior to installing.</b>	03-0211	Yes	
36	Kingman Police Department 2016 Police Interceptor SUV standard decal package in reflective 3M tape per KPD Specs, includes professional installation from Trademark Visual. See attached Drawing.		Yes	

Bid # KPD16-005

37	All Window Tinting; front doors 35%. Rear door, rear side windows and hatch 5%		yes	
38	Pre-wire for local radio installation of the Kenwood NX-700 ( For the Kenwood NX-700 please install an ignition power block in the console for a KCT-46 ignition sense cable or install the KCT-46 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio, and wire for external speaker)		yes	
39	B and B Armour® Single gun rack for an AR-15 style weapon only. SC1 gunlock (GR2)	7010-3001	yes	
40	SL-20LP Streamlight Shall include a twelve (12) volt DC charger	25202	yes	
41	StopTech Stopsticks 9' Stop Stick SUV Kit with black stick/black sleeve	S3701K	yes	
42	Sales Tax		-	
43	Shipping		-	
44	Shop Supplies		-	
45	Installation Labor		-	
46	Kingman Police Will Deliver and Pickup Vehicles		-	

**Individual Per Unit Bid Sheet \*\*Failure to Submit this form shall be cause for bid rejection\*\*  
Specifications for KPD Vehicle Emergency Lighting BID # KPD16-005**

Vendor's Name \_\_\_\_\_

DESCRIPTION: The emergency lighting & outfitting of four (4) 2016 Ford Police Utility Interceptor Vehicles

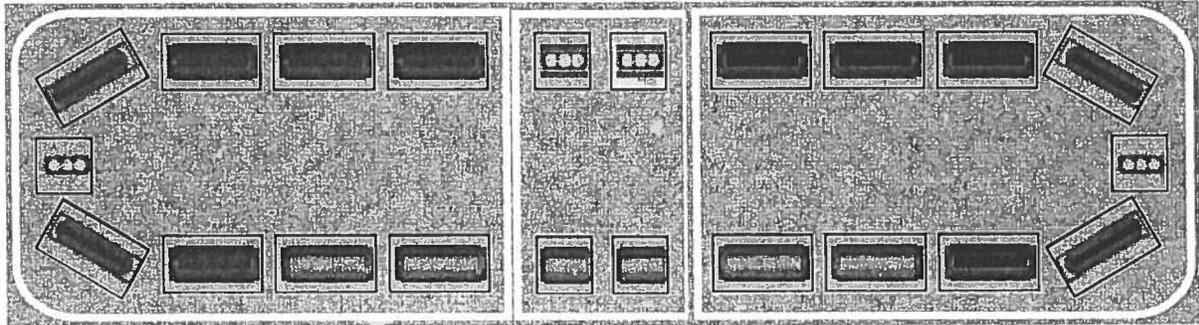
Item #	Description	Part Number	Quantity	Price Each	Total
1	Light Bar	<u>1X2-S-ITS3-KPD</u>	1	\$	\$ 1,237.13
2	Light Bar Mount Kit	<u>MKE283</u>	1	\$	\$ 0
3	Headlight Flasher	<u>ETHFSS-SP</u>	1	\$	\$ 35.58
4	Aluminum Push Bumper w/2 Side 2 Forward Lights	<u>BK2019ITU16</u>	1	\$	\$ 751.76
5	Equipment Console	<u>CC-UV-L-18</u>	1	\$	\$ 285.88
6	Face Plates for radio	<u>FP-KTK7180/8180</u>	1	\$	\$ 0
7	Face Plate Siren Whelen	<u>FP-WS295HFS9</u>	1	\$	\$ 0
8	3 inch Blank w/ 3 DC Outlet Holes	<u>FP-AP3</u>	1	\$	\$ 0
9	DC Outlet w/ Black Cap	<u>L3-APISET</u>	2	\$ 7.08	\$ 14.16
10	Round Dual USB Power Outlet	<u>USBR12V</u>	1	\$	\$ 17.69
11	3 inch Blank Plate	<u>FP-BLNK3</u>	1	\$	\$ 0
12	2 inch Blank Plate	<u>FP-BLNK2</u>	1	\$	\$ 0
13	Beverage Holder	<u>AC-INBHG</u>	1	\$	\$ 35.29
14	Microphone Clip w/ Mounting Assembly	<u>AC-MCMI</u>	2	\$ 10.62	\$ 21.24
15	Arm Rest, side mount, adjustable	<u>AC-ARM</u>	1	\$	\$ 102.35
16	Whelen Siren	<u>295SLSC6</u>	1	\$	\$ 363.74
17	Speaker	<u>SA315P</u>	1	\$	\$ 143.12
18	Siren Speaker Mount Bracket	<u>SAK51</u>	1	\$	\$ 0
19	MDC Pass Side Comp Mounts	<u>CM-PSUV-SL-LED</u>	1	\$	\$ 427.06
20	Docking Station	<u>7160-0526-00</u>	1	\$	\$ 593.67
21	Screen Support	<u>7160-0060</u>	1	\$	\$ 29.31
22	Passenger Side Front Air Bag Cut Off Switch	<u>AOI0001</u>	1	\$	\$ 199.76
23	Remote Air Bag Status Light	<u>RASL</u>	1	\$	\$ 24.78
24	CRP Coated poly partition	<u>PK1126ITU12</u>	1	\$	\$ 621.85
25	Steel Window Barrier	<u>WK0514ITU12</u>	1	\$	\$ 154.91
26	Steel Door Panel	<u>DK0100ITU12</u>	1	\$	\$ 174.18
27	Prisoner Seat w/ Ready Buckle	<u>FE4502RB</u>	1	\$	\$ 987.06
28	Whelen OuterEdge Lights	<u>OE34UR6</u>	1	\$	\$ 620.55
29	Whelen ION Lights	<u>IONJ</u>	2	\$ 83.07	\$ 166.14
30	Light Body Mount Grommet	<u>IONGROM</u>	2	\$ 4.36	\$ 8.73
31	Micron Light Head w/ Flange	<u>MCRNSJ</u>	2	\$ 88.59	\$ 177.19
32	Vertex LED Blue Lights	<u>VHB609B</u>	2	\$ 72.98	\$ 145.97
33	Backflash Module	<u>ETFBSSN-P</u>	1	\$	\$ 39.29
34	Radio Coax Cable Kit & Rain Caps	<u>LARNMOKHFUDPME-25 85487</u>	2	\$ 19.09	\$ 38.18
35	Power Wiring Harness	<u>03-0211</u>	1	\$	\$ 500.00
36	Standard Decal Package	<u>KPD SPEC</u>	1	\$	\$ 989.95
37	Window Tinting	<u>KPD SPEC</u>	1	\$	\$ 225.00
38	Pre-wire for radio installation	<u>KPD SPEC</u>	1	\$	\$ INC.
39	Vertical Single Gun Rack	<u>7010-3001</u>	1	\$	\$ 222.35
40	Rechargeable Flashlight	<u>25202</u>	1	\$	\$ 83.66
41	Stopsticks Kit	<u>53701K</u>	1	\$	\$ 529.41
42	Sales Tax			\$	\$ 810.97
43	Equipment Shipping Cost			\$	\$ 285.00
44	Shop Supplies			\$	\$ 45.00

Bid # KPD16-005

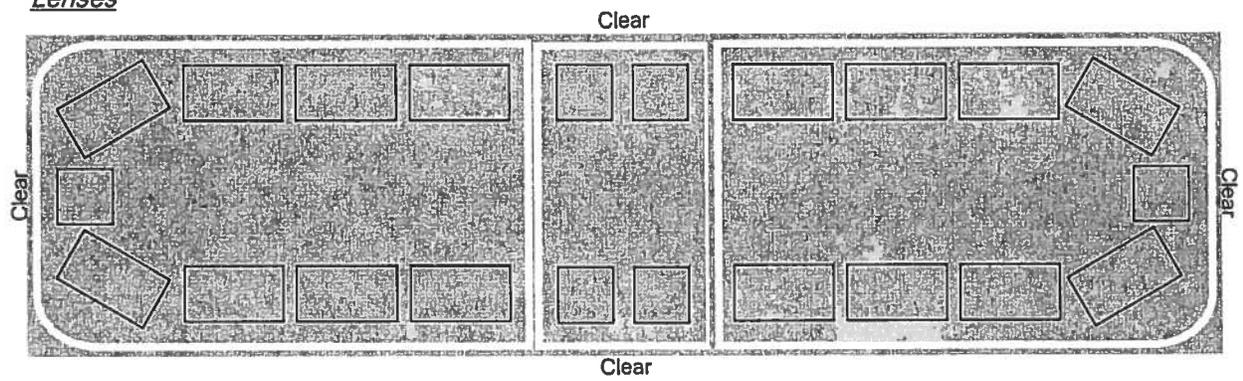
45	Installation Labor Cost	# of Hours <u>40</u>	\$ <u>60.00</u>	\$ <u>2400-</u>
46	Delivery not necessary (Kingman will Pickup)	# of Days to Completion <u>40</u>	(from PO)	
47	<b>Complete Build Cost for One (1) PI-SUV</b>			<b>\$ <u>13,507.90</u></b>

# Liberty™ II LC Light Bar Order Form/Worksheet

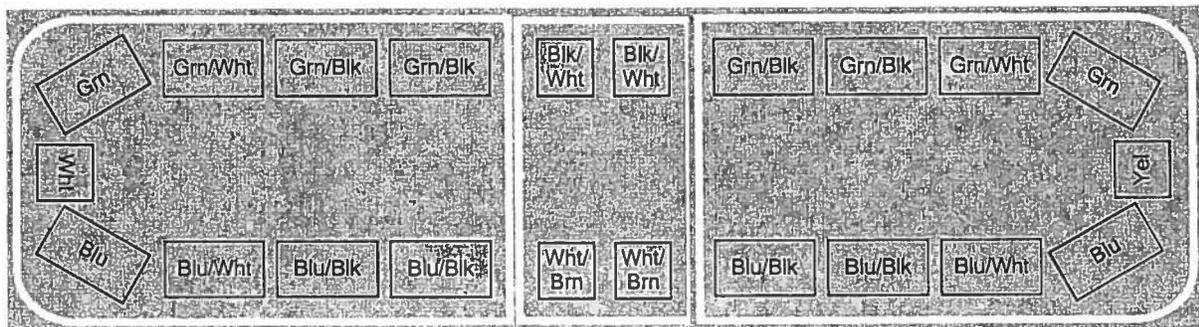
## Configuration



## Lenses



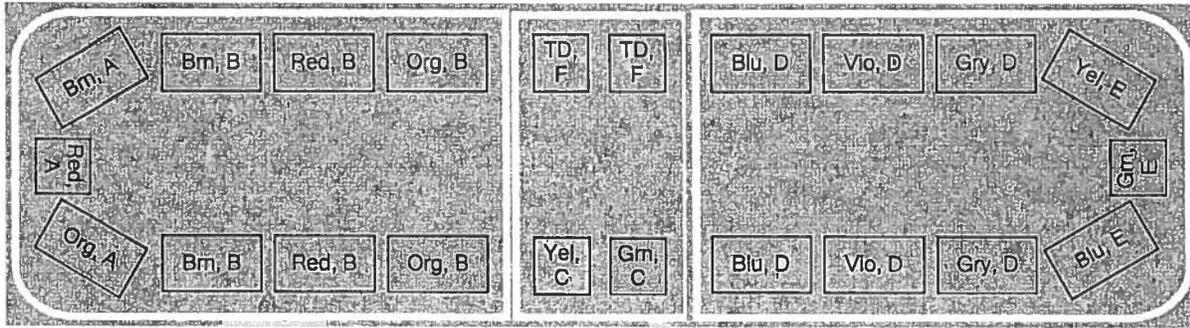
## Control Cable Wiring



*[Handwritten Signature]*

## Liberty™ II LC Light Bar Order Form/Worksheet

### Internal Harness Connectors and Colors



Control Cable Color	Function	I/O Ports	Cable
Orange	Cruise		12Conductor
White/Violet	Scanlock		12Conductor
Violet	LowPower		12Conductor

### Line Items

QTY	Model #	Description	List Price
1	IX2BRBR	54" Liberty™ II Series	\$1,552.00
1	ITS3	Add Two Short Super-LED® Takedown Lights	\$128.00
4	IWDLR	Add Solo Series Linear-LED® Flasher, 1 Long Red	\$676.00
4	IWDLA	Add Solo Series Linear-LED® Flasher, 1 Long Yellow	\$676.00
2	IWDSA	Add Solo Series Linear-LED® Flasher, 1 Short Yellow	\$234.00
1	IA3	Add Two Super-LED® Alley Lights	\$128.00
4	IWDLB	Add Solo Series Linear-LED® Flasher, 1 Long Blue	\$676.00
<b>Total:</b>			<b>\$4,070.00</b>

The above costs (in US Dollars) is an estimate only. Refer to the current Whelen Automotive Price List for accurate pricing!

### Order Information

Order Date 12/4/2014  
 Account Number  
 Project Name Kingman 2015  
 Vehicle Type Tahoe/PISUV  
 Voltage  
 Bar Length  
 WECAD Version Application is not deployed using ClickOnce

#### Bill To:

PO Number  
 Name Kingman Police Dept.  
 Address1  
 Address2  
 City  
 State  
 Zip Code  
 Telephone 928-753-8163  
 Contact 1 Jennifer Sochocki <jsoc...ki@cityofkingman.gov>  
 Contact 2

#### Ship To:

PO Number  
 Name Kingman Police Dept.  
 Address1  
 Address2  
 City  
 State  
 Zip Code  
 Telephone 928-753-8163  
 Contact 1 Jennifer Sochocki <jsoc...ki@cityofkingman.gov>  
 Contact 2

## Liberty™ II LC Light Bar Order Form/Worksheet

---

### Special Instructions

Standard Mount MKEZ83 Explorer / 2011-2015 and 2013-2015 Police Interceptor Utility / 48"-55"  
Standard Mount MKEZ93 Tahoe / 2015 / 52"-55"



QTY: 1ea - 12<sup>3</sup>/<sub>4</sub>" x ±10"



QTY: 1ea - 2<sup>1</sup>/<sub>2</sub>" x 13<sup>3</sup>/<sub>4</sub>" / 12<sup>1</sup>/<sub>2</sub>"

**KINGMAN POLICE**

QTY: 1 - 2" x 64"



**A** Project Detail : Digital  
SCALE 3/4" = 1'0"

QTY: 1ea - 10<sup>1</sup>/<sub>2</sub>" x 60<sup>1</sup>/<sub>4</sub>" / 61<sup>1</sup>/<sub>4</sub>" Black & Ref.Yellow

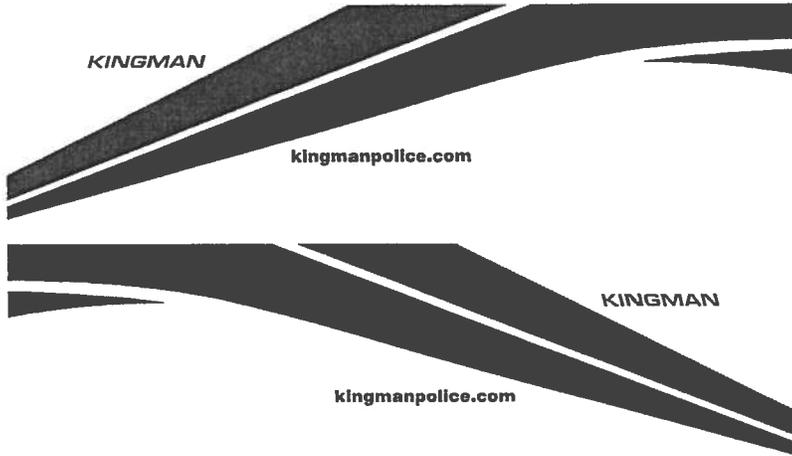


QTY: 3ea - 2<sup>1</sup>/<sub>2</sub>" Caps Black  
000

QTY: 1ea - 17<sup>1</sup>/<sub>2</sub>" x 34<sup>1</sup>/<sub>2</sub>" Black



QTY: 1ea - 36" x 133<sup>1</sup>/<sub>4</sub>" / 2" Cap Height Ref.Black & Ref.Blue



QTY: 1 - 4" x 58" Ref.Black



QTY: 1 - 1<sup>1</sup>/<sub>2</sub>" Caps 2" x 21<sup>1</sup>/<sub>2</sub>" Ref.Black  
kingmanpolice.com

**B** Project Detail : Cut Vinyl  
SCALE 3/8" = 1'0"

**TRADEMARK**

3732 E. University Dr., Phoenix, AZ 85034 602 272 5055 trademarkvisual.com

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COMPANY City of Kingman  
SUB LOCAL  
ADDRESS 3700 E Andy Divine  
CITY STATE Kingman, AZ 86401

SR	APPROVED	CLIENT SIGNATURE
AS	<input type="checkbox"/>	
PM	APPROVED	LANDLORD SIGNATURE
	<input type="checkbox"/>	



**C** Installation Mock-Up  
SCALE 3/8" = 10"

**TRADEMARK**

3732 E. University Dr., Phoenix, AZ 85034 602.272.5055 trademarkvisual.com

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COMPANY City of Kingman  
 SUB LOCAL  
 ADDRESS 3700 E Andy Divine  
 CITY STATE Kingman, AZ 86401

BR	APPROVED	CLIENT SIGNATURE
AS	<input type="checkbox"/>	
PM	APPROVED	LANDLORD SIGNATURE
	<input type="checkbox"/>	

# KENWOOD

Listen to the Future

## NEXEDGE™

# NX-700(H)/800(H)

NEXEDGE™ VHF/UHF Digital & FM Mobile Radios

**NXDN®**

**FleetSync®**

### GENERAL FEATURES

- 30W / 50W (136-174 MHz) Models
- 30W / 45W (400-470, 450-520 MHz) Models
- 512 CH-GID / 128 Zones
- Dash & Remote Mount
- 14 Character Alphanumeric Aliases
- Backlit Dot Matrix LCD
- 3-Digit Sub-Display
- Function/Status LCD Icons
- RSSI Indicator
- Date & 12/24 Hour Time Clock
- Transmit/Busy/Call Alert/Warn LED
- On/Off Power Control
- 4 Up/Down Selectors
- 6 Front PF Keys
- Emergency/AUX Key
- 4W Speaker Audio
- Emergency Call Features
- Lone Worker
- Multi-Language Display
- Programmable TX/RX Indication (On/Off)
- Special Alert Tone Patterns
- Time Out Timer
- Busy Channel Lockout
- DB-25 Accessory Connector
- 9 Programmable AUX I/Os
- 2 Programmable AUX Outputs
- Ignition Sense
- Public Address / Horn Alert Option
- MIL-Spec Standard Mic
- MIL-Spec 12-Key DTMF Mic Option
- KPG-111D Windows® FPU
- Flash Firmware Upgrading
- Front Panel Test & Tune
- Cloning
- MIL-STD-810 C/D/E/F
- MIL-STD "Driven-Rain"
- IP-54/55 Water & Dust Intrusion
- Easy Option Port
- PC Serial Interface
- SDM Manual Input¹
- Transparent Data Mode¹
- GPS Receiver Option
- VGS-1 Voice Guide / Voice & GPS Data Storage Option

### DIGITAL - COMMON

- NXDN® Digital Air Interface
- AMBE+2™ VOCODER
- 6.25 & 12.5 kHz Channels
- Over-the-Air Alias
- Paging Call
- Emergency Call
- All Group Call
- Status Messaging¹
- Remote Stun/Kill¹
- Remote Check¹
- Short & Long Data Messages¹
- GPS Location with Voice¹
- NXDN® Scrambler Included (Conventional: per CH)

### DIGITAL CONVENTIONAL MODE

- 64 Radio Access Numbers (RAN)
- DTMF (Encode/Decode)
- Individual & Group Selective Call
- Mixed FM/Digital Operation

### DIGITAL TRUNKING MODE

- Individual Private Call
- Group Call
- Broadcast Call
- Transmission Trunked Mode²
- Message Trunked Mode²
- Call Queuing with Priority²
- Call Queue Pre-emption²
- Late Entry (UID & GID)²
- 4 Priority Monitor ID's²
- Remote Group Add¹
- Failsoft Mode
- Multi-Site IP Network Compatible

### SCAN

- Single Zone / Multi-Zone / List Scan
- Dual Priority Scan (Conventional)

### FM MODES - GENERAL

- 25 & 12.5 kHz Channels
- FleetSync®/II
- DTMF Encode/Decode
- Companded Audio
- Voice Inversion Scrambler
- Encryption/ANI Board Control

### FM CONVENTIONAL ZONES

- QT / DQT
- Two-Tone Decode
- Single/Two-Tone Encode
- Call Key 1-6
- Operator Selectable Tone

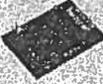
### FM LTR® TRUNKED ZONES

- Kenwood LTR® Features

### FleetSync®/II (FM)

- PTT ID Digital ANI
- Selective Call & Group Call
- Status Messaging¹
- Emergency Status
- Caller ID Display
- Short Text Messages¹
- Power On/Off Status Messages¹
- Input/Output Status Messages¹
- Send/Display GPS¹
- PTT ID & Emergency GPS Reporting¹
- Status Message Block GPS Reporting¹
- Ignition On/Off GPS Reporting¹



<p>■ <b>KMC-35</b> Microphone</p> 	<p>■ <b>VGS-1</b> Voice Guide &amp; Storage Unit</p> 	<p>■ <b>KAP-2</b> Hom Alert / PA Relay Unit</p> 	<p>■ <b>KCT-46</b> Ignition Sense Cable</p> 
<p>■ <b>KMC-36</b> Microphone with Keypad</p> 	<p>■ <b>KRK-10</b> Panel Remote Kit</p> 	<p>■ <b>KCT-23M</b> DC Cable (10 feet)</p> 	<p>■ <b>KMB-10</b> Key Loc. Adapter</p> 
<p>■ <b>KMC-9C</b> Control Station Desktop Microphone</p> 	<p>■ <b>KPS-15</b> DC Power Supply</p> 	<p>■ <b>KCT-23M3</b> DC Cable (3 feet)</p> 	<p>■ <b>KLF-2</b> Line Noise Filter</p> 
<p>■ <b>KES-5</b> External Speaker</p> 			

All accessories and options may not be available in all markets. Contact an authorized Kenwood dealer for details and complete list of all accessories and options.

## Main Specifications

			NX-700(H) K	NX-800(H) K
<b>GENERAL</b>				
Frequency Range	Type 1		136-174 MHz	450-520 MHz
	Type 2			400-470 MHz
Number of Channels				512
Zones				128
Max. Channels per Zone				250
Channel Spacing	Analog	12.5 / 15 / 25 / 30 kHz	12.5 / 25 kHz	
	Digital	6.25 / 12.5 kHz	6.25 / 12.5 kHz	
Operating Voltage			13.6 V DC ± 15%	
Operating Temperature Range			-22° F to +140° F (-30° C to +60° C)	
Frequency Stability			± 1.0 ppm	
Antenna Impedance			50 Ω	
Dimensions (W x H x D) Projections not included			6.30 x 1.77 x 6.18 in (160 x 45 x 157 mm)	
Weight (net)			3.04 lb (1.38 kg)	
FCC ID	K	Type 1	K44378600	K44378700
	K	Type 2		K44378701
	HK	Type 1	K44378601	K44378702
	HK	Type 2		K44378703
IC Certification	K	Type 1	282F-378600	282F-378700
	K	Type 2		282F-378701
	HK	Type 1	282F-378601	282F-378702
	HK	Type 2		282F-378703

Analog measurements made per TIA/EIA 603 and specifications shown are typical. Kenwood reserves the right to change specifications without prior notice or obligation.

FleetSync™ is a registered trademark of Kenwood Corporation.  
 LTR™ is a registered trademark of Transcript International.  
 AMBE+2™ is a trademark of Digital Voice Systems Inc.  
 Windows® is a registered trademark of Microsoft Corporation.  
 NXDN® is a trademark of Kenwood Corporation and Icom Inc.  
 NEXEDGE™ is a trademark of Kenwood Corporation.

		NX-700(H) K	NX-800(H) K
<b>RECEIVER</b>			
Sensitivity	Digital @ 6.25 kHz (3% BER)		0.20 µV
	Digital @ 12.5 kHz (3% BER)		0.28 µV
	Analog (12 dB SINAD)		0.25 µV
Selectivity	Analog @ 25 kHz		80 dB
	Analog @ 12.5 kHz		70 dB
Intermodulation	Analog		75 dB (±50, 100 kHz)
Spurious Response	Analog	90 dB	85 dB
Audio Distortion			Less than 3%
Audio Output		4 W / 4 Ω	
<b>TRANSMITTER</b>			
RF Power Output	Mid Power	30 W to 1 W	30 W to 1 W
	High Power	50 W to 10 W	45 W to 10 W
			25 W to 1 W (490-520 MHz)
			40 W to 10 W (490-512 MHz)
			35 W to 10 W (512-520 MHz)
Spurious Response		73 dB	75 dB
FM Hum & Noise	Analog @ 25 kHz		50 dB
	Analog @ 12.5 kHz		45 dB
Audio Distortion			Less than 3%
Modulation		16K0F3E, 14K4F1D, 11K0F3E, 8K30F1E, 8K30F1D, 8K30F7V, 4K00F1E, 4K00F1D, 4K00F7W, 4K00F2D	

Footnotes from Front:

- <sup>1</sup> Requires NX subscriber unit PC Serial Interface compatible software application (e.g Kenwood AVL & Dispatch Messaging software) or hardware (e.g. console).
- <sup>2</sup> These (trunked) features are primarily system programming and operational dependent. Priority Monitor also requires NX subscriber settings.

## Applicable MIL-STD & IP

MIL Standard	MIL 810C Methods/Procedures	MIL 810D Methods/Procedures	MIL 810E Methods/Procedures	MIL 810F Methods/Procedures
Low Pressure	500.1/Procedure I	500.2/Procedure I, II	500.3/Procedure I, II	500.4/Procedure I, II
High Temperature	501.1/Procedure I, II	501.2/Procedure I, II	501.3/Procedure I, II	501.4/Procedure I, II
Low Temperature	502.1/Procedure I	502.2/Procedure I, II	502.3/Procedure I, II	502.4/Procedure I, II
Temperature Shock	503.1/Procedure I	503.2/Procedure I	503.3/Procedure I	503.4/Procedure I, II
Solar Radiation	505.1/Procedure I	505.2/Procedure I	505.3/Procedure I	505.4/Procedure I
Rain	506.1/Procedure I, II	506.2/Procedure I, II	506.3/Procedure I, II	506.4/Procedure I, III
Humidity	507.1/Procedure I, II	507.2/Procedure II, III	507.3/Procedure II, III	507.4
Salt Fog	509.1/Procedure I	509.2/Procedure I	509.3/Procedure I	509.4
Dust	510.1/Procedure I	510.2/Procedure I	510.3/Procedure I	510.4/Procedure I, III
Vibration	514.2/Procedure VIII, X	514.3/Procedure I	514.4/Procedure I	514.5/Procedure I
Shock	516.2/Procedure I, II, III, V	516.3/Procedure I, IV, V	516.4/Procedure I, IV, V	516.5/Procedure I, IV, V
International Protection Standard				
Dust & Water Protection	IP54: Radio itself IP54/55: Remote head with KRK-10			

## Listen to the Future

Kenwood has always connected with people through sound. Now we want to expand the world of sound in ways that only Kenwood can, listening to our customers and to the pulse of the coming age as we head toward a future of shared discovery, inspiration and enjoyment.

**Kenwood U.S.A. Corporation**  
 Communications Sector Headquarters  
 3970 Johns Creek Court, Suite 100, Suwanee, GA 30024  
 Order Administration/Distribution  
 P.O. BOX 22745, 2201 East Dominguez St., Long Beach, CA 90801-5745

**Kenwood Electronics Canada Inc.**  
 Canadian Headquarters and Distribution  
 6070 Kestrel Road, Mississauga, Ontario, Canada L5T 1S8

  
[www.kenwoodusa.com](http://www.kenwoodusa.com)



JQA-QMA1205 091-A  
 ISO9001 Registered  
 Communications Equipment Division  
 Kenwood Corporation  
 (52991) certificate

## Pre wire for Kenwood TK-5710 & NX700 Mobile radios

For the Kenwood TK-5710 please install an ignition power block in the console for a KCT-18 ignition sense cable or install the KCT-18 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio.

For the Kenwood NX-700 please install an ignition power block in the console for a KCT-46 ignition sense cable or install the KCT-46 cable to an ignition power source. Also provide a 15 amp battery terminal point or direct to battery wired pair in the console for the radio.



Date	Estimate #
11/16/2015	1084

<b>Name / Address</b>
Kingman PD 2730 E. Andy Devine Ave. Kingman, AZ 86401

<b>Ship To</b>
Kingman PD 2730 E. Andy Devine Ave. Kingman, AZ 86401

<b>Rep</b>	<b>Phone</b>	<b>Fax</b>	<b>Email</b>	<b>Visit our Website</b>	<b>Project</b>
Brian	(480) 848-9994	(480) 361-7716	bshaw@mhqaz.com	www.mhqwest.com	Bid KPD16-005

Item	Manufacturer	Description	Qty	Cost	Total
Build	Build	Contact Name: Jennifer Sochocki Contact Number: 928-753-2191 Vehicle/Year: Ford Utility PI / 2016 Type: Patrol A-Build			0.00T
IX2-S-ITS3-KPD	Whelen	Whelen 55" Liberty II Light bar, with extended corners, Flashing corner LED modules Red/Red drivers side with Traffic Advisor as per KPD specs. MKEZ83 Included in price	1	1,237.13	1,237.13T
ETHFSS-SP	Sound Off Si...	SS HL Flasher Select-A-Pattern	1	35.58	35.58T
BK2019ITU16	Setina	PB450L4 - WHELEN ION.	1	751.76	751.76T
CC-UV-L-18	Troy	Ford PI SUV 18" Center Console.	1	285.88	285.88T
FP-KTK7180/8180	Troy	2" faceplate for a Kenwood NX700 radio.	1	0.00	0.00T
FP-WS295HFS9	Troy	4" faceplate for Whelen 295 series siren.	1	0.00	0.00T
FP-AP3	Troy	3" Blank with 3 DC Outlet holes.	1	0.00	0.00T
L3-AP1SET	Troy	12 volt DC outlet w/black cap.	2	7.08	14.16T
USBR12V	Troy	12V USB Power Outlet, Round hole.	1	17.69	17.69T
FP-BLNK3	Troy	3" Blank Plate.	1	0.00	0.00T
FP-BLNK2	Troy	2' Blank Plate.	1	0.00	0.00T
AC-INBHG	Troy	Internal Beverage Holder w/rubber pieces.	1	35.29	35.29T
AC-MCM1	Troy	Mic clip and mounting plate assembly.	2	10.62	21.24T
AC-ARM	Troy	Adjustable Arm Rest. Mounts to console floor plate.	1	102.35	102.35T
295SLSC6	Whelen	295 Series Siren Controller, Removable Mic.	1	363.74	363.74T
SA315P	Whelen	Siren speaker, 123db	1	143.12	143.12T

Date	Estimate #
11/16/2015	1084

<b>Name / Address</b>
Kingman PD 2730 E. Andy Devine Ave. Kingman, AZ 86401

<b>Ship To</b>
Kingman PD 2730 E. Andy Devine Ave. Kingman, AZ 86401

Rep	Phone	Fax	Email	Visit our Website	Project
Brian	(480) 848-9994	(480) 361-7716	bshaw@mhqaz.com	www.mhqwest.com	Bid KPD16-005

Item	Manufacturer	Description	Qty	Cost	Total
SAK51	Whelen	Ford Explorer, 2014-2015 and Ford Police Siren Speaker Mounting Bracket Interceptor Utility, 2013-2015, Passenger Side Lower Grille	1	0.00	0.00T
CM-PSUV-SL-LED	Troy	Passenger Side Computer mounts for a 2016 PI-SUV w/ swing arm.	1	427.06	427.06T
7160-0526-00	Gamber John...	Mag Dock for Getac B3000 Computer.	1	593.67	593.67T
7160-0060	Gamber John...	Screen support. F/CF 30	1	29.31	29.31T
AOI0001	Pro-Gard	Dual Stage airbag switch front / passenger. "Plug In" with adapter kit. Ford PI SUV.	1	199.76	199.76T
RASL	Pro-Gard	Remote air bag status light.		24.78	24.78T
PK1126ITU12SCA	Setina	#10XL C Coated Polycarbonate With Expanded Metal Window Security Screen	1	621.85	621.85T
WK0514ITU12	Setina	Window Barrier VS Steel Vertical	1	154.91	154.91T
DK0100ITU12	Setina	Door Panel VS TPO Plastic Black Installs Over OEM Door Panels	1	174.18	174.18T
FE4502RB	Laguna	Prisoner seat for 2016 Ford PI SUV, with Ready Buckle seat belts and mesh screen.	1	987.06	987.06T
OE34UR6	Whelen	Outer Edge® Rear Facing Upper Exterior Mount Super-LED®. Six Lamp Warning, Two Piece, For Ford Explorer 2011-2016 and Police Interceptor Utility 2013-2016	1	620.55	620.55T
IONJ	Whelen	ION Red / Blue	2	83.07	166.14T

Date	Estimate #
11/16/2015	1084

<b>Name / Address</b>
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Kingman PD 2730 E. Andy Devine Ave. Kingman, AZ 86401

<b>Rep</b>	<b>Phone</b>	<b>Fax</b>	<b>Email</b>	<b>Visit our Website</b>	<b>Project</b>
Brian	(480) 848-9994	(480) 361-7716	bshaw@mhqaz.com	www.mhqwest.com	Bid KPD16-005

Item	Manufacturer	Description	Qty	Cost	Total
IONGROM	Whelen	ION Iight Series Body Mount Grommet	2	4.365	8.73T
MCRNSJ	Whelen	Micron Split Red/Blue Lighthouse with black flange.	2	88.595	177.19T
VHB609B	Whelen	Vertex Super LED Blue. with Ford socket to fit option 86T.	2	72.985	145.97T
ETFBSSN-P	Sound Off Si...	Flashback 100% Solid State	1	39.29	39.29T
LARNMOKHFUD...		25' High Frequency Coax with FME Connector with PL259	2	15.175	30.35T
85487		LARSEN rain cap for NMO mount	2	3.92	7.84T
03-0211	Patrol Power	Patrol Power Harness. 2016 Ford PI SUV. With timer. to meet Kingman PD spec.	1	500.00	500.00T
Graphics		Graphics + Install Per Kingman PD Spec.	1	989.95	989.95T
Tint		Tint - front doors 35%, rear doors back all 5%. Pre Wire for Kenwood per KPD instructions.	1	225.00	225.00T
7010-3001	B & B Ent	B & B Armour, Single gun rack for an AR-15 style weapon only. SC1 gunlock. (GR2)	1	222.35	222.35T
25202	Streamlight	SL-20LP with 12V DC - Black NiCd.	1	83.66	83.66T
S3701K	StopTech	Stop Tech stop sticks 9'. SUV Kit with black stick/black sleeve.	1	529.41	529.41T
Shipping		Shipping	1	285.00	285.00
Materials		Misc Shop Supplies and Materials	1	45.00	45.00T
Labor Sales		Labor for Installation	40	59.9995	2,399.98

Please contact Brian Shaw with any questions. 480-848-9994 Thank you for the opportunity to help yo		<b>Subtotal</b>	\$12,696.93
		<b>Sales Tax (8.1%)</b>	\$810.97
		<b>Total</b>	\$13,507.90



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Ban handheld electronic device driving ordinance

---

### **SUMMARY:**

After a citizen presentation, the Council directed staff to draft an ordinance that restricts the use of electronic devices while driving a vehicle on the public rights of way. Staff reviewed several ordinances from other Arizona cities. Staff modeled the proposed ordinance from one that was recently enacted by the City of Tempe.

The ordinance bans the use of electronic devices by a driver of a vehicle while on the public right of way. It does allow for some exceptions. While Councilmember Carver did not wish to allow for exceptions, there was no clear direction from the remaining Councilmembers on that subject. After speaking with staff members from other departments it was felt that some exceptions should be made. Staff is available to comment. This ordinance may be adopted tonight or Council can make revisions for a later adoption. Unless directed otherwise, the Ordinance will take effect 30 days after passage.

At the regular meeting of November 3, 2015, the City Council failed to pass a motion to send the ordinance back to staff to make it "more broad" and did not take any additional action regarding this item; essentially failing the item. Councilmember Carver has asked that this item be placed on this agenda to revisit the Ordinance 1807 as written.

### **FISCAL IMPACT:**

Potential revenue from fines.

### **STAFF RECOMMENDATION:**

Council discretion.

### **ATTACHMENTS:**

Description

Ordinance 1807

GHSA Report

IIHS Report

GHSA & State Farm Report

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
City Manager	Dougherty, John	Approved	11/6/2015 - 5:28 PM
City Attorney	Cooper, Carl	Approved	11/9/2015 - 12:24 PM
City Manager	Dougherty, John	Approved	11/6/2015 - 5:36 PM

CITY OF KINGMAN

ORDINANCE NO. 1807

**AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, AMENDING CHAPTER 7 OF THE CITY OF KINGMAN CODE OF ORDINANCES BY BANNING THE USE OF HAND HELD ELECTRONIC DEVICES IN MOTOR VEHICLES WHILE OPERATING ON PUBLIC RIGHTS OF WAY.**

**WHEREAS**, the Mayor and Common Council has determined that the public health, safety, and welfare will be promoted by modifying the following provision to the City of Kingman Code of Ordinances;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Kingman, Arizona as follows:

**SECTION 1** Chapter 7, Article II of the Code of Ordinances of the City of Kingman, is created by adding text to read as follows

Sec. 7-85. Unlawful use of a mobile electronic device.

(a) It shall be unlawful for any person to operate a motor vehicle while using a mobile electronic device.

(b) Definitions.

(1) *Mobile electronic device* means any handheld or other portable electronic equipment capable of providing wireless or data communication between two or more persons or of providing amusement, including by not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer video game, or digital photographic device, but does not include any audio equipment or any equipment installed to the motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seat of the motor vehicle.

(2) *Use or using* means holding a mobile electronic device while operating a motor vehicle.

(3) *Hands-free accessory* means an attachment, add-on, built-in feature, or addition to the mobile telephone, whether or not permanently installed to the motor vehicle, that, when used, allows the vehicle operator to maintain both hands on the steering wheel.

(4) *Operating a motor vehicle* means operating a motor vehicle on any right of way including being temporarily stationary due to traffic, road conditions or traffic control sign or signal, but not including being parked on the side or shoulder of any right of way where such vehicle is safely able to maintain stationary.

(c) Exceptions. The provisions of this section do not apply to:

(1) Emergency responders using a mobile electronic device while in the performance and the scope of their official duties;

(2) A driver who is reporting a medical emergency, a safety hazard or criminal activity, or who is requesting assistance related to a medical emergency, a safety hazard, or criminal activity;

(3) A driver using a two-way radio or a private Land Mobile Radio System, within the meaning of title 47 Code of Federal Regulations part 90, while in the performance and scope of their work-related duties and who are operating fleet vehicles or who possess a commercial vehicle license; or

(4) A driver holding a valid amateur radio operator license issued by the Federal Communications Commission and using a half-duplex two-way radio;

(5) A driver using a mobile electronic device in hands-free or voice-operated mode, and

(6) A driver using a mobile electronic device while parked on the shoulder of a roadway.

(d) A violation of this section is a primary civil traffic violation.

(e) Penalties. Any person who violates this section shall be guilty of a civil traffic violation and shall be fined one hundred dollars (\$100) plus court assessments for the first offense, two hundred fifty dollars (\$250) plus court assessments for a second offense, and five hundred dollars (\$500) plus court assessments for any subsequent offense within a 24-month period.

**SECTION 2** Penalties for violation of Chapter shall be in accordance with Section 1-8 of the Code of Ordinances for the City of Kingman.

**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 thereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

APPROVED:

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Carl Cooper, City Attorney



# DISTRACTED DRIVING

SURVEY OF THE STATES



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**The Governors Highway Safety Association (GHSA)** is a nonprofit association representing the highway safety offices of states, territories, the District of Columbia and Puerto Rico. GHSA provides leadership and representation for the states and territories to improve traffic safety, influence national policy, enhance program management and promote best practices. Its members are appointed by their Governors to administer federal and state highway safety funds and implement state highway safety plans. Contact GHSA at 202-789-0942 or visit [www.ghsa.org](http://www.ghsa.org). Find us on Facebook at [www.facebook.com/GHSAhq](http://www.facebook.com/GHSAhq) or follow us on Twitter at [@GHSAHQ](https://twitter.com/GHSAHQ).

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## INTRODUCTION

It's a busy world. Multi-tasking, the need for information, and the desire to stay connected are strong forces in today's society. These activities are a significant part of life for many Americans, overlapping with both work and play. It's no surprise that the same activities can also distract our attention from operating a motor vehicle.

Driving is by its nature a task of divided attention, and our ability to drive safely depends on how successfully we can pay attention to the driving effort. While experts agree distracted driving is underreported, the 3,331 deaths attributed to distraction-affected crashes in 2011 increased 1.9 percent (to 3,267) over distraction-affected fatalities in 2010, when traffic deaths overall declined 1.9 percent. Injuries related to distraction-affected crashes declined 7 percent (from 416,000 to 387,000) over the same period.<sup>1</sup>

Distracted driving is not a new threat to highway safety, but new technologies both in and outside the vehicle have forced policymakers to focus attention on this issue anew. A new priority safety program to address distracted driving was created in the recent surface transportation bill that authorizes the federal surface transportation programs – including highway safety programs – for Federal Fiscal Years 2013 and 2014. MAP-21, or Moving Ahead for Progress in the 21<sup>st</sup> Century, created Section 405(e): Distracted Driving, where 8.5% of Section 405 funds are earmarked for distracted driving incentive grants to encourage states to enact and enforce prohibitions on texting as well as bans of the use of all electronic devices for all drivers aged 18 and younger, plus additional requirements.<sup>2</sup>

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1 NHTSA press release. "New NHTSA Analysis Shows 2011 Traffic Fatalities Declined by Nearly Two Percent." December 10, 2012.

2 [http://www.ghsa.org/html/stateinfo/programs/405\\_map21.html](http://www.ghsa.org/html/stateinfo/programs/405_map21.html)

Much of today's focus on distracted driving centers on the use of cell phones behind the wheel and our growing dependency on these versatile devices. From simple conversations to text messaging to mobile information sources, hand-held cell phone technology is an attractive answer to many of our mobile lifestyle needs. At the same time, rapidly advancing communication and information processing technologies have continued to capture the attention and spending of American consumers. CTIA-The Wireless Association puts the pervasiveness of this technology into context when it reports:

As of December 2012, there were **326.4 million** wireless subscriptions in the U.S., for a wireless penetration rate of **102.2 percent**. The wireless penetration rate is defined as the number of active wireless units divided by the total U.S. and territorial population (Puerto Rico, Guam and the USVI).

The U.S. wireless industry is valued at **\$195.5 Billion**, which is larger than publishing, agriculture, hotels and lodging, air transportation, motion picture and recording and motor vehicle manufacturing industry segments. It rivals the computer system design service and oil and gas extraction industries.<sup>3</sup>

3 CTIA-The Wireless Association. 50 Wireless Quick Facts. <http://www.ctia.org/advocacy/research/index.cfm/aid/10377>

**50 percent of American adults own a smartphone as of February 2012, up from 36 percent one year earlier. The average smartphone has 41 apps, and as of December 2012, U.S. wireless consumers sent and received an average of 6 billion text messages per day, or 69,635 text messages every second. At year-end 2011, the average U.S. wireless consumer used 945 minutes of service a month.**

Year	Smartphone Ownership (%)
2010	36
2012	50

The explosion in ownership and use of various communication technologies and their effect on driving safety has led highway safety leaders to assess the critical issues associated with distracted driving. In 2010, the Governors Highway Safety Association (GHSA) surveyed its state highway safety office (SHSO) members to determine what efforts states were pursuing to address distracted driving. In *Curbing Distracted Driving: 2010 Survey of State Safety Programs*, GHSA found state highway safety leaders were stepping up and many had developed programs and policies aimed at reducing the costly and sometimes tragic effects of distracted driving.

GHSA surveyed its members again in late 2012 to find out how states were responding to this significant safety issue. Fifty states and the District of Columbia completed the survey, offering insights into SHSO policy, research, enforcement and educational efforts undertaken to mitigate the effects of distracted driving. The following report will show that as distracted driving has grown as a priority in the highway safety community, SHSO leaders have continued to be on the front line of efforts to address distracted driving in their states.



## SUMMARY OF KEY FINDINGS

State highway safety office leaders are on the forefront of the distracted driving problem and recognize that the combination of inattentive drivers and increasing technology use can impact the safety of our roadways. Almost every state has employed multiple strategies to address this issue and states continue to tackle the distracted driving problem from a number of perspectives. Key findings of the 2012 survey include the following.

### **The recognition of and emphasis on distracted driving as a highway safety priority continues to grow.**

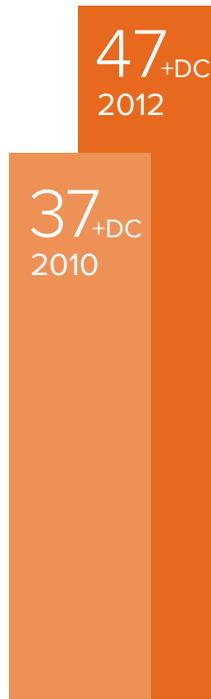
Whereas only three years ago 28 states reported that distracted driving was a concern which merited attention by state Strategic Highway Safety Plans (SHSPs), 40 states now report that distracted driving is addressed in their state's SHSP, a 43 percent increase. Forty-three states and DC reported that the emphasis on distracted driving has increased in their jurisdiction since 2010; only 7 states reported the emphasis on distracted driving has remained the same (AZ, AR, LA, MI, OR, SC, SD).

### **States have been passing key distracted driving-related laws.**

Forty-seven states and DC have specific laws against distracted driving; these states report that distracted driving laws are being enforced. Text messaging bans for all drivers have seen a 45 percent increase in just three years, with 41 states and DC having these bans in place, up from 28 states and DC in 2010. As of early 2013, the legislatures of the nine states without all driver texting bans are currently considering all driver bans (AZ, MS, MO, MT, NM, OK, SC, SD, TX). While no state fully bans cell phone use while driving, three additional states have added a hands-free cell phone requirement since the 2010 survey, for a total of 11 states (CA, CT, DE, HI, MD, NV, NJ, NY, OR, WA, WV) and DC that ban hand-held cell phone use, a policy position adopted by GHSA in September 2012 (see Figure 1).



In 2012, 47 states and DC report having taken steps to educate the public about the threat of distracted driving, up from 37 states and DC in 2010 (a 26 percent increase).



### States are steadily increasing the focus on teens and their parents.

As with many innovations, young people are often the earliest and strongest adopters of new technologies. For this reason, texting and other potentially distracting uses of technology while driving are a special concern with teen drivers, as this is when driving skills are developing. Many states take action to address distracted driving by novice drivers through both policies and programs. State bans on cell phone use by teens grew 17 percent, from 28 states and DC in 2010 to 33 states and DC in 2012. Four additional states added cell phone bans for teens in early 2013, for an overall increase of 36 percent. Twenty-two percent more states reported developing educational materials for teens and their parents in 2012 than in 2010 (28 vs. 23 states).

### States' efforts in outreach and partnering in the area of distracted driving is continuing to expand.

While SHSOs are leaders in most state efforts to promote safe driving, it's often helpful to have other stakeholders carrying the message as well. Distracted driving is a growing concern for many corporate and government organizations, and SHSOs can multiply the effects of their own efforts through partnerships with these groups. Twenty percent more states (42) have worked with other agencies or private organizations to address distracted driving than reported by the GHSA survey in 2010, when 35 states were similarly engaged. Eighteen states reported sponsoring or partnering with colleges and universities on research efforts to address distracted driving.



# DISTRACTED DRIVING PROBLEM

Driving is a complex task that requires mental, physical, visual and auditory attention. Whether the driving activity occurs on a congested urban roadway or a deserted rural highway, doing anything but concentrating on the driving task puts a driver, passengers and other road users at an increased risk of being involved in a crash. NHTSA defines distracted driving as *any activity that could divert a person's attention from the primary task of driving.*<sup>4</sup>

## What Drivers Say...

Nearly

# 9/10

licensed drivers reported that they believe drivers talking on cell phones to be a “somewhat” or “very” serious threat to their personal safety.

In 2011, fatalities in distraction-affected crashes increased by 1.9 percent, to 3,331, from 3,267 in 2010, a year when the total number of crash-related fatalities (32,367) was at its lowest since 1949 and declined 1.9 percent from 2010. In 2011, injuries due to distracted driving declined 7 percent from 416,000 to 387,000 in a year when the change in total injuries (2.22 million) was not statistically significant.<sup>5</sup>

In its 2012 *Traffic Safety Culture Index* survey<sup>6</sup>, the AAA Foundation for Traffic Safety found that the majority of people surveyed strongly object to distracted driving. Nearly 9 out of 10 licensed drivers (88.5 percent) reported that they believe drivers talking on cell phones to be a “somewhat” or “very” serious threat to their personal safety. An even greater number of those surveyed believed texting or emailing and checking or updating social media behind the wheel to be even more serious threats (95.7 and 95.1 percent, respectively). Survey respondents also believed the situation is getting worse – 90.3 percent reported distracted drivers are a “somewhat” or “much” bigger problem than they were three years ago.

More than

# 19/20

surveyed believed texting or emailing and checking or updating social media behind the wheel to be even more serious threats.

Respondents in the AAA survey expressed greater rates of social disapproval for texting or emailing (94.5 percent) and checking or updating social media (95.4 percent) than for the use of hand-held cell phones (66 percent). More than half of survey respondents (56.2 percent) felt the use of hands-free devices while driving was somewhat or completely acceptable.

4 <http://www.distraction.gov/content/get-the-facts/facts-and-statistics.html>

5 NHTSA Traffic Safety Facts Research Note. 2011 Motor Vehicle Crashes: Overview. DOT HS 811 701. December 2012.

6 AAA Foundation for Traffic Safety. Distracted and Risk-Prone Drivers: Select Findings from the 2012 Traffic Safety Culture Index. January 2013.

Despite expressing strong disapproval for many distracted driving behaviors, survey respondents admitted to engaging in many of these behaviors themselves. More than one quarter of respondents (26.6 percent) reported typing or sending a text or email while driving at least once in the past 30 days, and more than one third (34.6 percent) said they read a text or email while driving during this time. Almost 7 in 10 respondents (68.9 percent) reported talking on the phone while driving at least once in the past 30 days and almost one-third of these drivers (31.9 percent) said they did so “fairly often” or “regularly.” According to NHTSA’s 2012 National Distracted Driving Attitudes and Behaviors Survey, almost half (48 percent) of drivers say they answer their cell phones while driving at least some of the time, and more than half of those (58 percent) continue to drive after answering the call.<sup>7</sup> This has not changed in the past two years.<sup>8</sup>

### ...What Drivers Do

State highway safety offices must navigate the significant discrepancies between the expressed concerns and the actual behaviors of drivers when it comes to distracted driving. Developing effective programs and policies to keep all roadway users safe is a challenge when the use of distracting technology is increasing. NHTSA reports that the National Occupant Protection Use Survey (NOPUS) showed the percentage of drivers text-messaging or visibly manipulating hand-held devices increased for a second year in a row, from 0.9 percent in 2010 to 1.3 percent in 2011, while driver hand-held cell phone use stood at 5 percent in 2011. This means that at any given daylight moment across America, approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving, a number that has held steady since 2010. Almost double that number – 1.18 million drivers (9 percent) – were using some type of mobile device (either hand-held or hands-free) at a typical daylight moment.<sup>9</sup>

Distracted driving is a significant issue on our nation’s roadways. State highway safety leaders understand this and are engaged and leading the efforts to reduce crashes, injuries and deaths associated with this significant safety threat.

More than  
**1/3** respondents said they  
read a text or email while driving.

More than  
**1/4** respondents reported  
typing or sending a text or email  
while driving.

Nearly  
**7/10** respondents  
reported talking on the phone  
while driving.

7 NHTSA. Technology Transfer Series: Traffic Tech. National Telephone Survey on Distracted Driving Attitudes and Behaviors – 2012. April 2013. [www.nhtsa.gov/staticfiles/nti/pdf/811730.pdf](http://www.nhtsa.gov/staticfiles/nti/pdf/811730.pdf)

8 NHTSA. Technology Transfer Series: Traffic Tech. National Distracted Driving Telephone Survey Finds Most Drivers Answer the Call, Hold the Phone, and Continue to Drive. April 2011. [www.nhtsa.gov/staticfiles/traffic\\_tech/tt407.pdf](http://www.nhtsa.gov/staticfiles/traffic_tech/tt407.pdf)

9 NHTSA. Research Note: Traffic Safety Facts. Driver Electronic Device Use in 2011. DOT HS 811 719. April 2013. [www-nrd.nhtsa.dot.gov/Pubs/811719.pdf](http://www-nrd.nhtsa.dot.gov/Pubs/811719.pdf)



# DISTRACTED DRIVING AS A PRIORITY IN THE STATES

SHSO leaders have heard the public's growing concern about distracted driving across the country. Respondents to the 2012 GHSA survey from 43 states and DC reported that the emphasis on distracted driving has increased in their jurisdiction since 2010; the other seven states (AZ, AR, LA, MI, OR, SC, SD) report the emphasis on distracted driving has remained the same. Since 2010, Governors and/or legislatures in five states (FL, LA, ME, MN, and NH) have convened seven task forces or summits focused on distracted driving; two states (CT and RI) indicated there are plans to hold similar events in their states in the near future.

Another measure of how states prioritize their road safety work is reflected in their Strategic Highway Safety Plans (SHSPs), a major component and requirement of each state's Highway Safety Improvement Program (HSIP). SHSPs are statewide, coordinated safety plans that provide data-driven frameworks for reducing highway fatalities and serious injuries on all public roads. A state's SHSP is developed by the State Department

of Transportation in cooperation with safety stakeholders to establish statewide goals, objectives, and key emphasis areas, integrating the four E's—engineering, education, enforcement and emergency medical services (EMS).<sup>10</sup> Three years ago, 28 states reported that distracted driving was a concern discussed in their SHSPs. In 2012, 39 states and DC reported that distracted driving is addressed in their SHSP, a 43 percent increase in states identifying distracted driving as a priority issue (see Table 1).

The 2012 survey asked state leaders to identify obstacles faced in prioritizing distracted driving in their states. The most frequently cited obstacles faced by states involved the lack of availability of funding for distracted driving-related enforcement efforts, education and media (reported by 29, 24, and 22 states, respectively). The lack of available distracted driving-related crash data was cited by 21 states, and 17 states reported the shortage of state-specific distracted driving research was a barrier. Only five states and DC reported a lack of public support for enforcement as a challenge in addressing distracted driving in their jurisdictions (DC, MD, MN, MS, MT, NM). (See Tables 2 and 3.)

SHSO leaders are uniquely positioned to determine and direct safety strategies to address states' most pressing highway safety concerns. Prioritizing distracted driving as a critical highway safety issue has been key to state efforts to reduce death and serious injuries on states' roadways.

## Kentucky

### Executive Level Support Against Distracted Driving

**Kentucky Governor Steve Beshear joined public safety and business leaders at an event to announce a campaign to encourage Kentuckians to pledge to abstain from texting while driving. Governor Beshear signed a proclamation during the event stating that October 10, 2012 was "No Texting While Driving Day." The event occurred in cooperation with the Kentucky State Police, the Kentucky Office of Highway Safety, Kentucky Transportation Cabinet, Kentuckians for Better Transportation, and AT&T. Window cling decals featuring the message "No Text on Board" were affixed to 11,000 Kentucky state vehicles across the Commonwealth, in addition to 4,000 state law enforcement vehicles. Motorists also saw "don't text and drive" messages on electronic signboards along Kentucky state highways.**

<sup>10</sup> <http://safety.fhwa.dot.gov/hsip/shsp/>

**Table 1: Distracted Driving in Strategic Highway Safety Plans**

State/Territory	Has distracted driving in any form (cell phones when driving, texting when driving, etc.) been included in your state's strategic highway safety plan?	State/Territory	Has distracted driving in any form (cell phones when driving, texting when driving, etc.) been included in your state's strategic highway safety plan?
Alabama	Yes, in 2012	Montana	Yes, in 2010
Alaska	No	Nebraska	Yes, in 2013
Arizona	No	Nevada	Yes, in 2011
Arkansas	Yes, in 2007	New Hampshire	Yes, in 2012
California	Yes, in 2011	New Jersey	Yes, in 2007
Colorado	No	New Mexico	Yes, in 2010
Connecticut	No	New York	Yes, in 2008
Delaware	Yes, in 2010	North Carolina	No
District of Columbia	Yes, in 2007	North Dakota	Yes, in 2012
Florida	Yes, in 2012	Ohio	Yes, in 2009
Georgia	Yes, in 2010	Oklahoma	No
Hawaii	No	Oregon	Yes, in 1999
Idaho	Yes, in 2009	Pennsylvania	Yes, in 2006
Illinois	Yes, in 2009	Rhode Island	Yes, in 2012
Indiana	Yes, in 20011	South Carolina	Yes, in 2007
Iowa	Yes, in 1999	South Dakota	No
Kansas	Yes, in 2011	Tennessee	Yes, in 2011
Kentucky	Yes, in 2006	Texas	Yes, in 2006
Louisiana	Yes, in 2008	Utah	Yes
Maine	Yes, in 2010	Vermont	Yes, in 2009
Maryland	Yes, in 2008	Virginia	Yes, in 2006
Massachusetts	Yes, in 2013	Washington	Yes, in 2007
Michigan	Yes, in 2006	West Virginia	No
Minnesota	No	Wisconsin	Yes, in 2009
Mississippi	No	Wyoming	Yes, in 2012
Missouri	Yes, in 2004		

39 states and DC include distracted driving in their Strategic Highway Safety Plan.

**Over the last three years...**

**43** states and DC saw the overall emphasis on distracted driving increase.

**7** states\* saw the overall emphasis on distracted driving stay about the same.

\*Arizona, Arkansas, Kentucky, Massachusetts, Oklahoma, Rhode Island, South Carolina

**Table 2: Major Obstacles in the Area of Distracted Driving**

State	What challenges or obstacles does your state face in the area of distracted driving (choose as many as apply)?
<b>Alabama</b>	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Other: The law as written is difficult to enforce. The law does not ban hand-held wireless devices.
<b>Alaska</b>	Lack of funding for enforcement
<b>Arizona</b>	Lack of support by enforcement; Lack of a specific distracted driving law
<b>Arkansas</b>	Lack of state-specific research; Other: Current laws are difficult to enforce
<b>California</b>	Other: CA has some research but could always use more
<b>Colorado</b>	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of campaign materials; Lack of distracted driving data collection; Lack of state-specific research; Lack of support by enforcement
<b>Connecticut</b>	Lack of funding for enforcement; Lack of funding for media; Lack of distracted driving data collection; Lack of state-specific research
<b>Delaware</b>	Lack of funding for education; Lack of funding for media; Lack of campaign materials; Lack of state-specific research
<b>District of Columbia</b>	Lack of public support for enforcement
<b>Florida</b>	Lack of distracted driving data collection
<b>Georgia</b>	Other: While we have a complete ban for cell phones and texting by persons 18 and under, we have just a texting ban for persons over 18. This makes it difficult for law enforcement to conduct proactive enforcement.
<b>Hawaii</b>	N/A
<b>Idaho</b>	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of support by enforcement; Other: Lack of political support for a stronger law
<b>Illinois</b>	Lack of funding for enforcement
<b>Indiana</b>	Lack of funding for enforcement; Lack of funding for media; Lack of campaign materials; Lack of support by enforcement; Other: Not a strong enough law that can be enforced
<b>Iowa</b>	Lack of funding for enforcement; Lack of funding for education; Lack of support by enforcement
<b>Kansas</b>	Lack of funding for enforcement; Lack of funding for media; Lack of distracted driving data collection; Lack of state-specific research; Lack of support by the judiciary
<b>Kentucky</b>	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of distracted driving data collection; Lack of state-specific research; Lack of support by enforcement; Lack of support by the judiciary
<b>Louisiana</b>	Lack of funding for enforcement; Lack of funding for media; Other: Lack of effective enforcement campaigns, issues with data quality - data is self-reported
<b>Maine</b>	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of distracted driving data collection; Lack of state-specific research; Lack of support by enforcement
<b>Maryland</b>	Lack of public support for enforcement; Lack of funding for enforcement; Lack of distracted driving data collection; Lack of state-specific research
<b>Massachusetts</b>	Lack of funding for education; Lack of funding for media; Lack of campaign materials; Lack of distracted driving data collection; Lack of support by enforcement
<b>Michigan</b>	Lack of distracted driving data collection; Lack of state-specific research; Lack of support by enforcement; Lack of a specific distracted driving law
<b>Minnesota</b>	Lack of public support for enforcement; Lack of funding for enforcement; Lack of funding for media; Lack of support by the judiciary; Other: It's difficult for law enforcement to issue citations since they have to be able to prove the person was texting or distracted in another manner.
<b>Mississippi</b>	Lack of public support for enforcement; Lack of funding for education; Lack of support by the judiciary
<b>Missouri</b>	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of campaign materials
<b>Montana</b>	Lack of public support for enforcement; Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of distracted driving data collection; Lack of state-specific research; Lack of a specific distracted driving law; Other: Distracted driving violations can be difficult to detect. In rural states like Montana, driving distances can be long and tiring. Having someone to talk to via phone can be a "life line".
<b>Nebraska</b>	Lack of funding for enforcement; Lack of funding for education; Lack of a specific distracted driving law; Other: Lack of Special Training for Law Enforcement
<b>Nevada</b>	Lack of funding for enforcement; Lack of funding for education; Lack of distracted driving data collection; Lack of state-specific research

Table 2 continued...

State	What challenges or obstacles does your state face in the area of distracted driving (choose as many as apply)?
New Hampshire	Lack of funding for media; Lack of distracted driving data collection
New Jersey	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of state-specific research
New Mexico	Lack of public support for enforcement; Lack of funding for enforcement; Lack of funding for education; Lack of distracted driving data collection; Lack of state-specific research; Lack of support by enforcement; Lack of support by the judiciary; Lack of a specific distracted driving law.
New York	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media
North Carolina	Other: Weak law that is hard to enforce
North Dakota	Lack of funding for enforcement; Lack of funding for education; Lack of support by enforcement
Ohio	None
Oklahoma	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of distracted driving data collection; Lack of state-specific research; Lack of a specific distracted driving law
Oregon	Lack of funding for enforcement; Lack of funding for media
Pennsylvania	Lack of distracted driving data collection; Lack of support by enforcement
Rhode Island	Other: Data does not show substantial increase
South Carolina	Lack of distracted driving data collection; Lack of a specific distracted driving law
South Dakota	N/A
Tennessee	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of campaign materials; Lack of distracted driving data collection; Lack of state-specific research; Lack of support by the judiciary
Texas	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of a specific distracted driving law
Utah	Lack of funding for enforcement; Lack of funding for media; Lack of support by enforcement
Vermont	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of distracted driving data collection; Lack of state-specific research
Virginia	Not applicable
Washington	Lack of funding for enforcement; Lack of funding for education; Lack of funding for media; Lack of distracted driving data collection
West Virginia	Lack of distracted driving data collection; Lack of support by enforcement
Wisconsin	Lack of distracted driving data collection; Lack of state-specific research; Lack of a specific distracted driving law
Wyoming	Other: FY 2012 was the first year we provided stand alone grant funding to address the distracted driving problem in Wyoming. We are continuing that effort in FY 2013. I can't check off any obstacles until we are further down the road on this issue.

Table 3: Obstacles to Prioritizing Distracted Driving

	Number of states		Number of states
Lack of funding for enforcement	29	Lack of support by enforcement	14
Lack of funding for media	24	Lack of a distracted driving law	9
Lack of funding for education	22	Lack of public support for enforcement	5 + DC
Lack of distracted driving data collection	21	Lack of campaign materials	6
Lack of state-specific research	17	Lack of support of the judiciary	6



# DISTRACTED DRIVING LAWS

Laws and policies that prohibit unsafe driving behaviors are essential because they form the basis for a societal response. Distracted driving has long been recognized as a safety issue, and 47 states and DC report having specific laws against distracted driving (see Table 4). Some states without distracted driving laws (AZ, MT, SC) have other laws against careless, reckless or inattentive driving that are used by law enforcement to address distracted driving behaviors. Although the act of distracted driving can encompass a wide variety of driver behaviors, most policymakers' concerns focus on the distraction caused by cell phones and the use of other technology in motor vehicles.

Survey respondents report that text messaging bans for all drivers have seen a 45 percent increase in just three years, with 41 states and DC having adopted these bans, up from 28 states and DC in 2010. While the trend has been to embrace all driver texting bans, six states report having novice driver texting bans (MS, MO, NM, OK, SD, TX), and three states (MS, OK, TX) have laws against bus driver texting. As of early 2013, the legislatures of all nine states without all driver texting bans (AZ, MS, MO, MT, NM, OK, SC, SD, TX) were considering bills to ban texting for all drivers.<sup>11</sup>

Because young drivers have a heightened crash incidence while using cell phones and are more likely to text while driving,<sup>12</sup> five states reported passing laws to prohibit all cell phone use by novice drivers in addition to the 28 states and DC that had these laws in 2010, for a total of 33 states in 2012. Four additional states (HI, MI, SD, UT) added teen cell phone bans in early 2013. One more state reported passing a cell phone prohibition for bus drivers, to be added the 18 states and DC that had this law at the time of the last GHSA survey. Seven states (HI, MT, NM, OH, SC, TX, WY) described ordinances that have been adopted by local authorities to address texting and cell phone use by motorists.

While no state fully bans cell phone use while driving for all drivers, four additional states reported adding a hands-free cell phone requirement since the 2010 survey, for a total of 11 states and DC that ban hand-held cell phone use (CA, CT, DC, DE, HI, MD, NV, NJ, NY, OR, WA, WV), a policy position adopted by GHSA in September 2012. GHSA supports state legislation that would ban hand-held cell phone use and text messaging for all drivers, electronic devices used for entertainment purposes with video screens that are within view of the driver and school bus drivers from text messaging or using electronic devices except in an emergency.<sup>13</sup> (See Table 5.)

With the growing focus on technology-related distracted driving, state highway safety leaders have been very active over the last three years in assisting policy makers in the development of laws and strategies to reduce distraction-related crashes, death and injury.

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<sup>11</sup> <http://www.ihs.org/laws/mapyoungcellbans.aspx>. February 2013.

<sup>12</sup> NHTSA. Traffic Safety Facts Research Note. Young Drivers Report the Highest Level of Phone Involvement in Crash or Near-Crash Incidences. DOT HS 811 611. April 2012.

<sup>13</sup> <http://www.ghsa.org/html/issues/distracted/index.html#policy>

**Table 4: State Distracted Driving Laws**

State	Does your state have any distracted driving law?	Does your state have a related law?
Alabama	Yes	No
Alaska	Yes	No
Arizona	No	Yes <sup>a</sup>
Arkansas	Yes	Yes <sup>b</sup>
California	Yes	No
Colorado	Yes	No
Connecticut	Yes	No
Delaware	Yes	No
District of Columbia	Yes	No
Florida	Yes	Yes
Georgia	Yes	No
Hawaii	Yes	No
Idaho	Yes	Yes <sup>c</sup>
Illinois	Yes	No
Indiana	Yes	No
Iowa	Yes	No
Kansas	Yes	No
Kentucky	Yes	No
Louisiana	Yes	No
Maine	Yes	Yes <sup>d</sup>
Maryland	Yes	No
Massachusetts	Yes	No
Michigan	Yes	No
Minnesota	Yes	No
Mississippi	Yes	No
Missouri	Yes	No
Montana	No	No
Nebraska	Yes	No
Nevada	Yes	No
New Hampshire	Yes	No
New Jersey	Yes	No
New Mexico	Yes	Yes <sup>e</sup>
New York	Yes	No
North Carolina	Yes	No
North Dakota	Yes	No
Ohio	Yes	No
Oklahoma	Yes	No
Oregon	Yes	No
Pennsylvania	Yes	No
Rhode Island	Yes	No
South Carolina	No	No
South Dakota	Yes	No
Tennessee	Yes	No
Texas	Yes	Yes <sup>f</sup>
Utah	Yes	No
Vermont	Yes	No
Virginia	Yes	No
Washington	Yes	Yes <sup>g</sup>
West Virginia	Yes	No
Wisconsin	Yes	No
Wyoming	Yes	No

47 + DC

8

**Distracted Driving Related State Laws**

- a. Reckless driving
- b. A.C.A 27-51-104 Careless and Prohibited Driving. It shall be unlawful for any person to drive or operate any vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or private property in the State of Arkansas.
- c. 49-1401(3) Inattentive Driving - "applicable in those circumstances where the conduct of the operator has been inattentive, careless or impudent, in light of the circumstances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property the motor vehicle operator's conduct is slight." This would include cell phone use or any other distractions besides texting.
- d. Failure to Maintain Control of Vehicle. Title 29-A Section 2118 of M.R.S.A.
- e. The following cities have a local ordinance banning the use of cell phones while driving: Albuquerque; Rio Rancho; Las Cruces; Las Vegas; Santa Fe. Also, under New Mexico's Graduated Driver's Licensing Program, Drivers with an INSTRUCTION permit or PROVISIONAL license will have their time extended 30 days for each adjudication or conviction of a traffic violation including: 1) Using a mobile communication device while driving a motor vehicle (unless driver holds a valid amateur radio operator license issued by FCC and is operating an amateur radio). "Mobile communication device" means wireless communication device that is designed to receive and transmit voice, text, or image.
- f. We do not have a statewide texting ban, but over 20 local jurisdictions have passed local ordinances banning texting. Texas also bans cell phone use in school zones with several exceptions. You can use a cell phone in a school zone if: 1. the vehicle is stopped; 2. the wireless communication device is used with a hands-free device; 3. you have a REAL emergency and are calling 911, hospital, police etc.; or 4. there is no sign posted that states you cannot use a cell phone.
- g. For school bus drivers and commercial motor vehicles, we follow federal law.

Table 5: State Cell Phone and Texting Laws

✓ = yes

State/Territory	Hand-held cell ban	Novice cell ban	School bus cell ban	All driver text ban	Novice text ban	School bus text ban
Alabama		✓		✓		
Alaska				✓		
Arizona			✓			
Arkansas		✓	✓	✓		
California	✓	✓	✓	✓		
Colorado		✓		✓		
Connecticut	✓	✓	✓	✓		
Delaware	✓	✓	✓	✓		
District of Columbia	✓	✓	✓	✓		
Florida				✓		
Georgia		✓	✓	✓		
Hawaii	✓	✓		✓		
Idaho				✓		
Illinois		✓	✓	✓		
Indiana		✓		✓		
Iowa		✓		✓		
Kansas		✓		✓		
Kentucky		✓	✓	✓		
Louisiana		✓	✓	✓		
Maine		✓		✓		
Maryland	✓	✓	✓	✓		
Massachusetts		✓	✓	✓		
Michigan		✓		✓		
Minnesota		✓	✓	✓		
Mississippi			✓		✓	✓
Missouri					✓	
Montana						
Nebraska		✓		✓		
Nevada	✓			✓		
New Hampshire				✓		
New Jersey	✓	✓	✓	✓		
New Mexico		✓			✓	
New York	✓			✓		
North Carolina		✓	✓	✓		
North Dakota		✓		✓		
Ohio		✓		✓		
Oklahoma					✓	✓
Oregon	✓	✓		✓		
Pennsylvania				✓		
Rhode Island		✓	✓	✓		
South Carolina						
South Dakota		✓			✓	
Tennessee		✓	✓	✓		
Texas		✓	✓		✓	✓
Utah		✓		✓		
Vermont		✓		✓		
Virginia		✓	✓	✓		
Washington	✓	✓		✓		
West Virginia	✓	✓		✓		
Wisconsin		✓		✓		
Wyoming				✓		

Totals **11**<sub>+DC</sub> **37**<sub>+DC</sub> **19**<sub>+DC</sub> **41**<sub>+DC</sub> **6** **3**



# STATE DATA COLLECTION EFFORTS

Properly describing and understanding the elements that contribute to motor vehicle crashes can inform the development of strategies to prevent future crashes. In order to properly assess the magnitude of the distracted driving problem, accurate data about the incidence of these contributing behaviors in crashes is critical.

In the 2012 GHSA survey, 46 states and DC reported that data specifically related to distracted driving is collected in their police crash reports, up from 43 states and DC in 2010, although the history of the data and the number of attributes collected varies widely from state to state. Nine states reported collecting a single distracted driving attribute in their states' crash reports (e.g., a law enforcement officer could indicate driver distraction as a contributing element to a crash) while one state surveyed gives enforcement officers up to 15 different elements to describe the role of distraction in a particular crash (see Table 6). On average, states that collect distracted driving information on crash reports collect 4.5 data attributes related to distraction per state. Some states report that distraction information has been collected as a part of the crash report for several decades, although many of the states that collect detailed information indicated their data refinements have only occurred over the past few years (see Table 7).

## Missouri

### Distracted Driving-Related Crash Data

Missouri highway safety leaders are able to glean very detailed information about distracted driving crashes through the state's police crash report form. The comprehensive list of distracted driving-related data elements aligns with Model Minimum Uniform Crash Criteria (MMUCC) guidelines and was updated in 2012 after the 2002 introduction of the distraction component. The following 15 options are available for law enforcement officers describing a crash where distraction was involved:

- External Distraction
- Passengers
- Stereo/Audio/Video Equipment
- Navigation Device
- Communication Device—Hand-held
- Communication Device—Hands free
- Communication Device—Texting/E-mailing
- Communication Device—Web Browsing
- Eating/Drinking
- Reading
- Tobacco Use
- Grooming
- Computer Equipment/Electronic Games/etc.
- Adjusting Vehicle Controls
- Other

## Table 6: Number of Distraction Data Elements Collected

Number of data elements collected	Number of states	States
15	1	MO
14	2	VA, WA
13	1	DE
11	1	DC
10	1	NV
9	1	NY
8	1	AL
7	2	MA, OH
6	5	AR, HI, LA, ME, WY
5	1	WV
4	4	CO, ID, IA, ND
3	7	CA, GA, KS, KY, PA, SC, TX
2	9	MD, MI, MN, NE, NJ, NM, OK, OR, SD
1	9	IL, IN, MS, MT, NC, RI, TN, VT, WI
Unknown	2	FL, UT

Many states turn to the MMUCC Guideline for direction in the area of crash data collection. MMUCC is a minimum, standardized data set for describing motor vehicle crashes and the vehicles, persons and environment involved, designed to generate the information necessary to improve highway safety within each state and nationally.<sup>14</sup> The 4th Edition of MMUCC (2012) addresses distracted driving using the following model data elements:<sup>15</sup>

Driver Distracted by:

- Not Distracted
- Manually Operating an Electronic Communication Device (texting, typing, dialing)
- Talking on Hands-Free Electronic Device
- Talking on Hand-Held Electronic Device
- Other Activity, Electronic Device
- Passenger
- Other Inside the Vehicle (eating, personal hygiene, etc.)
- Outside the Vehicle (includes unspecified external distractions)
- Unknown if Distracted

Given the rapidly changing technology landscape, it was no surprise that 18 states reported that changes and/or upgrades to distracted driving data collection are planned for the near future. When survey respondents were asked to summarize what crash data indicated about the status of distracted driving in their jurisdictions, the 41 responding states reported mixed results: 15 states reported distracted driving crashes had increased; 11 states said these crashes had decreased; and in 16 states, distracted driving crashes had remained the same (see Table 8).

With a strong focus on data-driven highway safety programs, SHSO leaders understand the need for data and information about crash causation in order to address priority safety concerns. Understanding the particular role of distracted driving in each state helps these leaders develop effective programs and policies that save lives.

<sup>14</sup> <http://www.mmucc.us>

<sup>15</sup> <http://www.mmucctraining.us/Element/P16>

**Table 7: Distracted Driving-Related Crash Data Elements Collected by States**

State	Does your state crash report form include specific data elements related to distraction? If so, which crash data elements and attributes are collected?	Number of elements	How long has the state collected this data?
Alabama	Yes. Distracted by passenger, Distracted by use of electronic communication device, Distracted by use of other electronic device, Distracted by fallen object, Fatigued/Asleep, Distracted by insect/reptile, Other distraction inside the vehicle (explain in narrative), Other distraction outside the vehicle (explain in narrative)	8	2010
Alaska	No*	0	
Arizona	No	0	
Arkansas	Yes. Not Distracted, Electronic Communication Device (cell phone, pager, etc.), Other Electronic Device (navigation device, palm pilot, etc.), Other Inside the Vehicle, Other Outside the Vehicle, Unknown	6	2007
California	Yes. Distracted Driving; Phone: Hand-held; Hands-free	3	2008
Colorado	Yes. Distracted by Passenger, Distracted by Cell Phone, Distracted by Radio, Distracted by Other (Food, Objects, Pets, etc.)	4	2006
Connecticut	No	0	
Delaware	Yes. Driver Distraction, Text, Hand-held Cell Phone, Grooming/ Applying Makeup, Attending to Children, Verbal Dispute, Head Phones, Other Electronic Device (navigation device, radio), Eating, External Distraction (outside the vehicle), None, Unknown, Other Inside the Vehicle	13	2007
District of Columbia	Yes. Cell Phone (hand-held), Cell Phone (hands-free), Distracted by Passenger(s), Eating, Interacting with Pets, Interacting with Unsecured Cargo, Other, Personal Grooming, Reading, Using Personal Communication Technologies, Writing	11	Unknown
Florida	Yes	Unknown	2011
Georgia	Yes. Distracted, Cell Phone, Inattentive	3	2009
Hawaii	Yes. Cellular Phone, Other Electronic Communication Device, Other Electronic Device, Other Inside Vehicle, Other Outside Vehicle, Other Occupant	6	2008
Idaho	Yes. Driver Distracted by: Passenger, Previous Vehicle Crash, Ticketing Incident, Abandoned Vehicle	4	2011
Illinois	Yes. Driver Distracted	1	2007
Indiana	Yes. Was Cell Phone In Use at Time of Crash	1	2007
Iowa	Yes. Inattentive/Distracted by: Passenger, Use of Phone or Other Device, Fallen Object, Fatigued/Asleep	4	1990
Kansas	Yes. Cell phone, Other Electronic Devices, Other Distraction	3	2003
Kentucky	Yes. There is a box for "Human Factors." Then the user must choose specific human factors. Three of these factors are related to distracted driving.	3	Unknown
Louisiana	Yes. Cell Phone, Other Electronic Device (pager, palm pilot, navigation device, etc.), Other Inside Vehicle, Other outside Vehicle, Not distracted, Unknown	6	2005
Maine	Yes. Driver Not Distracted, Electronic Communication Devices (cell, pager, etc.), Other Electronic Devices (navigation, palm pilot, entertainment, etc.), Other Inside the Vehicle (eating, reading, grooming, smoking, passengers, etc.), External Distraction (outside the vehicle), Unknown	6	2011
Maryland	Yes. Cell Phone Use by Vehicle Operator, Failure to Pay Full Time and Attention	2	2004
Massachusetts	Yes. Cell Phone, Fax Machine, Computer, On-Board Navigation System, Two-Way Radio, Inattention, Distracted	7	2001
Michigan	Yes. Distracted, Using Cellular Phone	2	2000
Minnesota	Yes. Driver Inattention/Distraction, Driver on Phone/CB Radio	2	1982
Mississippi	Yes. Cell Phone Use by the Driver	1	2009
Missouri	Yes. External Distraction, Passengers, Stereo/Audio/Video Equipment, Navigation Device, Communication Device - Hand-held, Communication Device - Hands-free, Communication Device - Texting/E-mailing, Communication Device - Web Browsing, Eating/ Drinking, Reading, Tobacco Use, Grooming, Computer Equipment/ Electronic Games/etc., Adjusting Vehicle Controls, Other	15	Distraction: 2002; additional elements: 2012
Montana	Yes. Cell phone use	1	2002
Nebraska	Yes. Mobile Phone Distraction, Other Distraction	2	2001

\* Distracted driving data collection will begin in 2013.

Table 7 continued...

State	Does your state crash report form include specific data elements related to distraction? If so, which crash data elements and attributes are collected?	Number of elements	How long has the state collected this data?
Nevada	Yes. Cell phone use is one of ten possible choices under the 'Distracted Driving' section	10	2005
New Hampshire	No	0	
New Jersey	Yes. Driver Inattention, Cell Phone Use	2	2002
New Mexico	Yes. Cell Phone, Texting	2	2009
New York	Yes. Driver Inattention/Distracted, Passenger Distraction, Cell Phone (hands-free or hand-held), Other Electronic Device, Outside Car Distraction, Texting, Using Onboard Navigation Device, Eating or Drinking, Listening or Using Headphones	9	2010
North Carolina	Yes. Cell phone use	1	2010
North Dakota	Yes. Four contributing factors as follows: Attention Distracted - Communication Devices (Cell Phone, Pager), Attention Distracted - Electronic Device (Navigation Device, Palm Pilot), Attention Distracted - Other Inside Vehicle, Attention Distracted - Other Outside Vehicle	4	Communication and electronic devices since 2009. Other categories collected for many years.
Ohio	Yes. Driver Distracted by: No Distraction Reported, Phone, Texting/ E-Mailing, Electronic Communication Device, Other Electronic Device (Navigation Device, Radio, DVD), Other Inside the Vehicle, External Distraction	7	2012
Oklahoma	Yes. Electronic Device (either communications device or other type), Other Distraction (inside or outside the vehicle)	2	2007
Oregon	Yes. Encumbrance, Cell Phone	2	2005
Pennsylvania	Yes. Driver was Distracted, Driver was Using Hand-held Phone, Driver was Using Hands-free Phone	3	1997; Cell Phone crashes: 2001
Rhode Island	Yes. Cell Phone Use	1	2009
South Carolina	Yes. Distraction/Inattention, Cell Phone Use, Texting While Driving	3	Distraction/ Inattention: 1992; Cell Phone Use: 2007; Texting While Driving: 2011
South Dakota	Yes. Cell Phone, Other Electronic Device	2	2001
Tennessee	Yes. Cell Phones	1	2010
Texas	Yes. Distraction in Vehicle, Driver Inattention, Cell/Mobile Phone Use	3	1999
Utah	Yes	Unknown	
Vermont	Yes. Distraction	1	Unknown
Virginia	Yes. Looking at Roadside Incident, Eyes Not On the Road, Passengers, Texting, Cell Phone, Eating/Drinking, Daydreaming, Navigation Device, Other, Driver Fatigue, Looking at Scenery, Radio/CD, Adjusting Vehicle Controls, No Driver Distraction	14	2004
Washington	Yes. Inattention, Driver Distractions Outside Vehicle, Unknown Driver Distraction, Other Driver Distractions Inside Vehicle, Driver Interacting with Passengers, Animal or Object in Vehicle, Driver Operating Handheld Telecommunication Device, Driver Adjusting Audio or Entertainment System, Driver Eating or Drinking, Driver Smoking, Driver Reading or Writing, Driver Operating Other Electronic Device, Driver Operating Hands-free Wireless Telecommunication Device, Driver Grooming	14	2006
West Virginia	Yes. Driver distracted by: Electronic Device, Other Electronic Device, Other Inside Vehicle, Other Outside Vehicle or Not Distracted	5	2007
Wisconsin	Yes. Inattentive Driving	1	1992
Wyoming	Yes. Not Distracted, Electronic Communication Device (cell,pager), Other Electronic Device (palm, TV, computer), Other Distraction Inside MV (passenger, pet, etc.), Other Distraction Outside MV, Unknown.	6	2008

**Total 45 + DC**

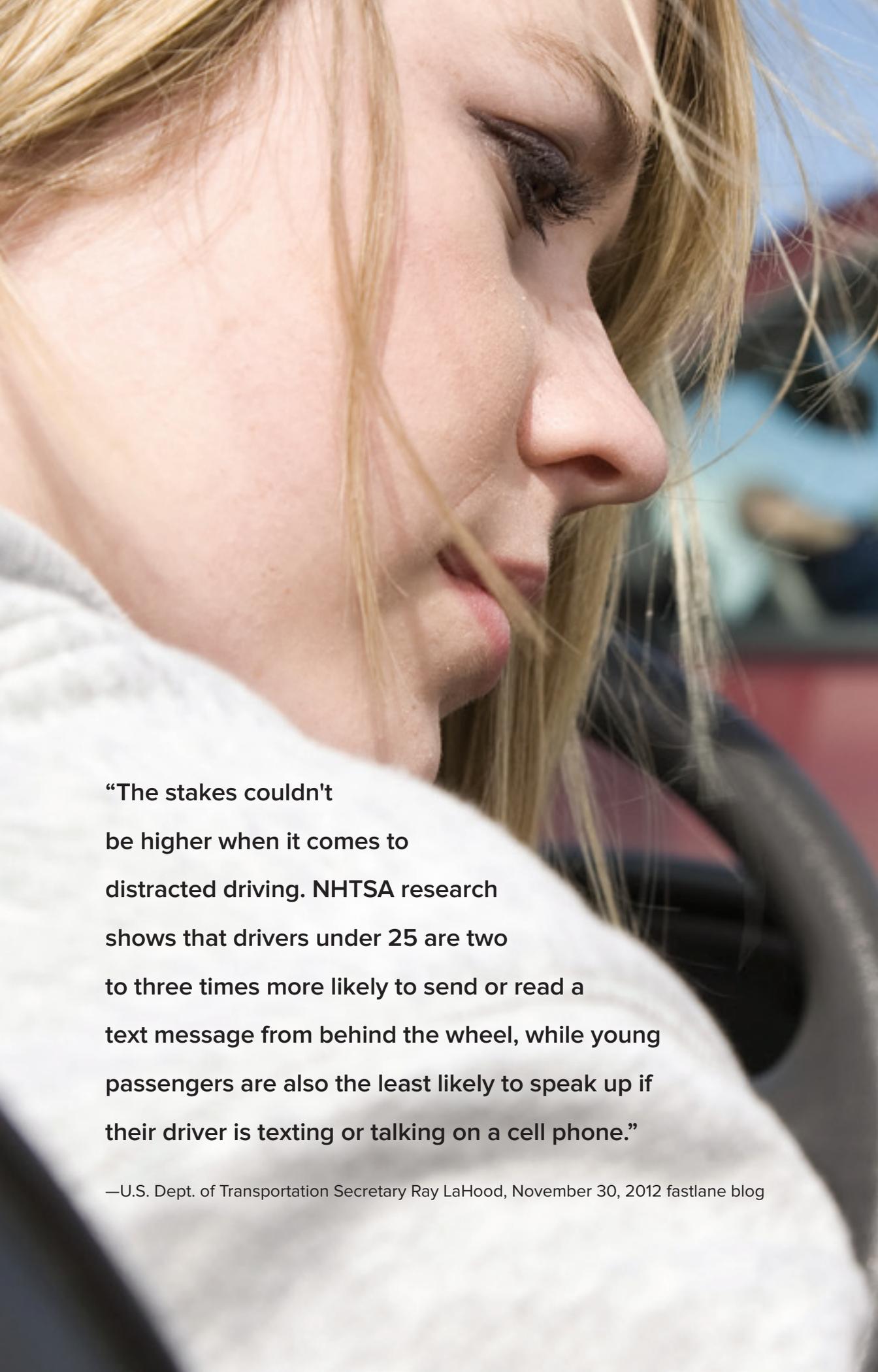
**Table 8: Crash Data Improvement Plans and Distracted Driving Crash Trends**

State	Are there any plans to change or update how distraction information is collected on crash reports?	If your state collects data on distracted driving crashes, in the last three years have the number of these crashes:
Alabama	Yes	Increased
Arkansas	Yes	Stayed about the same
California	No	Decreased
Colorado	No	Increased
Delaware	No	Decreased
District of Columbia	No	
Florida	No	Stayed about the same
Georgia	No	Increased
Hawaii	No	Stayed about the same
Idaho	No	
Illinois	No	Stayed about the same
Indiana	No	Stayed about the same
Iowa	Yes	Increased
Kansas	No	Increased
Kentucky	No	Decreased
Louisiana	No	Decreased
Maine	No	Decreased
Maryland	Yes	Decreased
Massachusetts	Yes	Increased
Michigan	Yes	Increased
Minnesota	Yes	Stayed about the same
Mississippi	No	Stayed about the same
Missouri	No	Stayed about the same
Montana	Yes	Increased
Nebraska	Yes	Decreased
Nevada	Yes	Stayed about the same
New Jersey	No	Increased
New Mexico	Yes	Increased
New York	No	Increased
North Carolina	No	
North Dakota	No	Decreased
Ohio	No	
Oklahoma	No	Stayed about the same
Oregon	Yes	Stayed about the same
Pennsylvania	Yes	Increased
Rhode Island	No	Stayed about the same
South Carolina	No	Stayed about the same
South Dakota	Yes	Stayed about the same
Tennessee	Yes	Increased
Texas	No	Decreased
Utah	No	Increased
Vermont	Yes	Stayed about the same
Virginia	No	Stayed about the same
Washington	Yes	Decreased
West Virginia	No	
Wisconsin	Yes	Decreased
Wyoming	No	Increased

Yes: **18**  
No: **28 + DC**

Increased: **15**  
Decreased: **11**  
About the same: **16**

Alaska, Arizona, Connecticut, and New Hampshire are not included as they do not report collecting distracted driving data.



**“The stakes couldn't be higher when it comes to distracted driving. NHTSA research shows that drivers under 25 are two to three times more likely to send or read a text message from behind the wheel, while young passengers are also the least likely to speak up if their driver is texting or talking on a cell phone.”**

—U.S. Dept. of Transportation Secretary Ray LaHood, November 30, 2012 fastlane blog





# DISTRACTED DRIVING ENFORCEMENT

Few have a better perspective on the negative effects of distraction on our roadways than our nation's law enforcement officers. With new technology being introduced every day, enforcement professionals understand that distracted driving is a major traffic safety issue.

In GHSA's most recent distracted driving survey, 47 states and DC report that their states have specific laws against distracted driving and are being enforced by law enforcement officers in their states. This represents a significant change from the 2010 GHSA survey when only a few states were actively enforcing distracted driving laws. SHSOs report a variety of enforcement strategies being employed, from routine traffic patrols that have incorporated distracted driving into regular enforcement protocols, to school and work zone enforcement of distracted driving laws, to targeted enforcement efforts centered upon specific events such as NHTSA's Distracted Driving Awareness Month (see Tables 9 and 10).

However, SHSOs have also noted a number of concerns and complexities exist in the actual enforcement of distracted driving laws. Some of these concerns are related to the target of the particular distracted driving law. For instance, laws that are specific to certain age groups - like novice drivers - can be challenging for officers when they are forced to make judgments about driver age before stopping a vehicle and issuing a citation. Other concerns are related to distracted driving laws that have been adopted as secondary laws – officers must first find another offense that will permit a vehicle stop and the issuance of a citation before the distracted driving behavior can be addressed. SHSOs recognize that getting law enforcement support for secondary traffic laws can be an obstacle.

Enforcement efforts can also be hampered by the complexities involved in actually discerning the distracted driving behavior, especially when it comes to texting. States cited concerns about officers' abilities to determine if a driver was texting or dialing a cell phone, given that dialing might not be an illegal activity. Officers in some states report that without SUVs or spotters, enforcement can be impeded by the need to get into the necessary physical position to observe the texting behavior.

Once distracted driving citations have been written, it becomes the responsibility of the criminal justice system to follow through on sanctioning a distracted driving offender. It is critical that judges and other criminal justice system stakeholders understand the nature of these offenses and the risk distracted drivers pose to highway safety. Seven states (FL, ID, OR, PA, TX, VA, WY) reported that their highway safety programming includes outreach to and judicial training on the topic of distracted driving, down from 8 states in 2010 (see Table 11).

The enforcement of traffic laws is a critical component of every state's highway safety program. SHSOs are helping enforcement and judicial partners find the resources and most effective strategies to successfully respond to distracted driving.

**Table 9: Distracted Driving Enforcement**

State	If your state has a distracted driving law, is it being enforced? If yes, please briefly describe how it is being enforced.
<b>Alabama</b>	Yes. New law. Enforcement has been in effect almost 60 days. No specific enforcement campaigns have been conducted.
<b>Alaska</b>	No
<b>Arkansas</b>	Yes. No cell phone use by individuals under 18 years of age, handsfree devices for individuals 18 - 20 years, and cell phone use in school zones and work zones are all secondary offenses. No texting while driving is a primary offense and law enforcement can initiate a traffic stop by observing that offense alone.
<b>California</b>	Yes. CA has actively participated in NHTSA's Distracting Driving Awareness Month in April 2011 and again in 2012. In April 2012, CA OTS led a statewide effort that resulted in 265 police departments and CHP issuing more than 57,000 hand-held citations. In 2011, there were 460,487 hand-held convictions, up from 361,260 in 2010. Beginning Oct. 2012, for the first time OTS will provide grant funding to 80 police departments to conduct hand-held and texting enforcement operations.
<b>Colorado</b>	Yes. Several Police Departments around the State have applied for NHTSA funds for Distracted Driving Enforcement efforts in the past 2 years. Police are also taking action more often when they see a distracted driving event.
<b>Connecticut</b>	Yes. Through citations given to motorists by law enforcement. Some municipalities are more committed to enforcing the State's cell phone/texting/distracted driving laws than others.
<b>Delaware</b>	Yes. It is enforced by all law enforcement agencies in their daily traffic patrols. Delaware has also received a grant for the pilot program "Phone In One Hand. Ticket In The Other" and will be doing 3 waves of overtime enforcement.
<b>District of Columbia</b>	Yes. As all laws, MPD routinely enforces the distracted driving law each and every day.
<b>Georgia</b>	Yes. The law is being enforced, however not pervasively because it is difficult to determine a person's age in the case of the all cell phone ban for persons 18 and under and difficult to determine if a person is texting or making a call if over 18.
<b>Idaho</b>	Yes. From July 1 - September 15, 2012 there have been 130 citations issued on the no-texting law, 49-1401A.
<b>Illinois</b>	Yes. When a crash occurs that could involve distraction due to texting or banned phone use, the device records can be verified. Also, law enforcement officers observing texting activity or inappropriate phone use (work zones, for instance) amounts to a primary offense.
<b>Indiana</b>	Yes. It is being enforced, but lightly. Many officers are reluctant to enforce it because they claim they cannot tell if someone is dialing a number or texting. In the first year of the law roughly 400 citations were written.
<b>Iowa</b>	Yes. The use of electronic device law in Iowa states that a driver of a vehicle cannot text behind the wheel. This is a very difficult law for law enforcement officers to enforce since it is a secondary law which requires an officer to find another violation before the driver could be cited for texting and driving. Iowa law also states that anyone under age 18 is prohibited to have a cellular device in their hand when they operate a motor vehicle.
<b>Kansas</b>	Yes. Mainly using spotters.
<b>Kentucky</b>	Yes. It is being enforced, but there are obstacles. Officers have stated that our law is difficult to enforce. But, citations are being written.
<b>Louisiana</b>	Yes. Uniform patrol.
<b>Maine</b>	Yes. Officers will stop a vehicle for observed texting, or obvious distraction. Citations are written for texting and failure to control a motor vehicle.
<b>Maryland</b>	Yes. Several Counties and State Law Enforcement Agencies recently initiated enforcement of texting laws during regular duty and overtime-funded efforts.
<b>Massachusetts</b>	Yes. Law enforcement is doing the best they can considering it is difficult to tell whether a driver is texting or dialing a phone number.
<b>Michigan</b>	Yes. Through primary enforcement. The fine is \$100 for the first offense and \$200 for each offense thereafter.
<b>Minnesota</b>	Yes. Our office funds local law enforcement and have a dedicated day just for distracted driving. We also do media pushes on the subject.
<b>Mississippi</b>	Yes. Officers' observation.
<b>Missouri</b>	Yes
<b>Nebraska</b>	Yes
<b>Nevada</b>	Yes. Became effective Jan. 1, 2012 (after six months of education); all law enforcement agencies participating in the SHSO's Joining Forces Program (HVE), which is 29 of 36 agencies, participate in required distracted driving events, as well as enforce the new law on their own, regular time.

Table 9 continued...

State	If your state has a distracted driving law, is it being enforced? If yes, please briefly describe how it is being enforced.
<b>New Hampshire</b>	Yes. However, it is very difficult for officers/troopers to enforce.
<b>New Jersey</b>	Yes. The law is being enforced through regular patrols and select overtime grants to municipal police departments.
<b>New Mexico</b>	Yes. The law is being enforced in the various communities through use of a local ordinance and through the state's graduated license system which is new and became effective June 17, 2011.
<b>New York</b>	Yes. Law enforcement are utilizing grant funds and state resources to enforce the state's distracted driving laws. In addition, the city of Syracuse, NY participated in the NHTSA demonstration project in 2010 to help curb distracted driving.
<b>North Carolina</b>	Yes. Some agencies are enforcing the texting law, but it is hard for law enforcement to make a determination on whether or not the person is texting. The law is beneficial in cases of serious injury or fatal crashes, allowing officers to do crash investigations determining if there was texting involved at the time of the crash.
<b>North Dakota</b>	Yes. Only enforced in larger cities in the state. The law is viewed in general by law enforcement as difficult to enforce.
<b>Ohio</b>	Yes. Primary law for under 18. Secondary law for 18 and over. Several jurisdictions have a more severe distracted driving law than the state law.
<b>Oklahoma</b>	Yes. Oklahoma does have a law requiring a driver to devote his/her full attention to driving (not specific to electronic device or other type of distractions). Previously, officers could enforce the inattentive driving law only in the event of a crash; now the law has primary enforcement capability.
<b>Oregon</b>	Yes. Routine traffic enforcement of cell phone use.
<b>Pennsylvania</b>	Yes. Texting is a primary offense. Law enforcement will issue a citation if they witness a motorist texting while driving.
<b>Rhode Island</b>	Yes. Police stop individuals using hand-held devices and cite as warranted. Also used to follow up on crash investigations involving serious injury or fatal crashes.
<b>South Dakota</b>	Yes. If charges are filed for driver distraction, statute is being used and applied. Not specific to just electronic devices.
<b>Tennessee</b>	Yes. In certain jurisdictions. SUVs have been utilized as well as more attention by the THP. However, without total hand-held ban it will continue to grow.
<b>Texas</b>	Yes. School zone enforcement around the state and for novice drivers and school bus drivers. Local enforcement of local ordinances.
<b>Utah</b>	Yes
<b>Vermont</b>	No
<b>Virginia</b>	Yes. Through daily enforcement efforts as well as special campaigns such as CIOT and DUI Checkpoint Strike Force.
<b>Washington</b>	Yes. We have laws against texting while driving, all cell phone use is prohibited for drivers up to age 18 under the IDL law, and there is a law against using a cell phone without a headset. Tickets are being written to motorists who violate all three laws.
<b>West Virginia</b>	Yes. Primary offense citations for drivers using an electronic device to text since 7-1-2012. Then on 7-1-2013 and after as a primary offense for cell phone use.
<b>Wisconsin</b>	Yes. Citations are given.
<b>Wyoming</b>	Yes. As part of normal state and local law enforcement efforts. Especially noteworthy has been the efforts of local law enforcement where city ordinances prohibit cell phone use while driving. In the City of Cheyenne, for example, the Police Department does periodic enhanced enforcement campaigns coupled with the use of portable digital messaging signs in high traffic areas of the City. These campaigns target drivers using cell phones in violation of the city ordinance and texting in violation of state law.

Florida and Hawaii passed distracted driving laws in 2013, but are not represented in this Table. Arizona, Montana and South Carolina are not included as they do not have a distracted driving law.

**Table 10: Other Enforcement Efforts Targeting Distracted Driving**

State	If your state does not have a distracted driving law, have state or local law enforcement agencies conducted any enforcement efforts targeting distracted drivers?
Arizona	Yes.
Montana	Yes, City ordinances in certain Montana cities.
South Carolina	Yes, some local jurisdictions have ordinances banning texting while driving.

**Table 11: Distracted Driving Training for Judges**

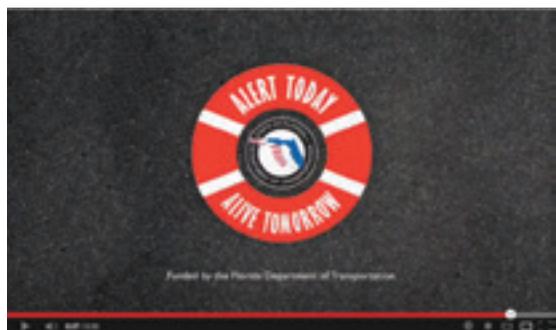
States	States that have provided training or other assistance to the judiciary on distracted driving
Florida	We work directly with judicial outreach.
Idaho	During the highway safety summit there was a panel of prosecutors, a judge and law enforcement. Additionally the state's TSRP assists with questions.
Oregon	Annual Judicial Conference Workshop.
Pennsylvania	We try to reach all district judges via judge outreach presentations state-wide.
Texas	Through traffic safety grants with judicial organizations.
Virginia	Through the Annual Judicial Transportation Safety Conference, the Virginia Highway Safety Office provides information on distracted driving through legislative updates, crash and causation data and question and answer sessions.
Wyoming	On April 19, 2012 our NHTSA Region 8 Judicial Outreach Liaison (JOL) made a presentation to the Conference of Circuit Court Judges in Jackson, Wyoming. A portion of that presentation addressed the various types of NHTSA programming that a JOL is involved in. Mention was made of the issue of distracted driving and NHTSA's perspective on that.

# DISTRACTED DRIVING PUBLIC EDUCATION

SHSOs understand the need to remind drivers about the dangers of distracted driving, and have undertaken significant efforts in this area since GHSA's state survey in 2010. In the most recent survey, 47 states and DC—up from 37 states and DC in 2010 (a 26 percent increase)—report having taken steps to educate the public about the threat of distracted driving. Twenty-seven SHSOs indicated that they had developed campaign messaging and/or taglines to accompany these efforts; two states report using NHTSA's tagline “*One Text or Call Could Wreck it All.*” (See Table 12.)

States are employing a number of information strategies in connection with these campaigns, but recognizing the effectiveness of technology-based communication, 35 states and DC have incorporated new/social media such as Twitter, YouTube and Facebook to get out their message, an astounding 125% increase over the 2010 response, when only 16 states were using these strategies (see Table 13).

The tasks of educating drivers and shaping societal norms through public information are central to successful highway safety programs. State highway safety leaders have expanded both their efforts and distribution channels to keep the message about the dangers of distracted driving in front of the motoring public.



*Clockwise from top left:  
The State Attorneys General and the National Highway Traffic Safety Administration's web campaign, The Florida Pedestrian and Bicycling Safety Resource Center's online video, Texas's Think Street anti-texting campaign.*

**Table 12: Distracted Driving Public Education Efforts**

State	Has your state taken steps to educate the public about the dangers of distracted driving?		Has your state developed a distracted driving campaign message/tagline?	If yes, please provide.
	2010	2012		
Alabama	No	No	No	
Alaska	Yes	No	No	
Arizona	Yes	Yes	Yes	
Arkansas	Yes	Yes	Yes	Stay Alive - Don't Text and Drive
California	Yes	Yes	Yes	It's Not Worth It
Colorado	Yes	Yes	No	
Connecticut	No	Yes	No	
Delaware	No	Yes	Yes	Phone Hands Free. Arrive Alive DE
District of Columbia	Yes	Yes	Yes	
Florida	Yes	Yes	Yes	Alert Today...Alive Tomorrow
Georgia	No	Yes	No	
Hawaii	Yes	No	No	
Idaho	Yes	Yes	No	
Illinois	Yes	Yes	Yes	"Drive Now, Text Later" and (with partner AT&T) "It Can Wait"
Indiana	Yes	Yes	No	
Iowa	No	Yes	No	
Kansas	Yes	Yes	No	
Kentucky	Yes	Yes	Yes	"One Text or Call Could Wreck It All"
Louisiana	Yes	Yes	No	
Maine	Yes	Yes	No	
Maryland	Yes	Yes	No	
Massachusetts	Yes	Yes	Yes	Drive Safely - you hold the keys
Michigan	Yes	Yes	Yes	Thumbs on the Wheel
Minnesota	Yes	Yes	Yes	"Don't Thumb It Up" and "One text or call can wreck it all"
Mississippi	No	Yes	No	
Missouri	Yes	Yes	Yes	U TXT UR NXT, NO DWT (Drive while texting), Just Drive
Montana	Yes	Yes	No	
Nebraska	Yes	Yes	Yes	Belt on - Phone off!
Nevada	Yes	Yes	Yes	Eyes on the Road
New Hampshire	Yes	Yes	Yes	"Driving Toward Zero Deaths"
New Jersey	Yes	Yes	Yes	Hang Up! Just Drive
New Mexico	No	Yes	Yes	"DNTXT" (NMDOT) and with other stakeholders "W82TXT"
New York	Yes	Yes	Yes	Put it Down!!
North Carolina	Yes	Yes	No	
North Dakota	No	Yes	No	
Ohio	Yes	Yes	Yes	STAY ALIVE don't TXT & drive
Oklahoma	No	Yes	No	
Oregon	Yes	Yes	Yes	Hang Up & Drive, Free Your Mind - Limit Distractions
Pennsylvania	Yes	Yes	No	
Rhode Island	Yes	Yes	Yes	DRIVE NOW TEXT LATER
South Carolina	Yes	Yes	No	
South Dakota	Yes	Yes	No	
Tennessee	No	Yes	No	
Texas	Yes	Yes	Yes	Talk. Text. Crash
Utah	Yes	Yes	Yes	
Vermont	Yes	Yes	No	
Virginia	Yes	Yes	No	
Washington	No	Yes	Yes	Text Talk Ticket, Hang Up and Drive
West Virginia	No	Yes	Yes	Turn it Off. Put it Down. Just Drive
Wisconsin	Yes	Yes	No	
Wyoming	No	Yes	Yes	The road is no place for distractions.

**Table 13: Social Media and Websites**

State	Is your state using new media/social networking sites to educate motorists about distracted driving?		If yes, please briefly describe.	Website addresses for any additional educational materials.
	2010	2012		
Alabama	No	No		
Alaska	Yes	No		
Arizona	No	Yes		
Arkansas	No	No		<a href="http://ardrivesafe.relevatetechnology.com/">http://ardrivesafe.relevatetechnology.com/</a>
California	Yes	Yes	Facebook and Twitter	<a href="http://www.ots.ca.gov">www.ots.ca.gov</a>
Colorado	Yes	No		<a href="http://www.coloradodot.info/programs/colorado-teen-drivers/driving-tool-kit">www.coloradodot.info/programs/colorado-teen-drivers/driving-tool-kit</a>
Connecticut	No	Yes	We post educational stories and related materials on our Highway Safety Facebook page.	Our state used the national "Phone In One Hand Ticket in The Other" campaign logo and associated materials available from NHTSA.
Delaware	Yes	Yes	<a href="http://www.facebook.com/ArriveAliveDE">www.facebook.com/ArriveAliveDE</a> <a href="http://www.twitter.com/DEHighwaySafe">www.twitter.com/DEHighwaySafe</a>	<a href="http://ohs.delaware.gov/CellPhone">http://ohs.delaware.gov/CellPhone</a>
District of Columbia	No	Yes		<a href="http://www.ddot-hso.com">www.ddot-hso.com</a>
Florida	Yes	Yes	We use Facebook and Twitter in addition to the standard media outlets.	<a href="http://www.flhsmv.gov/teens/teen_home.html">www.flhsmv.gov/teens/teen_home.html</a>
Georgia	Yes	Yes	On existing Facebook and Twitter connections, posts and tweets have been sent regarding the new law as well as follow up educational information.	<a href="http://www.gahighsafety.org">www.gahighsafety.org</a>
Hawaii	No	No		
Idaho	No	Yes	We use Facebook, YouTube and Twitter to send messages, attach resources and link to articles.	<a href="http://www.youtube.com/watch?v=ALNamqA-3Ltc&amp;list=UUULOgd2FNzmWtXfGeb-3vIA&amp;index=5&amp;feature=plpp_video">www.youtube.com/watch?v=ALNamqA-3Ltc&amp;list=UUULOgd2FNzmWtXfGeb-3vIA&amp;index=5&amp;feature=plpp_video</a>
Illinois	No	Yes	We note distracted driving events and announcements on our state Facebook and Twitter accounts.	Mainly in partnership with private partners such as AT&T, which provides all materials. Illinois is beginning to formulate its own campaign on distracted driving with federal money now available for reimbursements.
Indiana	No	Yes	Our traffic safety Facebook page. <a href="http://www.facebook.com/IndianaTrafficSafety">www.facebook.com/IndianaTrafficSafety</a>	We have partnered with AT&T around the state at 5 events to promote the dangers of texting and driving.
Iowa	No	Yes	Actively using Facebook. Updated on a regular basis.	<a href="http://www.dps.state.ia.us/commis/gtsb/index.shtml">www.dps.state.ia.us/commis/gtsb/index.shtml</a> <a href="http://www.iowadot.gov">www.iowadot.gov</a>
Kansas	No	Yes	We use Facebook, Twitter and YouTube.	

Table 13 continued...

State	Is your state using new media/social networking sites to educate motorists about distracted driving?		If yes, please briefly describe.	Website addresses for any additional educational materials.
	2010	2012		
Kentucky	Yes	Yes	We utilize both Facebook and Twitter to share NHTSA messages about distracted driving, and to promote the distraction.gov website.	<p>Website with our distracted driving simulator demonstration video, no texting pledge and distracted driving tip sheet: <a href="http://transportation.ky.gov/Highway-Safety/Pages/Distracted-Driving.aspx">http://transportation.ky.gov/Highway-Safety/Pages/Distracted-Driving.aspx</a></p> <p>We utilized Kentucky distracted driving crash survivor, Hillary Coltharp, in a PSA campaign:</p> <ul style="list-style-type: none"> <li>• “We Said Goodbye”: <a href="http://www.youtube.com/watch?v=-9mDv7i6f5k&amp;feature=BFa&amp;list=UUJF7NVVqrDc76231oLXR8jw">www.youtube.com/watch?v=-9mDv7i6f5k&amp;feature=BFa&amp;list=UUJF7NVVqrDc76231oLXR8jw</a></li> <li>• “The Aftermath”: <a href="http://www.youtube.com/watch?v=_O7QGteLJag&amp;feature=BFa&amp;list=UUJF7NVVqrDc76231oLXR8jw">www.youtube.com/watch?v=_O7QGteLJag&amp;feature=BFa&amp;list=UUJF7NVVqrDc76231oLXR8jw</a></li> <li>• The Hillary Coltharp Story: <a href="http://www.youtube.com/watch?v=BHKZ63DvY7o&amp;list=UUJF7NVVqrDc76231oLXR8jw&amp;index=5&amp;feature=plcp">www.youtube.com/watch?v=BHKZ63DvY7o&amp;list=UUJF7NVVqrDc76231oLXR8jw&amp;index=5&amp;feature=plcp</a></li> <li>• Hillary Coltharp local news story: <a href="http://www.wpsdlocal6.com/news/ky-state-news/One-Text-or-Call-Could-Wreck-It-All-campaign-highlights-Distracted-Driver-Awareness-Month-145796205.html">www.wpsdlocal6.com/news/ky-state-news/One-Text-or-Call-Could-Wreck-It-All-campaign-highlights-Distracted-Driver-Awareness-Month-145796205.html</a></li> </ul>
Louisiana	No	Yes	The LHSC shares all of their media releases to their Twitter and Facebook.	<a href="http://www.lahighwaysafety.org/media.html">www.lahighwaysafety.org/media.html</a> <a href="http://www.destinationzerodeaths.com/marketing/#categories">www.destinationzerodeaths.com/marketing/#categories</a>
Maine	No	No		
Maryland	No	Yes	The Maryland Motor Vehicle Administration is utilizing Facebook, Twitter and YouTube.	<a href="http://www.wbaltv.com/news/maryland/baltimore-city/Graphic-video-to-deter-distracted-motorists/-/10131532/16524592/-/116xn7nz/-/index.html#.UE34CRxeK2g.facebook">www.wbaltv.com/news/maryland/baltimore-city/Graphic-video-to-deter-distracted-motorists/-/10131532/16524592/-/116xn7nz/-/index.html#.UE34CRxeK2g.facebook</a>
Massachusetts	Yes	Yes	The Massachusetts Highway Safety Division does not use social media, but the Registry of Motor Vehicles does. Information can be found here: <a href="http://www.massdot.state.ma.us">www.massdot.state.ma.us</a> .	<a href="http://www.consumerreports.org/cro/resources/streaming/PDFs/distracted-driving-brochure.pdf">www.consumerreports.org/cro/resources/streaming/PDFs/distracted-driving-brochure.pdf</a>  <a href="http://www.massdot.state.ma.us/rmv/SafeDrivingLawSummary.aspx">www.massdot.state.ma.us/rmv/SafeDrivingLawSummary.aspx</a>  <a href="http://distractology.com">distractology.com</a>
Michigan	No	No		<a href="http://www.michigan.gov/msp/0,4643,7-123-58984---,00.html">www.michigan.gov/msp/0,4643,7-123-58984---,00.html</a>
Minnesota	Yes	Yes	There are no websites or social media accounts specific to distracted driving – we use one account for our social media on Twitter and Facebook to push all our traffic safety messages.	
Mississippi	No	Yes	By making State SADD website available to teen groups. Also, partnership with AT&T and C-Spire Wireless and the Traumatic Brain Injury Association.	
Missouri	Yes	Yes	Facebook, Twitter, web	<a href="http://www.saveMOlives.com">www.saveMOlives.com</a>
Montana	No	No		<a href="http://www.mdt.mt.gov/safety/distracted_driving.shtml">www.mdt.mt.gov/safety/distracted_driving.shtml</a>
Nebraska	No	Yes	Message apps that link to Distraction.gov website.	

Table 13 continued...

State	Is your state using new media/social networking sites to educate motorists about distracted driving?		If yes, please briefly describe.	Website addresses for any additional educational materials.
	2010	2012		
Nevada	No	Yes	Hulu, YouTube, Internet banners, other social media.	www.nophonezonenv.com/links.htm www.zerofatalitiesnv.com
New Hampshire	No	Yes	Through the "Driving Toward Zero Deaths" campaign administered by NH Department of Transportation. Use of website.	
New Jersey	Yes	No		Brochures and a PSA can be found at www.njsaferoads.com.
New Mexico	No	Yes	YouTube, Facebook, Twitter	endwi.com
New York	No	No		www.safeny.ny.gov www.safeny.ny.gov/media/phon-bro.htm
North Carolina	No	Yes	GHSP uses Facebook to get messages out to followers.	
North Dakota	Yes	Yes	We post distracted driving information to traffic safety Facebook pages.	Distracted driving PSAs from the annual teen traffic safety contests can be viewed at the following links. The SHSO uses as paid media during identified distracted driving periods per the media calendar. www.youtube.com/watch?v=2Wbs7zb2EV8 www.youtube.com/watch?v=mgaGeimCtUw We've also aired this ad (developed by SD SHSO) during distracted driving awareness month: www.youtube.com/watch?v=L62p5r8OMtc.
Ohio	No	No		
Oklahoma	No	Yes	The OHSO Facebook page includes frequent messages about distracted driving.	www.stoptextsstopwrecks.org
Oregon	No	Yes	Oregon is poised to release a web video on this issue.	www.oregon.gov/ODOT/TS/pages/tsdbrochures.aspx
Pennsylvania	Yes	Yes	Facebook and Twitter	www.justdrivepa.org/Traffic-Safety-Information-Center/Distracted-Driving/
Rhode Island	Yes	Yes	Facebook and Twitter messages sent	
South Carolina	No	No		
South Dakota	No	Yes	Hiring social media director	YouTube SD texting commercial
Tennessee	Yes	No		tntrafficsafety.org
Texas	No	Yes	Facebook, Twitter	http://txdot.gov/driver/share-road/distracted.html
Utah	Yes	Yes		
Vermont	No	No		http://ghsp.vermont.gov/
Virginia	No	Yes	Virginia uses various partner websites, Facebook to educate motorists about distracted driving. Also uses media through CIOT and DUI Checkpoint Strike Force campaigns.	Virginia has taken steps to educate the public about the dangers of distracted driving. See websites dmvnow.com, drivesmartva.org, yovaso.net and midatlantic.aaa.com. In addition, DMV has issued news releases (dmvnow.com) cautioning motorists against distracted driving.
Washington	No	No		www.wtsc.wa.gov
West Virginia	No	Yes	New media: Yes, using "Tab-On's" on the front page of highly circulated newspapers. Social Media: No	
Wisconsin	No	Yes	Facebook, Twitter, YouTube	http://fox47.com/sections/contests/msg2teens/ www.zeroinwisconsin.gov/texting.asp www.dot.wisconsin.gov/safety/motorist/behaviors/distractions/index.htm www.dot.wisconsin.gov/drivers/teens/docs/teen-drive-safely.pdf
Wyoming	No	Yes	Drive Safe Wyoming has a Facebook page.	DriveSafeWyoming.com



# EDUCATION AND TRAINING EFFORTS FOR TEENS AND PARENTS

Drivers of all ages can and do drive with less than perfect focus on the driving task. However, a special emphasis on younger drivers is often warranted when it comes to distracted driving prevention.

Young drivers, aged 15 to 20, are especially vulnerable to death and injury on our roadways – traffic crashes are the leading cause of death for teens in the U.S. Research shows that inexperience and immaturity combined with risky driving behaviors such as distracted driving (cell phone use, loud music, other teen passengers, etc.) can contribute negatively to teen crashes.<sup>16</sup> As a result, our youngest and most inexperienced drivers are most at risk, with 10 percent of all fatal distracted driving crashes in 2010 involving a driver under the age of 20<sup>17</sup>, even though drivers in this age group comprised only 6.4 percent of all licensed drivers.<sup>18</sup>

The decision to focus on teen drivers also makes sense because young people are often the earliest and strongest adopters of new technologies. In the AAA Foundation's 2012 *Traffic Safety Culture Index*, researchers found 16-24 year old drivers had the highest rates of self-reported texting, emailing and checking of social media behind the wheel. This age group also had the lowest rates of disapproval for hand-held cell phone use and for texting and sending emails while driving.<sup>19</sup>

Highway safety leaders responding to GHSA's 2012 survey reported that 22 percent more states had developed educational materials targeting teen drivers and/or their parents as a response to concerns about the involvement of this age group in distracted driving than in 2010 (27 and DC vs. 23). (See Tables 14 and 15.) These materials take many forms, and most states are using multiple communication channels, including Twitter, YouTube and Facebook, to reach teens and their parents about the dangers of distracted driving.

<sup>16</sup> <http://www.nhtsa.gov/Driving+Safety/Teen+Drivers>

<sup>17</sup> NHTSA. Teens and Distracted Driving, 2010 Data. DOT HS 811 649. September 2012.

<sup>18</sup> NHTSA. Traffic Safety Facts. 2010 Data. Young Drivers. DOT 811 622. May 2012

<sup>19</sup> AAA Foundation for Traffic Safety. January 2013.

## Idaho

### Teen Distracted Driving Education Efforts

A desire to educate Idaho youth of all ages and their parents about distracted driving and other unsafe driving behaviors is the focus of [www.idahoteendriving.com](http://www.idahoteendriving.com), a website developed by the Idaho Transportation Department. The website offers pre-drivers, teens and the adults in their lives a diverse array of resources designed to provide news, research, statistics and additional resources related to a variety of teen-related driving concerns, including distracted driving. The site features 21 web links related specifically to distracted driving and free text-blocking apps for Android phones, and it connects parents to NHTSA's *Under Your Influence* website for further information about the key role parents play in teen safe driving.

## Getting the Word Out to New Drivers

In Maryland, distracted driving is covered in both the Motor Vehicle Administration's (MVA) driver license manual ([www.mva.maryland.gov/Maryland-Drivers-Handbook/](http://www.mva.maryland.gov/Maryland-Drivers-Handbook/)) and in the licensing exam for new drivers. Citing numerous examples of distracted driving – such as eating or drinking, adjusting the radio or a GPS device, attending to children or pets, talking or texting on a cell phone, smoking, putting on makeup, shaving, reading and interacting with others in the vehicle – the Maryland MVA manual reminds drivers that distracted driving can be anything that takes a driver's eyes, hands or mind away from the task of driving. In the MVA's online tutorial, novice drivers can answer practice licensing exam questions on a variety of driving-related topics, including the following: Texting while driving a motor vehicle is A) Permitted when driving at low speed; B) Not legal; or C) Legal if the driver is 21 years of age or older. In Maryland, the correct answer is "B."

As reported in earlier sections, many states have taken action to address distracted driving by novice drivers through both policies and programs. State bans on cell phone use by teens grew 17 percent, from 28 states and DC in 2010 to 33 states and DC by 2012. Four additional states passed novice driver cell phone bans in early 2013, a 36 percent overall increase in these policies since 2010. Since the 2010 survey: three more states included distracted driving as a requirement in driver education (22 states and DC vs. 19 states and DC); five additional states covered the topic of distracted driving in state drivers manuals (37 states and DC vs. 32 states and DC); and three new states included a question on distracted driving on their driver license exam (20 states and DC vs. 17 states and DC). (See Table 14.)

For many reasons, states have given special attention to addressing distracted driving by teens. This makes good sense because of teens' greater use of distracting technology behind the wheel and their still-developing driving skills. Strong distracted driving policies and targeted outreach to teens and their parents will help keep novice drivers safe behind the wheel.

Table 14: Teen/Parent Education and Training

✓ = yes

State/Territory	Has your office or state developed distracted driving materials targeting teen drivers and/or their parents?		Is distracted driving a required component of driver education in your state?		Is information on distracted driving included in your state's driver manual?		Is a question on distracted driving included on your state's driver license test?	
	2012	2010	2012	2010	2012	2010	2012	2010
Alabama								
Alaska		✓			✓	✓	✓	✓
Arizona	✓					✓		
Arkansas	✓	✓		✓	✓	✓	✓	✓
California	✓	✓	✓	✓	✓	✓	✓	
Colorado	✓	✓	✓		✓	✓	✓	
Connecticut		✓	✓	✓	✓	✓	✓	✓
Delaware			✓		✓	✓		
District of Columbia	✓		✓	✓	✓	✓	✓	✓
Florida	✓		✓		✓	✓		
Georgia					✓			
Hawaii						✓		
Idaho	✓		✓	✓	✓	✓		
Illinois			✓	✓		✓	✓	✓
Indiana		✓			✓	✓		
Iowa	✓				✓		✓	
Kansas								
Kentucky	✓	✓	✓		✓		✓	
Louisiana					✓	✓		
Maine		✓		✓				
Maryland	✓	✓	✓		✓	✓	✓	✓
Massachusetts	✓	✓	✓	✓	✓	✓	✓	
Michigan			✓		✓		✓	
Minnesota	✓	✓			✓	✓		
Mississippi								
Missouri		✓						
Montana			✓	✓	✓		✓	
Nebraska					✓	✓		✓
Nevada	✓	✓			✓		✓	
New Hampshire								
New Jersey	✓	✓			✓	✓		
New Mexico	✓		✓		✓	✓	✓	✓
New York	✓	✓		✓	✓	✓		✓
North Carolina	✓			✓	✓	✓	✓	✓
North Dakota	✓	✓			✓		✓	
Ohio	✓		✓	✓				
Oklahoma			✓		✓	✓		
Oregon	✓	✓	✓	✓	✓	✓	✓	✓
Pennsylvania		✓		✓	✓	✓		✓
Rhode Island		✓	✓	✓	✓	✓	✓	✓
South Carolina	✓	✓						
South Dakota	✓				✓			
Tennessee	✓				✓	✓	✓	✓
Texas		✓	✓	✓	✓	✓		✓
Utah	✓	✓	✓			✓	✓	
Vermont			✓					
Virginia	✓	✓	✓	✓	✓	✓		✓
Washington	✓			✓	✓	✓		✓
West Virginia			✓	✓	✓	✓		✓
Wisconsin	✓			✓	✓	✓		✓
Wyoming	✓				✓			

27 + DC    23    22 + DC    19 + DC    37 + DC    32 + DC    20 + DC    17 + DC

**Table 15: Website Addresses for Additional Materials**

State	Website addresses for any additional materials targeting teen drivers and/or their parents
<b>Arkansas</b>	<a href="http://ardrivesafet.relevatetechnology.com">http://ardrivesafet.relevatetechnology.com</a>
<b>California</b>	<a href="http://www.ots.ca.gov">www.ots.ca.gov</a>
<b>Colorado</b>	<a href="http://www.coloradodot.info/programs/colorado-teen-drivers/driving-tool-kit">www.coloradodot.info/programs/colorado-teen-drivers/driving-tool-kit</a>
<b>Idaho</b>	<a href="http://www.idahoteendriving.com">www.idahoteendriving.com</a> . We link all of our paid media materials to the website.
<b>Kentucky</b>	Distracted driving tip sheet: <a href="http://transportation.ky.gov/Highway-Safety/Documents/Distracted.pdf">http://transportation.ky.gov/Highway-Safety/Documents/Distracted.pdf</a> Young driver tip sheet: <a href="http://transportation.ky.gov/Highway-Safety/Documents/YoungDrivers.pdf">http://transportation.ky.gov/Highway-Safety/Documents/YoungDrivers.pdf</a> Graduated Driver Licensing website for teens and parents: <a href="http://transportation.ky.gov/Driver-Licensing/Pages/Information-for-Teen-Drivers-and-Parents.aspx">http://transportation.ky.gov/Driver-Licensing/Pages/Information-for-Teen-Drivers-and-Parents.aspx</a>
<b>New Jersey</b>	<a href="http://www.njsaferoads.com">www.njsaferoads.com</a>
<b>New Mexico</b>	<a href="http://endwi.com">endwi.com</a>
<b>New York</b>	<a href="http://www.safeny.ny.gov">www.safeny.ny.gov</a> <a href="http://dmv.ny.gov/youngerdriver/default.html">http://dmv.ny.gov/youngerdriver/default.html</a>
<b>North Carolina</b>	VIP for a VIP program website: <a href="http://www.vipforavip.com/">www.vipforavip.com/</a> Street Safe program website: <a href="http://www.streetsafeus.com/locations.asp">www.streetsafeus.com/locations.asp</a>
<b>North Dakota</b>	<a href="http://www.youtube.com/watch?v=2Wbs7zb2EV8">www.youtube.com/watch?v=2Wbs7zb2EV8</a> <a href="http://www.youtube.com/watch?v=mgaGeimCtUw">www.youtube.com/watch?v=mgaGeimCtUw</a> We've also aired this ad (developed by SD SHSO) during distracted driving awareness month: <a href="http://www.youtube.com/watch?v=L62p5r8OMtc">www.youtube.com/watch?v=L62p5r8OMtc</a>
<b>Oregon</b>	<a href="http://www.oregon.gov/ODOT/TS/Pages/Driver-Education-Parent-Teen-Resources.aspx">www.oregon.gov/ODOT/TS/Pages/Driver-Education-Parent-Teen-Resources.aspx</a> <a href="http://www.oregon.gov/ODOT/DMV/TEEN/pages/index.aspx">www.oregon.gov/ODOT/DMV/TEEN/pages/index.aspx</a>
<b>Tennessee</b>	<a href="http://tntrafficsafety.org">tntrafficsafety.org</a>
<b>Virginia</b>	<a href="http://dmvnow.com">dmvnow.com</a> , <a href="http://drivesmartva.org">drivesmartva.org</a> , <a href="http://yovaso.net">yovaso.net</a> and <a href="http://midatlantic.aaa.com">midatlantic.aaa.com</a>
<b>Washington</b>	<a href="http://www.wtsc.wa.gov">www.wtsc.wa.gov</a>
<b>Wisconsin</b>	<a href="http://www.zeroinwisconsin.gov/mediaspots.html">www.zeroinwisconsin.gov/mediaspots.html</a>
<b>Wyoming</b>	<a href="http://DriveSafeWyoming.com">DriveSafeWyoming.com</a>



# PARTNERSHIPS

“Many hands make the burden light.” When drivers see or hear a safety message repeated by more than one entity, credibility of the message increases and the likelihood of message penetration grows. Distracted driving is a concern for many corporate and government organizations, and SHSO leaders in many states have increased their efforts to understand and reduce distracted driving by partnering with other safety-minded groups. Safer roadways for all are the positive result.

## Working with employers

In the 2012 GHSA survey, 17 states and DC reported efforts to work with employers to educate their employees about distracted driving; this number remained the same as in the 2010 survey. Collaboration with employers is accomplished in many different ways: four states (CA, MN, NE, TX) indicated that their SHSO works with state affiliates of the National Safety Council to reach employers, and two SHSOs (DE, KY) reported that they have corporate outreach coordinators on staff that are responsible for working with employers (see Table 16).

## Research efforts with colleges and universities

Earlier, it was noted that one-third of the states responding to the 2012 survey felt that a lack of state-specific distracted driving research was an obstacle to focusing on this issue in their states. Eighteen states are addressing this concern by sponsoring or partnering on research efforts with colleges and universities to study distracted driving. Nine states (GA, IN, LA, MD, MT, NV, OH, SD, WY) indicated that they were working with research partners to conduct attitudinal surveys about distracted driving in their states; six (CO, HI, LA, NC, OH, TX) reported sponsoring observational studies of the incidence of distracted driving behaviors in their states; and five (AL, CA, IN, KS, NY) had engaged institutions of higher learning to analyze distracted driving-related crash data to further their understanding of the problem (see Table 17).

### North Dakota

## Community Partnerships for Teen Driving

The North Dakota DOT’s Traffic Safety Office held its second annual *Ford Driving Skills for Life* event in June 2012 in Fargo. Fifty-eight teens participated in the day-long event which included a ride and drive session conducted by the North Dakota Highway Patrol and Cass County Sheriff’s Office Emergency Vehicle Operator Course (EVOC) officers. Teens drove through the course under normal conditions, while being texted, and while distracted by the radio, and with the EVOC officer talking to them as they drove to simulate many of the distractions that teen drivers encounter. Hector International Airport donated space at its facility to conduct this event, and the North Dakota National Guard provided the North Dakota Armed Forces Reserve Center and volunteers for various event activities. Several community partners including Safe Communities program stakeholders, AAA of North Dakota, Altru Health Systems, State Farm Insurance, the North Dakota Association of Counties, and the North Dakota Safety Council, provided activity stations and volunteers to be present throughout the event. The Luther Family Ford dealership contributed funds for refreshments for the event attendees. [http://www.wday.com/event/article/id/64825/publisher\\_ID/29/](http://www.wday.com/event/article/id/64825/publisher_ID/29/)

## Public/private partnerships

The growing concern over distracted driving led 20 percent more states (42) to work with other government agencies or private organizations to address distracted driving in 2012 than reported in the 2010 survey, when 35 states were similarly engaged. These collaborations were varied in their participants and target audiences, but can be generally described as follows: 15 states (CA, FL, IL, KY, LA, MA, MO, NV, NH, NY, NC, OH, RI, SC, VA) reported working with other state or local government agencies to address employees or the general public; seven states (DE, ID, IN, IA, NJ, NC, WY) described working in partnership with business entities to target employees or business customers (see Table 18). With limited federal and state resources for safety programs, private sector partnerships and funding can help states reach their critical target populations. Since 2003, GHSA and more than 40 states have actively addressed distracted driving through the *Ford Driving Skills for Life* program. GHSA members partner with Ford to bring this program to their states; many states have received funding from Ford to complement their own teen driving efforts. State Farm® has also been a strong partner with GHSA in the area of teen safe driving, supporting SHSO initiatives to keep young drivers and their passengers safe behind the wheel.

### Massachusetts

## “Distractology 101”

In January 2011, officials from the SHSO and the Massachusetts Department of Transportation gathered at Revere High School to tour the “Distractology 101” mobile classroom operated by the Arbella Insurance Foundation. The free course teaches teens how texting and talking on a cell phone can impair their driving skills by utilizing driving simulators and software programs developed by professors at the University of Massachusetts, Amherst. With the 36-foot long, bright yellow “Distractology 101” trailer as a backdrop, state officials were flanked by law enforcement, local legislators and other safe driving partners to send the strong message that distracted driving is dangerous, unsafe and that laws will be enforced. In addition, the website associated with the training, [www.distractu.com](http://www.distractu.com), has a section with dedicated information for parents.

The Allstate Foundation and the National Safety Council also work with many GHSA members to enhance state laws as well as offer educational resources on distracted driving. Five states (NC, ND, RI, SD, VA) worked with nonprofit organizations to speak to nonprofit clients or the general public; and general public awareness in partnership with media/business partners was the goal for eight states (FL, KS, ME, MD, NM, OR, TN, TX). Four states (CO, GA, MI, WA) collaborated with educational institutions to focus on student populations, and five states (MN, NE, NJ, OR, PA) partnered with funded grantees to address distracted driving in their communities.

State highway safety leaders have clearly recognized the value in working with partners to reduce distracted driving and improve highway safety. Through constructive collaborations, SHSOs can multiply the effects of their own efforts and reach more people through partnerships with diverse organizations.

**Table 16: Working with Employers**

State/Territory	Has your state worked with employers to help them develop workforce distracted driving policies? If so, please briefly describe your state's efforts.
Alabama	No
Alaska	No
Arizona	No
Arkansas	No
California	Yes. CA OTS is initiating a new grant in So. Cal. to include outreach by the National Safety Council to conduct employer cell phone policy workshops.
Colorado	No
Connecticut	No
Delaware	Yes. Our Corporate Outreach Coordinator has provided information about the new cell phone law to all our corporate partners so they can establish work/fleet policies on cell phones while driving.
District of Columbia	Yes
Florida	Yes. The Department of Health is working on this initiative.
Georgia	No
Hawaii	No
Idaho	Yes. Provided recommended policy statements for employers through partnership with the ASSE.
Illinois	No
Indiana	No
Iowa	No
Kansas	Yes. The SHSO has worked with some of the larger employers on distracted driving policies, signage, etc.
Kentucky	Yes. We have a program coordinator who specializes in Corporate Outreach. In addition, the Executive Director of KOHS has also started a parallel campaign to urge companies to adopt policies banning the use of cell phones/electronic devices while operating company vehicles. This has been done so far through networking and PSAs.
Louisiana	No
Maine	Yes. Maine State Police have issued a distracted driving policy for sworn officers.
Maryland	No
Massachusetts	No
Michigan	No
Minnesota	Yes. In partnership with the Minnesota Safety Council and MN Office of Traffic Safety program, and Network of Employers for Traffic Safety (NETS). Best Buy and Xcel Energy are two businesses in Minnesota that are working to give employees comprehensive education and enacting policies for hands-free cell phone use only while driving.
Mississippi	No
Missouri	No
Montana	No
Nebraska	Yes. Through both of the state Safety Council organizations to their employer membership.
Nevada	Yes. Our office consults with MGM and other large employers in the state, as they have monthly safety focuses for their employees; but we do not fund these, as they are for-profit organizations.
New Hampshire	No
New Jersey	No
New Mexico	No
New York	Yes. Sample company policies are available from GTSC.
North Carolina	No

Table 16 continued...

State/Territory	Has your state worked with employers to help them develop workforce distracted driving policies? If so, please briefly describe your state's efforts.
North Dakota	Yes. North Dakota has a statewide worksite wellness program in which traffic safety policies are encouraged. Additionally, the SHSO has a contract with the ND Association of Counties where a portion of the scope of work is to assure all counties have a distracted driving policy that employees are aware of and abide by.
Ohio	No
Oklahoma	No
Oregon	Yes. Distribution of NETS materials.
Pennsylvania	Yes. Our statewide network of Community Traffic Safety Grants help address workforce distracted driving policies in their respective counties.
Rhode Island	No
South Carolina	No
South Dakota	No
Tennessee	No
Texas	Yes. Through a traffic safety grant with the National Safety Council and Texas Employers.
Utah	No
Vermont	No
Virginia	Yes. Virginia has worked with employers, government agencies, law enforcement, and safety advocates to educate Virginia drivers on how to be safe behind the wheel. Throughout the year, but especially in April which is Distracted Driving Awareness Month, you'll find events highlighting the dangers of distracted driving. You can order materials and download items from our Toolkit, including a sample press release, activity ideas, employee letters and emails.
Washington	Yes. We worked with a teen group that sent a model distracted driving policy to every business in their town along with a letter encouraging employers to adopt policies prohibiting cell phone use while driving the company car or on company time.
West Virginia	No
Wisconsin	No
Wyoming	No

Table 17: Research Efforts with Colleges and Universities

State/Territory	Has your state highway safety office funded or partnered with any colleges or universities to conduct research on distracted driving? If so, please briefly describe your state's efforts.
Alabama	Yes. Analyses of distracted driving crash data.
Alaska	No
Arizona	No
Arkansas	No
California	Yes. Hand-held cell phone driver deaths down 47 percent – Two years before and after hand-held and texting bans. 40 percent of CA drivers reported they talk less (hand-held and hands-free) since enactment of the hand-held cell phone ban. We work with the University of California at Berkeley to analyze data.
Colorado	Yes. The HSO has contracted with Colorado State University to complete a Distracted Driving observational study this year.
Connecticut	No
Delaware	No
District of Columbia	No
Florida	No
Georgia	Yes. We have funded the University of Georgia Survey Research Center to determine knowledge and awareness about distracted driving laws.
Hawaii	Yes. The University of Hawaii conducts an annual observation survey to determine cell phone use.
Idaho	No
Illinois	No
Indiana	Yes. Distracted driving attitudinal surveys and crash analysis.
Iowa	No
Kansas	Yes. Attitudinal surveys on distracted driving.

Table 17 continued...

State/Territory	Has your state highway safety office funded or partnered with any colleges or universities to conduct research on distracted driving? If so, please briefly describe your state's efforts.
<b>Kentucky</b>	Yes. The University of Kentucky compiles information for the Strategic Highway Safety Plan which includes Distracted Driving as a dedicated emphasis area.
<b>Louisiana</b>	Yes. The LHSC has funded and partnered with LSU to conduct an analysis of hand-held versus hands-free cell phone use while driving, as well as to conduct observational and attitudinal surveys on hand-held electronic devices.
<b>Maine</b>	No
<b>Maryland</b>	Yes. 1. 51.7% of 1,502 respondents during the July 2011 Maryland Annual Driving Survey stated that they would be very supportive of Maryland changing its cell phone law from a secondary to a primary offense, allowing police to stop and ticket for using a cell phone while driving. 2. We are waiting for National Study Center Researchers to publish papers on the final outcomes of the Southern Maryland DriveCam study.
<b>Massachusetts</b>	No
<b>Michigan</b>	No
<b>Minnesota</b>	No
<b>Mississippi</b>	No
<b>Missouri</b>	No
<b>Montana</b>	Yes. Attitudinal surveys on distracted driving.
<b>Nebraska</b>	No
<b>Nevada</b>	Yes. Attitudinal survey conducted by University Nevada-Reno.
<b>New Hampshire</b>	No
<b>New Jersey</b>	No
<b>New Mexico</b>	No
<b>New York</b>	Yes. <a href="http://www.itsmr.org/pdf/ITSMR%20RESEARCH%20NOTE%20EFFECTS%20OF%20CELL%20PHONES%202006%20UPDATE.pdf">www.itsmr.org/pdf/ITSMR%20RESEARCH%20NOTE%20EFFECTS%20OF%20CELL%20PHONES%202006%20UPDATE.pdf</a> . Driver distraction continues to increase and is a contributory factor in 1 out of 5 crashes. We work with the University of Albany Institute for Traffic Safety Management and Research.
<b>North Carolina</b>	Yes. GHSP has funded observational studies of distracted driving with the Highway Safety Research Center at UNC-Chapel Hill.
<b>North Dakota</b>	No
<b>Ohio</b>	Yes. Miami University - Oxford, Ohio conducted both telephone survey and observational survey on cell phone use.
<b>Oklahoma</b>	No
<b>Oregon</b>	No
<b>Pennsylvania</b>	No
<b>Rhode Island</b>	No
<b>South Carolina</b>	No
<b>South Dakota</b>	Yes. Ongoing research with the University of South Dakota Government Research Bureau. Part of attitudinal survey.
<b>Tennessee</b>	No
<b>Texas</b>	Yes. Have a grant in FY 2013 with the Texas A & M Transportation Institute to do a cell phone observation survey.
<b>Utah</b>	No
<b>Vermont</b>	No
<b>Virginia</b>	No
<b>Washington</b>	No
<b>West Virginia</b>	No
<b>Wisconsin</b>	No
<b>Wyoming</b>	Yes. For the past three years the SHSO has funded an annual telephone survey entitled the "Wyoming Drivers Survey." Survey done by the Wyoming Survey & Analysis Center (WYSAC) at the University of Wyoming. Included in the wide-ranging questions are two questions related to driver distraction (i.e. cell phone use and texting).

**Table 18: Other State Agencies and Private Organizations**

State/Territory	Has your state worked with other state agencies and/or private organizations to address the issue of distracted driving? If so, please briefly describe.	
	2010	2012
Alabama	No	No
Alaska	No	No
Arizona	Yes	Yes
Arkansas	Yes	Yes. The state has established the Arkansas Coalition Against Texting While Driving.
California	Yes	Yes. Distracted Driving is Challenge Area #17 in the State Strategic Highway Safety Plan (SHSP). More than 300 people and 180 public and private organizations participate in the SHSP process.
Colorado	Yes	Yes. Colorado is contracting with: Drive Smart Colorado on a high school Distracted Driving challenge; Aurora Police Department on a DD Enforcement and Education Campaign; and Bacchus on Decreasing DD among College Students.
Connecticut	Yes	Yes
Delaware	Yes	Yes. Through our Corporate Outreach Coordinator and the corporate partners program, we have distributed information regarding distracted driving and given presentations to several safety groups and employees of corporate partners to share within their organizations.
District of Columbia	No	No
Florida	Yes	Yes. FL DOT works on distracted driving programs and campaigns with the FL Departments of Health, Public Safety, Motor Vehicles, AT&T, Verizon, law enforcement, and insurance companies. Just Drive campaign. Alert Today...Alive Tomorrow. Put it Down campaign
Georgia	No	Yes. We have worked with schools and colleges in our SADD and Young Adult Program to do distracted driving education and awareness.
Hawaii	Yes	No
Idaho	Yes	Yes. We have partnered with the American Society of Safety Engineers, who represent many industries, to address the issue.
Illinois	Yes	Yes. Working closely with Illinois State Police and Illinois Secretary of State.
Indiana	Yes	Yes. AT&T It Can Wait campaign
Iowa	Yes	Yes. GTSB staff member has attended Distracted Driving summit in Missouri. Have also partnered with Allied Insurance and State Farm insurance.
Kansas	Yes	Yes. Working with AAA and other safety advocates to bring awareness about the dangers of distractions.
Kentucky	Yes	Yes. Governor Steve Beshear recently signed a proclamation stating that October 10th is No Texting While Driving Day. This was done with the cooperation of state police, the Office of Highway Safety, Kentucky Transportation Cabinet, Kentuckians for Better Transportation, and AT&T.
Louisiana	No	Yes. Louisiana Department of Transportation and Development, and Louisiana State University
Maine	Yes	Yes. Distraction is being addressed through our media contractor and sports marketing contractor.
Maryland	Yes	Yes. A partnership between the Maryland Motor Vehicle Administration and Maryland Shock Trauma produced "Get the Message" video.
Massachusetts	Yes	Yes. We have worked with the Massachusetts Department of Transportation (MassDOT), Registry of Motor Vehicles, Massachusetts Bay Transportation Authority, AAA, law enforcement, and the MassDOT-led Safe Driving Group that deals with distracted driving.
Michigan	Yes	Yes. Michigan State University, AAA of Michigan, Ford Driving Skills for Life: development of a Strive for a Safer Drive program for high schools throughout Michigan. Oakland County Traffic Improvement Association: currently in the process of coordinating and enhancing an existing program called Remembering Ally for use by speakers for presentations to high school students on distracted driving.
Minnesota	Yes	Yes. We fund coalitions which addresses many driving issues with distracted driving being one of them.
Mississippi	No	No
Missouri	No	Yes. Distracted Driving Summit was conducted jointly by the MO State Highway Patrol and the MO Highway Safety Office. State and private organizations were in attendance.
Montana	Yes	No
Nebraska	Yes	Yes. All grantees, safety partners, and other organizations are provided with the latest data, information, and materials regarding distracted driving through presentations, workshops, and group meetings.
Nevada	Yes	Yes. We work with the many partners of the state's Strategic Highway Safety Plan, as well as the marketing firm on the 'Zero Fatalities' goal, that includes distracted driving as a problem area.

Table 18 continued...

State/Territory	Has your state worked with other state agencies and/or private organizations to address the issue of distracted driving? If so, please briefly describe.	
	2010	2012
New Hampshire	No	Yes. Working with the NH Department of Transportation on a public information campaign that will include distracted driving as part of the "Driving Toward Zero Deaths" campaign.
New Jersey	Yes	Yes. The State has partnered with AT&T to promote the dangers of cell phone use while driving. Several local and non-profit grantees also use grant funds to promote the dangers of cell phone use while driving.
New Mexico	No	Yes. The State of NM highway safety office has partnered with Vaughn Wedeen Kuhn, media contractor to develop television, radio, print, collateral to address distracted driving. Also, the media placement contractor to place the media on television, radio, newspaper, etc. The highway safety office also works with Safer New Mexico Now and the state Law Enforcement Liaisons to promote and discuss the issue with law enforcement. The state also has an annual Law Enforcement Coordinators Symposium where annual training and updates are held on the issue of Distracted Driving. The NMDOT has partnered with other stakeholders to support other media efforts such as W82TXT.
New York	Yes	Yes. GTSC is made up of 11 state agencies all having missions related to traffic safety, and we partner with each of these agencies throughout the year to improve highway safety, including distracted driving.
North Carolina	Yes	Yes. GHSP has partnered with NCDOT and AT&T to help get the message out concerning distracted driving. GHSP also sponsors a program with two non-profit groups that stresses the issue with teens. These groups are "VIP for a VIP" and "Street Safe".
North Dakota	Yes	Yes. The SHSO holds an annual Driving Skills for Life event in cooperation with program partners (ND National Guard, AAA of North Dakota, ND Safety Council, Ford dealerships, local Safe Communities programs, etc.). The DSFL event includes distracted driving prevention activities.
Ohio	Yes	Yes. Working closely with the Ohio Department of Transportation.
Oklahoma	Yes	Yes. The OHSO is a partner agency in "Drive Aware Oklahoma," a grassroots coalition of state agencies and non-profit organizations who are working together to decrease injuries and fatalities caused by inattentive driving in Oklahoma through public education. Although the state HSO has no program or tagline and the governor/legislature has not convened a task force/summit, the OHSO supports the efforts of this organization, participates in their activities, and works with them to distribute materials and information.
Oregon	Yes	Yes. Local Traffic Safety groups, targeted law enforcement effort.
Pennsylvania	No	Yes. We have grants with county offices to fund local Community Traffic Safety Grants. These grants focus on addressing all aspects of traffic safety in their respective communities, including distracted driving.
Rhode Island	Yes	Yes. We have worked with AAA, The Departments of Health, Motor Vehicles, CCRI & MADD as well as all local & State Police Departments
South Carolina	No	Yes. The State partnered with the SC Department of Transportation and local FHWA staff, as well as NHTSA staff in the development of the State's Strategic Highway Safety Plan, which includes distracted driving issues.
South Dakota	Yes	Yes. Volunteers of America—an outreach group to areas we can't hit—is taking this on.
Tennessee	No	Yes. Worked with numerous insurance agencies and TV stations to promote awareness
Texas	No	Yes. Texas Municipal Police Association (offers distracted driving courses under a grant with TxDOT). Grant with an ad agency to conduct a public awareness campaign.
Utah	Yes	Yes
Vermont	Yes	No
Virginia	Yes	Yes. Virginia works with state and local law enforcement, several non-profit groups and other state agencies to address distracted driving.
Washington	Yes	Yes. The Washington Traffic Safety Commission has received \$130,000 from State Farm to promote distracted driving awareness with high schools. From February - June, 2012, 49 high schools across the state conducted distracted driving awareness projects.
West Virginia	No	No
Wisconsin	No	No
Wyoming	No	Yes. On May 31, 2012 the SHSO and Cathy Jarosh with Montgomery Broadcasting did a presentation on distracted driving for Basin Electric Power Plant employees near Wheatland, Wyoming. This presentation request was made by Basin's Employee Wellness Committee of the SHSO.



# DISTRACTED DRIVING POLICIES

Beyond laws and public education, organizational dictates are another possible way to influence driver behavior. Employers are often in a significant position of authority when it comes to driving and motor vehicle-related rules, and their enforcement of strict driving policies can reduce crashes and potential organizational liability.

In GHSA's 2012 survey, SHSOs were asked about distracted driving policies at several levels of their organizational structure. Twenty-seven highway safety representatives responded that their jurisdictions have policies in place that address distracted driving. The policies of five states and DC broadly restrict distracted driving, but 21 states' policies specifically limit particular behaviors behind the wheel such as cell phone use or texting (see Table 19).

In most cases, SHSOs exist within a state agency and could potentially have a stand-alone distracted driving policy apart from policies of the state. This was the case in five additional states (AR, FL, HI, MI, TX), with a majority of state agencies overseeing SHSOs reported having implemented distracted driving policies for their employees (two states—NC and WY—reported state, but not agency, distracted driving restrictions). Twenty-four states reported that their SHSO had a policy against distracted driving, including NE, which had an SHSO policy against distracted driving but had neither a state nor agency policy that prohibited distracted driving behavior.

GHSA also asked states if any required their grantees to have a distracted driving policy in place as a condition of funding. Although no SHSOs have this promising strategy at present, a handful of survey respondents indicated their offices were working on a similar policy for the future. Finally, states were asked to share information about additional distracted driving efforts taking place in their states (see Table 20).

Clearly, many states have found it beneficial to be on record that distracted driving is not acceptable for their employees when they are behind the wheel of a motor vehicle. These policies send a strong message to employees about the dangers of distracted driving and establish a positive culture of safety within the organization.

**Table 19: Distracted Driving Policies**

State/Territory	Does your state have a distracted driving policy for state employees? If so, does it:	Does the agency that houses your office (i.e., Department of Transportation, Department of Public Safety, etc.) have a distracted driving policy for its employees? If so, please briefly describe this policy.	Does your State Highway Safety Office have a distracted driving policy for its employees? If so, please briefly describe this policy.
<b>Alabama</b>	No	No	No
<b>Alaska</b>	No	No	No
<b>Arizona</b>	No	No	No
<b>Arkansas</b>	No	Yes. All Department vehicles are to be operated in compliance with all Arkansas Traffic Laws.	Yes. Same as Department
<b>California</b>	Yes. More broadly restrict distracted driving	Yes. Not sure	Yes. CA OTS has a total cell phone ban while driving any vehicle on state business.
<b>Colorado</b>	No	No	No
<b>Connecticut</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Employees are not to use hand-held mobile devices while operating a motor vehicle.	Yes. Falls under DOT policy
<b>Delaware</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Our agency is required to follow the State of Delaware fleet policy regarding Distracted Driving.	No
<b>District of Columbia</b>	Yes. More broadly restricts distracted driving	Yes	Yes
<b>Florida</b>	No	Yes. Our policy actually requires employees to drive with care.	Yes. Our policy actually requires employees to drive with care.
<b>Georgia</b>	Yes. More broadly restrict distracted driving	Yes. Our office has a specific policy regarding cell phone and texting use.	Yes. Independent office
<b>Hawaii</b>	No	Yes. Requires all employees to follow all state and local laws - including distracted driving	No
<b>Idaho</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Any use of cell phones or other messaging devices, including hands-free or text messaging, for any reason, is prohibited while operating a moving ground vehicle or off-road motorized equipment.	No
<b>Illinois</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. State employees driving on state business must obey all state laws on texting and cell phone use. Violation could result in immediate dismissal.	Yes. Same as the agency policy. Violation of the distracted driving laws may result in immediate dismissal of the employee.
<b>Indiana</b>	No	No	No
<b>Iowa</b>	No	No	No
<b>Kansas</b>	No	No	No
<b>Kentucky</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. It mirrors the state policy.	Yes. The KOHS also bans the use of hand-held electronic devices when driving a state vehicle.

Table 19 continued...

State/Territory	Does your state have a distracted driving policy for state employees? If so, does it:	Does the agency that houses your office (i.e., Department of Transportation, Department of Public Safety, etc.) have a distracted driving policy for its employees? If so, please briefly describe this policy.	Does your State Highway Safety Office have a distracted driving policy for its employees? If so, please briefly describe this policy.
<b>Louisiana</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. State of Louisiana, PPM 49, Louisiana Travel Guide, states that no vehicle may be operated in violation of state or local laws. Louisiana Department of Public Safety, Policy and Procedure, Chapter 1, 01-03.01, states that an employee shall conform to, and abide by, the laws of the United States, the State of Louisiana, all other states of the United States and subdivisions when present therein. Louisiana Department of Public Safety, Policy and Procedure, Chapter 4, 04-01.02, states that an employee shall observe all traffic laws and agency regulations when operating Department vehicles.	Yes. The LHSC follows the Louisiana Department of Public Safety policies.
<b>Maine</b>	No	No	No
<b>Maryland</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Hand-held cell phone use is prohibited unless it is for emergency use, employees are encouraged to keep all hands-free use to a minimum. <a href="http://dbm.maryland.gov/agencies/documents/driverimprovement-program/handsfreecellphoneuse-policy.pdf">http://dbm.maryland.gov/agencies/documents/driverimprovement-program/handsfreecellphoneuse-policy.pdf</a>	Yes. Employees driving State vehicles are required to comply with all State and local laws regarding the use of mobile communications devices while driving.
<b>Massachusetts</b>	No	No	No
<b>Michigan</b>	No	Yes. Employees are restricted from texting, surfing the Internet, or reading or responding to e-mail while on state business, whether operating a department vehicle or a personal vehicle. Employees are also instructed to avoid all driver distractions by stopping the vehicle they are operating in a safe location and attending to the distraction, whether it be electronic (e.g., cell phones, portable music devices), reading directions, eating, or any other activity that reduces driver focus.	Yes. Office of Highway Safety Planning staff are prohibited from using a cell phone while on state business whether in a state-owned or personal vehicle. This prohibition includes receiving or placing calls, text messaging, accessing the Internet, receiving or responding to email, checking for phone messages, or for any other purpose. Staff are advised that if they need to use a cell phone, they shall stop their vehicle in a safe location so that they can safely use their cell phone or text messaging device.
<b>Minnesota</b>	Yes. More broadly restrict distracted driving	Yes. The department now refers to the statewide cell phone policy for consistency. It can be found at: <a href="http://www.mmb.state.mn.us/doc/hr/policy/policy-electronic.pdf">www.mmb.state.mn.us/doc/hr/policy/policy-electronic.pdf</a>	Yes. Our policy refers to the state policy.
<b>Mississippi</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. No texting while driving.	Yes. No texting while driving in state vehicles.
<b>Missouri</b>	No	No	No
<b>Montana</b>	No	No	No

Table 19 continued...

State/Territory	Does your state have a distracted driving policy for state employees? If so, does it:	Does the agency that houses your office (i.e., Department of Transportation, Department of Public Safety, etc.) have a distracted driving policy for its employees? If so, please briefly describe this policy.	Does your State Highway Safety Office have a distracted driving policy for its employees? If so, please briefly describe this policy.
<b>Nebraska</b>	No	No	Yes. If operating a state vehicle or personal vehicle while on state business, unless an emergency situation exists, driver is prohibited from using an electronic communication device while vehicle is in motion.
<b>Nevada</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Very similar to the President's Executive Order for federal employees.	Yes. Same as the Department's
<b>New Hampshire</b>	No	No	No
<b>New Jersey</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. The use of a cell phone while driving a state vehicle is only permitted when conducting state business and only when a hands-free device is utilized.	Yes. State policy is in effect.
<b>New Mexico</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. No hand-held devices while operating a state vehicle except for a two-way radio in the premise of conducting duties.	Yes. It would follow the NMDOT policy overall banning the use of a cell phone while driving a state vehicle.
<b>New York</b>	No	No	No
<b>North Carolina</b>	Yes. More broadly restrict distracted driving	No	No
<b>North Dakota</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Same as state policy.	Yes. Same as state policy.
<b>Ohio</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Use of cell phone while driving a state vehicle is prohibited.	Yes. Same as state policy.
<b>Oklahoma</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	No	No
<b>Oregon</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Limited to hands-free cell phone use.	Yes. Limited to hands-free cell phone use.
<b>Pennsylvania</b>	No	No	No
<b>Rhode Island</b>	No	No	No
<b>South Carolina</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. The policy prohibits texting while driving state vehicles.	Yes. Same as the agency policy.
<b>South Dakota</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Covered by state policy.	No
<b>Tennessee</b>	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. No cell phone usage except in case of emergency	No
<b>Texas</b>	No	Yes. Bans hand-held cell phones/texting	Yes. Follow TxDOT policy.
<b>Utah</b>	No	No	No
<b>Vermont</b>	No	No	No

Table 19 continued...

State/Territory	Does your state have a distracted driving policy for state employees? If so, does it:	Does the agency that houses your office (i.e., Department of Transportation, Department of Public Safety, etc.) have a distracted driving policy for its employees? If so, please briefly describe this policy.	Does your State Highway Safety Office have a distracted driving policy for its employees? If so, please briefly describe this policy.
Virginia	Yes. More broadly restricts distracted driving	Yes. DMV's policy covers cell phone usage and texting, as well as other types of distraction such as eating/drinking.	Yes. The Virginia Highway Safety Office's policy mirrors DMV/state policy.
Washington	No	No	No
West Virginia	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Same as state policy; when using state vehicles cell use or texting is prohibited	No
Wisconsin	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	Yes. Same as state policy.	Yes. Same as state policy.
Wyoming	Yes. Limit specific behaviors such as texting or using a cell phone while operating state vehicles	No	No

**Table 20: State Distracted Driving Efforts: Other Information**

State/Territory	Please provide any additional information you'd like to share about your state's efforts to address distracted driving.
Alabama	
Alaska	
Arizona	We have statutes in AZ that can be used to cite for distracted driving.
Arkansas	
California	
Colorado	
Connecticut	
Delaware	
District of Columbia	
Florida	Just Drive, Put it Down, Alert Today...Alive Tomorrow
Georgia	
Hawaii	
Idaho	The State HSO does not currently require grantee organizations to have a distracted driving policy; it is optional. However, starting grant year 2014 it will be a requirement of receiving a grant. The HSO does not have a distracted driving policy because it is housed under the Idaho DOT which does have a policy.
Illinois	Ramping up our efforts now that federal funding has been specified for reimbursements on distracted driving campaigns.
Indiana	
Iowa	
Kansas	As far as state/agency policies on distracted driving, the only thing mentioned is that employees have to follow all state laws (we have a texting ban), but there are no other specific state policies on distractions. The SHSO cannot make our own distracted driving policies for employees, it would have to be done by the DOT as a whole. The SHSO is currently working on distracted driving policies for grantees.
Kentucky	The KOHS also has paid TV spots in our largest market addressing several issues including distracted driving. Former national championship coach Howard Schnellenberger (Kentucky native) will be joining the KOHS on a future PSA on distracted driving.
Louisiana	
Maine	
Maryland	
Massachusetts	In January 2011, officials from the our office and the Massachusetts Department of Transportation gathered at Revere High School to tour the "Distractology 101" mobile classroom operated by the Arbella Insurance Foundation. The course teaches teens how texting and talking on a cell phone can impair their driving skills by utilizing driving simulators and software programs developed by professors at the University of Massachusetts Amherst. With the 36-foot long, bright yellow "Distractology 101" trailer as a backdrop, state officials were flanked by law enforcement, local legislators and other safe driving partners to send the strong message that distracted driving is dangerous, unsafe and laws will be enforced.
Michigan	
Minnesota	
Mississippi	This is a consistent topic with the MS Association of Highway Leaders (MAHSL) group. Also, there is a pilot program with the Mississippi State University to do research on distracted driving.
Missouri	
Montana	Legislation to address this issue was raised in the 2009 and 2011 sessions but died in committee. Because distracted driving reporting relies in large measure on driver honesty, incidents are suspected to be underreported. Lacking the data then limits our state in making this a priority issue, and obtaining funding for education or other programs.
Nebraska	
Nevada	The requirement in MAP-21 for distracted driving funds that requires state statutes to "Require distracted driving issues to be tested as part of the State's driver's license examination" is challenging; NV was proactive in seeking and obtaining a distracted driving law that meets all other federal requirements...except this one. Even though our DMV driver test does ask two distracted driving questions, it's not REQUIRED by law.
New Hampshire	
New Jersey	

Table 20 continued...

State/Territory	Please provide any additional information you'd like to share about your state's efforts to address distracted driving.
<b>New Mexico</b>	Continued education to law enforcement and stakeholders. The state's Traffic Safety Resource Prosecutor is developing legislation and partnering with the New Mexico Attorney General for a statewide ban on cell phone use at this next legislative session. Last year's attempt did not make it to the Governor's desk.
<b>New York</b>	
<b>North Carolina</b>	It would be extremely difficult to implement a distracted driving policy with grantee organizations. The vast majority of our funding is directed toward law enforcement, and they have more distractions that most other motorists on the roadway. Removing their distractions would render them useless for traffic enforcement.
<b>North Dakota</b>	Distracted driving is a difficult area to address. Distracted driving data is often underreported on crash reports therefore it is not easy to identify the extent of the problem nor justify adequate allocation of funds when data doesn't necessarily support it.
<b>Ohio</b>	
<b>Oklahoma</b>	The Drive Aware Oklahoma group has chosen to use the "Stop the Texts, Stop the Wrecks" messaging and materials (available at <a href="http://www.stoptextsstopwrecks.org">www.stoptextsstopwrecks.org</a> ). Press events are planned in the Tulsa and Oklahoma City areas during October, with materials and PSAs distributed in the metro areas; other activities will follow in the next several months. Partner agencies and organizations have opted to use the "Stop the Texts" materials in order to present a cohesive outreach effort across the state.
<b>Oregon</b>	
<b>Pennsylvania</b>	We have already addressed distracted driving through earned media.
<b>Rhode Island</b>	
<b>South Carolina</b>	
<b>South Dakota</b>	Not really - it is a huge frustration.
<b>Tennessee</b>	
<b>Texas</b>	TxDOT co-hosted our first Distract Driving Summit in April 2012. Secretary LaHood spoke at the Summit.
<b>Utah</b>	
<b>Vermont</b>	
<b>Virginia</b>	
<b>Washington</b>	WTSC encourages grant recipient organizations to adopt policies prohibiting distracted driving, but we don't require it. WTSC is currently looking at policies for our agency on this issue, but we haven't adopted one yet.
<b>West Virginia</b>	Drivers Handbook is currently under revision. It will include a section on Distracted Driving to include questions on the written test.
<b>Wisconsin</b>	
<b>Wyoming</b>	While the Wyoming Department of Transportation (WYDOT) does not have a policy per se for its employees, our agency Director has alternatively addressed this issue with employees. Shortly after the passage of the grace period associated with the City of Cheyenne's municipal ordinance prohibiting the use of cell phones while driving, WYDOT Director John Cox sent an email to agency employees stating that the purpose of his email was to remind all agency employees that the City of Cheyenne ordinance is in effect when agency employees are on duty. Director Cox's email added, "Do not place or receive calls while your vehicle is in motion, if you are the driver." The email ends by further reminding agency employees statewide that similar ordinances have passed (i.e., Rock Springs) or are in the works. Also, at the end of the annual WYSAC telephone survey the final question is "We appreciate your help in this study. Is there anything you would like to add?" Of the 99 comments, 14 made a reference to cell phone usage or texting or both. Most of those comments sought stricter enforcement of cell phone prohibitions (where they exist by local ordinance) and texting (statewide prohibition by law). These survey responses, along with crash data, provide the SHSO with information to share with local and state policymakers.



## SUMMARY

While not an entirely new issue, distracted driving has become a serious highway safety problem that has been increasing in significance with the advent and use of ever-more-sophisticated communications and information technology. State highway safety leaders have been quick to recognize the challenges and complexities of this problem and have responded with targeted programs and policies that address this multifaceted issue.

Working alongside policymakers, enforcement, education, corporate and nonprofit partners, state highway safety offices can provide the leadership and resources necessary to promote data-driven solutions and strategies that will reduce the crashes, death and injury associated with distracted driving.





**“The research makes it clear that using a hand-held device behind the wheel creates the perfect storm of visual, manual, and cognitive distraction ... Look, the dangers of distracted driving are real, and we know that good laws, good enforcement, and personal responsibility can make a critical safety difference on our roadways whether you're in Florida or anywhere else in America.”**

—November 14, 2012 FL Distracted Driving Summit,  
U.S. Dept. of Transportation Secretary Ray LaHood's Keynote Address



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# Cellphone and Texting Bans: Evidence of Effectiveness in the United States

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Engaged Driving Symposium  
Washington, DC • March 31, 2014

Anne T McCartt, PhD, David G. Kidd, PhD,  
Eric R. Teoh, MS

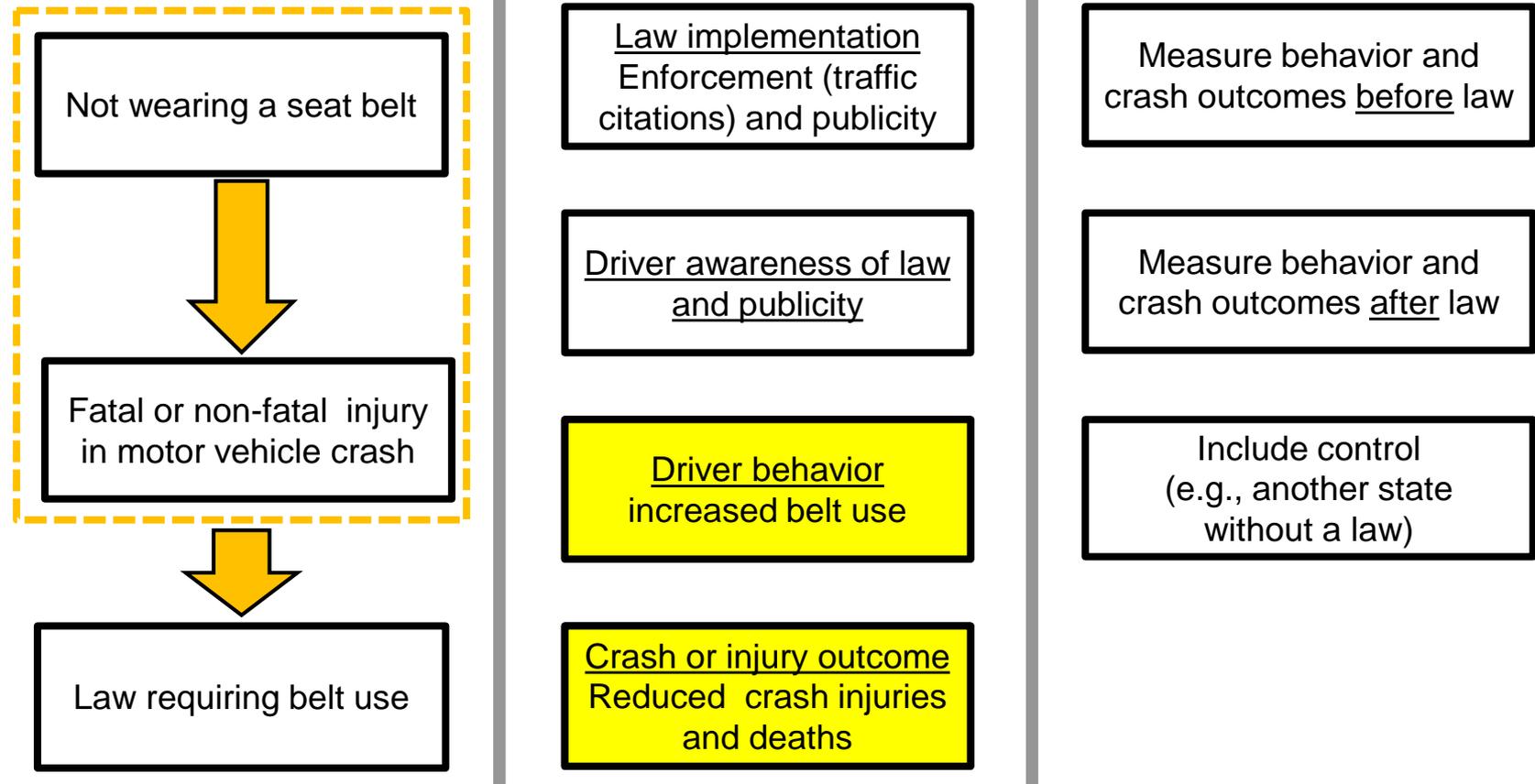
# Evaluating the impacts of laws

Laws requiring seatbelt use as an example

Establish risk associated with behavior as basis for law

Evaluation measures

Evaluation components



# Cellphone laws and driver behavior

- In the past, strong laws, with strong and publicized enforcement, have been effective in changing driver behavior and reducing crashes
- Almost all U.S. states have laws limiting drivers' phone use
- Research on effects of laws on driver behavior
  - All-driver bans on hand-held phone conversations reduced observed rates of hand-held phone conversations
  - Drivers in ban states reported higher rates of hands-free phone use and lower overall phone use compared with drivers in non-ban states
  - Some evidence that all-phone bans directed at teenage drivers do not affect their phone use
  - Scant evidence on compliance with texting bans
  - After publicized enforcement campaigns in 2 cities, lower rates of handheld phone conversations and phone manipulations were observed



# Crash effects of all-driver bans on handheld phone conversations are unclear

- 9 peer-reviewed studies
  - Various crash measures (e.g., insurance collision claims; fatal crash involvements; fatalities in bad weather or on wet roads; single-vehicle, single-occupant fatal crashes)
- Mixed findings from 4 state-specific studies using fatal or non-fatal crash measures
- Mixed findings from 5 multi-state or cross-state national studies of fatal crash measures
- Some studies had important limitations (e.g., mis-coded laws, not accounting for confounding factors, brief after-ban study period)

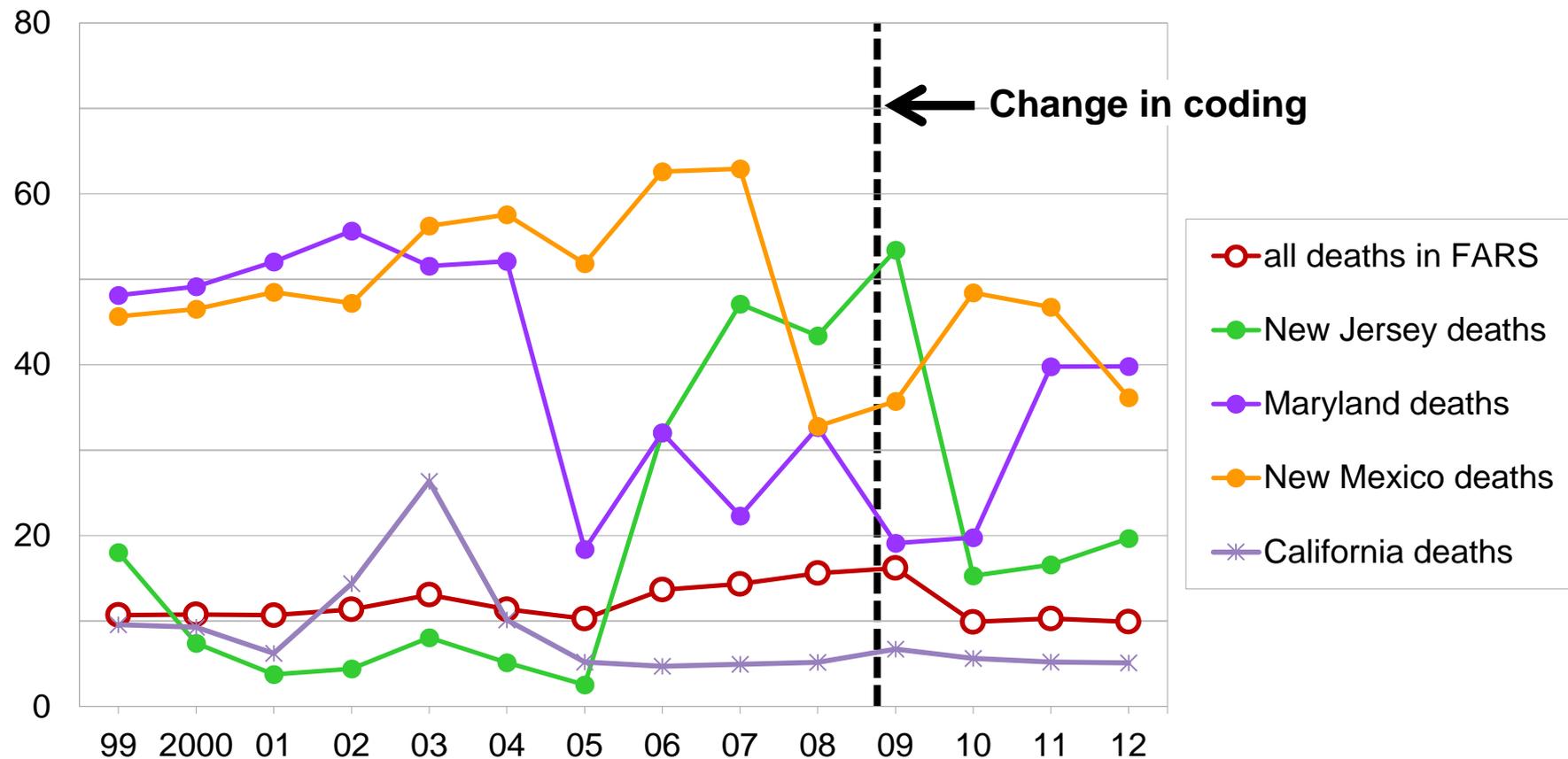


# Effects of texting bans on crashes also are unclear

- 2 peer-reviewed papers and 1 technical report
- In an analysis of insurance collision claim rates in 4 ban states and control states without bans, significant small increases in 3 states and no change in the 4<sup>th</sup> state
- 2 cross-state national studies had mixed findings and both had limitations
  - One study found single-vehicle, single-occupant fatal crashes were lower in states with stronger texting bans (all-driver, primary enforcement) compared with states without bans
  - Second study found no significant effects on number of fatalities associated with texting bans

# Distraction is not reliably coded in police crash reports

Percent of deaths coded as involving driver distraction, Fatality Analysis Reporting System, by calendar year



# Conclusions

- Despite increasing number of laws limiting phone use, it is unclear if they are having the intended effects on behavior and crashes
- Unsettled science regarding crash risks associated with phone use makes it difficult to formulate reasonable hypotheses about expected ban effects or to choose appropriate crash measures
  - Police crash reports unreliable in identifying crashes attributable to distraction
- Other significant challenges limited findings of some studies
  - Study designs often lack appropriate controls
  - Information on compliance with laws usually lacking
  - Strength, enforcement type, and specific provisions of laws vary across states and over time



## Research needs

# Research priorities

- Conducting studies of the crash risks associated with phone use that address the limitations of prior studies
- Validating the association of non-crash surrogates (e.g., crash-relevant conflicts) from naturalistic studies with crashes of different severities
- Conducting additional well-controlled evaluations of cellphone and texting laws that include assessments of their effects on driving behavior and on crashes of various severities

# Cross-state national studies face special challenges

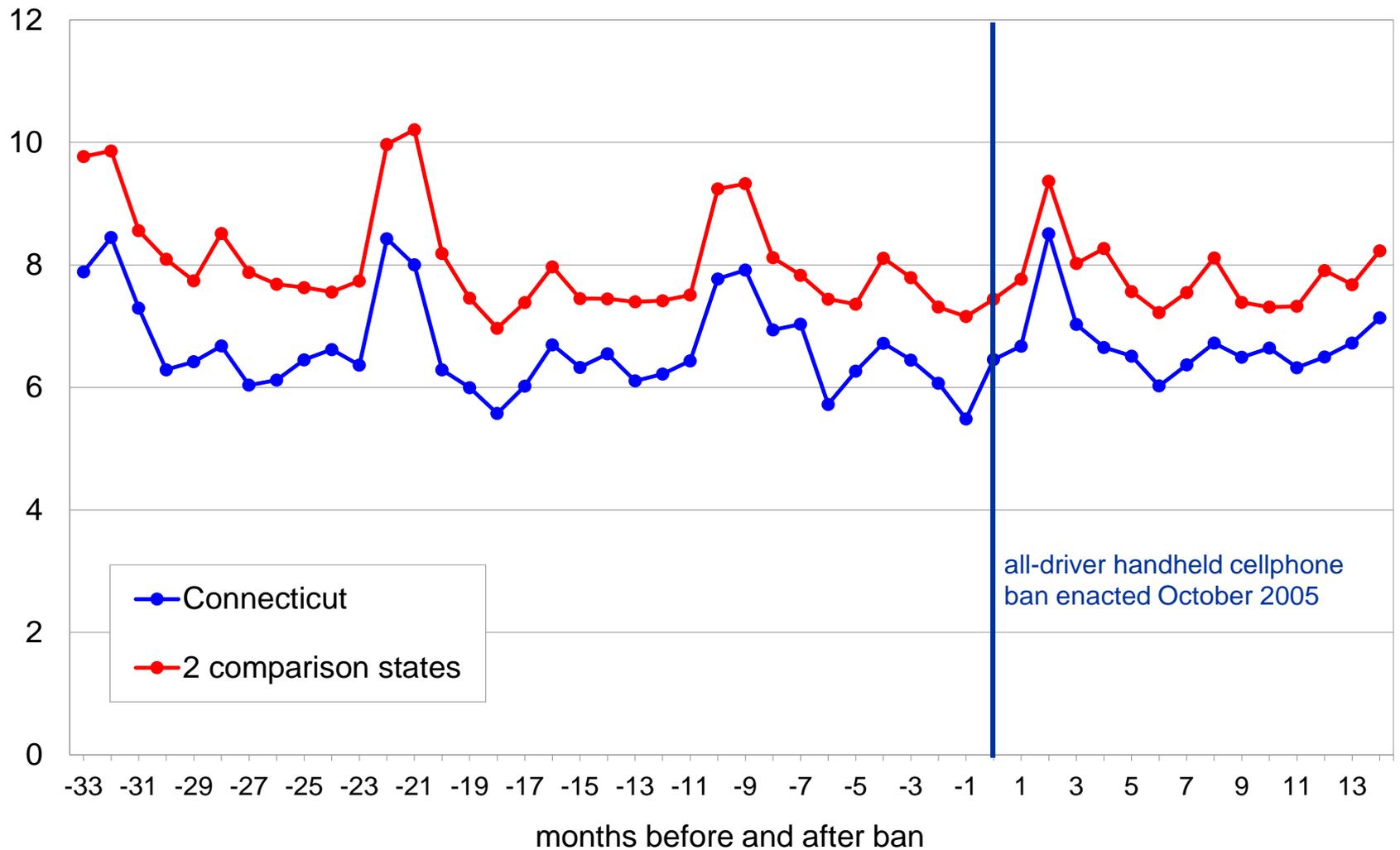
- Fatality Analysis Reporting System (FARS) is the only publicly available data set that can be analyzed by state
  - Fatal crash risk associated with phone use is unknown
  - Samples of fatal crashes small in some states, particularly when analyzed at the county and/or monthly level
- Difficult to identify appropriate control variables, especially during economic recession affecting driving exposure and crash risk
- Difficult to account for variations in cellphone laws across states and changes in laws over time
- Data on compliance with bans available in very few states

# State-specific study designs can offer some advantages

- Strong design if appropriate control jurisdiction(s) included
- Opportunity to document implementation of ban and effects of bans on driver behavior
- Opportunity to evaluate effects on crashes of different severities using state police-reported crash data

# Collision claim frequencies for new vehicles by month

Connecticut vs. Massachusetts and New York





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# Distracted Driving

**WHAT RESEARCH SHOWS AND WHAT STATES CAN DO**

This report was made possible by a grant from



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## Acronyms

AAAFTS	AAA Foundation for Traffic Safety
CTIA	CTIA – The Wireless Association
FARS	Fatality Analysis Reporting System
GES	General Estimates System
GHSA	Governors Highway Safety Association
HLDI	Highway Loss Data Institute
IIHS	Insurance Institute for Highway Safety
LTCCS	Large Truck Crash Causation Study
NHTSA	National Highway Traffic Safety Administration
MMUCC	Model Minimum Uniform Crash Criteria
NMVCCS	National Motor Vehicle Crash Causation Study
NOPUS	National Occupant Protection Use Survey
NSC	National Safety Council
TIRF	Traffic Injury Research Foundation
VTTI	Virginia Tech Transportation Institute

## Executive summary

This report reviews and summarizes distracted driving research available as of January 2011 to inform states and other organizations as they consider distracted driving countermeasures. It concentrates on distractions produced by cell phones, text messaging, and other electronic devices brought into the vehicle. It also considers other distractions that drivers choose to engage in, such as eating and drinking, personal grooming, reading, and talking to passengers. It addresses distractions associated with vehicle features only briefly. They have been studied extensively by automobile manufacturers, but states have little role in addressing them.

**Distraction occurs when a driver voluntarily diverts attention to something not related to driving that uses the driver's eyes, ears, or hands.**

**What is distracted driving?** There are four types of driver distraction:

- Visual – looking at something other than the road
- Auditory – hearing something not related to driving
- Manual – manipulating something other than the wheel
- Cognitive – thinking about something other than driving

Most distractions involve more than one of these types, with both a sensory – eyes, ears, or touch – and a mental component. For this report, distraction occurs when a driver voluntarily diverts attention to something not related to driving that uses the driver's eyes, ears, or hands.

**How often are drivers distracted?** Driver distraction is common in everyday driving and in crashes.

- Drivers on the road: Most drivers in surveys reported that they sometimes engaged in distracting activities. A study that observed 100 drivers continually for a full year found that drivers were distracted between one-quarter and one-half of the time.
  - Cell phone use: In recent surveys, about two-thirds of all drivers reported using a cell phone while driving; about one-third used a cell phone routinely. In observational studies during daylight hours in 2009, between 7% and 10% of all drivers were using a cell phone.
  - Texting: In recent surveys, about one-eighth of all drivers reported texting while driving. In observational studies during daylight hours in 2009, fewer than 1% of all drivers were observed to be texting.

## Executive summary

- Drivers in crashes: At least one driver was reported to have been distracted in 15% to 30% of crashes. The proportion of distracted drivers may be greater because investigating officers may not detect or record all distractions. In many crashes it is not known whether the distractions caused or contributed to the crash.

**How does distraction affect driver performance?** Experimental studies show conclusively that distractions of all types affect performance on tasks related to driving. But experimental studies cannot predict what effect various distractions have on crash risk.

**How does distraction affect crash risk?** The limited research suggests that:

- Cell phone use increases crash risk to some extent but there is no consensus on the size of the increase.
- There is no conclusive evidence on whether hands-free cell phone use is less risky than hand-held use.
- Texting probably increases crash risk more than cell phone use.
- The effects of other distractions on crash risk cannot be estimated with any confidence.

**Are there effective countermeasures for distracted driving?** There are no roadway countermeasures directed specifically at distracted drivers. Many effective roadway design and operation practices to improve safety overall, such as edgeline and centerline rumble strips, can warn distracted drivers or can mitigate the consequences if they leave their travel lane.

Vehicle countermeasures to manage driver workload, warn drivers of risky situations, or monitor driver performance have the potential to improve safety for all drivers, not just drivers who may become distracted. Some systems are beginning to be implemented in new vehicles and others are still in development. Their ultimate impact on distracted driving cannot be predicted.

Countermeasures directed to the driver offer an opportunity to reduce distracted driving incidence and crashes in the next few years. They have concentrated on cell phones and texting through laws, communications campaigns, and company policies and programs. Systems to block or limit a driver's cell phone calls are developing rapidly but have not yet been evaluated.

In summary, the limited research on these countermeasures concludes that:

- Laws banning hand-held cell phone use reduced use by about half when they were first implemented. Hand-held cell phone use increased subsequently but the laws appear to have had some long-term effect.
- A high-visibility cell phone and texting law enforcement campaign reduced cell phone use immediately after the campaign. Longer-term effects are not yet known.
- There is no evidence that cell phone or texting bans have reduced crashes.

**Laws banning hand-held cell phone use reduced use by about half when they were first implemented.**

- Distracted driving communications campaigns and company policies and programs are widely used but have not been evaluated.

**What can states do to reduce distracted driving?** States should consider the following activities to address distracted driving. While each has been implemented in some states, there is no solid evidence that any is effective in reducing crashes, injuries, or fatalities.

- Enact cell phone and texting bans for novice drivers. Novices are the highest-risk drivers. A cell phone ban supports other novice driver restrictions included in state graduated licensing programs and helps parents manage their teenage drivers. As of June 2011, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers and 41 states and the District of Columbia prohibited texting by novice drivers. But there is no evidence that novice driver cell phone or texting bans are effective.
- Enact texting bans. Texting is more obviously distracting and counter to good driving practice than cell phone use. As of June 2011, 34 states and the District of Columbia had enacted texting bans for all drivers. But texting bans are difficult to enforce.
- Enforce existing cell phone and texting laws. Enforcement will increase any law's effect, while failing to enforce a law sends a message that the law is not important. But enforcing cell phone or texting laws will divert resources from other traffic law enforcement activities.
- Implement distracted driving communication programs. Cell phone and texting laws should be publicized broadly to increase their effects. Other communication and education activities can address the broader issues of avoiding distractions while driving. Thirty-seven states and the District of Columbia conducted a recent distracted driving communications campaign. But distracted driving communication programs will divert resources from other traffic safety communications activities.
- Help employers develop and implement distracted driving policies and programs. Many companies have established and implemented cell phone policies for their employees. Company policies can be a powerful influence on employees' driving. But they have not been evaluated.

**Enforce existing cell phone and texting laws ... But enforcing cell phone or texting laws will divert resources from other traffic law enforcement activities.**

States can and should take four steps that will help reduce distracted driving immediately and in the future.

- Continue to implement effective low-cost roadway distracted driving countermeasures such as edgeline and centerline rumble strips.
- Record distracted driving in crash reports to the extent possible, to assist in evaluating distracted driving laws and programs.
- Monitor the impact of existing hand-held cell phone bans prior to enacting new laws. States that have not already passed handheld bans should wait until more definitive research and data are available on these laws' effectiveness.
- Evaluate other distracted driving laws and programs. Evaluation will

## Executive summary

provide the information states need on which countermeasures are effective and which are not.

### **What should others do to reduce distracted driving?**

- Employers: Consider distracted driving policies and programs for their employees. Evaluate the effects of their distracted driving policies and programs on employee knowledge, behavior, crashes, and economic costs (injuries, lost time, etc.).
- Automobile industry: Continue to develop, test, and implement measures to manage driver workload and to warn drivers of risky situations.
- Federal government: Help states evaluate the effects of distracted driving programs. Continue tracking driver cell phone use and texting in the National Occupant Protection Use Survey (NOPUS). Work with states to improve data collection on driver distractions involved in crashes. Continue to develop and conduct national communications campaigns on distracted driving.

## 1 // Introduction

Distracted driving is receiving unprecedented attention. U.S. Secretary of Transportation Ray LaHood has made it a top traffic safety priority. The Department of Transportation held distracted driving summits in 2009 and 2010 and has developed a distracted driving website ([distraction.gov](http://distraction.gov)). The National Conference of State Legislatures reports that 43 states considered 273 distracted driving bills in 2010, mostly dealing with cell phones and texting ([www.ncsl.org/?TABID=13599](http://www.ncsl.org/?TABID=13599)). The Governors Highway Safety Association (GHSA) surveyed the states and found that 37 states and the District of Columbia conducted a distracted driving communications campaign recently (GHSA, 2010).

Distracted driving also has produced a mountain of research. A search of eight major research databases conducted for this report produced over 350 scientific papers published between 2000 and 2010 on some aspect of distracted driving. The premier traffic safety research journal, *Accident Analysis & Prevention*, reported in January 2011 that the top four articles downloaded recently from its website all address cell phone use.

This report reviews and summarizes distracted driving research available as of January 2011. It recommends how this research can inform states and other organizations as they consider distracted driving countermeasures. It concentrates on the distractions that have received the most attention: driver use of cell phones, text messaging, and other electronic devices brought into the vehicle. It also considers other distractions that drivers choose to engage in, such as eating and drinking, personal grooming, reading, and talking to passengers. It addresses distractions associated with vehicle features only briefly. They have been studied extensively by automobile manufacturers, but states have little role in addressing them. Finally, it reviews the little that is known about distractions produced by external signs and displays.

References are provided to important recent research and to summaries of research on individual topics. For a comprehensive review of distracted driving, especially as it relates to vehicle features, readers should consult the book *Driver Distraction*, edited by Regan, Lee, and Young. (2009). *Distracted Driving: So What's the Big Picture?* (Robertson, 2011) provides a current overview of distracted driving causes and mitigation strategies.

**The premier traffic safety research journal, *Accident Analysis & Prevention*, reported in January 2011 that the top four articles downloaded recently from its website all address cell phone use.**



## 2 // What is distracted driving?

**Distracted driving definitions.** Distracted driving immediately brings to mind cell phones and texting, and perhaps use of other electronic devices. But there are many more driving distractions: activities like eating, changing a CD, or talking to other passengers; billboards or other objects outside the car; even planning the day's work, rehashing an emotional moment from the previous night, or just daydreaming. It is useful to begin by defining what distracted driving means.

While several definitions have been proposed, a good definition is surprisingly elusive. All start by adapting a dictionary definition of distraction to driving:

*“Distraction occurs when a driver’s attention is diverted away from driving by some other activity.”*

This is too general and imprecise to be observed or measured, much less to be useful in suggesting effective countermeasures. To produce a working definition for state use and for this report, consider first what activities may distract drivers – distraction types – and where these activities originate – distraction sources.

**Distraction types.** There are four types of driver distraction:

- Visual – looking at something other than the road
- Auditory – hearing something not related to driving
- Manual – manipulating something other than the wheel
- Cognitive – thinking about something other than driving

Most distractions involve more than one of these types. In particular, most distractions involve some thought – cognitive distraction – and many also involve some sensory distraction. Making a call on a hand-held phone involves all four types: holding the phone, looking at and touching the phone to dial, then listening to and thinking about the conversation.

**Distraction sources.** Driver distractions come from four general sources:

- Associated with the vehicle – controls, displays, driver aids such as GPS systems

## 2 // What is distracted driving?

- Brought into the vehicle – cell phones, computers, food, passengers, animals
- External to the vehicle – signs and displays, other roadside features or scenery
- Internal to the driver’s mind – daydreaming, “lost in thought”

**“Distraction is an inevitable consequence of being human ... driver distraction cannot be eliminated.”**

Distractions are almost too numerous to count, much less measure, or examine their effects on crashes, or consider countermeasures. Some are necessary for good driving, such as regular glances at the rear-view mirror. Some cannot be controlled or have little or no effect on crash risk. In many situations, drivers have considerable spare capacity in each dimension: drivers do not continually need to keep their eyes on the road, their hands on the wheel, and their attention firmly fixed on driving. As Regan, Young et al. observe (2009a, p. 6), “Distraction is an inevitable consequence of being human ... driver distraction cannot be eliminated.” The challenge is to identify and eliminate those distractions that increase crash risk substantially.

**Distracted driving characteristics.** Many distractions are very temporary, lasting less than a second or two: a quick glance at the roadside, an adjustment to the temperature controls. Other distractions can last for some time but can be interrupted at any moment: a conversation with a passenger can be halted in mid-sentence if a risky situation arises that requires the driver’s concentration. Still others can persist for long periods: a driver conducting an emotionally-charged cell phone conversation may be oblivious to sudden changes in conditions on the road.

This transitory nature distinguishes distracted driving from other major driver behaviors that affect traffic safety. Alcohol impairment and fatigue persist for hours. Seat belts typically are used for all or none of a trip. Even speeding usually lasts for minutes, if not longer. But distractions can come and go in seconds or less. Distracted driving is not a “yes or no” characteristic of an entire trip but something that occurs many times during a trip, often in very short intervals.

**Distracted driving ... is difficult to observe at the time it occurs and often almost impossible to reconstruct accurately after the fact.**

Distracted driving also differs because it is difficult to observe at the time it occurs and often almost impossible to reconstruct accurately after the fact. After a crash, other important driver behaviors can be determined or estimated from hard evidence: alcohol impairment by chemical testing; fatigue by observation and interview information; speeding by crash reconstruction; even belt use by injury and belt wear patterns. But most distractions must be estimated from subjective reports from the driver or others.

**Distracted driving reporting.** Another way to help understand distracted driving is to examine how it is recorded. NHTSA’s FARS, GES, and NMVCCS crash data systems can document an extensive list of visual, auditory, manual, and cognitive activities that may distract drivers, including using cell phones or other electronic devices, adjusting vehicle controls or radios, eating or drinking, applying cosmetics, picking up an object, distracted by other

## 2 // What is distracted driving?

occupants or animals in the vehicle, distracted by something outside the vehicle, or “lost in thought” or “daydreaming” (NHTSA, 2010a, p. 4-5; Ascone et al., 2009, Appendices A-C).

**Distracted driving definition for this report.** This report is addressed to State Highway Safety Offices and Departments of Transportation and Public Safety. It addresses distractions that are likely to affect crash risk and for which states can consider countermeasures. This helps narrow the scope. The report excludes, or mentions only in passing:

- Involuntary distractions from any source, such as animals or children in the vehicle or loud noises outside the vehicle. Countermeasures addressing these distractions are unlikely except in special circumstances, such as passenger restrictions for beginning drivers.
- Cognitive distractions such as daydreaming that are not produced by some external task. These distractions cannot be observed or measured and the only countermeasure is the standard and frequently ineffectual admonition to “pay attention while driving.”

This produces a working definition for this report:

*“Distraction occurs when a driver voluntarily diverts attention away from driving to something not related to driving that uses the driver’s eyes, ears, or hands.”*

This report concentrates on distractions produced by driver use of cell phones, text messaging, and other electronic devices brought into the vehicle.



### 3 // How often are drivers distracted?

Three methods are used to estimate how frequently drivers are distracted: surveys, observations, and crash reports. Each has strengths and weaknesses; none provides a complete record of driver distraction.

- **Surveys:** Driver self-report surveys can estimate all the things drivers are conscious of doing, especially things that cannot be observed easily. But surveys depend on accurate recall and honest reporting. Surveys also can measure driver attitudes regarding the risks of various distractions and the acceptability of countermeasures such as cell phone laws. Well-designed, representative, and unbiased surveys of at least 1,000 drivers provide accurate information on non-controversial activities if drivers give honest answers. Surveys can estimate how often drivers do something only in broad subjective categories such as “never,” “sometimes,” or “frequently.”
- **Observations:**
  - Direct observations from outside a vehicle can record only obvious distracting activities such as hand-held cell phone use or personal grooming, usually only in daylight hours at urban locations where vehicles are stopped or travelling slowly. Well-trained observers can record hand-held cell phone use in moderate traffic; observers using special equipment can record use at night. Observations are more difficult for vehicles with heavily-tinted windows. Observations at nationally-representative sites estimate the frequency of these distractions reasonably accurately.
  - Naturalistic studies put the observer inside the vehicle by means of a video camera that continually records driver actions. These studies can detect and measure when a driver's eyes are not on the road and when his or her hands are not on the wheel. Naturalistic studies are very expensive and consequently very small, and participants are volunteers. The only general-population naturalistic study to date followed 100 vehicles of volunteer drivers in northern Virginia for one year between January 2003 and July 2004 (VTTI, 2010; Dingus et al., 2006). Three specialized studies followed 40 teenage drivers and 203 commercial drivers,

### 3 // How often are drivers distracted?

respectively (Lee et al., 2011; Olson et al., 2009). A two-year naturalistic study of 1,950 drivers in six areas of the country began in 2010; the first data will be available in 2011 ([www.trb.org/StrategicHighwayResearchProgram2/SHRP2/Pages/The\\_SHRP\\_2\\_Naturalistic\\_Driving%20Study\\_472.aspx](http://www.trb.org/StrategicHighwayResearchProgram2/SHRP2/Pages/The_SHRP_2_Naturalistic_Driving%20Study_472.aspx)).

- **Crashes:** Crash reports may record driver distractions that the investigating officer believes caused or contributed to the crash (NHTSA, 2010a). Crash reports probably under-estimate distractions for two reasons. First, distraction is difficult to detect: drivers may not admit to being distracted before a crash and there may be no physical evidence of a distraction after the fact. Second, some state crash report forms do not specifically ask about driver distraction. In-depth crash investigations such as NMVCCS likely reduce but will not eliminate this under-reporting (Ascone et al., 2009).

**Most drivers engaged in some distracting activities on at least some driving trips.**

**Surveys.** The most recent overall estimates of a wide variety of distracting activities come from a 2002 NHTSA nationally-representative survey of 4,010 drivers. (Results from a fall 2010 NHTSA survey were not available in spring 2011.) Most drivers engaged in some distracting activities on at least some driving trips (Royal, 2003, p. 1):

- **81% talked to other passengers;**
- **66% changed radio stations or looked for CDs or tapes;**
- **49% ate or drank something;**
- **24% dealt with children riding in the rear seat.**

Other distracting activities were less frequent:

- **12% read a map or directions;**
- **8% engaged in personal grooming;**
- **4% read printed material.**

In 2002, only 25% of the drivers reported making cell phone calls and 26% answered calls. As the data presented below show, self-reported cell phone use has increased substantially since 2002. While no recent survey data are available on other distracting activities, they likely have not decreased in the past decade.

The more common the distracting activity, the less dangerous drivers believed it to be. The proportion of drivers who believed that activities made driving “much more dangerous” was:

- **4% - talking to other passengers;**
- **18% - changing a radio station or looking for CDs or tapes;**
- **17% - eating or drinking;**
- **40% - dealing with children in the rear seat;**
- **55% - reading a map or directions;**
- **61% - personal grooming;**
- **80% - reading printed material.**

About half the drivers surveyed in 2002 felt that making cell phone calls (48%) or taking calls (44%) made driving much more dangerous.

### 3 // How often are drivers distracted?

Three recent nationally-representative telephone surveys addressed the use of cell phones, texting, and other electronic devices while driving. AAAFTS (2010) surveyed 2,000 U.S. residents 16 years of age and older. IIHS (Braitman and McCartt, 2010; Farmer et al., 2010) surveyed 1,219 drivers ages 18 and older. TIRF (Vanlaar et al., 2007) surveyed 1,201 Canadian drivers.

The three surveys provide consistent estimates of drivers' self-reported cell phone use.

- **69% in the last 30 days; 34% “fairly often or regularly” (AAAFTS)**
- **65% sometimes; 40% “at least a few times per week” (IIHS)**
- **37% “in the last 7 days” (TIRF)**

**CTIA reported that in June 2010 there were 292.8 million operational cell phones (or wireless connections) in the United States, more than one for each person in the United States aged 5 and above.**

Across the three surveys, about two-thirds of all drivers reported they used cell phones while driving and about one-third used them regularly, substantially higher rates than were reported in the 2002 NHTSA survey. The IIHS survey found similar reported cell phone use rates for drivers aged between 18 and 60. The TIRF survey found higher reported use rates for drivers aged 16 to 34.

CTIA reported that in June 2010 there were 292.8 million operational cell phones (or wireless connections) in the United States (CTIA, 2010, #24), more than one for each person in the United States aged 5 and older (the Census Bureau estimates a total population of 308.7 million in 2010, with 93.1% aged 5 and older - [www.census.gov](http://www.census.gov)). Almost every driver now has a cell phone available.

Drivers reported texting while driving less frequently than cell phone use.

- **24% in the last 30 days; 7% “fairly often or regularly” (AAAFTS)**
- **13% sometimes; 6% “at least a few times per week” (IIHS)**

The “last 30 days” and “sometimes” texting rates are similar to the cell phone use rates reported in NHTSA’s 2002 survey.

Younger drivers reported texting while driving more frequently than older drivers. In the IIHS survey, 13% of drivers age 18-24 texted while driving daily compared to 2% of drivers aged 30-59. A survey of 1,947 teen drivers in North Carolina high schools found that 30% texted during their last driving trip (O’Brien et al., 2010). A survey of 348 drivers aged 18-30 in Kansas found that only 2% said they never texted under any circumstances while driving (Atchley et al., 2010). Overall, CTIA reported that 4.9 billion text messages were sent every day in the year June 2009 – June 2010 (CTIA, 2010, #27), or about 17 text messages daily for each cell phone connection.

The AAAFTS survey measured public support for laws restricting cell phone use or texting.

- **46% supported a total cell phone ban, hand-held and hands-free;**
- **69% supported a hand-held cell phone ban;**
- **80% supported a texting ban.**

### 3 // How often are drivers distracted?

**In 2009, 5% of all sampled drivers were observed to be using hand-held cell phones and 0.6% were observed to be texting or otherwise manipulating hand-held devices.**

The 46% of respondents to the AAFTS survey who supported a total cell phone ban can be compared to the 31% who reported they did not use a cell phone while driving in the past 30 days: at least 15% of the respondents supported a ban on their own actions.

**Direct Observations.** NHTSA observes cell phone use and texting each year as part of NOPUS, the National Occupant Protection Use Survey (NHTSA, 2010b). The survey is conducted between 7 a.m. and 6 p.m. and observes about 50,000 vehicles stopped at a representative sample of about 1,500 intersections across the country. In 2009, 5% of all sampled drivers were observed to be using hand-held cell phones and 0.6% were observed to be texting or otherwise manipulating hand-held devices. Both rates were higher in 2008, by a statistically significant amount: 6% for hand-held phone use and 1.0% for texting. A 2006 observation survey of nighttime cell phone use in Indiana, using night vision equipment, found use rates “similar to previous daytime studies” – 6% overall (Vivoda et al, 2008). Although hands-free cell phone use cannot be observed accurately, NHTSA estimated that about 9% of all drivers were using either a hand-held or hands-free phone in a typical daylight moment in 2009.

These observations are similar to the self-reported cell phone use in the IIHS survey, in which drivers estimated using cell phones about 7% of the time while driving in 2009 (Farmer et al., 2010).

**Naturalistic studies.** The VTTI 100-car study found that drivers engaged in some form of secondary task 54% of the time while driving (Klauer et al., 2006, p. x). It also found that drivers reduced secondary tasks in more risky driving situations, such as near intersections or in heavy traffic. Drivers were engaged in a secondary task 23% of the time in situations similar (at the same time of day, driving in a similar location) to those that produced a crash or near-crash (a situation that requires rapid evasive maneuver by the driver’s vehicle, or any other vehicle, pedestrian, cyclist, or animal, to avoid a crash) (Klauer et al., 2010, p. vi).

The two commercial vehicle driver naturalistic studies together found that drivers were involved in a distracting task not related to driving 56% of the time while driving (Olson et al., 2009, p. xix, Table 2).

**Crashes.** NHTSA estimates that 16% of fatal crashes and 20% of injury crashes in 2009 involved at least one distracted driver (NHTSA, 2010a). Similarly, the more detailed investigations in NMVCCS found that in those crashes where the critical reason for the crash was attributed to a driver, 18% involved distraction (Ascone et al., 2009). Another study found that 29% of the passenger vehicle drivers in NMVCCS crashes and 20% of the large truck drivers in LTCCS crashes were distracted or inattentive (Craft and Preslopsky, 2010).

**The 100-car study observed that in almost 80% of all crashes and 65% of near-crashes the driver was looking away from the forward roadway just before the incident.**

The 100-car study observed that in almost 80% of all crashes and 65% of near-crashes the driver was looking away from the forward roadway just before the incident (Dingus et al., 2006, p. xxiii) and that secondary task distraction contributed to 22% of the crashes and near-crashes (Klauer et al., 2006, p. x; Ascone et al., 2009). The 100-car study had few crashes – 15 police-reported and 67 unreported – and most were very minor; there were 761 near-crashes (VTTI, 2010). The two commercial vehicle driver naturalistic studies found that 71% of drivers in the studies' 21 crashes and 46% of drivers in the 197 near-crashes were involved in a distracting non-driving task (Olson et al., 2009, p. xix, Table 2).

Taken together, these crash data studies conclude that drivers were distracted in 15% to 30% of crashes at all levels, minor to fatal, though the distraction may not have caused or contributed to the crash.

#### Summary and discussion //

**Frequency of driver distraction.** Driver distraction is common in everyday driving and in crashes.

- **Drivers on the road:** Most drivers in surveys reported that they sometimes engaged in distracting activities. The 100-car study's observations found that drivers engaged in a secondary task between one-quarter and one-half of the time while driving.
  - Cell phone use: In recent surveys, about two-thirds of all drivers reported using a cell phone while driving; about one-third used a cell phone routinely. In observational studies during daylight hours in 2009, between 7% and 10% of all drivers were using a cell phone.
  - Texting: In recent surveys, about one-eighth of all drivers reported texting while driving. Younger drivers reported texting more frequently than older drivers. In observational studies during daylight hours in 2009, fewer than 1% of all drivers were observed to be texting.
- **Drivers in crashes:** At least one driver was reported to have been distracted in 15% to 30% of crashes at all levels, minor to fatal. The proportion of distracted drivers may be greater because investigating officers may not detect or record all distractions. In many crashes it is not known whether the distractions caused or contributed to the crash.

**At least one driver was reported to have been distracted in 15% to 30% of crashes at all levels, minor to fatal.**



## 4 // How does distraction affect driver performance?

**Measuring distraction with experiments.** Distraction effects are studied in experimental settings. Experiments may be conducted in the laboratory, either in completely artificial situations or on driving simulators ranging from low-tech computer screens to high-tech full-vehicle mockups that imitate vehicle responses. Experiments also are conducted in cars on a test track or on the road. The tradeoff is between realism and control. Laboratory experiments are controlled, so they can compare distracted and undistracted drivers in identical situations, but they cannot study real-world driving behavior. On-road studies may be quite realistic but cannot control for events outside the vehicle.

Experiments measure quite accurately how distractions of various types affect reaction time and other driver performance features, but they do not measure directly how distractions affect crash risk.

The fundamental challenge with all experimental studies is that participating drivers know that they are in an experiment. They may not drive or react in the same way that they would naturally on the road. As McCartt et al. (2006, p. 97) observed in their review of experimental studies on cell phone effects, “The implications for real-world driving are unclear because experimental studies do not take into account how and when drivers use phones in their own vehicles and may not accurately reflect the effects of phone use on real-world driving performance.” Ranney (2008, p. 6) generalized the conclusion to all distraction types: “It is virtually impossible to use experimental results to predict real-world risks associated with different secondary tasks.”

**Results from experimental studies.** Distraction from cell phones has been studied most extensively. Caird et al. (2008) combined information from 33 high-quality studies in a meta-analysis. They concluded that cell phone conversations increase reaction time significantly and that hand-held and hands-free conversations have similar effects. Horrey and Wickens (2006) reached similar conclusions from their meta-analysis of 23 studies, as did McCartt et al. (2006) in their less formal review of 54 experimental studies

**The fundamental challenge with all experimental studies is that participating drivers know that they are in an experiment. They may not drive or react in the same way that they would naturally on the road.**

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and Drews and Strayer (2009) in their overall review of the literature. Dula et al. (2010) found that emotional calls had larger effects than mundane calls. Chan and Atchley (2010) concluded that cell phones decreased performance even under monotonous driving conditions. Bellinger et al. (2009) found that cell phone conversations slowed response time while listening to music did not.

Drivers in some experimental studies attempted to compensate for cell phone distractions by slowing down or increasing their headway from the vehicle they were following (McCartt et al., 2006) while in others they did not (Caird et al., 2008). Horrey et al. (2008) found that drivers in experimental settings were not aware of how much the phone conversation affected their driving.

Text messaging has been studied less frequently than cell phone use, probably because text messaging has become common only recently. Four experimental studies found that text messaging increases the time that a driver's eyes are not on the road and also affects speed and lane-position variability (Crisler et al., 2008; Hosking et al. 2007; Hosking et al., 2009; and Owens et al., 2011). Hosking et al. (2007) also concluded that some drivers attempted to compensate by increasing their following distance while text messaging but they did not reduce their speed.

States have little role in improving or regulating distractions from features built into the vehicle to assist the driver, such as controls, displays, and navigation systems, so research on distractions from these sources was not reviewed in detail. Bayly et al. (2009) and Ranney (2008) summarize the available research. Navigation systems have been studied most extensively, with the conclusion that well-designed systems are less distracting than using paper maps.

Many other things inside a vehicle can distract, as noted in Chapter 2. They have not been studied extensively. Bayly et al. (2009) summarize several studies of the effects of radios, CD and MP3 players, iPods, DVDs, video systems, email, eating and drinking, smoking, reading and writing, and grooming. All these activities affected performance on driving-related tasks in some studies.

While the potential distracting effects of these activities are largely self-evident, there is little that states can or should do about them. Many, such as changing a radio station, eating, or drinking, are fairly common. But if done carefully, their distracting effects are minimal; states are not likely to prohibit listening to the radio or drinking coffee while driving. Both existing traffic laws and common sense already attempt to control truly blatant distracting activities such as watching a television program while driving.

A few studies have evaluated the distracting effects of fixed or variable message signs and billboards. Horberry and Edquist's summary (2009) concluded that, while billboards and signs can distract some drivers in some

## 4 // How does distraction affect driver performance?

circumstances, there is not enough research evidence to form any guidelines or standards “about how much distraction from outside the vehicle is safe.” Smiley et al. (2005) reached similar conclusions from their comprehensive assessment of the impact of signs in Toronto. They also concluded that, for the signs studied, the overall impacts on traffic safety are likely to be small. Three recent simulator studies show that billboards and signs can distract drivers in some circumstances (Bendak and Al-Saleh, 2010; Edquist et al., 2011; and Young et al., 2009).

Cognitive distractions by themselves – thinking about something other than driving, without any manual or visual distraction – can affect driving performance. Two recent studies reinforce the conclusion that distractions affect the mind, not just the eyes, ears, or hands (Harbluk et al., 2007; Liang and Lee, 2010).

**Experimental studies show conclusively that distractions of all types affect performance on driving-related tasks. But these experimental results cannot predict what effect various distractions have on crash risk.**

### Summary and discussion //

**Distraction effects on driver performance.** Experimental studies show conclusively that distractions of all types affect performance on driving-related tasks. But these experimental results cannot predict what effect various distractions have on crash risk, for two reasons. First, drivers even in the best experiments may not perform in the same way that they would in real-world driving. Second, there is no way to predict how a change in some driver performance measure, such as reaction time, affects crash risk. The experimental studies suggest that distractions may increase crash risk, but studies of real-world driving and crashes are the only way to discover if they really do.



## 5 // How does distraction affect crash risk?

To determine how distractions affect crash risk, crash data analyses must study a population of drivers and estimate crash rates while distracted and while not distracted. As discussed in Chapter 3, it is difficult to get accurate data on how frequently drivers on the road or in crashes are distracted in various ways.

Naturalistic studies can provide accurate data on distractions on the road and in crashes. The naturalistic studies conducted to date are small because they are expensive. The 100-car study contains about 2 million vehicle miles of driving but only 15 police-reported and 67 unreported crashes, most of which were very minor (VTTI, 2010). The two commercial vehicle driver naturalistic studies had only 21 crashes (Olson et al., 2009). Naturalistic studies also use volunteer drivers, who may not accurately represent all drivers.

**Crash data studies.** The best crash data studies directly compare crash rates of drivers who are distracted in some way with crash rates of similar drivers in similar conditions who are not distracted. Cell phone use and texting are the only distractions that have been studied using crash data in this way. The role of other distractions as contributing or causal factors sometimes can be recorded or estimated after the fact, but without data on how frequently these distractions occur in crash-free driving it is not possible to say whether they affect crash risk.

Cell phones should be easy to study because cell phone companies record each call down to the second, so that it should be possible to determine quite accurately when a driver is and is not using a phone. Unfortunately, cell phone records have not been available for research purposes in the United States (McCartt et al., 2006). Two studies, in Toronto, Canada (Redelmeier and Tibshirani, 1997) and in Perth, Australia (McEvoy et al., 2005), were able to review cell phone records directly linked to drivers involved in crashes. Both studies compared a driver's cell phone use in the 10 minutes before a crash with the same driver's cell phone use while driving at the same time of day during the week before the crash (a case-crossover design). They used the 10 minute interval because the time when a crash occurred may not be recorded as precisely as the times

**Both studies found that crash risk was about four times greater when using a cell phone.**

when cell phone calls were made. Both studies found that crash risk was about four times greater when using a cell phone. Hands-free phones did not appear to be any safer than hand-held phones.

In the only other study to use phone records directly linked to driving, Young and Schreiner (2009) studied vehicles with OnStar equipment that included a hands-free phone. OnStar call centers record and store all hands-free calls and all airbag deployments. Airbag deployments per driver-minute were lower during hands-free call periods than during call-free periods. Young and Schreiner concluded that “for personal conversations using a hands-free embedded device the risk of an airbag crash is somewhere in a range from a moderately lower risk to a risk near that of driving without a recent personal conversation. ... These results are not consistent with the large increase in crash risk reported in epidemiological studies using the case-crossover method [referring to the Redelmeier and McEvoy studies summarized above]”.

A review of the Young and Schreiner study (Braver et al., 2009) noted several flaws that call these conclusions into question: driving with and without calls may have occurred under different conditions with differing crash risks; driver use of cell phones other than OnStar was not known; and driving time during no-call periods was only estimated from fleet-level data and not measured directly.

Two other studies (Violanti & Marshall, 1996; Laberge-Nadeau et al., 2003) combined cell phone records, crash records, and survey responses from drivers in New York and Québec, respectively. They did not have data to link cell phone use directly to crashes but instead compared overall crash rates of cell phone users and non-users. Both studies concluded that crash risks were higher for cell phone users than for non-users.

These crash data studies point out how difficult it is to reach definitive conclusions about the effect of cell phone use on crash risk. Braver et al. raise the key point regarding the Young and Schreiner study: driving with and without calls may occur under conditions with different crash risks. The Redelmeier and McEvoy studies present a similar issue. A crash-involved driver may have faced different crash risks while driving at the same time of day the week before the crash.

**Naturalistic studies.** The only evidence on the general-population crash risk produced by secondary task distractions other than cell phones and texting comes from two analyses of the 100-car study data (Klauer et al., 2006; Klauer et al., 2010). Both studies classified secondary tasks as simple (requiring at most one glance away from the forward roadway and/or at most one button press), moderate (at most two glances and/or two button presses, including talking on or listening to a cell phone), or complex (multiple glances and/or button presses, including dialing a cell phone). The two studies used different control groups with which to compare drivers involved in crashes

## 5 // How does distraction affect crash risk?

and near-crashes. The 2006 study used randomly chosen drivers and driving situations in a case-control study design. The 2010 study used the same drivers involved in crashes or near-crashes in previous driving at the same time of day in a similar location in a case-crossover design. Both studies found that complex secondary tasks increased the risk of crashes and near-crashes substantially: twice as high in the case-crossover study (odds ratio 2.1) and three times as high in the case-control (3.1). Moderate secondary tasks also increased risk: odds ratios of 1.3 and 2.1, respectively. Simple secondary tasks did not affect risk: odds ratios of 0.8 and 1.2, neither of which was significantly different from 1 (Klauer et al., 2010, p. iv).

Analyses of the two commercial vehicle naturalistic studies used the same classification of secondary tasks into simple, moderate, and complex. Using a case-control study design, they found that complex secondary tasks increased the risk of safety-critical events substantially, with odds ratios ranging from 4.0 for reading a book or newspaper to 23.2 for texting (the effects on crashes were not analyzed because there were only 21 in the combined data). Some moderate tasks increased risk, for example using or reaching for a 2-way radio (odds ratio 6.7) and personal grooming (4.5) while others did not, for example talking on a CB radio (0.6) and looking at something outside the vehicle (0.5). Dialing a cell phone increased risk (odds ratio 5.9) while talking on or listening to a hand-held cell phone had no effect (1.0) and talking or listening to a hands-free phone reduced risk (0.4) (Olson et al., 2009, p. xxi, Table 3).

Elvik (2011) conducted a meta-analysis of 12 crash data and naturalistic studies of cell phone effects on crash risk. He concluded that studies that do not have precise information on cell phone use at the time of a crash “are almost worthless as far as estimating the risk associated with using mobile phones” and even the best studies may not control adequately for other factors that may influence the results. From the best studies – those discussed above – he concluded that crash risk is about three times greater when using a cell phone.

**Aggregate data studies.** Several recent studies take a broad look at cell phone or text messaging influences on crashes overall, using aggregate data rather than cell phone and crash data from individual drivers. The challenge of these studies is to isolate the effects of cell phones or texting from the many other factors that affect crashes and crash rates.

Farmer et al. (2010) combined the fourfold increase in crash risk while using a cell phone from the McEvoy et al. and Redelmeier and Tibshirani studies with the 7% cell phone use rate while driving obtained in a telephone survey to conclude that cell phone use caused 1.3 million crashes in 2008, or about 22% of all crashes, 19% of all fatal crashes, and 23% of all injury crashes. The National Safety Council (NSC) (2010a, 2010b) used similar methods to produce a similar estimate: 25% of all crashes are caused by cell phones.

## 5 // How does distraction affect crash risk?

Flanagan and Sayer (2010) critiqued the National Safety Council's study. They noted that NHTSA (2010a) estimates that 18-22% of all crashes are associated with (but not necessarily caused by) all forms of distraction while NSC estimates that 25% are caused by cell phone use alone. Using different values than NSC for the risk of cell phone use, the frequency of use while driving, the presence of multiple causes for many crashes, and the extent to which drivers reduce their cell phone use in more risky driving situations, Flanagan and Sayer concluded that cell phones may be associated with 3% to 4% of crashes.

Wilson and Stimpson (2010) compared trends in distracted driving fatalities recorded in FARS with trends in cell phone subscriptions and text message volume. They observed that distracted driving fatalities and text messaging both increased substantially from 2005 to 2008. Their multivariate regression analysis estimated that increased texting since 2001 produced over 16,000 additional traffic fatalities.

Fowles et al. (2010) studied the effects of cell phones on fatality rates from a "classical econometric" and quite technical point of view. They considered the effects of broad social and economic variables such as beer consumption, proportion of young males, seat belt laws, and the number of cell phone subscribers on annual fatality rates from 1980 to 2004. They concluded that fatality rates increased as cell phones first began to be used, then decreased as cell phone use rose, and finally increased again more recently. They attributed the positive effect of cell phones in the middle period to their use to call for emergency assistance at a crash. Now that cell phones are almost universal, their negative effects in distracting drivers overcome these positive effects. "The bottom line is that cell phones now have an adverse effect on motor vehicle fatality rates."

**Collision insurance claim study.** As part of a study of the effect of cell phone laws on insurance claim frequencies, HLDI (2009) tracked collision claim frequencies for several states in the period 2000-2009 (different years for different states). During this period of rapid growth in cell phone use in the general population and by drivers, collision claim rates either were flat or decreased slightly, both in states with and without cell phone laws. Collision claims differ from crashes: some crashes may not produce a collision claim because the damage was slight or because a vehicle was not insured, and minor events that produce collision claims may not be reported to the police as crashes. So collision claim rates may differ from crash rates.

**Drivers frequently are distracted, perhaps as much as half the time while driving.**

### Summary and discussion //

**Distraction effects on crash risk.** What does this all mean? A few things are certain, while others are more a matter of opinion.

What's certain:

- Distractions affect driving performance.
- Drivers frequently are distracted, perhaps as much as half the time while driving.

## 5 // How does distraction affect crash risk?

**Distractions are estimated to be associated with 15% to 25% of crashes**

- Drivers adapt to some extent: they pay more attention to driving and reduce their distracting activities (such as using cell phones) in more risky driving situations. The 100-car data provides some documentation: secondary task frequency was 54% in random situations but 23% in situations similar to those that produced a crash or near-crash.
- Distractions are estimated to be associated with 15% to 25% of crashes at all levels from minor property damage to fatal injury. The true role of distractions in crashes may be greater because some distractions may not be reported accurately.
- Distractions cause some unknown number of individual crashes: many officers who regularly write crash reports can cite specific examples.

What's far from certain is how much various distractions affect crash risk. While the crash risk varies for different driving situations, the first question to ask is how a specific distraction affects overall crash risk.

The cell phone studies provide the best evidence. The studies estimate that cell phone use increases crash risk by:

- About 4 times, in the two classic studies that used cell phone records (Redelmeier and Tibshirani, 1997; McEvoy et al., 2005);
- About 3 times, in a meta-analysis of all crash data and naturalistic studies (Elvik, 2011);
- 2 to 3 times, for crashes and near-crashes in the 100-car study, using random controls (Klauer et al., 2006);
- 1.3 to 2.1 times, for crashes and near-crashes in the 100-car study, using drivers in similar situations as controls (Klauer et al., 2010);
- Not enough to be detected, for collision claims (HLDI, 2009).

The truth probably lies somewhere in this range. Cell phone use cannot increase crash risk by a factor of four in all situations: if it did, then cell phones would have caused about one-quarter of all crashes (Farmer et al., 2010; NSC, 2010a and 2010b), while all forms of distraction are estimated to be involved in 15% to 25% of crashes. But cell phone use – certainly hand-held, and perhaps also hands-free – does increase crash risk in some situations for some drivers. The only definite conclusion is that hand-held cell phone use increases crash risk to some extent.

There is no conclusive evidence on whether hands-free cell phone use is less risky than hand-held use. The 100-car study analyses found that complex tasks such as dialing a cell phone were more risky than simpler tasks such as talking on a phone (Klauer et al., 2006 and 2010). Analyses of the two commercial vehicle naturalistic studies found that dialing a cell phone increased the risk of safety-critical events, talking on or listening to a hand-held cell phone had no effect, and using a hands-free phone reduced the risk (Olson et al., 2009). Dialing a cell phone requires only a few seconds and involves both eyes and hands while a cell phone conversation may last

**Texting probably increases crash risk more than cell phone use because texting requires both visual and manual distraction for a longer period of time than dialing a cell phone.**

for many minutes and either involves one hand or is hands-free. The 100-car results imply that dialing a cell phone increases crash risk more for a short time while a cell phone conversation increases crash risk less for a longer time. The commercial vehicle studies suggest that cell phone effects on crash risk are produced by looking at or holding the phone, not by talking or listening. But the crash studies found no difference between crash risks for hand-held and hands-free phones (Redelmeier and Tibshirani, McEvoy).

Texting probably increases crash risk more than cell phone use because texting requires both visual and manual distraction for a longer period of time than dialing a cell phone. The only data on the risk of texting come from analyses of the two commercial vehicle naturalistic studies. They found that texting increased the risk of safety-critical events substantially, with an odds ratio of 23.2 (Olson et al., 2009; no texting was observed in 100-car study because data were collected in 2003 and 2004, before texting became common). These results are based on a small sample of 31 safety-critical events involving texting by commercial vehicle drivers, so the results may not be accurate and may not apply to passenger vehicle drivers.

No other distraction has even this much evidence for its effect on crash risk.

## 6 // Are there effective countermeasures for distracted driving?

Distracted driving countermeasures attempt to do one of three things:

- Eliminate the distraction, for example by prohibiting or preventing cell phone use or convincing drivers not to use cell phones;
- Reduce the driver's attention needed for a distracting task, for example by requiring or convincing drivers to use hands-free instead of hand-held cell phones;
- Warn distracted drivers of an impending risky situation, for example by a lane departure warning in the vehicle or a rumble strip in the roadway.

Distracted driving countermeasures can address the driving environment (the roadway and other things outside the vehicle), the vehicle, the driver, or some combination of these.

**Roadway environment countermeasures.** Many things outside the vehicle – people, animals, scenery, buildings, objects, signs, other road users, and the like – can attract a driver's eyes and attention. Regulations or standards for road signs and commercial signs provide a potential opportunity to eliminate or reduce distraction. But, as discussed in Chapter 4, there is not enough research evidence on how much distraction from a sign is safe. Distracted driving considerations do not suggest any changes to the guidelines or standards for road and commercial roadside signage in place in most jurisdictions.

**Some types of rumble strips are an effective and widely-used strategy to warn drivers as they are leaving their travel lane.**

Several roadway countermeasures are directed at drivers who are fatigued, impaired, or inattentive in addition to those who are distracted. For example, some types of rumble strips are an effective and widely-used strategy to warn drivers as they are leaving their travel lane. Persaud et al. (2004) studied centerline rumble strips on rural two-lane roads in seven states and concluded that they reduced all injury crashes by 14% and frontal and sideswipe crashes by 25%. In a British Columbia study, Sayed et al. (2010) found that roads with both edgeline and centerline rumble strips reduced off-road and head-on crashes a combined 21%. For other effective roadway strategies, such as shoulder width and design, see the AASHTO guides #4, for head-on collisions, and #6, for run-off-road collisions (NCHRP, 2003a and 2003b).

**Vehicle countermeasures.** Measures to reduce the distracting effects that the vehicle imposes on driving, for example by managing the way vehicle-based information is presented to the driver, or to warn the driver of risky situations through forward collision or lane departure alerts, have been studied extensively. This report does not review these measures because states have little role in improving or regulating them. See Donmetz et al. (2009), Engström and Victor (2009), Regan, Victor et al. (2009), Smith et al. (2009), and Zhang et al. (2009) for summaries.

**Driver countermeasures.** States can attempt to reduce driver distraction by laws prohibiting certain distracting activities, with appropriate publicity and enforcement, or by communications persuading drivers to reduce or eliminate these activities. Both strategies have been debated and used extensively in recent years, especially for the distractions produced by cell phone use and texting.

**General distracted driving laws.** All states have provisions in their traffic laws requiring drivers to be competent and in control of their vehicles. These may be applicable to distracted driving: for example, some blatant forms of distraction may be considered reckless driving. Many states also prohibit specific distracting activities such as watching television while driving, which was illegal in 38 states as of 2005 (Kelderman, 2005). At least four states – Connecticut, Maine, New Hampshire, and Oklahoma – and the District of Columbia now have laws specifically directed at distracted driving (AAA, 2010). For example, Maine's 2009 law (Sec. 1. 29-A MRSA §2117) prohibits "operation of a motor vehicle while distracted" which in turn is defined as "an activity that is not necessary to the operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safety operate the vehicle." None of these distracted driving laws has been evaluated (Regan, Young et al., 2009b).

**Cell phone and texting laws.** As of June 2011, 9 states and the District of Columbia prohibited talking on a hand-held cell phone while driving, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers (states use different definitions of novice driver), 34 states and the District of Columbia prohibited texting while driving, and 7 additional states prohibited texting by novice drivers (GHSA, 2011a).

McCartt et al. (2010) summarized several studies of the immediate and long-term effects of hand-held cell phone laws on cell phone use in New York, the District of Columbia, and Connecticut. All studies used roadside observers to record cell phone use. In each jurisdiction, cell phone use decreased substantially immediately after the laws became effective: by 47% in New York, 41% in the District of Columbia, and 76% in Connecticut. Use then increased, by different amounts in the three jurisdictions, but remained lower than might have been expected based on the experience of other nearby states without the laws. None of the jurisdictions enforced its law vigorously. The observers could not determine accurately whether drivers were using

**As of June 2011, 9 states and the District of Columbia prohibited talking on a hand-held cell phone while driving, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers, 34 states and the District of Columbia prohibited texting while driving, and 7 additional states prohibited texting by novice drivers.**

## 6 // Are there effective countermeasures for distracted driving?

hands-free cell phones so could not measure combined hand-held and hands-free cell phone use.

Foss et al. (2009) studied the effects of North Carolina's 2006 law banning all cell phone use by drivers younger than 18. Cell phone use by teenage drivers at high schools did not change from one to two months before the law to five months after the law. Two-thirds of teenagers interviewed post-law were aware of the law but fewer than one-quarter believed that the law was being enforced. About half of those who had driven on the day before the interview used their cell phones while driving.

Braitman and McCartt (2010) included questions on cell phone laws in their telephone survey of driver cell phone use. By comparing responses from states with and without laws, they concluded that "laws banning hand-held phone use seem to discourage some drivers from talking on any type of phone and motivate some drivers to talk hands-free. Laws banning texting while driving have little effect on the reported frequency of texting while driving in any age group."

Three studies have attempted to estimate the effects of hand-held cell phone laws on crashes. As discussed in Chapter 5, HLDI (2009) used data from insurance collision claims. They examined whether collision claims dropped when states implemented cell phone laws compared to claims in adjoining states without cell phone laws. HLDI found that cell phone laws had no effect on collision claims: claim rates either were flat or decreased slightly, both in states with and without cell phone laws.

Nikolaev et al. (2010) used county-level fatal and injury crash rates per licensed driver from 1997 to 2007 to study the effects of New York's 2001 hand-held cell phone law. After the law, injury crash rates were lower in all 62 New York counties and significantly lower in 46; fatal crash rates were lower in 46 counties and significantly lower in 10. The analysis did not control for other influences on crash rates over this time period, and both fatal and injury crash rates were decreasing in the pre-law period.

Kolko (2009) studied cell phone law effects using FARS data from 1997 to 2005. Cell phone laws during this period were in effect for more than 4 years in New York, 18 months in New Jersey and the District of Columbia, and 2 months in Connecticut. This limited experience suggested that the laws reduced traffic fatalities, but only in bad weather or wet road conditions, and the laws had no statistically significant effect on overall traffic fatalities.

In the only study of texting bans, HLDI (2010) studied their effect on collision claims using the same methods as their 2009 study of cell phone laws. They concluded that texting bans did not reduce collision claims. In fact, there appears to have been a small increase in claims in the states enacting texting bans compared to neighboring states. HLDI suggested two possible reasons for the increase. Texters may realize that texting bans are difficult to enforce,

so they may have little incentive to reduce texting for fear of being detected and fined. Alternatively, texters may have responded to the ban by hiding their phones from view, potentially increasing their distracting effects by requiring longer glances away from the road.

After the texting ban become effective in one of the states studied by HLDI, crashes decreased at the same time that collision claims increased (Marti, 2011).

**Distracted driving law enforcement.** Only one study has evaluated the effect of law enforcement directed specifically at distracted driving laws. Hartford, Connecticut, and Syracuse, New York, participated in a NHTSA demonstration program of cell phone and texting law enforcement. Three waves of high-visibility enforcement and publicity activities were conducted in 2010 and a fourth was conducted in spring 2011. Immediately after the second wave, observed cell phone use dropped 56% in Hartford and 38% in Syracuse; observed texting while driving dropped 68% in Hartford and 42% in Syracuse (Cosgrove et al., 2010). Experience with similar short-term high-visibility enforcement campaigns directed at impaired driving and seat belt use suggests that the effects often diminish over time unless the campaign is repeated periodically. Results from the full study are scheduled to be released in July 2011.

**All 27 European Union member states except Sweden ban hand-held cell phone use.**

**Cell phone laws and enforcement in other countries.** Janitzek et al. (2010) report on laws, enforcement, and behavior regarding cell phones and other portable electronic devices in Europe. All 27 European Union member states except Sweden ban hand-held cell phone use, as do Iceland and Switzerland. Enforcement strategies and levels vary. About half the European countries target cell phones in special enforcement activities such as one-day campaigns or special motorbike enforcement units. The number of citations issued for cell phone law violations varies considerably, but in some countries “they outnumbered in recent years some other traditional offences such as non use of seat belts or impaired driving” (ibid, p. 62).

Drivers in Italy, Poland, Spain, Sweden, and the United Kingdom were surveyed on their use of cell phones and other electronic devices while driving. About 25% to 45% of the drivers in the first four countries reported they used a hand-held or hands-free phone at least “sometimes” and about 10% used one “often” – use rates generally lower than those reported in the United States (Chapter 3). Seventy percent of United Kingdom drivers reported never using their phones while driving, and of those who do, 40% said they always used a hands-free phone (ibid, p. 81).

Australia and seven Canadian provinces also ban hand-held cell phone use and Japan bans all cell phone use while driving (ibid, Sec. 4.3). Harbluk et al. (2010) document Canadian distracted driving laws as of spring 2010. WHO (2011) provides a broad overview of how various countries are addressing cell phone use when driving.

**Several manufacturers provide systems that attempt to block or filter a driver's cell phone while the vehicle is in motion.**

**Technology.** Several manufacturers provide systems that attempt to block or filter a driver's cell phone while the vehicle is in motion. Some consist of software applications ("apps") loaded onto the cell phone. They are triggered when the phone's motion exceeds some threshold, so they work only on GPS-equipped "smartphones." Other systems are integrated into the vehicle and affect all cell phones in the vehicle through a small transmitter.

Different systems have different features to block or allow calls. Blocked incoming calls can be stored as voice or text messages; auto-reply responses can be sent. All systems allow emergency calls to 911. Some allow calls to a few other numbers set in advance. Some block all incoming calls, texts, and emails. Some allow calls when the vehicle is briefly stopped at a red light; others block calls for several minutes after stopping. Some allow geographic areas to be specified within which all calls are blocked. Some allow the user to allow or block calls from specified phone numbers. Each system has a different strategy for addressing the "passenger problem" – whether and how to allow calls by someone in motion who is not a driver, such as a passenger in a car or a rider on a bus or train.

This technology is developing very rapidly. Pogue (2010) provides a recent overview. The University of Michigan's Transportation Research Institute (UMTRI) is conducting a study in 2011 to evaluate these systems (GHSA, 2011b).

**Distracted driving communications and education.** Most states conduct distracted driving education and communication activities (GHSA, 2010).

- For beginning drivers: Twenty-three states have created special materials on distraction for teen drivers. Information on distracted driving is a required component of driver education in 18 states and the District of Columbia. There are distracted driving questions on the driver's license test in 17 states and the District of Columbia. Thirty-two states and the District of Columbia have distinct sections on distracted driving in their driver license manuals.
- For others: Thirty-seven states and the District of Columbia conducted a recent public communication or education campaign on distracted driving. Eight states provided training or technical assistance to the judiciary on distracted driving.

None of these communication and education activities has been evaluated to see whether they increased drivers' knowledge, changed their behavior, or reduced crashes.

U.S. Secretary of Transportation Ray LaHood has made distracted driving a top safety priority. The Department of Transportation has produced a variety of communication and education materials (see [distraction.gov](http://distraction.gov)). Many other persons and organizations have publicized distracted driving or conducted specifically targeted campaigns, including Oprah Winfrey's *No Phone Zone* ([www.oprah.com/packages/no-phone-zone.html](http://www.oprah.com/packages/no-phone-zone.html)), FocusDriven and the National Safety Council's *On the Road, Off the Phone* ([www.focusdriven.org](http://www.focusdriven.org)),

**Many companies around the world have established and implemented policies for their employees regarding cell phone use.**

and the American Academy of Orthopaedic Surgeons' *Decide to Drive* ([www.decidetodrive.org](http://www.decidetodrive.org)). Some physicians are including distracted driving in their discussions with patients (Ship, 2010). While these activities undoubtedly have reached many drivers, their effects on driver knowledge, driver behavior, or crashes have not been evaluated.

**Company policies and programs.** Many companies around the world have established and implemented policies for their employees regarding cell phone use and other distractions (Regan, Young et al., 2009b). Speakers at the 2010 Department of Transportation Distracted Driving Summit provided examples ([distraction.gov](http://distraction.gov)). The Network of Employers for Traffic Safety (NETS) reports that, of the 4,690 public and private organizations that downloaded the 2010 NETS Drive Safety at Work Week campaign materials, 3,067 have a cell phone policy in place, with 1,152 banning the use of all cell phones and another 1,915 prohibiting hand-held cell phones. Another 1,062 organizations plan to implement a policy in 2011 ([trafficsafety.org](http://trafficsafety.org)).

Thirty-five states have worked with other state agencies and private employers to address distracted driving. Sixteen states and the District of Columbia have partnered with other state agencies or private companies to develop distracted driving policies (GHSA, 2010). Company policies can be a powerful influence on their employees' driving because companies can monitor their drivers' behavior and enforce their policies. However, no information on the effects of these policies is available.

#### **Summary and discussion //**

**Distracted driving countermeasures.** There are no roadway countermeasures directed specifically at distracted drivers. Many effective roadway design and operation practices that improve traffic safety in general, such as edgeline and centerline rumble strips, can warn distracted drivers or can mitigate the consequences if they leave their travel lane.

Vehicle countermeasures to manage driver workload, warn drivers of risky situations, or monitor driver performance have the potential to improve safety for all drivers, not just drivers who may become distracted. These are key focus areas of research by vehicle manufacturers and NHTSA ([distraction.gov](http://distraction.gov)). While some systems are beginning to be implemented in new vehicles, others are still in development. Their ultimate impact on distracted driving cannot be predicted.

Countermeasures directed to the driver offer an opportunity to reduce distracted driving incidence and crashes in the next few years. They have concentrated on cell phones and texting through laws, communications campaigns, and company policies and programs. Technological systems to block or limit a driver's cell phone calls are developing rapidly but have not yet been evaluated.

**There is no evidence that cell phone or texting laws have reduced crashes.**

The limited research suggests that hand-held cell phone laws covering all drivers reduced cell phone use by about half when they were implemented, even though they were not vigorously enforced. Cell phone use then increased subsequently, but the laws appear to have had some long-term effect. The one study of high-visibility and heavily-publicized cell phone law enforcement suggests that it can reduce cell phone use at least temporarily.

There is no evidence that cell phone or texting laws have reduced crashes. Two studies found no effects of these laws on collision insurance claims. The only study of a complete cell phone and texting ban for beginning drivers, who use text messages and cell phones more frequently than older drivers, found no effect on their texting.

Publicity and campaigns directed at cell phone use and texting while driving undoubtedly have reached many drivers but their effects have not been evaluated. Many companies have cell phone use policies and programs but these also have not been evaluated.



## 7 // Conclusions and recommendations

Distracted driving research thoroughly documents the frequency of distractions on the road and the effects of distraction in experimental settings. But there is little evidence on the two most important issues: the effect of distractions on crash risk (Chapter 5) and the effects of countermeasures on reducing distracted driving (Chapter 6). Research on cell phone use and texting, the distractions that have received the most attention, concludes that:

- Cell phone use increases crash risk to some extent but there is no consensus on the size of the increase.
- There is no conclusive evidence on whether hands-free cell phone use is less risky than hand-held use.
- The influence of texting on crash risk in passenger vehicles has not been studied.
- Laws banning hand-held cell phone use reduced use by about half when they were first implemented. Hand-held cell phone use increased subsequently but the laws appear to have had some long-term effect.
- A high-visibility cell phone and texting law enforcement campaign reduced cell phone use immediately after the campaign. Longer-term effects are not yet known.
- There is no evidence that cell phone or texting bans have reduced crashes.
- Distracted driving communications campaigns and company policies and programs have not been evaluated.

Distraction while driving cannot be eliminated; rather, it's part of who we are, as humans and as drivers. The actions outlined below may help manage it.

States should consider the following activities to address distracted driving. While each has been implemented in some states, there is no solid evidence that any is effective in reducing crashes, injuries, or fatalities.

- **Enact cell phone and texting bans for novice drivers.**
  - **Pro:** Novices are the highest-risk drivers. Their attention should be focused on driving, not on cell phone conversations or other distractions. A ban reinforces this

message and supports other novice driver restrictions included in state graduated licensing programs and helps parents manage their teenage drivers. As of June 2011, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers and 41 states and the District of Columbia prohibited texting by novice drivers (states use different definitions of novice driver).

- o **Con:** There is no evidence that novice driver cell phone or texting bans are effective.

- **Enact texting bans.**

- o **Pro:** Texting is more obviously distracting and counter to good driving practice than cell phone use. As of June 2011, 34 states and the District of Columbia had enacted texting bans for all drivers.
- o **Con:** Texting laws are difficult to enforce.

- **Enact hand-held cell phone laws.**

- o **Pro:** Hand-held cell phone use increases crash risk, probably more than hands-free. Laws reduce but will not eliminate hand-held cell phone use. Laws send a message that hand-held cell phone use while driving is unacceptable.
- o **Con:** Hand-held cell phone laws often are ignored. Hand-held cell phone laws send a message that hands-free cell phone use while driving is safe, which it may not be.

- **Enforce hand-held cell phone and texting laws.**

- o **Pro:** Enforcement will increase any law's effect. Enforcement can be targeted to specific high-risk locations or can be conducted in short high-visibility campaigns similar to those that have increased belt use and reduced impaired driving. Failing to enforce a law sends a message that the law is not important.
- o **Con:** Enforcing cell phone or texting laws will divert resources from other traffic law enforcement activities.

- **Implement distracted driving communication programs.**

- o **Pro:** Cell phone and texting laws should be publicized broadly to increase their effects. Other communication and education activities can address the broader issues of avoiding distractions while driving. Thirty-seven states and the District of Columbia conducted a recent distracted driving communications campaign.
- o **Con:** Distracted driving communication programs have not been evaluated. They will divert resources from other traffic safety communications activities.

## 7 // Conclusions and recommendations

- **Help employers develop and implement distracted driving policies and programs.**
  - **Pro:** Many companies have established and implemented cell phone policies for their employees. Company policies can be a powerful influence on employees' driving.
  - **Con:** Employer distracted driving programs have not been evaluated.

States can and should take three steps that will help reduce distracted driving immediately and in the future.

- Continue to implement effective low-cost roadway distracted driving countermeasures such as edgeline and centerline rumble strips.
- Record distracted driving in crash reports to the extent possible, to assist in evaluating distracted driving laws and programs. The 4th Edition Model Minimum Uniform Crash Criteria (MMUCC) guidelines for state crash data systems, to be published in 2012, will address distracted driver coding ([www.mmucc.us](http://www.mmucc.us)).
- Evaluate distracted driving laws and programs. Evaluation will provide the information states need on which countermeasures are effective and which are not.

Distracted driving is an important priority for employers, the automobile industry, and the federal government as well as for states. Key activities for each include:

### **Employers.**

- Consider distracted driving policies and programs for their employees.
- Evaluate the effects of their distracted driving policies and programs on employee knowledge, behavior, crashes, and economic costs (injuries, lost time, etc.).

### **Automobile industry.**

- Continue to develop, test, and implement measures to manage driver workload and to warn drivers of risky situations. These activities ultimately should lead to vehicles that work with drivers to prevent crashes.

### **Federal government.**

- Help states evaluate the effects of distracted driving programs, especially cell phone and texting laws, enforcement campaigns, and communications.
- Continue tracking driver cell phone use and texting in NOPUS.
- Work with states to improve data collection on driver distractions involved in crashes. In particular, use the 4<sup>th</sup> Edition of MMUCC to improve how distraction is coded in crash reports.
- Continue to develop and conduct national communications campaigns on distracted driving.

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**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Gary Jeppson

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Discussion and consideration of initiating a landscape maintenance district

---

**SUMMARY:**

At its November 17, 2015 meeting, the City Council requested information and examples of landscape maintenance districts in Arizona. Staff has included the code provisions for the Town of Gilbert. Photographs of examples where landscape maintenance districts can work is also attached.

**FISCAL IMPACT:**

\$3000 initially, and that a savings of the perpetual public property landscape maintenance costs.

**STAFF RECOMMENDATION:**

Staff recommends forming a landscape maintenance district for the Kingman Crossing Area.

**ATTACHMENTS:**

Description

Landscape Maintenance District Formation Outline

Arizona Revised Statutes

Map of Proposed Landscape Maintenance District

Town of Gilbert Landscape Maintenance District Regulations

PowerPoint Presentation

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	11/23/2015 - 11:08 AM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:14 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:25 AM

**LANDSCAPING MAINTENANCE DISTRICTS**  
**Prepared by Gust Rosenfeld P.L.C.**

**PREPARATION:**

1. Identify boundaries of area to be assessed.
2. Identify work to be maintained - must be publicly owned improvements on City owned land or on private land with an Easement to the City to allow placing and maintaining the improvements.
3. Prepare plan of annual maintenance.
4. Prepare engineer's estimate of annual costs.
5. Prepare Assessment Diagram showing all lots to be assessed.
6. Identify the Assessor's Parcel Numbers for each assessed lot.
7. Coordinate with County Assessor and County Treasurer on collection procedure, information requirements and timing.
8. Determine proposed Assessment Methodology (could be on a unit basis, area basis, frontage basis, secondary assessed value or otherwise).

**FORMATION OF DISTRICT:**

1. Formed by City adopting Resolution of Intention.
2. Publish Resolution of Intention.
3. Post and Mail Notice of Proposed Improvement and Notice of Hearing.
4. 15 Day Protest and Objection Period.
5. Public Hearing - Council Rules on Protests and Objections.
6. If no majority protest and no upheld objections Council adopts Resolution Ordering the Work.

**LEVY OF ASSESSMENT EACH YEAR:**

1. Council adopts Annual Budget and Annual Assessment.
2. Publish and mail notice of Annual Assessment.
3. Hearing on Annual Assessment.
4. Council approves Annual Assessment.
5. Provide Assessment Roll to County Treasurer identifying each lot by Assessor's Parcel Number and showing amount to collect.
6. County Treasurer collects the Annual Assessments on the tax rolls.

48-575. Improvement districts for enhanced municipal services

A. In addition to the purposes for which an improvement district may be formed under the provisions of section 48-572, an improvement district may be formed within a designated area to provide public service within the district at a higher level or greater degree than provided in the remainder of the community, including such services as public safety, fire protection, refuse collection, street or sidewalk cleaning or **landscape maintenance** in public areas, planning, promotion, transportation and public parking.

B. The powers and duties of the governing body of the municipality and the procedure to be followed shall be as provided in this article for other types of special improvement districts.

C. If a petition for the formation of an improvement district under the provisions of this section is presented to the governing body purporting to be signed by all of the real property owners in the proposed district, exclusive of mortgagees and other lienholders, the governing body, after verifying such ownership and making a finding of such fact, shall adopt a resolution of intention to order the improvement pursuant to the provisions of section 48-576 and shall have immediate jurisdiction to adopt the resolution ordering the improvement pursuant to the provisions of section 48-581, without the necessity of the publication and posting of the resolution of intention provided for in section 48-578.

D. The engineer shall make duplicate diagrams of the property contained within the improvement district. The diagram shall show each separate lot numbered consecutively, the area in square feet of each lot, and the area in square feet of any building or buildings located on each lot. Prior to making any assessment upon the district, the diagram shall be approved by the governing body.

E. The governing body shall make annual statements and estimates of the expenses of the district, and shall assess the total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot. When the assessments have been completed, the governing body shall fix a time when it will hear and pass upon the assessments and the prior proceedings relating thereto which shall not be less than twenty days from the date of the notice. Notice of hearing shall be given in the manner provided by section 48-590, subsection E. Any person owning real property affected by the assessment who has any objection to the legality of the assessment, or to any of the previous proceedings connected therewith, may prior to the time fixed for the hearing file a written notice briefly specifying the grounds of the objection. At the time fixed for the hearing or at any time not later than ten days thereafter to which the hearing may be postponed, the governing body shall hear and pass upon the objections. The decision of the governing body shall be final and conclusive upon all persons entitled to object as to all errors, informalities and irregularities which the governing body might have remedied or avoided any time during the progress of the proceedings.

F. The assessments for the annual expenses shall be collectible in the manner and by the officers provided by law for the collection and enforcement of general taxes the municipality is authorized to levy. All statutes providing for the levy and collection of county and city taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to the district assessments provided for under this section.

G. An improvement district formed under the provisions of this section shall not be authorized to issue improvement bonds.

H. No improvement district formed under the provisions of this section shall be authorized to engage in any activity other than as provided in subsection A of this section. If the municipality is willing to participate in the cost of the district, the governing body may, by resolution, summarily order such participation.

I. The formation of an improvement district under the provisions of this section shall not prevent the subsequent establishment of improvement districts for any other purpose authorized by law.

J. If, in the opinion of the governing body, any territory of a district formed under this section is not benefited by being a part of the district, the governing body may, by resolution, exempt such territory

from assessment under this chapter, or if any portion of the territory of a district formed under this section is no longer benefited by being a part of the district, the governing body may, by resolution, summarily delete from the district formed under this section any such area and may form a new district from the balance of the original district formed under this section.

K. Any real property that is within the boundaries of the district, that is utilized for residential purposes and that is not specifically benefited by the public services at a higher level or greater degree shall be exempt from assessment pursuant to this section for that year. Existing improved real property utilized for residential purposes with four units or less per building at the time of formation of the district is presumed to not be specifically benefited by a public service at a higher level or greater degree.

L. Within ten days after adoption of the resolution of intention to order the improvement, the municipality shall record the resolution in the office of the county recorder in the county in which the district is located in such a way as to give notice of formation of the district to all property owners within the district.

M. If, in the opinion of the governing body of the municipality, territory adjacent to a district formed under this section would benefit from being a part of the district, the governing body, by resolution, may include the territory in the district formed under this section if all of the following conditions are met:

1. Including the territory in the district will not adversely affect the district.
2. Notice of the proposed inclusion of the territory in the district has been published in five consecutive issues of a daily newspaper or two consecutive issues of a weekly or semiweekly newspaper of general circulation published in the municipality and a public hearing has been held to consider the inclusion of the territory in the district.
3. Notice, including an accurate map of the territory proposed for inclusion in the district, has been sent by first class mail at least ten days before the hearing prescribed in paragraph 2 to each owner of property listed on the tax roll within the district and in territory that is now or would be subject to taxation by the district in the event of inclusion of the territory.

N. Within ten days after the governing body of the municipality adopts a resolution pursuant to subsection M of this section, the municipality shall record the resolution in the office of the county recorder in the county in which the district is located to give notice of the inclusion of the territory in the district to all property owners in the district. If, before the governing body of the municipality adopts the resolution pursuant to subsection M of this section, a majority of the property owners, by area, of either the original district formed under this section or the territory proposed to be included in the district files with the governing body of the municipality written objections to the proposed inclusion of the territory, the territory shall not be included in the district.

O. An improvement district to provide enhanced municipal services may continue to exist in an area that is no longer in a designated area as defined in section 48-571, if at the time of district formation all of the following apply:

1. The area contained in the improvement district has been in a designated area for five or more years.
2. Not more than ten per cent of the frontage of the property fronting on the proposed improvement, or if the cost of the improvement is to be made chargeable on a district, not more than ten per cent of the frontage of the property contained within the limits of the improvement district, is owned by the same person.
3. Not more than one-third of the property owners by frontage of the area contained in the improvement district files with the governing body of the municipality written objections to the improvement district.
4. The municipality otherwise complies with the provisions of this article for the process of forming the improvement district.



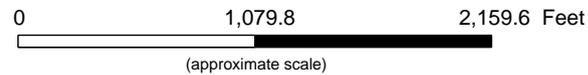
**Legend**

- Incorporated Cities (greater than 5000 population)
- Mohave County Boundary
- Surrounding Counties
- ADOT Mileposts
- COUNTY Mileposts
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- Tax Parcel
- Township/Range
- Section

**Surface Management**

- AZ Game and Fish
- Bureau of Land Management
- Bureau of Reclamation
- City or County Parks
- US Forest Service
- Indian Reservation
- Military Reservation
- National Parks
- Other
- Private
- State Parks
- State Trust
- National Wildlife Refuge

1: 12,958



Map Created: 11/9/2015

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**Notes:**

**ARTICLE IV. - PROPERTY WITHIN LANDSCAPE MAINTENANCE OR PARKWAY IMPROVEMENT DISTRICTS**

**Sec. 10-151. - Disclosure of location.**

- (a) It is unlawful for any person, including any corporation or other entity, to enter into a contract for sale of a parcel of property located within an improvement district created for the purpose of maintaining landscaping in public areas (e.g., a landscape maintenance improvement district or a parkway improvement district), without first disclosing to the prospective purchaser the fact that such property is located within the improvement district, presenting to the prospective purchaser the following specified disclosure statement with the blanks completed with the appropriate information, and obtaining the signature of the prospective purchaser on the disclosure statement.

*Disclosure Statement*

The property located at (address) is within the boundaries of a Town of Gilbert Improvement District formed for the purpose of maintaining landscaping in the public areas of the subdivision known as \_\_\_\_\_. Such public areas may consist of retention basins of the subdivision and areas near and adjacent to major streets or peripheral streets of the subdivision. The above listed property is subject to an annual assessment of approximately \$\_\_\_\_\_ per year to pay the cost of the landscape maintenance of these public areas, which assessment is collected as a property tax. Information about such improvement district can be obtained from the clerk of the Town of Gilbert.

As the owner of the subject property, or as the duly authorized agent of the owner, I hereby certify that I have informed \_\_\_\_\_, as prospective purchaser(s), that the subject property is located within the boundaries of a Town of Gilbert improvement district formed for the purpose of the maintenance of landscaping in such public areas.

Dated _____	(Name of Subdivider/Owner)
Witness _____	By _____ (Name)

As prospective purchaser(s) of the subject property, I/we hereby certify that I/we have been informed that the subject property is located within the boundaries of a Town of Gilbert improvement district formed for the purpose of the maintenance of landscaping in certain public area, and I am/we are aware of the annual assessment associated with that property.

Dated _____	
Witness _____	Purchaser _____
Witness _____	Purchaser _____

- (b) All model homes within a subdivision included within a landscape maintenance improvement district or parkway improvement district must display a sign in a conspicuous location within the sales area of the model home containing the following language in letters at least one-half inch in height:  
*Notice:* Property within this subdivision is subject to an annual assessment for landscape maintenance pursuant

to a (parkway/landscape maintenance) improvement district of the Town of Gilbert, Arizona.

Also contained on such sign must be the following in letters at least one-quarter inch in height:

Further information can be obtained from the clerk of the Town of Gilbert, Arizona and your sales agent.

- (c) The sale of residential improved property that has been occupied and used as a residence is exempt from the disclosure requirements of this section.
- (d) For purposes of this section the term "landscape maintenance improvement district" shall refer to improvement districts formed pursuant to A.R.S. § 48-575, as amended.
- (e) For purposes of this section, the term "parkway improvement district" shall refer to improvement districts formed pursuant to A.R.S. § 48-574, as amended.

(Code 1984, § 10-1-28)

Secs. 10-152—10-170. - Reserved.

# Landscape Maintenance District

City Council Meeting

December 1, 2015

# AUTHORITY

- Arizona Revised Statutes 48-575 **Improvement districts for enhanced municipal services**

# FORMATION OF DISTRICT

1. Formed by City adopting Resolution of Intention.
2. Publish Resolution of Intention.
3. Post and Mail Notice of Proposed Improvement and Notice of Hearing.
4. 15 Day Protest and Objection Period.
5. Public Hearing - Council Rules on Protests and Objections.
6. If no majority protest and no upheld objections Council adopts Resolution Ordering the Work.

# PREPARATION

1. Identify boundaries of area to be assessed.
2. Identify work to be maintained - must be publicly owned improvements on City owned land or on private land with an Easement to the City to allow placing and maintaining the improvements.
3. Prepare plan of annual maintenance.
4. Prepare engineer's estimate of annual costs.
5. Prepare Assessment Diagram showing all lots to be assessed.
6. Identify the Assessor's Parcel Numbers for each assessed lot.
7. Coordinate with County Assessor and County Treasurer on collection procedure, information requirements and timing.
8. Determine proposed Assessment Methodology (could be on a unit basis, area basis, frontage basis, secondary assessed value or otherwise).

# LEVY OF ASSESSMENT EACH YEAR:

1. Council adopts Annual Budget and Annual Assessment.
2. Publish and mail notice of Annual Assessment.
3. Hearing on Annual Assessment.
4. Council approves Annual Assessment.
5. Provide Assessment Roll to County Treasurer identifying each lot by Assessor's Parcel Number and showing amount to collect.
6. County Treasurer collects the Annual Assessments on the tax rolls.

# Map of Proposed District















## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Mike Meersman Director Parks and Recreation Department

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Golf Course Management Agreement

---

**SUMMARY:**

At the November 17th meeting of the City of Kingman Common Council the Golf Course Manager Agreement was proposed by staff and reviewed with Council. Staff recommends approval with no changes to the agreement that was proposed at the meeting and reviewed and discussed in executive session.

**FISCAL IMPACT:**

Percentage and performance based contractor commission compensation.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Golf Course Manager Agreement proposed and reviewed at the November 17th meeting of the City of Kingman Common Council.

**ATTACHMENTS:**

Description

Golf Course Manager Contract Staff Recomends  
2016 GCM Contract changes explanation

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Meersman, Michael	Approved	11/23/2015 - 12:33 PM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:15 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:26 AM



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council  
**FROM:** Municipal Judge Singer  
**MEETING DATE:** December 1, 2015  
**AGENDA SUBJECT:** Transportation for Veteran's Court clients

---

**SUMMARY:**

Judge Singer is working out the final details on Veteran's Court and has questioned how a veteran who is admitted to the program will get to appointments if s/he doesn't have personal transportation. The Judge is asking for municipal support to veterans who have been admitted to the program but do not have transportation by giving the veteran client a free pass on KART buses for Court ordered appointments.

**FISCAL IMPACT:**

Minimal

**STAFF RECOMMENDATION:**

Staff recommends assisting veteran's in getting to court ordered appointments by allowing them a fee free ride.

**REVIEWERS:**

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	11/17/2015 - 6:27 PM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 4:12 PM
City Manager	Dougherty, John	Approved	11/19/2015 - 7:37 PM



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Rich Ruggles, Development Services Department

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Public Hearing and consideration of Ordinance 1808 approving the rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum

---

**SUMMARY:**

A request from Raymond W. Stadler, P.E., applicant, and Mallory Loop Re Trust, property owner, for a rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum. The R-2-PDD zoning allows for common wall single family homes with reduced setbacks on eight lots on Mallory Loop east of Fripps Ranch Road. The property is described as Lots 9-16, Block 1, Mission Estates, Tract 1982. The intent is to re-subdivide the eight lots into five new lots with five single family homes with typical R-1-6 zoning district setbacks and development standards. There is a concurrent request for the approval of a preliminary plat for Mission Estates II, Tract 6044 for the site.

The Planning and Zoning Commission held a public hearing on November 10, 2015. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with one condition. The condition is that the subject property shall be re-platted as indicated in the preliminary plat for Mission Estates II, Tract 6044 with a maximum of five lots in accordance with R-1-6 zoning development standards.

**FISCAL IMPACT:**

None expected at this time.

**STAFF RECOMMENDATION:**

Approve Ordinance No. 1808.

**ATTACHMENTS:**

Description

Ordinance No. 1808

P&Z Commission Report

PowerPoint Presentation

**REVIEWERS:**

Department	Reviewer	Action	Date
------------	----------	--------	------

Development Services  
City Attorney  
City Manager

Jeppson, Gary  
Cooper, Carl  
Moline, Tina

Approved  
Approved  
Approved

11/23/2015 - 11:08 AM  
11/23/2015 - 3:55 PM  
11/24/2015 - 8:28 AM

WHEN RECORDED HOLD FOR  
KINGMAN CITY CLERK  
310 N. 4<sup>th</sup> Street  
Kingman, AZ 86401

## **CITY OF KINGMAN ORDINANCE NO. 1808**

### **AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: REZONING CERTAIN PROPERTY FROM R-2-PDD: RESIDENTIAL MULTIPLE FAMILY, LOW DENSITY, PLANNED DEVELOPMENT DISTRICT TO R-1-6: RESIDENTIAL, SINGLE FAMILY, 6,000 SQUARE FOOT LOT MINIMUM AND PRESCRIBING CONDITIONS**

**WHEREAS**, Raymond W. Stadler, P.E., applicant, and Mallory Loop Re Trust, property owner, have requested the rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum; and

**WHEREAS**, the subject property is 0.89 acres and is described as Lots 9 through 16, inclusive, Block 1, Mission Estates, Tract 1982; and

**WHEREAS**, this request was reviewed by city staff and was found to be in accordance with the projected land use and density standards of the adopted City of Kingman General Plan 2030 and other applicable regulations; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on November 10, 2015 and voted 6-0 to recommend approval of this request with certain conditions, and

**WHEREAS**, the Kingman Common Council has the authority to approve this request pursuant to the City of Kingman Zoning Ordinance, Sections 3.000 and 31.000.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Kingman, Arizona: That the subject property described as Lots 9-16, inclusive, Block 1, Mission Estates, Tract 1982 is hereby rezoned from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum with the following conditions:

1. The subject property shall be replatted as indicated in the preliminary plat for Mission Estates II, Tract 6044 with a maximum of five lots in accordance with R-1-6 zoning development standards.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 1<sup>st</sup> day of December, 2015.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney



**CITY OF KINGMAN**  
**Development Services Department**  
**Rezoning Case: RZ15-004**  
**Planning and Zoning Commission Report**

**Summary of Request:** A request for a rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum. If approved, the rezoning would allow the site to be replatted and developed with five single family homes. The subject site is located at 3032 to 3046 Mallory Loop.

**GENERAL INFORMATION:**

**Property Owner:** Mallory Loop Re Trust  
c/o Marc Daniels  
1053 Creek View Court  
Whitefish, MT x9937  
(406) 471-4112  
[marc@bigmtbuilders.com](mailto:marc@bigmtbuilders.com)

**Applicant:** Raymond W. Stadler, P.E.  
2504 Airfield Court  
Kingman, AZ 86401  
(928) 753-8927  
[rstadler@npgcable.com](mailto:rstadler@npgcable.com)

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**RECOMMENDATION**

The Planning and Zoning Commission voted 6-0 to recommend approval of the request rezone Lots 9-16, Block 1, Mission Estates, Tract 1982 from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum with the condition in Option 1 attached. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report.

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## **STANDARDS FOR REVIEW**

### **APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030:**

- *Chapter 4: Land Use Element, Land Use Categories*
- *Chapter 5: Growth Area Element*

### **APPLICABLE SECTIONS OF THE CITY OF KINGMAN ZONING ORDINANCE:**

- Section 3.000: Residential, Single-Family
- Section 31.000: Amendments and Zone Changes

### **OTHER APPLICABLE REGULATIONS**

- Ordinance No. 1409-Amended

## **FINDINGS OF FACT**

**Location and Size:** The subject site is approximately 0.89 acres and is located at 3032 to 3046 Mallory Loop.

**Legal Description:** The subject property is described as Lots 9 through 16, Block 1, Mission Estates, Tract 1982.

**Existing Zoning and Existing Land Use:** The subject site is currently vacant and is zoned R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District.

**Projected Land Use:** The Kingman General Plan 2030 indicates that the property is designated as Medium Density Residential, 3-8 dwelling units per acre.

### **Surrounding Land Use and Zoning:**

- North: Single family homes zoned R-MH-6: Residential Manufactured Homes, 6,000 square foot lot minimum.
- East: A developed subdivision, Mountain View Estates, Tract 1960 with mostly vacant lots zoned R-MH-6.
- South: Several residences on large lots zoned R-R: Rural Residential.
- West: Single family homes zoned R-2-PDD.

### **Zoning and Development History:**

- The site was part of an annexation of land into the City of Kingman on March 8, 1982 under Ordinance No. 443. R-MH-6 zoning was applied to the property at that time.
- In 1989, the area was rezoned to R-3: Residential Multiple Family, Medium Density to allow the construction of an apartment complex, however, the development did not occur and the R-3 zoning reverted back to R-MH-6.
- In May, 1998 a 51-space manufactured home park plan was approved under Resolution No. 3286. However, the park was not constructed.

- On February 2, 2004 the subject property was rezoned to R-2-PDD under Ordinance No. 1409 Amended. There was a concurrent Resolution No. 3929 that passed which approved the preliminary plat for a residential subdivision known as Mission Estates, Tract 1982.
- The final plat for Mission Estates, Tract 1982 was approved under Resolution No. 4019 on September 7, 2004 and the plat was recorded on January 3, 2005. All subdivision improvements were subsequently completed and all lots developed with single family homes except those lots that are the subject of this rezoning request.

**Physical Characteristics:**

- The subject site is basically flat and drains to the west. There is a drainage parcel, Parcel "B" adjacent to the site that includes a pedestrian walkway and landscaping extending from the subdivision to the east. The southern half of Mallory Loop directly west of the site carries outflow drainage from Parcel "B" to another drainage parcel at the corner of Mallory Loop and Fripps Ranch Road.
- The property slopes generally from the southeast down towards the northwest. It lies within Flood Zone "X", according to the FEMA panel map dated November 18, 2009. Zone "X" are areas outside of the 0.2% annual chance floodplain.

**Public Utilities:** There are existing 8-inch water and sewer lines in Mallory Loop adjacent to this site. Existing telephone, cable and electric facilities are also adjacent to the subject property.

**Transportation:** The subject site accessed from Mallory Loop which is a fully improved local street with a 50-foot wide right-of-way.

**Public Notification and Expected Comment:**

- The site was posted with a zoning notice on October 23, 2015.
- A public notice was published in the Kingman Daily Miner on October 25, 2015.
- Surrounding property owners within 300 feet were sent a notice of the public hearing via first class mail on October 19, 2015. The list of property owners was generated using information provided by the Mohave County Assessor's Office.
- No comments from the public have been received regarding this request as of when this report was completed on November 2, 2015.

**Department and Agency Comments:**

- City Engineering Department: No objections to the rezoning request.
- Mohave County Flood Control District: The site is not located in a FEMA designated Special Flood Hazard Area. The MCFCD has no objections to this development.
- UniSource Electric: No objections to the rezone.

## ANALYSIS

This is a request for a rezoning of property located at 3032 to 3046 Mallory Loop from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum. The current R-2-PDD zoning allows single family residences, commonly referred to as patio homes, on eight individual lots with common walls along one property line and reduced setbacks from the other property lines. If the rezoning is approved, the proposal is to re-plat eight existing lots within Mission Estates, Tract 1982 into five new lots ranging from 6,273 square feet to 10,715 square feet. The intent is to develop the new lots with single family homes with R-1-6 zoning district setbacks and development standards. See the staff report for Subdivision Case, SB15-007, for more information.

The following table compares the permitted uses and development standards allowed under the existing R-2-PDD zoning with those that would be permitted under the proposed R-1-6 zoning:

<b>PERMITTED USES AND DEVELOPMENT STANDARDS</b>	<b>Current R-2-PDD zoning</b>	<b>Proposed R-1-6 zoning</b>
<b>Proposed Use</b>	Common wall patio homes	Single family detached homes
<b>Number of Lots</b>	Eight	Five
<b>Minimum Lot Size</b>	3,465 square feet	6,000 square feet
<b>Minimum Setbacks</b>	Front: 15-ft, Rear 6-ft, Sides: Zero and 4-ft	Front: 20-ft, Rear 15-ft, Sides: 5-ft & 5-ft
<b>Maximum Height of Principal Building</b>	18-feet	30-feet
<b>Maximum Roof Overhang</b>	12-inches	30-inches
<b>Accessory Structure Permitted?</b>	No	Yes

It appears the rezoning to R-1-6 would be more compatible and consistent with the Kingman General Plan 2030 which projects between three and eight residential dwelling units per acre in this area. The proposed zoning would allow 5.6 dwelling units per acre on the subject site, while the current zoning allows a density of nearly nine dwelling units per acre. R-1-6 zoning is also compatible with the surrounding detached single family homes in the area. The current zoning would allow single family residences attached on one side with a common wall. This type of development pattern is not generally found in this area.

Under R-1-6 zoning, standard setbacks would be applied to the re-platted lots. Residences will be required to be setback 20-feet from Mallory Loop; whereas, the existing homes only have 15-foot front-yard setbacks. The reduced front yard setback has resulted in larger vehicles that are parked on driveways that extend into and partially block the public sidewalk in certain cases. Also side yards and rear yards will be wider under R-1-6 zoning than in the current R-2-PDD zoning.

According to ITE's 7<sup>th</sup> Edition of Trip Generation, a single family detached residence would be expected to generate an average rate of 9.57 vehicle trips on a weekday while a patio home is expected to generate about 5.86 vehicle trips on a weekday. Under the

current zoning if all eight lots were developed with patio homes, about 47 vehicle trips could be generated on average per weekday. Under the proposed zoning if five lots are developed with single family homes, about 48 vehicle trips could be generated on average per weekday. Therefore the difference in the traffic impact for the surrounding streets as a result of the zoning change would likely be negligible.

A concurrent preliminary plat for Mission Estates, II Tract 6044 would also need to be approved to ensure that the replatted lots are compatible with the minimum lot size of 6,000 square feet for R-1-6 zoned property. (SB15-007)

## **DECISION OPTIONS**

1. Recommend approval of the request to rezone Lots 9-16, Block 1, Mission Estates, Tract 1982 from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum with the following conditions:
  - a. The subject property shall be replatted as indicated in the preliminary plat for Mission Estates II, Tract 6044 with a maximum of five lots in accordance with R-1-6 zoning development standards.
2. Recommend denial of the request to rezone Lots 9-16, Block 1, Mission Estates, Tract 1982 from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum.

## **RECOMMENDATION**

The Planning and Zoning Commission voted 6-0 to recommend approval of the request rezone Lots 9-16, Block 1, Mission Estates, Tract 1982 from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum with the condition in Option 1 attached. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report.

## **ATTACHMENTS**

1. Applicable portions of Sections 3.000 and 31.000 of the Zoning Ordinance
2. Ordinance No. 1409 Amended
3. Rezoning Application and Narrative Statement
4. Aerial Map
5. Zoning Map
6. Existing Plat for Mission Estates, Tract 1982
7. Proposed Preliminary Plat for Mission Estates II, Tract 6044
8. Department and Agency Comments

## **31.000 AMENDMENTS AND ZONE CHANGES**

### **31.100 AMENDING THE ORDINANCE**

Whenever the public necessity, convenience, and/or the general welfare of good zoning practices justifies such action, this Ordinance may be amended by changing the boundaries of zone districts, (hereinafter referred to as zone changes or changes of zone) or by amending any provision of the Ordinance. Zone changes or amendments may be initiated by the City Council or by the Planning and Zoning Commission or by an application of the owner of any property within the area proposed to be changed, or a request can be made by a citizen for an amendment.

### **31.110 GENERAL PLAN CONFORMANCE**

All amendments which change the boundaries of any zoning district or change the text of the Zoning Ordinance must conform to the adopted General Plan of the City of Kingman. Any ordinance amending this ordinance shall further the implementation of, and not be contrary to the goals, policies, and applicable elements of the Plan. A zoning map amendment conforms to the land use element of the General Plan if it proposes land uses, densities, or intensities within the range for the subject property as stated in the General Plan or any amendments thereto.

### **31.120 APPLICATION**

Application for a change of zone shall be made on a form provided by the City of Kingman. Fees shall be paid for such application according to the adopted schedule for such requests.

### **31.130 ACCOMPANYING MAPS AND DATA**

Application for a change of zone shall be made accompanied by maps showing the subject property as well as the surrounding area, and a list of names and addresses of abutting property owners. All maps, applications and data will be available for public inspection upon submittal to the Planning Agency.

### **31.200 PUBLIC HEARING**

The legislative body of the City, (the Mayor and Common Council), has adopted the following citizen review and participation process that applies to all rezoning cases. By law and policy the rezoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding participation, more, not less public participation shall be the standard.

The purpose of the citizen participation process is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
2. Ensure that the citizens and property owners of Kingman have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
3. Facilitate ongoing communications between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

1. Two public hearings will be held on all rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. The second hearing will be before the Mayor and Common Council.
2. A written notice on any proposed rezoning will be sent by first-class United States Postal Service mail to all property owners of record according to the most recent Mohave County Assessors rolls, within a minimum of 300 feet of any point of the property being proposed for rezoning. The notice will describe the proposed action, will include a map, and will state that public comment is encouraged before or during the public hearing. Other notices may be sent beyond the above described radii, if a person places his or her name on the notification list and pays \$5.00 a year.
3. A public notice poster, giving the time, date and location of the Planning and Zoning Commission and the Common Council public hearings, will be posted on the property in question in at least one location, if the property is less than one acre, at least 15 days before the Planning and Zoning Commission public hearing. If the property which is the subject of the rezoning request is greater than one acre, a minimum of two notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for rezoning. The posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing and state a location and phone number from which additional information can be received.

A public notice, display advertisement of not less than one-eighth page in size shall be published at least once in the newspaper of general circulation in the City of Kingman and surrounding area. The notice will be published not less than 15 days before the Planning and Zoning Commission public hearing and will provide information about the date, time and place of the proposed Common Council hearing, which will be held at least 10 days after the Commission hearing.

4. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed rezoning prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission or Common Council.
5. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notices of the public hearing shall be transmitted to the Planning Agency of such governmental unit such land.
6. In addition to notice by publication, mailed notices and property postings, the City of Kingman, and its Planning and Zoning Commission reserve the right to give notice of the hearing in such other manner as it may be deemed necessary in the public interest. The Commission always encourages any person proposing a rezoning to contact surrounding property owners or neighbors to ascertain and possibly address issues and concerns before the public hearings. Such contacts could include neighborhood meetings or other methods of address citizen comments.

### **31.300 RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION**

After the public hearing, the Planning and Zoning Commission shall make a report and recommendation to the Common Council. This report shall be made by forwarding the applications for amendment to the City Council with the appropriate recommendations, unless the applicant shall request that the application be withdrawn. The Commission recommendation shall be reviewed at the Council public hearing. If the Planning and Zoning Commission cannot make a recommendation comments on both sides of the issue shall be presented to the Common Council.

### **31.400 CONSIDERATION BY COMMISSION**

In considering any request for a change of the Official Zoning Map or text of this ordinance, the Planning and Zoning Commission shall find that the following conditions prevail before recommending approval of the change be granted:

1. If the request is for an Official Zoning Map Amendment:
  - A. That there is a real need in the community or area for the types of uses permitted in the proposed zoning district requested and if there are parcels in the area that already designated with the proposed zoning district that more area is needed for the uses allowed in the proposed zoning district.
  - B. That the property involved in the proposed change of zoning district designation is more suitable for the purposes permitted in the proposed change of zone than is permitted in the present zone classification.
  - C. That the proposed change of zoning district designation would not be detrimental in any way to persons or property in the surrounding area, nor to the community in general.
  - D. That the proposed change of zone is in conformance with the General Plan of the City of Kingman, not merely consistent with the General Plan.
2. If the request is a text amendment, the Planning and Zoning Commission shall find that the proposed text amendment is in conformance with and will better achieve the goals and objectives of the adopted general plan.

### **31.410 PLANNING AND ZONING COMMISSION OPTIONS**

The Planning and Zoning Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may recommend approval or denial of a requested amendment or may recommend that only a portion of the request for a change of zone be granted.

The Planning and Zoning Commission may also recommend a lesser intensity zoning of the same type requested. However, the Planning and Zoning Commission may not increase the intensity of the noticed request without a new public hearing with proper notice given in accord with this Section.

### **31.420 PLANNING AND ZONING COMMISSION'S RECOMMENDATION**

The Commission in its consideration of any request for a change of zone may recommend to the City Council that if certain conditions concerning the development of the subject property and adjoining streets are first met, that said property would then be suitable for a change of zone.

The Common Council may approve a change of zone conditioned upon a schedule for development of the specified use or uses for which rezoning is requested. If at the expiration of the period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

### **31.500 COMMON COUNCIL PUBLIC HEARING AND ACTION**

The Common Council shall hold a second, separate public hearing from the Planning and Zoning Commission's public hearing to consider the recommendation of the Planning and Zoning Commission. The Common Council may take testimony and may consider matters not necessarily heard by the Planning and Zoning Commission. The Common Council may accept, modify, or reject the Planning and Zoning Commission recommendation based on information it received at the public hearing and knowledge the Common Council has of the matter. The Common Council may also return the request to the Planning and Zoning Commission for further consideration of issues as directed by the Common Council. Any Common Council modification to the requested official zoning map or zoning ordinance text amendment may include: reducing the area on the Official Zoning Map to be amended, modifying conditions of the rezoning request, or reducing the zoning district amendment to a less intense zoning district; or in the case of a zoning text amendment, reduce the intensity of the amendment.

The Common Council may sustain a Planning and Zoning Commission denial of a zoning case. If the Common Council wishes to approve a zoning case that the Planning and Zoning Commission recommended denial, the Common Council shall direct the preparation of an Ordinance for consideration at the next Council meeting.

The Common Council shall not change any property from the requested zoning district classification requested in the application to another zoning district classification that imposes any regulations not imposed by the zoning district requested or that removes or modifies any such regulations previously imposed on the property without following the procedure specified in Section 31.200 of this ordinance.

No rezoning or conditional use permit case that is the same or substantially the same (in site size or intensity or text) as a request which has been denied by the Common Council or was overturned by referendum shall be filed within one (1) year of the date of the Common Council's decision or referendum vote, whichever is greater.

### **31.600 PROTEST PROVISION**

In the event that a written protest against a proposed amendment is filed with the City of Kingman Development Services Department or the City Clerk, no later than the close of business of the day preceding the date set for any Council hearing on the application for amendment, by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or if those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all members of the City Council, If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

### **31.700 CLASSIFICATION OF NEW ADDITIONS**

All new additions and annexations of land to the City of Kingman shall be zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made as specified in this Chapter for the rezoning of land.

### **31.800 ADMINISTRATIVELY IMPOSED DEDICATIONS OR EXACTIONS**

It is the policy of the City of Kingman that exactions and/or dedications requirements are made only when there is a direct, rational relationship (rough proportionality) between the increase in density and/or intensity of a development and their exaction and dedication.

Exactions and dedications are required by the City of Kingman only through the final actions of the Common Council action on rezoning cases or conditional use cases. Dedications and/or exactions will be clearly outlined in either an ordinance for a rezoning case or resolution for a conditional use case and will be in rough proportionality to the project impacts. These will not be calculated with mathematical precision but will be shown to be direct and rational relationships.

The Planning and Zoning Commission may recommend to the Common Council a necessary dedication and/or exaction that is rationally related to the increase in intensity or density or as may be reasonably required for public, health, safety and welfare. Property owners will not be asked to bear a burden far beyond that which the development impacts the community.

Administrative agencies of the City of Kingman, including but not limited to the Planning, Engineering, Building Safety, or Public Works Departments are not authorized to require a dedication or exaction as a condition of obtaining a building permit without an express authorization in ordinance or resolution as appropriate.

**CITY OF KINGMAN**  
**ORDINANCE NO. 1409** *Amended*

**AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: FOR THE REZONING OF R-MH-6: RESIDENTIAL, MANUFACTURED HOME, 6,000 SQUARE FOOT LOT MINIMUM TO R-2 PDD: RESIDENTIAL, MULTI-FAMILY, PLANNED DEVELOPMENT DISTRICT.**

**WHEREAS**, in January, 2004, M.L.P., LLC, applicants and property owners, requested a rezoning in order to develop a residential subdivision as a planned development district, and

**WHEREAS**, the subject property is approximately 6.13 acres in size and is located on the east side of Fripps Ranch Road north of Hualapai Mountain Road and south of Cherri Circle, on property further described as a Portion of the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 20, T.21N., R.16W., of the G&SRM, Mohave County, Arizona, and

**WHEREAS**, the Planned Development District (PDD) would allow for reduced building setbacks of 15 feet in the front, 3 and 6 feet on the sides and 6 1/2 feet in the rear for the detached units and would allow the attached units to have building setbacks of 15 feet in the front, 4 feet on the sides, except where the units are attached, and six feet in the rear, and

**WHEREAS**, this rezoning ordinance is concurrent with Resolution 3929, a request for the approval of a preliminary plat for a residential subdivision to be known as Mission Estates, Tract 1982, and

**WHEREAS**, the mandates of the City of Kingman Zoning Ordinance Section 19.000 require the developers to set aside an amount of open space in order to compensate for the reduced setbacks of the Planned Development District, and

**WHEREAS**, the applicants have reserved a total of 19,864.13 square feet of open space among two parcels to be used for the public benefit, and

**WHEREAS**, the request for this rezoning was reviewed by the Kingman Planning and Zoning Commission at their meeting on January 13<sup>th</sup>, 2004 and was thus recommended for approval by a 7 to 0 vote, and

**WHEREAS**, the Kingman Common Council has the authority to approve this Planned Development District rezoning, pursuant to Sections 19.000 and 31.000 of the Kingman Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Common Council of the City of Kingman, Arizona: That a rezoning from R-MH-6: Residential, Manufactured Home, 6,000 square foot lot minimum to R-2, Multi-Family, Residential, Planned Development District, is hereby granted on said property thus described as a 6.13 acre portion of the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 20, T21N, R16W, of the Gila & Salt River Meridian, Mohave County, Arizona, with the following conditions:

- A. Lots for single family dwelling units may not be smaller than 4,300 square feet in size for this ~~Planned~~ Development District.

- B. Lots for multi-family dwelling unit duplexes may not be smaller than 3,465 square feet in size for this Planned Development District.
- C. Minimum setbacks for single family dwelling unit lots will be 3' to one side lot line and 6' to the opposite side lot line, 15' to the front lot line, and 6.5' to the rear lot line. Side yards adjoining a street shall have a setback of 10' from the right of way.
- D. Minimum PDD setbacks for multi-family dwelling unit duplex lots will be 15' to the front, 6' to the rear, and 4' to the side except along the shared side, where the lot line shall be located down the center line of the common wall. Side yards adjoining a street shall have a setback of 10' from the right of way.
- E. Lots 1-14 of Block 1 will have a rear lot line of 7'.
- F. Designated open space for this subdivision, identified as Parcels 'A' and 'B' on the preliminary plat, must be landscaped and improved to standards acceptable by the City of Kingman.
- G. An arrangement will be made to create a paved and landscaped pedestrian walking path beginning from the sidewalk along Mallory Loop, extending across Parcel B, connecting to the adjacent drainage easement and right of way located at the end of Whitehead Ave. in Mountain View Estates, Tract 1960, subdivision.
- H. The developer will work with City staff to design the open space to have a minimal impact on City maintenance resources. Materials, amenities (such as benches, tables, etc.) and landscaping used will remain aesthetically pleasing without frequent attention by City employees. The City will accept the title and maintenance of Parcels A and B.
- I. No structure in this Planned Development District may exceed 18' feet in height.
- J. Roof overhangs may not exceed 12" inches.
- K. No accessory buildings or other unattached structures will be allowed on residential lots in this R-2 Planned Development District zoned area.
- L. The concurrent preliminary plat for Mission Estates, Tract 1982, must also be approved.
- M. Common-wall duplex lots must be specifically designated.
- N. There can be no modifications to this Planned Development District without additional public hearing, recommendation by the Planning and Zoning Commission, and ultimate approval by the City Council.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona on this 2<sup>nd</sup> day of February, 2004.

**ATTEST:**

*Charlene Ware*  
Charlene Ware, City Clerk

**APPROVED:**

*Lester Byram*  
Lester Byram, Mayor

**APPROVED AS TO FORM:**

*Robert A. Taylor*  
Robert Taylor, City Attorney





CITY OF KINGMAN  
PLANNING & ZONING

SEP 18 2015

RCY'D: *[Signature]*  
TIME: 2:00 PM

**CITY OF KINGMAN  
REZONING APPLICATION FORM  
CASE # RZ- 15-004**

Application Date: 9/18/2015

I (we) the undersigned property owner(s) request that the area described below be rezoned (PROVIDE COMPLETE LEGAL DESCRIPTION):  
LOTS 9-16 MISSION ESTATES TRACT 1982

Property Address:

Proposed Rezoning Request to allow: CONSTRUCTION OF RESIDENTIAL HOMES ON 6000 SF MINIMUM LOTS CONFORMING TO CITY OF KINGMAN DEVELOPMENT STANDARDS

Zoning From: R2-PDD Zoning To: R1-G

Mohave County Tax Parcel Number(s): SEE EXHIBIT A Size of Parcel:

OWNER'S NAME: Marc Daniels

Mailing Address: 1053 Creek View Court

City/State/Zip: Whitefish, MT 59937

Phone Number: 406-471-4112 E-mail: marc@lightbuilders.com

Signature: *[Signature]*

APPLICANT NAME: (OR AGENT/REPRESENTATIVE); IF THE OWNER DOES NOT SIGN THIS APPLICATION A WRITTEN LETTER OF CONSENT MUST ACCOMPANY THIS APPLICATION.)

RAYMOND W. STADLER, P.E.

Mailing Address: 2504 AIRFIELD COURT

City/State/Zip: KINGMAN, AZ 86401

Phone Number: (928)753-8927 E-mail: rstadler@npgcable.com

Signature:

ITEMS FROM THE "REZONING CHECKLIST" SHALL BE SUBMITTED WITH THIS REZONING APPLICATION.

## MISSION ESTATES II TRACT 6044

### NARRATIVE STATEMENT

The proposed Mission Estates II Tract 6044 subdivision is a re-subdivision of lots 9 through 16 of Mission Estates Tract 1982 not including Parcel "A". The proposed re-subdivision will consist of 5 single family residential lots located on the east side of the eastern end of Mallory Loop and have lot areas greater than 6,000 square feet. Along with the processing of the revised lot layout, a rezoning request will be processed to change the zoning of the re-subdivided area from the existing R2-PDD zoning to a R1-6 zoning.

All improvements including pavement, curb & gutter, sidewalk, water, sewer, electric and telephone service are existing along the frontage of the area to be re-subdivided. The existing lots are graded, however the lots will need to be regarded to conform to the new lot configuration. A plan for this regarding will be submitted along with final plat. Additionally, there are existing water, sewer electric and telephone services to each of the existing lot. These services will be adjusted as needed to provide service to the new lot configuration, and any existing services not used will be cut, plugged or removed in accordance with the requirements of the various utility providers.

With the reduction in number of residential lots and structures, the proposed re-subdivision will have no negative impact on drainage, traffic or the level of utility services.

**EXHIBIT A**

**Mission Estates II Tract 6044**

**Parcels Impacted by Zoning Ordinance Amendment**

<b>APN</b>	<b>AREA (SF)</b>
321-33-009	7971
321-33-010	5258
321-33-011	4107
321-33-012	3465
321-33-013	3484
321-33-014	5620
321-33-015	5468
321-33-016	3374



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Map Created: 9/28/2015



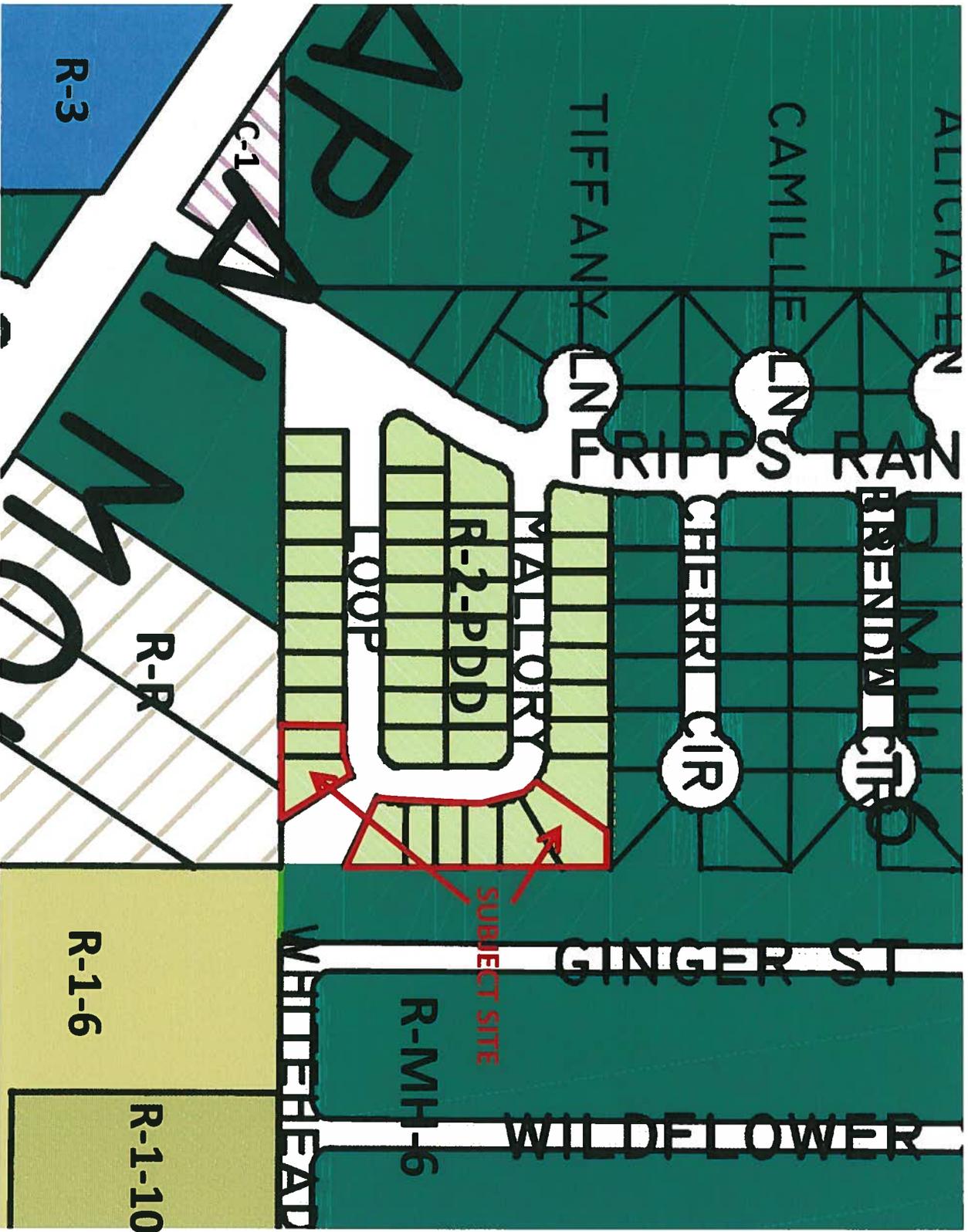
- Legend**
- Incorporated Cities (greater than Mohave County Boundary)
  - Mohave County Boundary
  - Surrounding Counties
  - ADOT Mileposts
  - COUNTY Mileposts
  - Highways
  - Main Arterials
  - Collectors
  - Local
  - Railroad
  - Tax Parcel
  - Township/Range
  - Section
  - Surface Management
  - AZ Game and Fish
  - Bureau of Land Management
  - Bureau of Reclamation
  - City or County Parks
  - US Forest Service
  - Indian Reservation
  - Military Reservation
  - National Parks
  - Other
  - Private
  - State Parks
  - State Trust
  - National Wildlife Refuge

1:3,172



Notes:

# ZONING MAP

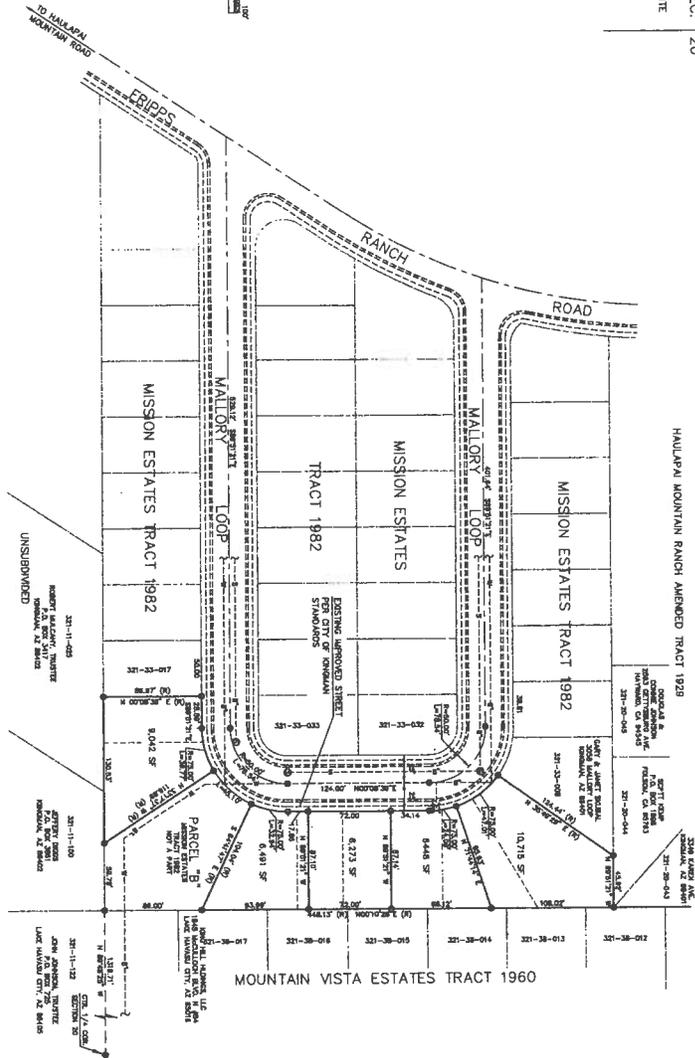
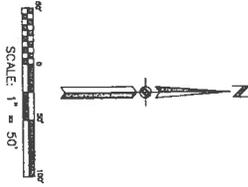
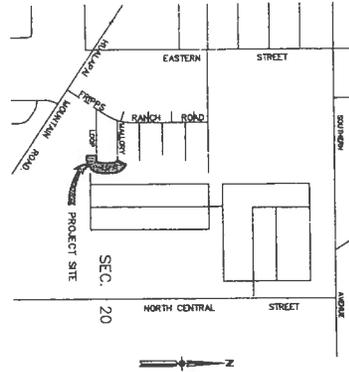




# PROPOSED PRELIMINARY PLAT

## MISSION ESTATES II TRACT 6044 PRELIMINARY PLAT

A RESUBDIVISION OF LOTS 9-16 OF THE MISSION ESTATES TRACT 1982 AS RECORDED AT FEE NO. 2005-000124 IN THE OFFICE OF THE MOHAVE COUNTY RECORDER BEING A PORTION OF SECTION 20, T.21N., R.19W., OF THE GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA



**PROPERTY OWNERS:**  
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 20-1-1-199  
 20-1-1-200

**OWNER DEVELOPER:**  
 HALLOWRY LOOP RE TRUST  
 2504 AIRFIELD COURT  
 KINGMAN, ARIZONA 86401  
 (409) 731-4112

**ENGINEER/SURVEYOR:**  
 RAYMOND W. STADLER, P.E., R.L.S.  
 2504 AIRFIELD COURT  
 KINGMAN, ARIZONA 86401  
 (928) 733-8827

**SITE DATA:**  
 ZONE: R-2  
 PROPOSED ZONE: R-2  
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
 SITE AREA: 3,088.8 SF (0.07 AC)  
 PROPOSED NO. OF LOTS: 5  
 MINIMUM LOT SIZE: 627.8 SF  
 MAXIMUM LOT SIZE: 1,071.5 SF  
 DENSITY: 5.58 LOTS/AC  
 FLOOD PLAIN DESIGNATION: UNDESIGNATED  
 EXPIRE DATE: FEBRUARY 18, 2015

**UTILITY PROVIDERS:**  
 WATER: CITY OF KINGMAN  
 SEWER: CITY OF KINGMAN  
 ELECTRIC: ARIZONA ELECTRIC COOPERATIVE  
 TELEPHONE: FRONTIER COMMUNICATIONS  
 GAS: CITY OF KINGMAN  
 CABLE: CITY OF KINGMAN  
 DRAINAGE: MOHAVE COUNTY  
 MAIL: MOHAVE COUNTY

**LEGAL DESCRIPTION:**  
 LOTS 9-16 MISSION ESTATES TRACT 1982 AS RECORDED AT REGISTRATION NO. 2005-000124 IN THE OFFICE OF THE MOHAVE COUNTY RECORDER BEING A PORTION OF SECTION 20, T.21N., R.19W., OF THE GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA.

REVISIONS:  
 1 OF 1  
 253-1100  
 1-800-SWMC-11



MISSION ESTATES II TRACT 6044  
 PRELIMINARY PLAT  
 KINGMAN, ARIZONA

RAYMOND W. STADLER P.E., R.L.S.  
 2504 AIRFIELD COURT  
 KINGMAN, ARIZONA 86401  
 PHONE: (928) 733-8827 • FAX (928) 733-4050

# Memo

**To:** Rich Ruggles  
**From:** Greg Henry  
**CC:** File  
**Date:** October 19, 2015  
**Re:** Mission Estates II, Tract 6044  
File RZ15-004 & SB15-007

---



**Engineering Department**

We have reviewed the subject Rezone & Subdivision Plat and have no objection to its continued processing. The following comments are provided:

1. The Plat should show how the existing water and sewer services, which were stubbed for the current lots, will be utilized for the new lots. If any new water and sewer services are required, they should be shown on the Plat.



# MOHAVE COUNTY FLOOD CONTROL DISTRICT

DEPARTMENT OF DEVELOPMENT SERVICES

P. O. Box 7000, Kingman, Arizona 86402-7000 3250 E Kino Ave, Kingman, AZ 86409 Telephone (928) 757-0925 FAX (928) 757-0912  
[www.mohavecounty.us](http://www.mohavecounty.us)

David West, P.E., C.F.M.  
Flood Control District Engineer

Nicholas S. Hont, P.E.  
Department Director

## MEMORANDUM

Date: September 30, 2015  
To: Rich Ruggles, Principal Planner  
From: Randall Gremlich, PE, CFM, MCFCD project manager *RKG*  
Thru: Dave West, PE CFM, MCFCD Engineer  
Re: Submittal of a Rezone case RZ15-004 Mission Estates Tr. 6044 and preliminary plat Subdivision Case SB15-006

I have reviewed the submittal by Raymond W. Stadler for the subject subdivision. The site is not located in a FEMA designated Special Flood Hazard Area. The MCFCD has no objection to this development.



## **Rich Ruggles**

---

**From:** MGibelyou@uesaz.com  
**Sent:** Friday, October 09, 2015 3:48 PM  
**To:** Rich Ruggles  
**Subject:** RE: Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

Rich, UNS Electric, Inc. has reviewed the proposed rezone and lot split adjustment. We have no objections to the rezone. In regards to the resubdivision of Lots 9 thru 16 we offer the following.

We have existing facilities at this location. If the resubdivision is approved the existing facilities will no longer be on the lot lines. The developer will be responsible for compensation UNS Electric for relocation of these facilities. These costs could include trenching, backfill, materials and labor.

If you or the developer have any questions in regards to these comments please let us know. Thank you for the opportunity to review.

Michael L. Gibelyou, SR/WA  
Senior Right of Way Agent  
UNS Electric, Inc.  
(928) 681-8923 desk  
(928) 681-8920 fax

---

**From:** Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]  
**Sent:** Monday, September 28, 2015 11:56 AM  
**To:** Pebley, Stephen ([Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)); Gibelyou, Mike; Fjeld, Jeff; [jeremy.brunk@suddenlink.com](mailto:jeremy.brunk@suddenlink.com)  
**Subject:** [EXTERNAL E-Mail] Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

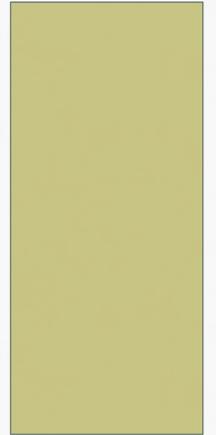
Good morning:

I have attached a memorandum, a rezoning and subdivision application, and a preliminary plat map for Mission Estates II, Tract 6044. Please review the attached information and send any comments to me by October 27, 2015. Thanks.

**Rich Ruggles**  
Principal Planner  
City of Kingman Development Services Dept.  
Office: (928) 753-8130 Direct: (928) 753-8160  
E-mail: [rruggles@cityofkingman.gov](mailto:rruggles@cityofkingman.gov)

REZONING CASE RZ15-004  
REZONING LOTS LOCATED ON  
MALLORY LOOP  
FROM R-2-PDD TO R-1-6

CITY COUNCIL MEETING  
DECEMBER 1, 2015



# GENERAL INFORMATION

- **Applicant**: Raymond W. Stadler, P.E.
- **Property Owner**: Mallory Loop Re Trust c/o Marc Daniels.
- **Requested Action**: Rezone from R-2-PDD to R-1-6 to allow subject site to be re-platted and developed with five single family homes. Property located at 3032 to 3046 Mallory Loop.

# STANDARDS FOR REVIEW

- Kingman General Plan 2030:
  - Chapter 4: Land Use Element
  - Chapter 5: Growth Area Element
- City of Kingman Zoning Ordinance Sections:
  - 3.000: Residential, Single Family
  - 31.000: Amendments and Zone Changes
- Other Applicable Regulations:
  - Ordinance No. 1409- Amended

# SOUTHWEST PORTION OF SITE



# BALANCE OF SITE ALONG EAST SIDE OF MALLORY LOOP



# FINDINGS OF FACT

- Location and Size: 0.89 acres located at 3032 to 3046 Mallory Loop. Includes Lots 9-16, Block 1, Mission Estates, Tract 1982.
- Existing Zoning and Land Use: R-2-PDD: Residential, Multiple Family Low Density, vacant.
- Projected Land Use: Medium Density Residential 3-8 dwelling units per acre.
- Surrounding Land Use and Zoning: R-MH-6 zoning north with single family homes; Vacant land to east zoned R-MH-6; Residences on large lots to south zoned R-R; Single family homes zoned R-2-PDD to west.

# Aerial View of Site



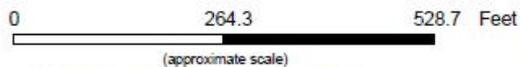
## Legend

- Incorporated Cities (greater than 5,000 population)
- Mohave County Boundary
- Surrounding Counties
- ADOT Mileposts
- COUNTY Mileposts
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- Tax Parcel
- Township/Range
- Section

## Surface Management

- AZ Game and Fish
- Bureau of Land Management
- Bureau of Reclamation
- City or County Parks
- US Forest Service
- Indian Reservation
- Military Reservation
- National Parks
- Other
- Private
- State Parks
- State Trust
- National Wildlife Refuge

1:3,172

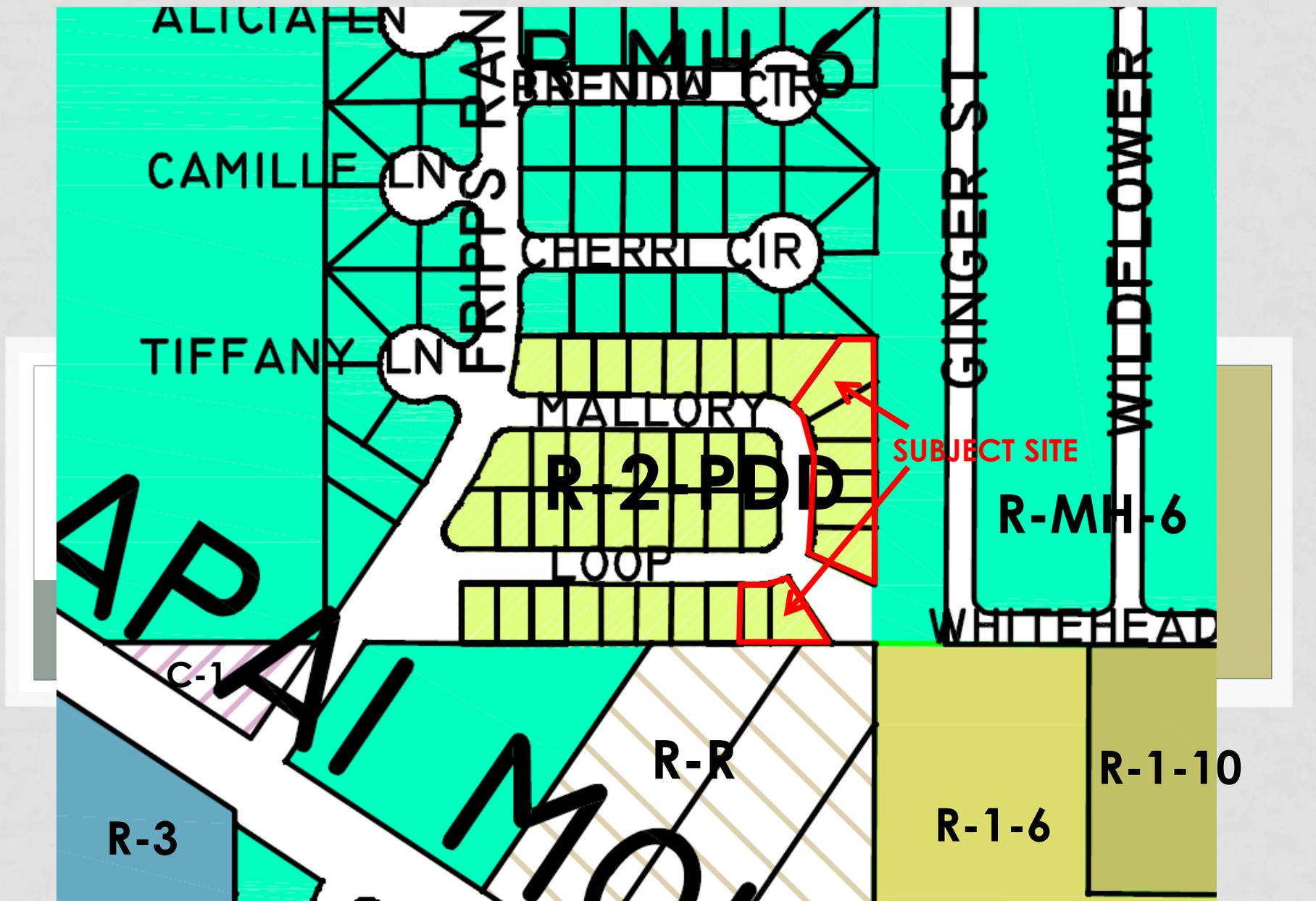


Map Created: 9/28/2015

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## Notes:

# Zoning Map



# ZONING AND DEVELOPMENT HISTORY

- Annexed in 1982, Ord. 443 with R-MH-6 zoning applied.
- Rezoned in 1989 to R-3 for an apartment complex. Reverted back to R-MH-6 zoning after development did not occur.
- In 1998 a 51-space manufactured home park was approved, but it was never constructed.
- In 2004 property was rezoned to R-2-PDD with a concurrent preliminary plat approval for Mission Estates, Tract 1982.
- Final plat approved in 2004 and recorded in 2005. All lots developed except those subject to the proposed rezoning.

# PHYSICAL CHARACTERISTICS, UTILITIES & TRANSPORTATION

- Basically flat and drains to the west. Drainage Parcel “B” with pedestrian walkway lies between the subject lots. Not in flood plain.
- 8-inch water and sewer lines in Mallory Loop. Existing telephone, cable, and electric facilities also adjacent to the site.
- Site accessed from Mallory Loop which is a fully improved local street with a 50-foot wide right-of-way.

# PUBLIC NOTIFICATION

- The site was posted on October 23, 2015.
- Notification letters were mailed to surrounding property owners within 300 feet on October 19, 2015.
- A public notice was publishing in the Kingman Daily Miner on October 25, 2015.
- No comments from the public have been received.

# DEPARTMENT AND AGENCY COMMENTS

## City Engineering Department and UniSource Electric :

- No objections to rezoning request.

## Mohave County Flood Control District :

- The site is not in a FEMA designated Special Flood Hazard Area. No objections to this development.

# ANALYSIS OF REQUEST

- The request is to rezone the subject site from R-2-PDD to R-1-6.
- R-2-PDD zoning designated the subject property for common wall patio homes on seven subdivision lots with reduced lot sizes and setbacks.
- The R-1-6 zoning, if approved, would allow consideration of a concurrent preliminary plat for Mission Estates II, Tract 6044 to re-plat the existing lots into five new lots. The intent is to develop the property with single family homes with standard R-1-6 setbacks and development standards.
- The proposed zoning would be more compatible and consistent with the Kingman General Plan 2030 density standards.
- Little difference in the traffic impact on surrounding streets. Larger vehicles less likely to extend into sidewalk area with increased front yard setbacks.

# DECISION OPTIONS

**The Planning and Zoning Commission and staff recommend adoption of Ordinance # , which will rezone Lots 9-16, Block 1, Mission Estates, Tract 1982 from R-2-PDD to R-1-6 with the stipulation that the subject site shall be replatted as indicated in the preliminary plat for Mission Estates II, Tract 6044 with a maximum of five lots in accordance with R-1-6 zoning development standards.**



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Rich Ruggles, Development Services Department

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Consideration of Resolution 4981 approving the preliminary plat for Mission Estates II, Tract 6044

---

### **SUMMARY:**

Raymond W. Stadler, P.E., applicant and project engineer, and Mallory Loop Re Trust, property owner, have requested the approval of a preliminary plat of a residential subdivision known as Mission Estates II, Tract 6044. The proposed subdivision is a re-subdivision of Lots 9-16, inclusive, Block 1, Mission Estates, Tract 1982. The proposal is to replat eight existing lots on Mallory Loop east of Fripps Ranch Road into five lots. There is a concurrent request for the approval of the rezoning of the subject property from R-2-PDD to R-1-6. The replatted lots will range from 6,273 square feet to 10,715 square feet and will be developed with single family homes.

The Planning and Zoning Commission held a public hearing on November 10, 2015. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with five conditions. The conditions included requirements for the final plat including adding lot and block numbers on the plat, addressing surveying comments, providing a grading plan, geotechnical report and grading permit, showing the existing and proposed water and sewer services, and a requirement that the developer would be responsible for the costs of moving any existing utilities to serve the new lots.

### **FISCAL IMPACT:**

None expected at this time.

### **STAFF RECOMMENDATION:**

Approve Resolution No. 4981.

### **ATTACHMENTS:**

Description

Resolution No. 4981

P&Z Commission Report

PowerPoint Presentation

### **REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	11/23/2015 - 11:08 AM

City Attorney  
City Manager

Cooper, Carl  
Moline, Tina

Approved  
Approved

11/23/2015 - 3:11 PM  
11/24/2015 - 8:24 AM

WHEN RECORDED HOLD FOR  
KINGMAN CITY CLERK  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona 86401

## **CITY OF KINGMAN RESOLUTION NO. 4981**

### **A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: APPROVING A PRELIMINARY SUBDIVISION PLAT FOR MISSION ESTATES II, TRACT 6044.**

**WHEREAS**, Mallory Loop Re Trust, property owner, and Raymond W. Stadler, P.E., applicant and project engineer, have requested the approval of a preliminary plat of a residential subdivision, known as Mission Estates II, Tract 6044, a re-subdivision of Lots 9-16, inclusive, Block 1, Mission Estates, Tract 1982, shown in Exhibit "A", attached; and

**WHEREAS**, said proposed subdivision is 0.89 acres with five proposed lots; and

**WHEREAS**, a preliminary plat and preliminary drainage report was prepared by Raymond W. Stadler, P.E., an licensed engineer in the State of Arizona; and

**WHEREAS**, the proposed preliminary plat and drainage report has been reviewed by the City Engineer, City Development Services Department, and other concerned agencies, and were found to be generally in compliance with the Subdivision Ordinance, the Zoning Ordinance, and other codes; and

**WHEREAS**, the preliminary plat, preliminary drainage report were reviewed and recommended for approval with certain conditions by the Planning and Zoning Commission at the regular meeting of November 10, 2015 by a 6-0 vote; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona: That upon the recommendation of the Planning and Zoning Commission, the preliminary plat for Mission Estates II, Tract 6044, as shown in Exhibit "A", is hereby approved, with the following conditions:

1. The final plat shall indicate lot and block numbers in accordance with Section 4.5 of the Subdivision Ordinance of the City of Kingman.
2. The final plat shall include monument descriptions found or set, along with measured and record distances and bearings and all other information that must be included for a recorded plat.

3. A grading plan, geotechnical report, grading permit will be required to be submitted with the final plat.
4. The final plat shall show how the existing water and sewer services, which were stubbed for the current lots, will be utilized for the new lots. If any new water and sewer services are required, they shall be shown on the final plat.
5. The subdivision developer shall be responsible to pay for moving any existing utilities that is necessary to serve the re-platted lots within Mission Estates II, Tract 6044.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 1<sup>st</sup> day of December, 2015.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Janet Watson, Mayor

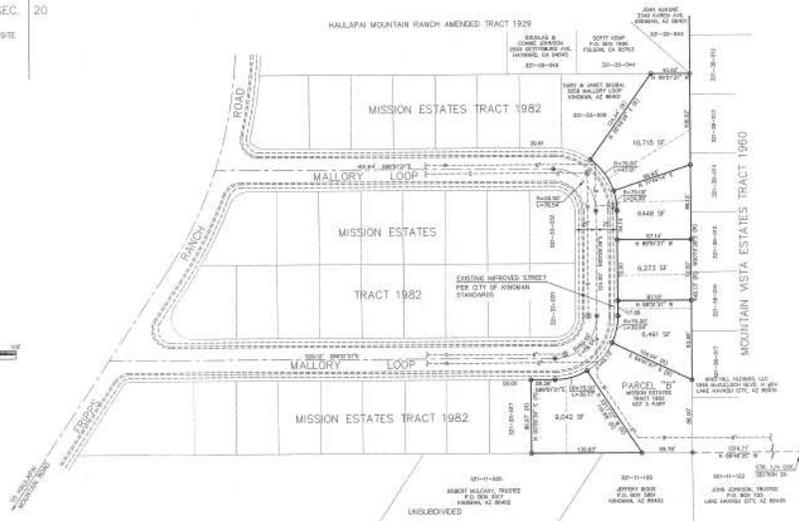
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney

# EXHIBIT "A"

## MISSION ESTATES II TRACT 6044 PRELIMINARY PLAT

A RESUBDIVISION OF LOTS 9-16 OF THE MISSION ESTATES TRACT 1982  
AS RECORDED AT FEE NO. 2005-00124 IN THE OFFICE OF THE MOHAVE COUNTY  
RECORDER BEING A PORTION OF SECTION 20, T.21N., R.16W, OF THE GILA  
AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA



**OWNER DEVELOPER:**

MALLORY LOOP RE TRUST  
1053 SHERWOOD COURT  
MESA, UT 84047  
(408) 471-8122

**ENGINEER/SURVEYOR:**

DAVID W. STANLEY, P.L.S., R.L.S.  
2004 AIRFIELD COURT  
PRINCE, ARIZONA 86440  
(928) 743-8927

**SITE DATA:**

APR 20-00-001, 011, 012, 013, 014, 015, 016  
RE-100  
PROPOSED ZONING R1-6  
PROPOSED USE SINGLE FAMILY RESIDENTIAL  
SITE AREA 38649 SF (0.89 AC)  
AREA OF LOTS 8448 SF  
PROPOSED NO. OF LOTS 5  
MINIMUM LOT SIZE 16,273 SF  
DENSITY 0.56 UNITS/AC  
FLOOD PLAIN DESIGNATION ZONE X, FEMA FIRM NO. 04010C0300M,  
EFFECTIVE FEBRUARY 15, 2010

**UTILITY PROVIDERS:**

WATER CITY OF KINGMAN  
SEWER CITY OF KINGMAN  
ELECTRIC PRINCIPLE COMMUNICATIONS  
TELEPHONE PRINCIPLE  
FIRE DISTRICT CITY OF KINGMAN  
GARAGE CITY OF KINGMAN  
LAND FILL MOHAVE COUNTY

**LEGAL DESCRIPTION:**

LOTS 9-16 MISSION ESTATES TRACT 1982 AS RECORDED AT  
RECORDING NO. 2005-00124 IN THE OFFICE OF THE MOHAVE COUNTY  
RECORDER BEING A PORTION OF THE QUARTER QUARTER  
OF SECTION 20, T.21N., R.16W, AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA.



**CITY OF KINGMAN**  
**Development Services Department**  
**Mission Estates II, Tract 6044**  
**Preliminary Plat Case: SB15-007**  
**Staff Report**

**Summary of Request:** This request is for the approval of a preliminary subdivision plat for Mission Estates II, Tract 6044. The proposal is to replat eight lots into five residential lots located at 3032 to 3046 Mallory Loop. The property is proposed to be rezoned from R-2-PDD: Residential Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum (see Zoning Case RZ15-004).

**GENERAL INFORMATION:**

**Property Owner:** Mallory Loop Re Trust  
c/o Marc Daniels  
1053 Creek View Court  
Whitefish, MT x9937  
(406) 471-4112  
[marc@bigmtnbuilders.com](mailto:marc@bigmtnbuilders.com)

**Applicant:** Raymond W. Stadler, P.E.  
2504 Airfield Court  
Kingman, AZ 86401  
(928) 753-8927  
[rstadler@npgcable.com](mailto:rstadler@npgcable.com)

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**RECOMMENDATION**

Based on the standards for review, findings of fact, and conclusions contained in this report, and pending approval of Rezoning Case RZ15-004, staff recommends that the preliminary plat for Mission Estates II, Tract 6044 be approved with the certain conditions as stated in this staff report.

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## **STANDARDS FOR REVIEW**

### **APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030:**

- *Chapter 4: Land Use Element, Land Use Categories*
- *Chapter 5: Growth Area Element*

### **APPLICABLE SECTIONS OF THE CITY OF KINGMAN ZONING ORDINANCE:**

- Section 3.000: Residential, Single-Family
- Section 31.000: Amendments and Zone Changes

### **OTHER APPLICABLE REGULATIONS**

- Ordinance No. 1409-Amended

### **APPLICABLE SECTIONS OF THE CITY OF KINGMAN SUBDIVISION ORDINANCE:**

- Section 2.000: Subdivision Application Procedure and Approval Process
- Section 4.000: Requirements for Improvements, Reservations and Design
- Table Two – Design Criteria and Notes.

## **FINDINGS OF FACT**

**Location and Size:** The subject site is approximately 0.89 acres and is located at 3032 to 3046 Mallory Loop.

**Legal Description:** The subject property is described as Lots 9 through 16, Block 1, Mission Estates, Tract 1982.

**Existing Zoning and Existing Land Use:** The subject site is currently vacant and is zoned R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District. The property is proposed to be rezoned from R-2-PDD: Residential Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum (see Rezoning Case RZ15-004).

**Projected Land Use:** The Kingman General Plan 2030 indicates that the property is designated as Medium Density Residential, 3-8 dwelling units per acre.

### **Surrounding Land Use and Zoning:**

- North: Single family homes zoned R-MH-6: Residential Manufactured Home, 6,000 square foot lot minimum.
- East: A developed subdivision, Mountain View Estates, Tract 1960 with mostly vacant lots zoned R-MH-6.
- South: Several residences on large lots zoned R-R: Rural Residential.
- West: Single family homes zoned R-2-PDD.

### **Zoning and Development History:**

- The site was part of an annexation of land into the City of Kingman on March 8, 1982 under Ordinance No. 443. R-MH-6 zoning was applied to the property at that time.

- In 1989, the area was rezoned to R-3: Residential Multiple Family, Medium Density to allow the construction of an apartment complex, however, the development did not occur and the R-3 zoning reverted back to R-MH-6.
- In May, 1998 a 51-space manufactured home park plan was approved under Resolution No. 3286. However, the park was not constructed.
- On February 2, 2004 the subject property was rezoned to R-2-PDD under Ordinance No. 1409 Amended. There was a concurrent Resolution No. 3929 that passed which approved the preliminary plat for a residential subdivision known as Mission Estates, Tract 1982.
- The final plat for Mission Estates, Tract 1982 was approved under Resolution No. 4019 on September 7, 2004 and the plat was recorded on January 3, 2005. All subdivision improvements were subsequently completed and all lots developed with single family homes except those lots that are the subject of this rezoning request.

**Physical Characteristics:**

- The subject site is basically flat and drains to the west. There is a drainage parcel, Parcel "B" adjacent to the site that includes a pedestrian walkway and landscaping extending from the subdivision to the east. The southern segment of Mallory Loop directly west of the site carries outflow drainage from Parcel "B" to another drainage parcel at the corner of Mallory Loop and Fripps Ranch Road.
- The property slopes generally from the southeast down towards the northwest. It lies within Flood Zone "X", according to the FEMA panel map dated November 18, 2009. Zone "X" are areas outside of the 0.2% annual chance floodplain.

**Public Utilities:** There are existing 8-inch water and sewer lines in Mallory Loop adjacent to this site. Existing telephone, cable and electric facilities are also adjacent to the subject property.

**Transportation:** The subject site accessed from Mallory Loop which is a fully improved local street with a 50-foot wide right-of-way.

**Public Notification and Expected Comment:**

- The site was posted with a zoning notice on October 23, 2015.
- A public notice regarding the associated zoning case, RZ15-004, was published in the Kingman Daily Miner on October 25, 2015.
- Surrounding property owners within 300 feet were sent a notice of the public hearing for the zoning case, RZ15-004 on October 19, 2015. The list of property owners was generated using information provided by the Mohave County Assessor's Office.
- No comments from the public have been received regarding this request as of when this report was completed on November 2, 2015.

**Department and Agency Comments:**

- City Engineering Department: The final plat should show how the existing water and sewer services, which were stubbed for the current lots, will be utilized for the new lots. If any new water and sewer services are required, they should be shown on the final plat.
- City Building Division: No objections to this preliminary plat. Comments in regards to the final plat submittal are attached to this report. In summary a grading plan, geotechnical report, grading permit will be required with the final plat.
- City Surveyor: At this time I have very few comments on the preliminary plat for the re-subdivision of Lots 9-16 Block 1 since very little surveying information is available. At the time a final plat is submitted these issues will need to be addressed:
  - The portion of the title block describing the re-subdivision needs to be bolder print to bring more attention to what this plat represents.
  - The block in which these lots lay needs to be included which is Block 1.
  - Monument descriptions found or set need to be included along with measured and record distances and bearings and all other information that must be included for a recorded plat.
- Mohave County Flood Control District: The site is not located in a FEMA designated Special Flood Hazard Area. The MCFCD has no objections to this development.
- UniSource Electric: We have existing facilities at this location. If the re-subdivision is approved, the existing facilities will no longer be on the lot lines. The developer will be responsible for compensating UNS Electric for relocation of these facilities. These costs could include trenching, backfill, materials and labor.
- Frontier Communications: There are four pedestals that are located on the original property lines. If the lots are re-subdivided they will be in the middle of the newly proposed lots. If in conflict, the telephone pedestals will need to be relocated at the property owner or developer's expense.
- Suddenlink: We have reviewed the attached plans, and have contacted Marvin Yarbrough at Unisource Energy. We are currently looking at working together for the move of facilities to accommodate the request for rezoning of Mission Estates and changing of lot lines. However we will need to notify the property owner there will be cost in moving our active facilities to the new lot lines location, this cost would be at the property owners expense.

## **ANALYSIS**

### **Compatibility with City of Kingman Zoning Ordinance:**

- The five re-platted lots are proposed to range from 6,273 to 10,715 square feet in size. The lot sizes exceed the minimum of 6,000 square feet in the R-1-6 zoning district.
- All lots exceed the minimum width of 50-feet at the front setback line for R-1-6 zoned property.
- See the P&Z Report for Rezoning Case RZ15-004 for additional property development analysis.

### **Compatibility with the City of Kingman Subdivision Ordinance:**

- Section 4.3 Blocks & 4.4 Lots: The general block and lot layout and dimensions appear to conform to City standards. There is no phasing indicated, therefore it is assumed the intent is to develop the subdivision all at one time.
- Section 4.5 Lot Numbering: Lot numbers are not shown on the plat. Lot numbers will need to be added to the final plat. Block numbers are not indicated on the plat. However it is recommended that "Block 1" be added on the final plat.
- Section 4.6 Roads: Mallory Loop provides the access to the subject site. This street has a 50-foot wide right-of-way and is a fully improved with curb, gutter, and sidewalk across the frontage of the subject lots. No additional street improvements appear to be necessary in association with the re-platted lots.
- Section 4.7 Drainage: Existing drainage patterns are not expected to be altered by the re-platting of the subject site. The site is not located in a FEMA designated Special Flood Hazard Area, however, Parcel "B", which will not be a part of the replatted area, accepts and directs drainage through the subdivision into Mallory Loop and beyond into another drainage parcel at Fripps Ranch Road. The subject site was graded per the approved grading plans for Mission Estates, Tract 1982. However, the replatted lots will need to be regraded to conform to the new lot configuration. The grading plan will need to be submitted with the final plat.
- Sections 4.8 and 4.9 Water and Sewer Facilities: There are existing 8-inch water and sewer lines in Mallory Loop adjacent to this site. The City Engineer commented that the final plat should show how the existing water and sewer services, which were stubbed for the current lots, and will be utilized for the new lots. If any new water and sewer services are required, they should be shown on the final plat.
- Section 4.12 Utilities: UniSource Electric, Frontier Communications, and Suddenlink have all commented on their existing facilities adjacent to the site. The proposed re-platting of the lots may result in the need to move certain facilities including telephone pedestals. The subdivision developer will be responsible to pay for moving any facilities.

## **RECOMMENDATION**

Based on the standards for review, findings of fact, and conclusions contained in this report, and pending approval of Rezoning Case RZ15-004, staff recommends that the preliminary plat for Mission Estates II, Tract 6044 be approved with the following conditions:

1. The final plat shall indicate lot and block numbers in accordance with Section 4.5 of the Subdivision Ordinance of the City of Kingman.
2. The final plat shall include monument descriptions found or set, along with measured and record distances and bearings and all other information that must be included for a recorded plat.
3. A grading plan, geotechnical report, grading permit will be required to be submitted with the final plat.
4. The final plat shall show how the existing water and sewer services, which were stubbed for the current lots, will be utilized for the new lots. If any new water and sewer services are required, they shall be shown on the final plat.
5. The subdivision developer shall be responsible to pay for moving any existing utilities that is necessary to serve the re-platted lots within Mission Estates II, Tract 6044.

## **ATTACHMENTS**

1. Sections 2.000 and 4.000 of Subdivision Ordinance
2. Preliminary Plat Subdivision Application and Narrative Statement
3. Aerial Map
4. Existing Plat for Mission Estates, Tract 1982
5. Proposed Preliminary Plat for Mission Estates II, Tract 6044
6. Department and Agency Comments

**SECTION 2.000**  
**SUBDIVISION APPLICATION PROCEDURE**  
**AND APPROVAL PROCESS**

**2.1 GENERAL PROCEDURE**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision is granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

**2.2 PRELIMINARY PLAT**

**(1) Application Procedure**

- a. Before preparing the preliminary plat for a subdivision, the applicant should discuss with the Development Services Director, the procedure for processing a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, zoning and similar matters, as well as the availability of existing services. The Development Services Director shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction. The Development Services Director shall assign a tract number to the proposed subdivision if it is evident that action will be taken to pursue the development.
- b. The subdivider or his representative shall submit fifteen (15) copies of the preliminary plat to the Development Services Director.
- c. The subdivider or his agent shall submit the required application fee.

**(2) Data Requirements**

- a. The preliminary plat shall meet the minimum standards for design and the requirements as set forth by these regulations.
- b. The preliminary plat shall be clearly and legibly drawn to a scale of 1" = 200', or 1" = 100', or 1" = 50'. A scale of 1" = 100' is preferred. Whenever possible, scales should be adjusted to produce an overall drawing not exceeding 24" x 36" in size, providing sufficient detail can still be shown.

**(3) Map Contents**

- a. The proposed name and assigned tract number, north point, scale and date of preparation.
- b. The names and addresses of the subdividers, owner, planner, surveyor and/or engineer associated with the project.
- c. A sufficient description to locate the proposed subdivision, including the township, range, and section.

- d. The location, names, width, and purpose of all existing or proposed highways, streets, rights-of-way, utilities, lots, blocks, easements, or drainage channels within the proposed subdivision or contiguous to it.
- e. The approximate boundaries, if any, of all areas subject to special flood hazards, as indicated on the Flood Insurance Maps. Arrows should indicate general flow in all water courses and streets.
- f. The following contour intervals, as established by field or aerial survey methods, under the direction of a qualified registrant shall be required sufficient to indicate drainage for all lots and streets:

Gradual Slopes	0 to 2% - 2 foot intervals
Medium Slopes	2 to 15% - 5 foot intervals
Steep Slopes	above 15% - 10 foot intervals

Topography shall be based on the City of Kingman datum. At least one permanent bench mark shall be established for each 160 acres of subdivision or fractional part thereof and a description and location of same shall be included as a part of the preliminary plat. Regular U.S.G.S. topographic maps, enlargements or similarities of same will not be acceptable as a source of topography.

- g. The approximate lot boundaries (location and dimensions) and the proposed lot number shall be identified.
  - h. The acreage of proposed subdivision, number of lots proposed, approximate area of the lots, minimum lot size, and density (lots per acre).
  - i. A small scale location or vicinity map showing the relative location of the subdivision with respect to township, range, section, existing roads, existing or proposed access to the tract, the nature and status of such access roads, and the ownership of lands traversed by the access roads.
  - j. The date, name, seal, and registration number of the engineer responsible for the preparation of the subdivision.
- (4) Additional Requirements and Accompanying Statements. The following information shall be included as a part of the preliminary plat, or accompanying statement:
- a. The existing uses of the land and existing zoning classification.
  - b. The proposed use of each lot or parcel and the proposed zoning classification.
  - c. An application for proposed rezoning where applicable.
  - d. A statement regarding the availability, location, and type of water system for domestic use and fire protection.
  - e. A statement as to the type of facilities or method of sewage disposal proposed.
  - f. A statement regarding availability of utilities and the direction and distance to the nearest such useable utility as required by these regulations.
  - g. In addition to statements about water and sewer locations, general preliminary water and sewer layouts should be shown on a map submittal. For sewers, this will include location and minimum size of proposed lines; and location and depths of existing manholes and cleanouts. For proposed and existing water installations, this should include a map showing locations for lines, fire hydrants, valves, meter vaults, etc., along with minimum proposed line sizes. Detailed and specific construction improvement plans may be submitted at the Final Plat Stage.

- h. A list of proposed street names.
- i. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

**(5) Preliminary Drainage Report**

A preliminary drainage report, prepared by an engineer registered to practice in the State of Arizona, covering the details of flood conditions and the specific effects of floods on the area being subdivided, shall be submitted with from upstream flows on the project, and impacts of the project on downstream properties and shall be prepared as required by the Kingman Area Drainage Design and Administrative Manual.

The Preliminary Drainage Report shall be typed and five (5) copies shall be submitted.

**(6) Staff Review of the Preliminary Plat**

- a. The Development Services Director shall forward a copy of the preliminary plat to the following agencies for evaluation and recommendations: Engineering Department, Health Department, Fire Department, Public Works Department, utility companies, and other agencies who may be concerned. Interested agencies shall have twenty (20) working days from the date the preliminary and "all" supportive information is received by the Development Services Director, to complete their review. Agencies shall submit their evaluation report to the Development Services Director. No reply by an agency within the time limit specified shall be deemed as having no objection.
- b. When all replies have been received, or the specified date of reply reached, the Development Services Director shall prepare a correlated report, including replies or comments from the reviewing agencies, and forward a copy to the reviewing agencies, and forward a copy to the subdivider's and/or agent's engineer. If the preliminary plat is in conformance with these regulations, the Development Services Director shall schedule the review of the preliminary plat by the Planning and Zoning Commission at their next regularly scheduled public meeting.

**(7) Planning and Zoning Commission Review of the Preliminary Plat**

- a. The subdividers or their representatives shall be notified by mail fifteen (15) days prior to a meeting of the time and place set for review of the preliminary plat.
- b. The Planning and Zoning Commission shall, upon said review or such further meeting to which said matter may be continued, hear or consider all evidence relating to said preliminary plat.
- c. If satisfied that all objectives of these regulations have been met, the Planning and Zoning Commission may recommend approval, conditional approval, or denial of the preliminary plat and by the conclusion of their next regularly scheduled meeting shall make their recommendation to the Common Council.
- d. If the Commission finds that the preliminary plat requires a major revision, the preliminary plat may be held over until the next regularly schedule Planning and Zoning Commission meeting.

- e. The recommendations of the Planning and Zoning Commission on said preliminary plat shall be written.
- f. If the Planning and Zoning Commission does not make a recommendation to the Common Council by the conclusion of the next regularly scheduled meeting held after the public hearing, the preliminary plat shall be submitted to the Common Council without a recommendation.
- g. A subdivider may withdraw the preliminary plat or request postponement at any time, through a written signed statement, submitted to the Development Services Director. Any withdrawal shall mean that the property owner(s) must resubmit a new preliminary plat application.

(8) Common Council Review of the Preliminary plat

- a. On receipt of the recommendation from the Planning and Zoning Commission, the Common Council shall, at their next regularly scheduled meeting, approve, conditionally approve, or deny the preliminary plat. If a preliminary plat is denied by the Common Council, the new filing of another preliminary plat for the same tract, or any part thereof, shall follow the aforementioned procedures and shall be subject to the required fee. The Common Council shall forward within fifteen (15) days, in writing, a statement to the subdivider stating the reason the preliminary plat was denied.
- b. Preliminary plat approval is based upon the following terms and conditions:
  - (i) The basic conditions under which the preliminary plat is approved shall not be changed prior to expiration date.
  - (ii) Approval of the preliminary plat is valid for a period of twenty-four (24) months from the date of Council action.
  - (iii) Preliminary plat approval may, upon written application to the Development Services Department by the subdivider, be considered for an extension of time. The Common Council may extend the original preliminary plat approval two-years if there is no change in conditions within or adjoining the preliminary plat that would warrant a revision in the design of the original preliminary plat. If there have been major changes in the area affecting the preliminary plat or changes in development standards, the Common Council may extend the preliminary plat validity for an additional 95-days to allow the subdivider to redesign the preliminary plat to include the necessary modifications and resubmit the modified preliminary plat for review by the Planning and Zoning Commission and subsequently by the City Council. The City Council may then determine whether to approve the modified preliminary plat or not extend the approval of the preliminary plat. The City Council may grant a greater than a 95-day modification period at its discretion.
  - (iv) If the subdivider does not process the final plat or phase thereof within the twenty-four (24) month time frame, or ask for and received an extension of time, then all proceedings relating to the preliminary plat shall be terminated.
- c. The Common Council approval of the preliminary plat shall specify that required improvements shall be completed to minimum City Standards prior to recording of the final plat; or an agreement in writing shall be arrived at prior to said recordation assuring construction of all required improvements, utilizing one or more of the methods described in Section 3.000 of these regulations and acceptance of said improvements into the City maintenance system upon completion to City standards and the approved improvement plans.
- d. If any other improvements are required, at this time by the Common Council, they shall be so specified.

**SECTION 4.000**  
**REQUIREMENTS FOR IMPROVEMENTS,**  
**RESERVATIONS AND DESIGN**

**4.1 GENERAL IMPROVEMENTS**

- (1) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:
- a. All applicable statutory provisions.
  - b. The City of Kingman' Zoning Ordinance, the City of Kingman Building Code requirements, the City of Kingman Standard Specification for Public Works improvements, Article XV of the Kingman Code of Ordinances and all other applicable ordinances, rules and regulations of the City of Kingman.
  - c. The City of Kingman General Plan, Official Map, Transportation Plan, and other land use plans and guidelines as adopted by the Kingman Common Council.
  - d. The special requirements of these regulations and any rules of the Arizona Department of Health Services.
  - e. The rules of the Arizona Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.
  - f. The Kingman Area Drainage Design and Administrative Manual.
  - g. Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations.

**4.2 MONUMENTS**

The applicant shall have a registered land surveyor or civil engineer licensed to practice in the State of Arizona place permanent reference monuments in the subdivision as required by the City of Kingman Code of Ordinances, Specification 400 of Specifications for Public Works Improvements.

**4.3 BLOCKS**

- (1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths.
- (2) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential district areas shall not exceed one thousand three hundred twenty (1,320) feet nor be less than four hundred (400) feet in length. Blocks along major arterials and minor arterials shall be not less than one thousand (1,000) feet in length.
- (3) In allowed Blocks greater than 1,320 lineal feet that are not on the extreme exterior perimeter of the new subdivision, the Common Council shall require a dedicated parcel or right-of-way, improved with concrete, ten (10) feet in width, to provide a pedestrian/bicycle pathway for the convenience of area residents. Companies providing underground utilities in the new subdivision will locate all utility service boxes out of the potential traveled paths leading into any such dedicated parcels or rights-of-way.

#### **4.4 LOTS**

- (1) Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Common Council may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations.
- (2) No lot shall be designed with a depth to width ratio greater than three (3) to one (1) for the usable area; except lots located on a knuckle or end of a cul-de-sac may have a four (4) to one (1) ratio. Each lot shall have a minimum width at the front and rear setback lines of forty (40) feet and no lot shall be less than eighty (80) feet in depth, except that lots intended for commercial purposes or for mobile home use shall be at least one hundred (100) feet in depth.
- (3) Side lot lines shall be approximately at right angles (within twelve point five (12.5) degrees) to curved street lines except if located adjacent to drainage ways, cul-de-sacs, knuckle streets, or where continuity with utility easements is necessary. Side lot lines shall be generally straight unless dictated otherwise by topographical features or other justifiable physical reasons. Rear lot lines should avoid acute angles with side lot lines and should normally be straight.
- (4) When residential lots are designed with minimum areas (six thousand (6,000) square feet or less), corner lots shall be at least ten (10) feet wider than the average width of the lots within the block.
- (5) Double frontage lots shall be avoided except where necessary to provide separation of residential development from major arterial or to overcome specific disadvantages of topography and orientation.
- (6) Lots shall not derive access exclusively from a major arterial or minor arterial.

#### **4.5 LOT NUMBERING**

- (1) Each lot shall be designated by an Arabic numeral.
- (2) Lot numbers shall be consecutive along the street line for each block.
- (3) Parcels shall be designated by capital letter and be designated in sequence within a tract starting with the letter "A".
- (4) When block designations are used, numbering shall be in consecutive sequence within each block area commencing with the number "1" for each block. If block designations are not used, numbering shall be in consecutive sequence within the block and continuous consecutive numbering shall follow from one block to another.

#### **4.6 ROADS**

- (1) No subdivision shall be approved unless the area to be subdivided shall have permanent access to a federal, state, county or city highway or street which has been or will be improved to standards acceptable to the Common Council if the subdivision is not contiguous to such a roadway, the developer shall be required to obtain right-of-way and construct an access road to such roadway, in accordance with the City Standards.

- (2) When a subdivision borders on or contains an existing or proposed arterial or major street, the Common Council may require that access to such streets be limited by one of the following means:
- a. The subdivision of lots so as to back onto the major arterial or minor arterial and front onto a parallel local street; no access shall be provided from the major arterial or minor arterial and a six (6) foot fence shall be constructed along the rear property line of such lots.
  - b. A marginal access or service road separated from the major arterial or minor arterial and having access thereto a suitable point.
- (3) In order to provide for roads of suitable location, width, and improvements to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads (tables at end) are required:
- (4) The arrangement, character, extent, width, grade and location of all streets shall conform to the General Plan, Kingman Area Transportation Study, and Street and Sidewalks Development Rules and Regulations with due consideration to their relations to existing and other planned streets, to topographical conditions relating to drainage in and through the subdivision, to public convenience and safety, and appropriate relation to the proposed uses of land to be served by such streets. Where not shown in the General Plan or Kingman Area Transportation Study, arrangement and other features of streets shall:
- a. Provide continuation or appropriate projection of existing major arterials in surrounding areas. All center lines shall be continuations of the center lines of existing streets and highways in contiguous territory. In cases where straight continuations are not physically possible, such center lines may be continued by curves;
  - b. Alignments shall be arranged so as to discourage arterial traffic on local streets;
  - c. Provide sufficient right-of-way for local service or access streets along major arterials or minor arterials and routes, or other treatment to protect residential properties by separation of arterials and local traffic;
  - d. Name the streets of the subdivision consistent with natural alignment and extensions of existing streets, and new street names may be used which will not duplicate in whole or in part or be confused with existing names;
  - e. Where a proposed subdivision abuts or contains the right-of-way of a railroad, a limited access highway, or abuts a commercial or industrial land use, a street shall be approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges, or future and anticipated grade separations;
  - f. Provision shall be made for existing railroad and other public or private utility crossings necessary to provide access to or circulation within the proposed subdivision, including the obtaining of all necessary permits from the public or private utilities involved and any regulatory agencies having jurisdiction;
  - g. Minimum distance between centerlines at adjacent intersections shall be 200 feet;

- h. Arrange streets in relation to existing topography so as to produce desirable lots of maximum utility and streets and alleys of reasonable gradient, and to facilitate adequate drainage;
- i. All intersections not involving arterial streets shall have a minimum intersecting angle of seventy-five (75) degrees except where two collector or local streets intersect, then a minimum angle of sixty (60) degrees;
- j. Avoid half-streets, except where essential to the reasonable development of the subdivision and in conformity with criteria in this ordinance where dedication of the remainder will be practicable when the adjoining property is subdivided or developed. The City reserves the right to restrict or prohibit access to half streets for property which has not contributed to the establishment of an acceptable street width as required by the Subdivision Ordinance.
- k. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the dimensional requirements as established by the General Plan and these regulations, and the Street and Sidewalks Development Rules and Regulations;
- l. Cul-de-sac streets shall not exceed six-hundred (600) feet in length and there shall be provided with a turnaround at the closed end, having a right-of-way radius of not less than fifty (50) feet if no utilities are located within the right-of-way, or fifty-five (55) feet if utilities are located within the right-of-way. An approved traffic turning circle of forty (40) feet in radius shall be provided;
- m. Provide at least two connections to existing streets where development will result in one hundred or more lots in one neighborhood;
- n. Structures or culverts shall be installed for drainage, access and public safety. Adequate drainage of the subdivision public ways shall be provided by means of said structures or culverts or by other approved means in accordance with the standards adopted by these regulations and the Kingman Area Drainage Design and Administrative Manual;
- o. Alleys with a minimum width of twenty (20) feet shall be provided to the rear of all lots in commercial and industrial subdivisions;
- p. Sidewalks shall be provided in all subdivisions at a minimum width of four (4) feet. The City Council may require wider sidewalks in commercial/industrial subdivisions.

(5) Road Dedications and Reservations

- a. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. New half-streets shall be included in the petition of exceptions, and shall be allowed only when approved by the City Council. The Council shall consider the following criteria when reviewing petitions of exceptions:
  - (1) An exception for half-streets cannot be considered if the half-street provides sole access to the new subdivision area, or if traffic to developments beyond the half-street must use the street as sole access.
  - (2) An exception for half-streets cannot be considered if any such street is designed to be a primary carrier of rain/water runoff generated in the subdivision or necessarily passing through the subdivision.

- b. Where a subdivision borders an existing narrow road or when the General and/or Transportation Plan, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the municipality in fee simple or an easement is granted to the City of Kingman.

**(6) Standards for Construction**

All streets within the subdivision shall be constructed of asphaltic concrete with curb and gutter and shall conform to the standards and specifications of the City of Kingman Standard Specifications for Public Works Improvements as outlined in Article XV of the Kingman Code of Ordinance.

**4.7 DRAINAGE**

**(1) General Requirements**

The Planning and Zoning Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for the safe handling of storm or floodwater runoff and is not in conformance with the Kingman Area Drainage Design and Administrative Manual.

**(2) Drainage Easements**

Drainage easements may be used only for minor drainage purposes. The City Engineer shall review proposed drainage easements, and based on the drainage report, recommend whether or not an easement is necessary and should be allowed, versed to a dedicated drainage way.

**4.8 WATER FACILITIES**

**(1) General Requirements**

The subdivider shall take necessary action to develop a supply and distribution system, to provide domestic water to each lot, in accordance with the existing City policy and specifications.

- (2) Fire hydrants and fire flows shall be required for all subdivisions. Fire hydrants shall be installed in accordance with the Kingman Code of Ordinances Article XV and their location shall be approved by the City of Kingman Fire Chief. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

**4.9 SEWER FACILITIES**

**(1) General Requirements**

- a. It is the City's policy that, unless specifically excepted, all new subdivisions within the City shall provide for the discharge of domestic and liquid waste into the municipal sewer system. It is intended that no new subdivisions inside the City limits, will be granted water service unless they are served by a central sewage collection system. All developers shall be required to extend to and through their project a sewage collection system of a size sufficient to dispose of these wastes to the public system. When deemed appropriate and necessary, the developer shall extend the main trunk and/or collector lines to the upstream extremities of the project so as to provide reasonable access of potential upstream users to the City system.

- b. The subdivider shall take necessary action to extend or create a sanitary sewer system for the purpose of providing sanitary sewer facilities capable of servicing the subdivision.
- c. The subdivider shall connect with the public sanitary sewer system or other central sewage system and install sewer lines to serve each lot, in accordance with the City of Kingman Standard Specifications for Public Works Improvements, as outlined in Article XV of the Kingman Code of Ordinances.
- d. In the case of a new subdivision has been specifically excepted, the applicant may install individual sewer systems, provided the following conditions are met:
  - (i) The Mohave County Health Department and Arizona Department of Health Services approve the area for individual systems.
  - (ii) The installation of the individual systems shall conform to Mohave County Health Department and Arizona Department of Health Services Standards and specifications, and/or any standards adopted by the City of Kingman.

**4.10 SIDEWALKS**

(1) General Requirements

- a. Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads, when required.
- b. Sidewalks in a residential subdivision or zoning district shall have a minimum width of four (4) feet.
- c. Sidewalks in a commercial subdivision or zoning district shall have a minimum width of four (4) feet. The City Council may require wider sidewalks where deemed necessary.

(2) Construction of Sidewalks

Sidewalks shall be of Portland cement concrete, and installed in accordance with the City of Kingman Standard Specifications for Public Works Improvements as outlined in Kingman Code of Ordinances Article XV.

**4.11 TRAFFIC CONTROL DEVICES AND STREET NAMES**

Location of traffic control devices shall be provided with construction plans, and shall be in conformance with the guidelines of the Federal Highway Administration, Manual of Uniform Traffic Control Devices (MUTCD). Materials and labor for all street names, regulatory traffic controls, shall be paid for by the developer. Installation shall be by the Public Works Department.

**4.12 UTILITIES**

(1) Location

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All existing utility facilities shall be shown on the preliminary plan. Underground service connections to the street property line of each platted lot shall be installed at the sub-dividers expense.



SEP 18 2015

RCY'D  
TIME 2:00 PM

*S. Jellows*

**CITY OF KINGMAN  
PRELIMINARY SUBDIVISION PLAT APPLICATION FORM**

CASE # SB- 15-007

APPLICATION FEE \$500 PLUS \$10.00 PER LOT, TRACT OR PARCEL

STAFF USE ONLY: FEE PAID? YES  NO  PAYMENT DATE 9/18/15

Application Date: JULY 13, 2015

Proposed Subdivision Name and Tract Number:  
MISSION ESTATES II TRACT 6044

Description of Location and/or Legal Description:  
LOTS 9-16 MISSION ESTATES TRACT 1982

Mohave County Tax Parcel Number(s): SEE EXHIBIT A      Size of Parcel(s):

PROPERTY OWNER'S NAME: OWNER(S) MUST SIGN APPLICATION. ATTACH ADDITIONAL SIGNATURE PAGES FOR EACH OWNER (IF ANY) AND DATES OF SIGNATURE(S).

Marc Daniels

Mailing Address: 1053 Creek View Court

City/State/Zip: Whitefish, MT 59937

Phone Number: 406-471-4112      E-mail: marc@bigmtbuilders.com

I (WE) THE UNDERSIGNED PROPERTY OWNER(S) REQUEST THE APPROVAL OF THE ABOVE DESCRIBED PRELIMINARY SUBDIVISION PLAT.

Signature: [Signature]      Date: 7-20-15

OWNER'S AGENT OR REPRESENTATIVE:  
RAYMOND W. STADLER, P.E.

Mailing Address: 2504 AIRFIELD COURT

City/State/Zip: KINGMAN, AZ 86401

Phone Number: (928)753-8927      E-mail: rstadler@npgcable.com

Signature: \_\_\_\_\_      Date: \_\_\_\_\_

ITEMS FROM THE "PRELIMINARY SUBDIVISION PLAT APPLICATION CHECKLIST" SHALL BE SUBMITTED WITH THIS PRELIMINARY SUBDIVISION PLAT APPLICATION FORM.

## MISSION ESTATES II TRACT 6044

### NARRATIVE STATEMENT

The proposed Mission Estates II Tract 6044 subdivision is a re-subdivision of lots 9 through 16 of Mission Estates Tract 1982 not including Parcel "A". The proposed re-subdivision will consist of 5 single family residential lots located on the east side of the eastern end of Mallory Loop and have lot areas greater than 6,000 square feet. Along with the processing of the revised lot layout, a rezoning request will be processed to change the zoning of the re-subdivided area from the existing R2-PDD zoning to a R1-6 zoning.

All improvements including pavement, curb & gutter, sidewalk, water, sewer, electric and telephone service are existing along the frontage of the area to be re-subdivided. The existing lots are graded, however the lots will need to be regarded to conform to the new lot configuration. A plan for this regarding will be submitted along with final plat. Additionally, there are existing water, sewer electric and telephone services to each of the existing lot. These services will be adjusted as needed to provide service to the new lot configuration, and any existing services not used will be cut, plugged or removed in accordance with the requirements of the various utility providers.

With the reduction in number of residential lots and structures, the proposed re-subdivision will have no negative impact on drainage, traffic or the level of utility services.

**EXHIBIT A**

**Mission Estates II Tract 6044**

**Parcels Impacted by Zoning Ordinance Amendment**

<b>APN</b>	<b>AREA (SF)</b>
321-33-009	7971
321-33-010	5258
321-33-011	4107
321-33-012	3465
321-33-013	3484
321-33-014	5620
321-33-015	5468
321-33-016	3374



- Legend**
- Incorporated Cities (greater than 50,000)
  - Mohave County Boundary
  - Surrounding Counties
  - ADOT Mileposts
  - COUNTY Mileposts
  - Highways
  - Main Arterials
  - Collectors
  - Local
  - Railroad
  - Tax Parcel
  - Township/Range
  - Section
  - Surface Management
    - AZ Game and Fish
    - Bureau of Land Management
    - Bureau of Reclamation
    - City or County Parks
    - US Forest Service
    - Indian Reservation
    - Military Reservation
    - National Parks
    - Other
    - Private
    - State Parks
    - State Trust
    - National Wildlife Refuge

1:3,172



**Notes:**

This map is a user generated static output from the Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk, as stated in the full disclaimer at <http://gis.mohavecounty.us>

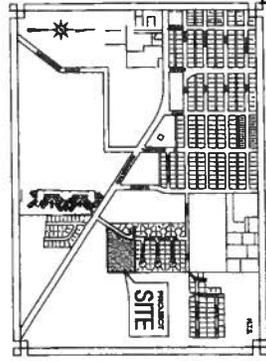
Map Created: 9/28/2015

528.7 Feet

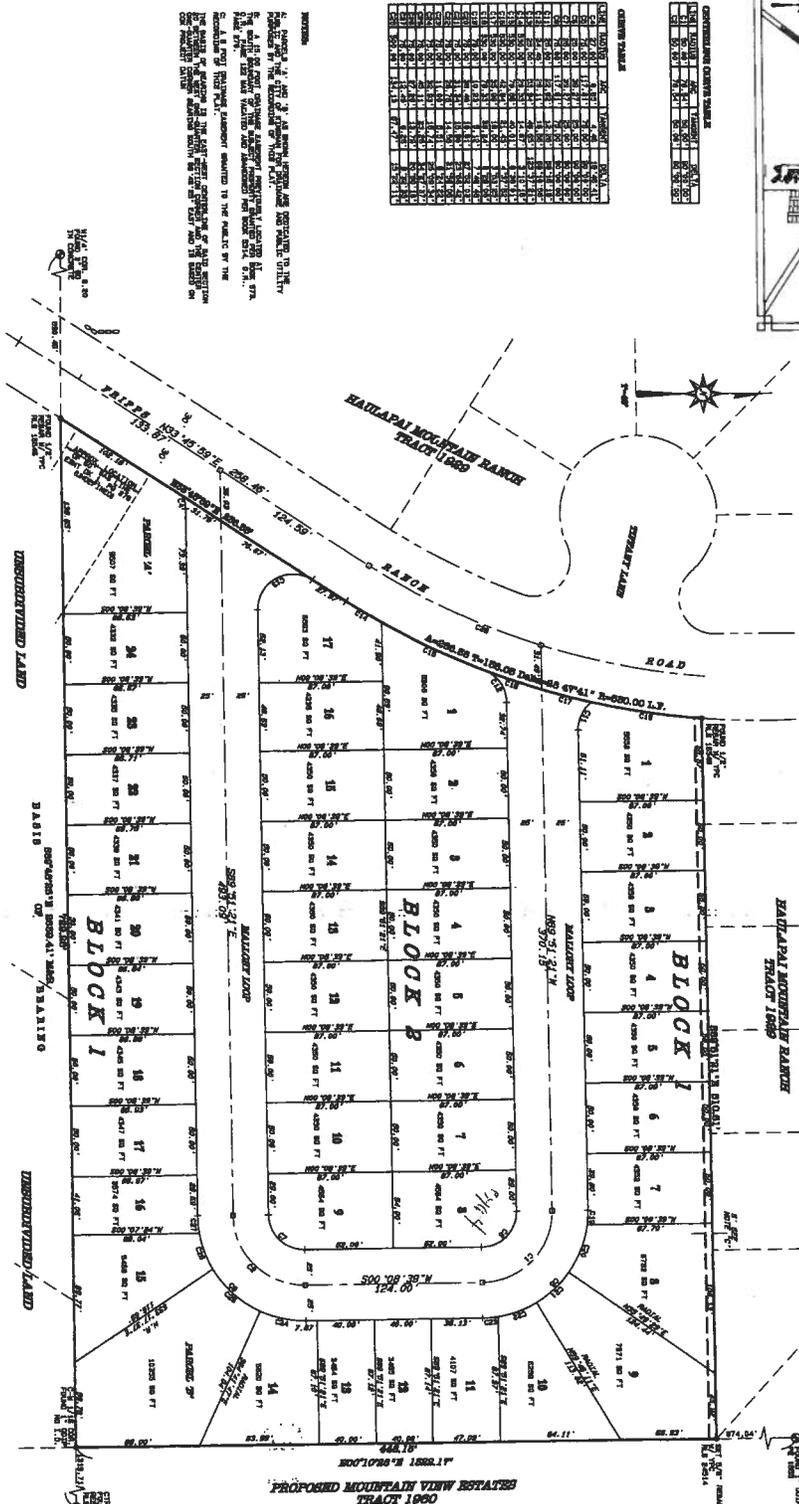
264.3

(approximate scale)

# EXISTING SUBDIVISION PLAT



## FINAL PLAT MISSION ESTATES TRACT 1982 A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 21 NORTH, RANGE 16 WEST OF THE GILA & SALT RIVER MERIDIAN MOHAVE COUNTY, ARIZONA 6.13± ACRES



**EXISTING SUBDIVISION PLAT**

LOT	ACRES	AREA (SQ. FT.)
1	0.13	9,000
2	0.13	9,000
3	0.13	9,000
4	0.13	9,000
5	0.13	9,000
6	0.13	9,000
7	0.13	9,000
8	0.13	9,000
9	0.13	9,000
10	0.13	9,000
11	0.13	9,000
12	0.13	9,000
13	0.13	9,000
14	0.13	9,000
15	0.13	9,000
16	0.13	9,000
17	0.13	9,000
18	0.13	9,000

TO CORRECT AND AMEND THE RECORDS OF THE CITY OF MOHAVE COUNTY, ARIZONA, IN CONNECTION WITH THE PROPOSED MOUNTAIN VIEW ESTATES TRACT 1981, THE CITY ENGINEER HAS REVIEWED THE PLAT AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING ACT AND THE SUBDIVISION ACT. THE CITY ENGINEER HAS THEREFORE ISSUED THIS CERTIFICATE OF APPROVAL.

- LEGEND**
- PLANNING SECTION CORNER, INDICATED, AS SHOWN.
  - POINT OF BEGINNING, AS SHOWN.
  - SET OF 1/4" INCH TO CORRECT AS A RESULT OF THE CITY ENGINEER'S SURVEY.
  - SET OF 1/4" INCH TO CORRECT AS A RESULT OF THE CITY ENGINEER'S SURVEY.
  - INDICATES RECORD DATA FROM A.S.T. 472.
  - INDICATES RECORD DATA FROM A.S.T. 472.
  - INDICATES LINE SET POINT, TO CORRECT.



**EXEMPTION CERTIFICATE**

THIS IS TO CERTIFY THAT THE RECORDS OF THE ABOVE DESCRIBED TRACT ARE IN ACCORDANCE WITH THE CITY ENGINEERING ACT AND THE SUBDIVISION ACT.

**EXEMPTION CERTIFICATE**

THIS IS TO CERTIFY THAT THE RECORDS OF THE ABOVE DESCRIBED TRACT ARE IN ACCORDANCE WITH THE CITY ENGINEERING ACT AND THE SUBDIVISION ACT.

**EXEMPTION CERTIFICATE**

THIS PLAT HAS BEEN REVIEWED FOR CONFORMANCE WITH THE CITY ENGINEERING ACT AND THE SUBDIVISION ACT. THE CITY ENGINEER HAS THEREFORE ISSUED THIS CERTIFICATE OF APPROVAL.

**DATE PREPARED: 12/23/2004 3:00 P.M.**

**BY: [Signature]**

**CITY ENGINEER**

**EXEMPTION CERTIFICATE**

THIS PLAT HAS BEEN REVIEWED FOR CONFORMANCE WITH THE CITY ENGINEERING ACT AND THE SUBDIVISION ACT. THE CITY ENGINEER HAS THEREFORE ISSUED THIS CERTIFICATE OF APPROVAL.

**DATE PREPARED: 12/23/2004 3:00 P.M.**

**BY: [Signature]**

**CITY ENGINEER**

**EXEMPTION CERTIFICATE**

THIS PLAT HAS BEEN REVIEWED FOR CONFORMANCE WITH THE CITY ENGINEERING ACT AND THE SUBDIVISION ACT. THE CITY ENGINEER HAS THEREFORE ISSUED THIS CERTIFICATE OF APPROVAL.

**DATE PREPARED: 12/23/2004 3:00 P.M.**

**BY: [Signature]**

**CITY ENGINEER**

**EXEMPTION CERTIFICATE**

THIS PLAT HAS BEEN REVIEWED FOR CONFORMANCE WITH THE CITY ENGINEERING ACT AND THE SUBDIVISION ACT. THE CITY ENGINEER HAS THEREFORE ISSUED THIS CERTIFICATE OF APPROVAL.

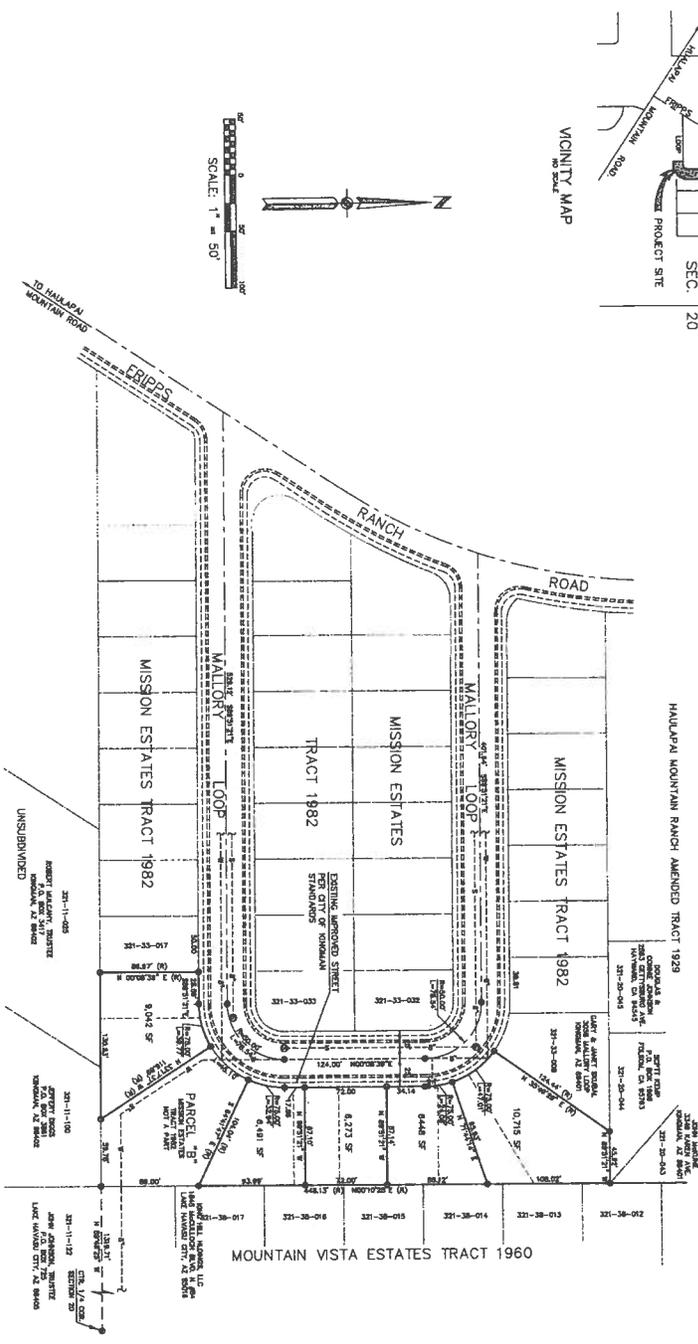
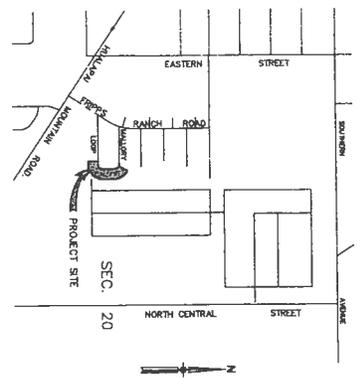
**DATE PREPARED: 12/23/2004 3:00 P.M.**

**BY: [Signature]**

**CITY ENGINEER**

# MISSION ESTATES II TRACT 6044 PRELIMINARY PLAT

A RESUBDIVISION OF LOTS 9-16 OF THE MISSION ESTATES TRACT 1982 AS RECORDED AT FEE NO. 2005-000124 IN THE OFFICE OF THE MOHAVE COUNTY RECORDER BEING A PORTION OF SECTION 20, T.21N., R.16W., OF THE GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA



**PROPERTY OWNERS:**

- 31-11-008 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-009 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-010 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-011 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-012 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-013 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-014 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-015 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-016 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-017 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-018 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-019 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-020 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-021 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-022 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-023 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-024 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-025 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-026 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-027 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-028 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-029 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-030 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-031 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-032 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-033 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-034 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-035 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-036 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-037 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-038 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-039 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401
- 31-11-040 RAYMOND W. STADLER, P.E., R.L.S. 2504 AIRFIELD COURT, KINGMAN, AZ 86401

**OWNER DEVELOPER:**

MALLOY LOOP TRACT TRUST  
MOUNTAIN VISTA ESTATES TRACT TRUST  
MISSION ESTATES TRACT TRUST  
WATERSIDE TRACT TRUST  
(408) 471-4112

**ENGINEER/SURVEYOR:**

RAYMOND W. STADLER, P.E., R.L.S.  
KINGMAN, ARIZONA 86401  
(928) 753-8927

**SITE DATA:**

APN 31-13-008, 010, 011, 012, 013, 014, 015, 016  
ZONING R2-190  
PROPOSED ZONING R2-190  
PROPOSED USE SINGLE FAMILY RESIDENTIAL  
SITES 5  
AREA OF LOTS 38989 SF (0.88 ac)  
PROPOSED NO. OF LOTS 5  
MINIMUM LOT SIZE 6,273 SF  
MAXIMUM LOT SIZE 10,718 SF  
DENSITY 5.29 LOTS/AC  
FLOOD FLOOD DESIGNATION FIRM NO. 0407042458N, EFFECTIVE FEBRUARY 18, 2019

**UTILITY PROVIDERS:**

WATER CITY OF KINGMAN  
SEWER KINGMAN  
ELECTRIC KINGMAN  
TELEPHONE FRONTIER COMMUNICATIONS  
FIRE DISTRICT CITY OF KINGMAN  
GAS WEST ARIZONA  
CABLE COMCAST

**LEGAL DESCRIPTION:**

LOTS 9-16 MISSION ESTATES TRACT 1982 AS RECORDED AT RECEPTION NO. 2005-000124 IN THE OFFICE OF THE MOHAVE COUNTY RECORDER BEING A PORTION OF SECTION 20, T.21N., R.16W., OF THE GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA

REVISIONS:	DATE	BY	DESCRIPTION
1	5/20/15	RWS-15244	ISSUE FOR PERMIT
2	10/1/15	RWS-15244	ISSUE FOR PERMIT
3	10/1/15	RWS-15244	ISSUE FOR PERMIT

**RAYMOND W. STADLER P.E., R.L.S.**  
2504 AIRFIELD COURT  
KINGMAN, ARIZONA 86401  
PHONE: (928) 753-8927 \* FAX (928) 753-4000

MISSION ESTATES II TRACT 6044  
PRELIMINARY PLAT  
KINGMAN, ARIZONA

# Memo

**To:** Rich Ruggles  
**From:** Greg Henry  
**CC:** File  
**Date:** October 19, 2015  
**Re:** Mission Estates II, Tract 6044  
File RZ15-004 & SB15-007

---



**Engineering Department**

We have reviewed the subject Rezone & Subdivision Plat have no objection to its continued processing. The following comments are provided:

1. The Plat should show how the existing water and sewer services, which were stubbed for the current lots, will be utilized for the new lots. If any new water and sewer services are required, they should be shown on the Plat.

(928)753 8579 FAX  
(928)753 8136 PHONE  
[jmcerlean@cityofkingman.gov](mailto:jmcerlean@cityofkingman.gov)

**E-Mail / Fax**



**City of Kingman**  
Development Services  
Building Department

**To:** Ray Stadler  
**From:** Jim McErlean – Plans Examiner  
**e-mail:** rstadler@npgcable.com  
**Pages:** 1  
**Phone:** (928)753-8927  
**Date:** 9/29/2015  
**Re:** Mission Hills Est II 6044 Preliminary Plat  
**CC:** Rich Ruggles  
RZ15-004 / SB15-007

**Urgent**       **For Review**       **Please Comment**       **Please Reply**       **Please Recycle**

The City of Kingman permit application submittal requirements and *Licensing Time Frames* are in accordance with A.R.S. § 9-836. The *Administrative Licensing Time Frame* for this application is hereby suspended until we receive your complete submittal. Below is a list of the specific deficiencies lacking in the application submittal:

The City of Kingman Building Department has no objections to this Preliminary Plat.

These comments are in preparation for the **Final Plat** submittal.

1. Each Subdivision Final Plat submittal requires an associated Grading plan. The Grading plan shall show the following:
  - a) Design Pad Elevation for each lot
  - b) Design Drainage Point of Discharge location & elevation for each lot
  - c) Cut & Fill Quantities in Cubic Yards
  - d) The Grading Recommendations in the geotechnical report shall be reproduced verbatim on the grading plan sheets
2. Each Subdivision Final Plat submittal requires a **geotechnical report** prepared by an Engineering firm sealed by an AZ Registrant.
3. Before any Grading is performed, a COK Grading permit shall be applied for, approved and issued.
4. A Special Inspection Certificate shall be completed for the subdivision grading. Only Certified Soil Grading inspectors working under the supervision of a licensed engineer will be approved.
5. After the grading is complete a Final Report shall be prepared by the Special Inspection Engineering firm and sealed by an AZ Registrant.
6. **Provide a PDF file of the submitted plan set and support documents.** The PDF file may be delivered to the COK by CD, DVD, Flash drive, e-mail attachment(s) [20mb max] or FTP down load site.
7. **Obtain a Property Floodplain Information Sheet from the Mohave County Flood Control District, 928-757-0925,** as a portion of Kingman Crossing subdivision is located within an “A” designated Flood Hazard Zone. Identify these lots on the Grading Plan. Solicit the required minimum pad elevation required from Mohave County Flood Control. Verify that the design Pad Elevations are above that requirement.

## **Rich Ruggles**

---

**From:** Rod Ward  
**Sent:** Friday, October 02, 2015 8:26 AM  
**To:** Rich Ruggles  
**Cc:** Greg Henry  
**Subject:** Review Rezoning Case RZ15-004

At this time I have very few comments on the Preliminary Plat for The re-subdivision of Lots 9-16 Block 1 since very little surveying info is available.

Since these lots are all under one ownership, this plat should meet the requirements needed to rezone and plat the changes when recorded.

At the time a final plat is submitted these issues will need to be addressed:

Title Block:

That portion describing the re-subdivision needs to be Bolder print to bring more attention to what this plat represents, It Is NOT the Plat for Mission Estates II.

The Block in which these lots lay in needs to be included – BLOCK 1

Monument descriptions found or set need to be included along with measured and record distances and bearings and all other info that must be included for a recorded plat.

Rod Ward  
City Surveyor



# MOHAVE COUNTY FLOOD CONTROL DISTRICT

DEPARTMENT OF DEVELOPMENT SERVICES

P. O. Box 7000, Kingman, Arizona 86402-7000 3250 E Kino Ave, Kingman, AZ 86409 Telephone (928) 757-0925 FAX (928) 757-0912  
[www.mohavecounty.us](http://www.mohavecounty.us)

David West, P.E., C.F.M.  
Flood Control District Engineer

Nicholas S. Hont, P.E.  
Department Director

## MEMORANDUM

Date: September 30, 2015  
To: Rich Ruggles, Principal Planner  
From: Randall Gremlich, PE, CFM, MCFCD project manager *RKG*  
Thru: Dave West, PE CFM, MCFCD Engineer  
Re: Submittal of a Rezone case RZ15-004 Mission Estates Tr. 6044 and preliminary plat Subdivision Case SB15-006

I have reviewed the submittal by Raymond W. Stadler for the subject subdivision. The site is not located in a FEMA designated Special Flood Hazard Area. The MCFCD has no objection to this development.



## Rich Ruggles

---

**From:** MGibelyou@uesaz.com  
**Sent:** Friday, October 09, 2015 3:48 PM  
**To:** Rich Ruggles  
**Subject:** RE: Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

Rich, UNS Electric, Inc. has reviewed the proposed rezone and lot split adjustment. We have no objections to the rezone. In regards to the resubdivision of Lots 9 thru 16 we offer the following.

We have existing facilities at this location. If the resubdivision is approved the existing facilities will no longer be on the lot lines. The developer will be responsible for compensation UNS Electric for relocation of these facilities. These costs could include trenching, backfill, materials and labor.

If you or the developer have any questions in regards to these comments please let us know. Thank you for the opportunity to review.

Michael L. Gibelyou, SR/WA  
Senior Right of Way Agent  
UNS Electric, Inc.  
(928) 681-8923 desk  
(928) 681-8920 fax

---

**From:** Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]  
**Sent:** Monday, September 28, 2015 11:56 AM  
**To:** Pebley, Stephen ([Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)); Gibelyou, Mike; Fjeld, Jeff; [jeremy.brunk@suddenlink.com](mailto:jeremy.brunk@suddenlink.com)  
**Subject:** [EXTERNAL E-Mail] Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

Good morning:

I have attached a memorandum, a rezoning and subdivision application, and a preliminary plat map for Mission Estates II, Tract 6044. Please review the attached information and send any comments to me by October 27, 2015. Thanks.

**Rich Ruggles**  
Principal Planner  
City of Kingman Development Services Dept.  
Office: (928) 753-8130 Direct: (928) 753-8160  
E-mail: [rruggles@cityofkingman.gov](mailto:rruggles@cityofkingman.gov)

## Rich Ruggles

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**From:** Wiegersma, Brenda <brenda.wiegersma@ftr.com>  
**Sent:** Wednesday, September 30, 2015 1:26 PM  
**To:** Rich Ruggles  
**Subject:** RE: Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

Hi Rich,

Frontier Communications has 4 pedestals that are located on the original property lines. If the lots are re-subdivided they will be in the middle of the newly proposed lots. If in conflict, the telephone pedestals will need to be relocated at the property owner or developer's expense.

Please contact me at 928/757-0240 if you have any questions.

Thank you,

Brenda Wiegersma  
Network Engineer  
3405 E Northern Ave  
Kingman, AZ 86409  
[Brenda.Wiegersma@FTR.com](mailto:Brenda.Wiegersma@FTR.com)  
928-757-0240 (o)  
928-716-6624 (c)  
928-681-2349 (f)

---

**From:** Loreque, Marc  
**Sent:** Monday, September 28, 2015 1:22 PM  
**To:** Wiegersma, Brenda  
**Subject:** FW: Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

Hi Brenda,

Looks like this one is for yours...Marc

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**From:** Pebley, Stephen  
**Sent:** Monday, September 28, 2015 12:03 PM  
**To:** Loreque, Marc <[Marc.Loreque@ftr.com](mailto:Marc.Loreque@ftr.com)>  
**Subject:** Fwd: Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

Sent from my iPhone

Begin forwarded message:

**From:** "Rich Ruggles" <[rruggles@cityofkingman.gov](mailto:rruggles@cityofkingman.gov)>  
**To:** "Pebley, Stephen" <[Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)>, "[mgibelyou@uesaz.com](mailto:mgibelyou@uesaz.com)" <[mgibelyou@uesaz.com](mailto:mgibelyou@uesaz.com)>,

## Rich Ruggles

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**From:** Rodriguez, Jay <Jay.Rodriguez@Suddenlink.com>  
**Sent:** Tuesday, October 06, 2015 11:53 AM  
**To:** Rich Ruggles  
**Cc:** Brunk, Jeremy  
**Subject:** RE: Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning  
**Attachments:** ME II Tr 6044 PP memo.pdf; ME II PP Application.pdf; ME II TR 6044 prelim plat.PDF

Rich

We have reviewed the attached plans, and have contacted Marvin Yarbrough at Unisource Energy planning supervisor . We are currently looking at working together for the move of facilities to accommodate the request for rezoning of Mission Estates and changing of lot lines. However we will need to notify the property owner there will be cost in moving our active facilities to the new lot lines location, this cost would be at the property owners expense.

**Jeremy J. Rodriguez (Jay)**  
**Construction Coordinator**  
**Bullhead City/Kingman AZ**  
C 928-201- 7227  
O 928-219-4965 Ex 94965  
[Jeremy.rodriquez2@suddenlink.com](mailto:Jeremy.rodriquez2@suddenlink.com)



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**From:** Brunk, Jeremy  
**Sent:** Monday, September 28, 2015 12:45 PM  
**To:** Rodriguez, Jay  
**Subject:** FW: Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

FYI

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**From:** Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]  
**Sent:** Monday, September 28, 2015 11:56 AM  
**To:** Pebley, Stephen ([Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)); [mgibelyou@uesaz.com](mailto:mgibelyou@uesaz.com); [jfield@uesaz.com](mailto:jfield@uesaz.com); Brunk, Jeremy  
**Subject:** Request for Comments for Mission Estates II Tr. 6044 Preliminary Plat and Rezoning

Good morning:

I have attached a memorandum, a rezoning and subdivision application, and a preliminary plat map for Mission Estates II, Tract 6044. Please review the attached information and send any comments to me by October 27, 2015. Thanks.

**Rich Ruggles**  
Principal Planner  
City of Kingman Development Services Dept.



# Subdivision Case SB15-007

Mission Estates II, Tract 6044

Preliminary Plat

City Council Meeting

December 1, 2015

# General Information

- **Applicant**: Raymond W. Stadler, P.E.
- **Property Owner**: Mallory Loop Re Trust c/o Marc Daniels.
- **Requested Action**: Approve the preliminary plat for Mission Estates II, Tract 6044. Property located at 3032 to 3046 Mallory Loop.

# Standards for Review

- **Kingman General Plan 2030:**
  - Chapter 4: Land Use Element
  - Chapter 5: Growth Area Element
- **City of Kingman Subdivision Ordinance:**
  - **2.000:** Subdivision Application Procedure & Approval Process
  - **4.000:** Requirements for Improvements, Reservations and Design
  - Table Two – Design Criteria and Notes

# Southwest Portion of Site



# Balance of Site Along East Side of Mallory Loop



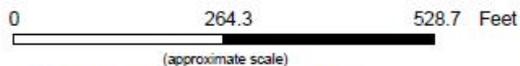
# Aerial View of Site



## Legend

- Incorporated Cities (greater than 5,000 population)
  - Mohave County Boundary
  - Surrounding Counties
  - ADOT Mileposts
  - COUNTY Mileposts
  - Highways
  - Main Arterials
  - Collectors
  - Local
  - Railroad
  - Tax Parcel
  - Township/Range
  - Section
- Surface Management**
- AZ Game and Fish
  - Bureau of Land Management
  - Bureau of Reclamation
  - City or County Parks
  - US Forest Service
  - Indian Reservation
  - Military Reservation
  - National Parks
  - Other
  - Private
  - State Parks
  - State Trust
  - National Wildlife Refuge

1:3,172



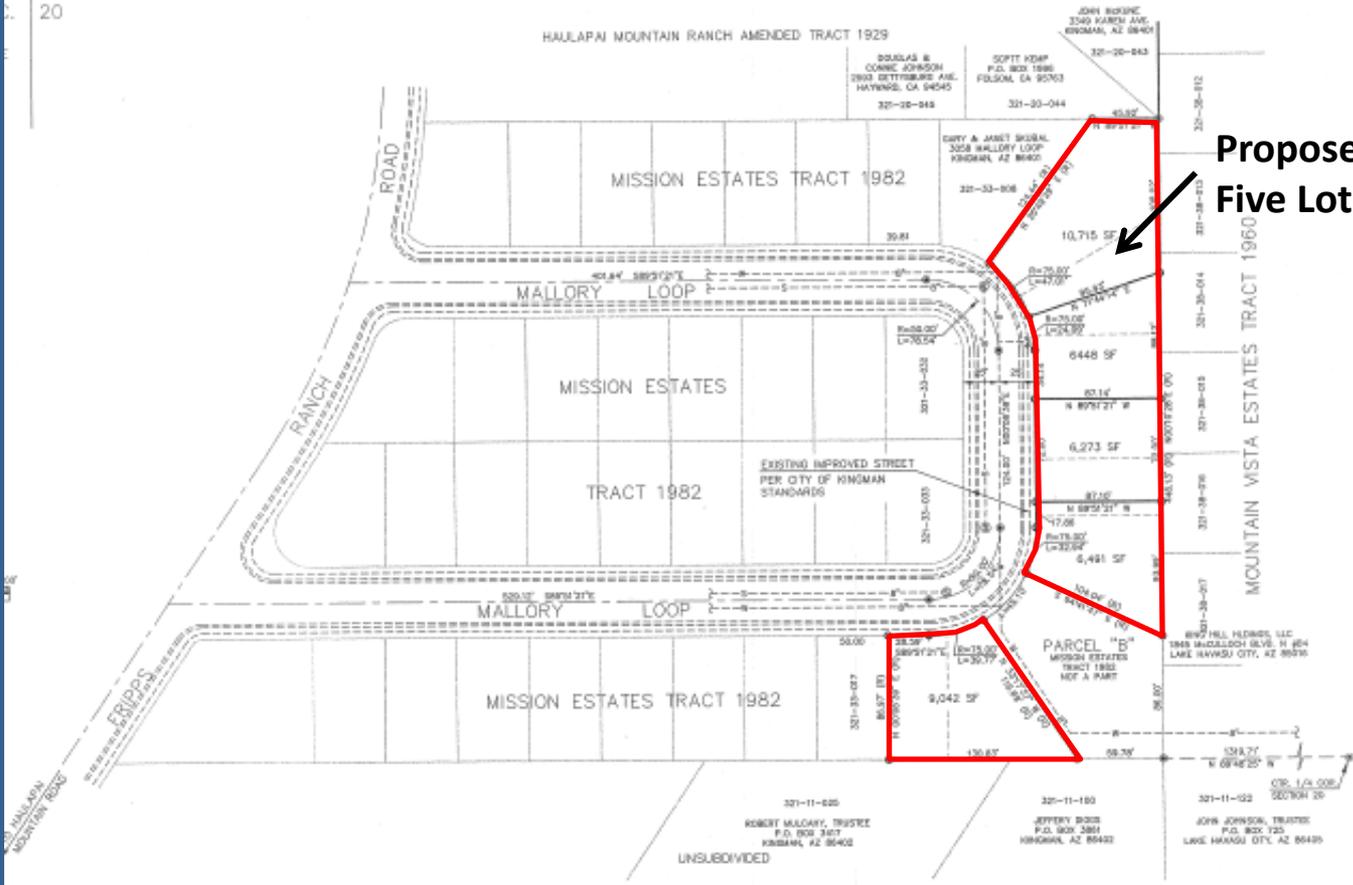
Map Created: 9/28/2015

This map is a user generated static output from the Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk as stated in the full disclaimer at <http://gis.mohavecounty.us>

## Notes:



# Proposed Preliminary Plat for Mission Estates II, Tract 6044



**Proposed Five Lots**

**OWNER DEVELOPER:**

MALLORY LOOP RE TRUST  
1053 CREEKVIEW COURT  
WHITEFISH, MT 59037  
(406) 471-4112

**ENGINEER/SURVEYOR:**

RAYMOND W. STADLER, P.E., R.L.S.  
2504 AIRFIELD COURT  
KINGMAN, ARIZONA 86401  
(928) 753-8927

**SITE DATA:**

APN	321-33-009, 010, 011, 012, 013, 014, 015, 016
ZONING	R2-P50
PROPOSED ZONING	R1-6
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
SITE AREA	38969 SF (0.89 ac)
AREA OF LOTS	38969 SF (0.89 ac)
PROPOSED NO. OF LOTS	5
MINIMUM LOT SIZE	5,273 SF
MAXIMUM LOT SIZE	10,715 SF
DENSITY	5.58 LOTS/AC.
FLOOD PLAN DESIGNATION	234E X, FEMA FIRM NO. 04015C4550M, EFFECTIVE FEBRUARY 18, 2015

**UTILITY PROVIDERS:**

WATER	CITY OF KINGMAN
SEWER	CITY OF KINGMAN
ELECTRIC	UNISOURCE
TELEPHONE	FRONTIER COMMUNICATIONS
GAS	INSCOURSE
FIRE DISTRICT	CITY OF KINGMAN
GARBAGE	CITY OF KINGMAN
LAND FILL	MOHAVE COUNTY

**LEGAL DESCRIPTION:**

LOTS 9 - 16 MISSION ESTATES TRACT 1982 AS RECORDED AT RECEPTION NO. 2005-000124 IN THE OFFICIAL RECORDS OF MOHAVE COUNTY BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 NORTH, RANGE 16 WEST OF THE GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA.

# Department and Agency Comments

**Engineering Department:** Final plat should show how the existing water and sewer services will be utilized for the new lots. Any new water and sewer services should be shown on the final plat.

**Building Division:** Grading plan, geotechnical report, grading permit required with final plat.

**City Surveyor:** Final plat needs to include monuments, measured and recorded distances and bearings and other info.

**Utility Companies:** Developer responsible to pay for moving any existing facilities necessary to serve the replatted lots.

# Analysis of Request

- **Re-platted lots will meet or exceed minimum R-1-6 standards for lot sizes and widths.**
- **Block and lot layout are in compliance with the Subdivision Ordinance.**
- **Block and lot numbers will need to be added to the final plat.**
- **Mallory Loop provides access to the lots and is fully improved.**
- **Drainage pattern is not expected to be altered by re-platting, however, the lots will need to be regraded to conform to the new lot configuration and a grading plan will need to be submitted with the final plat.**
- **Water, sewer, electric, telephone and cable facilities in place. New water and sewer services need to be shown on plan. Other facilities may need to be moved at developer's expense.**

# Recommendation

The Planning and Zoning Commission and staff recommend adoption of Resolution #4981 which would approve the preliminary plat for Mission Estates II, Tract 6044 with the following conditions:

1. The final plat shall indicate lot and block numbers in accordance with Section 4.5 of the Subdivision Ordinance of the City of Kingman.
2. The final plat shall include monument descriptions found or set, along with measured and record distances and bearings and all other information that must be included for a recorded plat.
3. A grading plan, geotechnical report, and grading permit will be required to be submitted with the final plat.
4. The final plat shall show how the existing water and sewer services, which were stubbed for the current lots, will be utilized for the new lots. If any new water and sewer services are required, they shall be shown on the final plat.
5. The subdivision developer shall be responsible to pay for moving any existing utilities that is necessary to serve the re-platted lots within Mission Estates II, Tract 6044.



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council  
**FROM:** Rich Ruggles, Development Services Department

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Public Hearing and consideration of Ordinance 1809 modifying Ordinance 1189 by removing condition “B” of this ordinance as applied to certain property described as Lot 2, Block 4, Southern Vista III, Tract 6002, and prescribing conditions

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**SUMMARY:**

A request from KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, for the removal of Condition “B” of Ordinance No. 1189 which rezoned property, including the subject site to R-1-20: Residential, Single Family, 20,000 square foot lot minimum in 1998. While the minimum lot size in the R-1-20 district is normally 20,000 square feet, Condition “B” of this ordinance required that any future lots abutting Hualapai Foothill Estates to be at least 30,000 square feet in size. The subject property, located at 2406 Steamboat Drive, is 47,322 square feet, and the intent is to split the property into two parcels for two single family homes.

Due to rezonings that have occurred on surrounding properties, only the subject site and the lot immediately to the north remain subject to the lot size requirements of Condition “B.” A minimum lot size of 20,000 square feet for this property will conform to the Projected Land Use Map of the Kingman General Plan 2030. Any splitting will need to be accomplished with an approved parcel plat. There are some drainage concerns in the area and the City Engineering Department has requested that a drainage report be submitted with the parcel plat that addresses these concerns.

The Planning and Zoning Commission held a public hearing on November 10, 2015. There were objections raised to the proposal that were voiced by several property owners in the Hualapai Foothills area to the east. In response to the objections, the Planning and Zoning Commission voted 5-1 to recommend denial of the request. An ordinance has been prepared with staff recommended conditions for the Council’s consideration.

**FISCAL IMPACT:**

None expected at this time.

**STAFF RECOMMENDATION:**

P&Z Commission voted 5-1 to recommend denial. Ordinance No. 1809 has been prepared with staff recommended conditions for the Council's consideration.

**ATTACHMENTS:**

**Description**

Ordinance No. 1809  
P&Z Commission Report  
PowerPoint Presentation

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Development Services	Jeppson, Gary	Approved	11/23/2015 - 2:08 PM
City Attorney	Cooper, Carl	Approved	11/23/2015 - 3:58 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 8:28 AM

WHEN RECORDED HOLD FOR  
KINGMAN CITY CLERK  
310 N. 4<sup>th</sup> Street  
Kingman, AZ 86401

## **CITY OF KINGMAN ORDINANCE NO. 1809**

### **AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: MODIFYING ORDINANCE NO. 1189 BY REMOVING CONDITION "B" OF THIS ORDINANCE AS APPLIED TO LOT 2, BLOCK 4, SOUTHERN VISTA III, TRACT 6002, AND PRESCRIBING CONDITIONS**

**WHEREAS**, KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, have requested the removal of Condition "B" of Ordinance No. 1189 which rezoned certain property from R-R: Rural Residential to R-1-20: Residential, Single Family, 20,000 square foot lot; and

**WHEREAS**, Condition "B" states: "The minimum lot size in this zoning district shall not be less than 30,000 square feet for any lots that are adjacent to the eastern property boundary of this site"; and

**WHEREAS**, the applicant has requested that Condition "B" be removed to allow the normal R-1-20 minimum lot size standard of 20,000 square feet for the subject property described as Lot 2, Block 4, Southern Vista III, Tract 6002; and

**WHEREAS**, the intent is to split the subject property which is 47,322 square feet into two parcels for the development of two single family homes; and

**WHEREAS**, this request was reviewed and was found to be in accordance with the projected land use and density standards of the adopted City of Kingman General Plan 2030 and other applicable regulations; and

**WHEREAS**, the rezoning request was reviewed by the Kingman Planning and Zoning Commission at the meeting of November 10, 2015, and was recommended for denial by a vote of 5-1; and

**WHEREAS**, the Kingman Common Council has the authority to approve this request pursuant to the City of Kingman Zoning Ordinance, Sections 3.000 and 31.000.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Kingman, Arizona that Condition "B" Ordinance No. 1189 be removed from the subject property described as Lot 2, Block 4, Southern Vista III, Tract 6002, with the following conditions:

1. The subject property shall be permitted to be split into a maximum of two parcels with an approved parcel plat in accordance with Kingman Municipal Code Section 2-146 and Section 3.000: Residential Single Family of the Zoning Ordinance of the City of Kingman.
2. A drainage report shall be submitted with the parcel plat and shall address the drainage impacts on the development of the property and other adjacent drainage parcels and easements, as well as show the proposed building pad elevations and locations of any proposed block walls adjacent to the drainage easements.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 1<sup>st</sup> day of December, 2015.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney



**CITY OF KINGMAN**  
**Development Services Department**  
**Rezoning Case: RZ15-005**  
**Staff Report**

**Summary of Request:** A request for the modification of Ordinance No. 1189 by removing Condition "B" of this ordinance as it applies to a specific lot. The ordinance, passed in 1998, zoned the subject property to R-1-20: Residential, Single Family, 20,000 square feet. However, Condition "B" required that any lots abutting Hualapai Foothill Estates to be at least 30,000 square feet. The removal of this condition would allow the subject property, Lot 2, Block 4 Southern Vista III, Tract 6002, to be split into two parcels that are at least 20,000 square feet while maintaining the existing zoning designation of R-1-20.

**GENERAL INFORMATION:**

**Property Owner:** Pioneer Title Trust No. 9099  
2213 Stockton Hill Road  
Kingman, AZ 86401  
(928) 530-6600  
[hilldev@frontiernet.net](mailto:hilldev@frontiernet.net)

**Applicant:** KTH Consulting, Inc.  
Kathleen Tackett-Hicks  
3751 Martingale Drive  
Kingman, AZ 86409  
(928) 279-4586  
[k\\_hicks@yahoo.com](mailto:k_hicks@yahoo.com)

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**RECOMMENDATION**

The Planning and Zoning Commission voted 5-1 to recommend denial of the request to remove Condition "B" of Ordinance No. 1189 on Lot 2, Block 4 Southern Vista III, Tract 6002 due to objections from surrounding property owners.

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## **STANDARDS FOR REVIEW**

### **APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030:**

- *Chapter 4: Land Use Element, Land Use Categories*
- *Chapter 5: Growth Area Element*

### **APPLICABLE SECTIONS OF THE CITY OF KINGMAN ZONING ORDINANCE:**

- Section 3.000: Residential, Single-Family
- Section 31.000: Amendments and Zone Changes

### **OTHER APPLICABLE REGULATIONS**

- Ordinance No. 1189

## **FINDINGS OF FACT**

**Location and Size:** The subject site is 47,322 square feet or approximately 1.09 acres and is located at 2406 Steamboat Drive. It is on the east side of Steamboat Drive between Isador Avenue on the north and Karen Avenue on the south.

**Legal Description:** The subject property is described as Lot 2, Block 4, Southern Vista III, Tract 6002.

**Existing Zoning and Existing Land Use:** The subject site is currently vacant and is zoned R-1-20: Residential, Single Family, Low Density. Ordinance No. 1189 which zoned the property to R-1-20 in September, 1998 includes a number of additional development standards and conditions unique to the property.

**Projected Land Use:** The Kingman General Plan 2030 indicates that the property is designated as Low Density Residential, 1-2 dwelling units per acre.

### **Surrounding Land Use and Zoning:**

- **North:** Vacant property zoned R-1-20, beyond which are one-acre single family home lots within Southern Vista Tract 1980-B, zoned R-1-40: Residential, Single Family, 40,000 square foot lot minimum.
- **East:** Hualapai Foothill Estates subdivision with single family homes on property zoned R-1-40: Residential, Single Family, 40,000 square foot lot minimum.
- **South:** Vacant property zoned R-1-20.
- **West:** Across Steamboat Drive are single family homes and vacant property within Southern Vista III, Tract 6002 zoned R-1-8: Residential, Single Family, 8,000 square foot lot minimum.

### **Zoning and Development History:**

- The site was part of an annexation of land into the City of Kingman on March 8, 1982 under Ordinance No. 443. R-R: Rural Residential zoning was applied to the property at that time.
- In 1996 the subject property was included as part of a rezoning of Parcels 1 through 4 of the Whitehead Tract to R-1-6-PDD (Planned Development District)

for a 534-lot residential subdivision known as Desert Shadows Estates. This rezoning was overturned in a referendum by a majority of the voters in March, 1997.

- On September 21, 1998, Parcels 1 through 4 of Whitehead Tract, comprising about 160 acres under a single ownership, were rezoned to R-1-6, R-1-8, R-1-10 and R-1-20 at the same time by related zoning ordinances. This portion of Whitehead Tract extended from Southern Avenue on the north, Whitehead Avenue on the south, N. Central Street on the west and Hualapai Foothills Estates on the east. One of the ordinances, Ordinance No. 1189, applied R-1-20 zoning with specific conditions and development standards to the northern portions of Parcels 1 and 2 abutting Southern Avenue and eastern portions of Parcels 2 and 3 abutting Hualapai Foothill Estates.
- The northern half of Parcels 1 and 2 of Whitehead Tract were rezoned to R-1-40 in 2003 and were subdivided as Southern Vista I, Tract 1980 in 2005.
- The southern half of Parcels 1 and 2 of Whitehead Tract were subdivided as Southern Vista II, Tract 1999 and Southern Vista III, Tract 6002 in 2005.
- On February 6, 2006, all of Southern Vista II and all of Southern Vista III west of Steamboat Drive was rezoned to R-1-8. This action left the subject property as well as the rest of the area east of Steamboat Drive, extending south to Whitehead Avenue, zoned R-1-20 and subject to the conditions of Ordinance No. 1189.
- On March 6, 2006, the Council passed Ordinance No. 1535 which removed Conditions "B" and "I" of Ordinance No. 1189 as applied to the R-1-20 zoned property located between Karen Avenue and Whitehead Avenue south of the subject property. This change allowed future lots that would be subdivided in that area to be a minimum of 20,000 square feet abutting Hualapai Foothill Estates. It also removed the requirement for an open space buffer 40-feet in width between these future lots and Hualapai Foothill Estates.

**Physical Characteristics:** The property slopes generally from the southeast down towards the northwest. It lies within Flood Zone "X", according to the FEMA panel map dated November 18, 2009. Zone "X" are areas outside of the 0.2% annual chance floodplain. However, the subject property is surrounded on three sides by drainage easements and parcels. A drainage easement located on the subject property and part of Lot 1 immediately north. Also, Parcels B and C are located immediately east and south of the site are intended for drainage and open space purposes.

**Public Utilities:** There are existing water lines in Steamboat Drive. There are also existing sewer lines which terminate with manholes in Steamboat Drive. The lines run westward from the manholes in Isador, Laramie and Karen Avenues. A five-foot wide public utility easement (PUE) is located along the property frontage on Steamboat Drive. Suddenlink has indicated that they have facilities in the PUE. There may be other utilities as well including telephone and electric within the easement.

**Transportation:** The subject site accessed from Steamboat Drive which is a paved street with curb and gutter and a 50-foot wide right-of-way. Currently there is a cash escrow assurance for the completion of the uncompleted sidewalks within Southern Vista III including the area in front of the subject site. Sidewalks are being installed in the subdivision in conjunction with the completion of homes.

**Public Notification and Expected Comment:**

- The site was posted with a zoning notice on October 23, 2015.
- A public notice was published in the Kingman Daily Miner on October 25, 2015.
- Surrounding property owners within 300 feet were sent a notice of the public hearing via first class mail on October 19, 2015. The list of property owners was generated using information provided by the Mohave County Assessor's Office.
- There were several written comments that are attached. Also, there were multiple comments heard from the public at the meeting on November 10, 2015. Most commenters were opposed to the proposed change primarily over concerns about increased development density.

**Department and Agency Comments:**

- City Engineer: The subject lot is surrounded on three sides by drainage easements and parcels. The City has been called out on numerous drainage related complaints to this particular area of the subdivision. We recommend that an updated drainage report be submitted showing building pad elevations and locations of any proposed block walls adjacent to the drainage easements.

A portion of Lot 2 is subject to a drainage easement that affects the amount of developable land. A map is attached for clarification. The drainage report should address any impacts that this (and other adjacent drainage parcels and easements) may have on zoning implications and any other development considerations.

- City Building Official: No objections to the rezoning request.
- UniSource Electric: No objections to the rezone.
- Suddenlink: Currently we have conduit in the PUE. A lot line relocate will possibly require us to relocate some of our facilities, along with power and phone. The relocation cost of existing facilities would need to be covered by property/subdivision owner.

## **ANALYSIS**

This is a request to modify Ordinance No. 1189 by removing Condition "B" of this ordinance as it applies to Lot 2, Block 4, Southern Vista III, Tract 6002. The ordinance, passed in 1998, rezoned certain property in the area including the subject site to R-1-20: Residential, Single Family, 20,000 square feet. However, Ordinance No. 1189 includes Condition "B" which states that "The minimum lot size in this zoning district shall not be less than 30,000 square feet for any lots that are adjacent to the eastern property boundary of this site." Normally the minimum lot size is 20,000 square feet within the R-1-20 zoning district.

Condition "B" was included in the ordinance in response to concerns from residents in Hualapai Foothill Estates at the time that the platting of lots smaller than 30,000 square feet adjacent to their properties would decrease the property values of their 1-acre plus sized lots.

The purpose of removing this condition would be to allow Lot 2, Block 4 Southern Vista III, Tract 6002, which is currently 47,322 square feet, to be split into two parcels. Single family homes would be constructed on the two parcels. The splitting of the property will require the approval of a parcel plat in accordance with City of Kingman Municipal Code Section 2-146. The development standards of the R-1-20 zoning district will need to be met. This would mean that any new parcels that are created must be at least 20,000 square feet in size, and at least 100-feet in width at the minimum 20-foot front yard setback line.

With the exception of the subject site and Lot 1 of Block 4, immediately to the north, Condition "B" of Ordinance No. 1189 is no longer applicable to any other properties due to other zoning changes that have occurred over the years. A minimum lot size of 20,000 square feet would be consistent with the R-1-20 minimum lot size requirements that are normally applied to other property within this zoning district. The proposed lot sizes will also conform to the Projected Land Use Map of the Kingman General Plan 2030 which indicates Low Density Residential, 1-2 dwelling units per acre on the subject property.

It should be noted, however, that there is a drainage easement that encumbers approximately 5,395 square feet of the northernmost portion of the existing 47,322 square foot lot. This would leave an estimated area of about 41,927 square feet of developable property. The drainage easement will need to be left undeveloped and unblocked by fencing or other items. The City Engineer has commented on this situation. A drainage report needs to be provided that addresses drainage issues in the area and possible impacts on the development of the property. Staff would recommend that consideration be given to splitting the property so that there is at least 20,000 square feet of developable property on the northern portion of Lot 2 after it is split. Under that scenario, the northern parcel would need to be about 25,395 square feet while the southern parcel would be about 21,927 square feet.

## **DECISION OPTIONS**

1. Recommend approval of the request for a modification of Condition "B" of Ordinance No. 1189 by removing the condition as it applies to Lot 2, Block 4 Southern Vista III, Tract 6002 with the following conditions:
  - a. The subject property shall be permitted to be split into a maximum of two parcels with an approved parcel plat in accordance with Kingman Municipal Code Section 2-146 and Section 3.000: Residential Single Family of the Zoning Ordinance of the City of Kingman.
  - b. A drainage report shall be submitted with the parcel plat and shall address the drainage impacts on the development of the property and other adjacent drainage parcels and easements, as well as show the proposed building pad elevations and locations of any proposed block walls adjacent to the drainage easements.
  
2. Recommend denial of the request for a modification of Condition "B" of Ordinance No. 1189 by removing the condition as it applies to Lot 2, Block 4 Southern Vista III, Tract 6002.

## **RECOMMENDATION**

The Planning and Zoning Commission voted 5-1 to recommend denial of the request to remove Condition "B" of Ordinance No. 1189 on Lot 2, Block 4 Southern Vista III, Tract 6002 due to objections from surrounding property owners.

## **ATTACHMENTS**

1. Applicable portions of Sections 3.000 and 31.000 of the Zoning Ordinance
2. Ordinance No. 1189
3. Rezoning Application and Site Map
4. Aerial Map
5. Zoning Map
6. Department and Agency Comments

### 3.000 RESIDENTIAL: SINGLE-FAMILY

R-1-6  
R-1-8  
R-1-10  
R-1-20  
R-1-40

#### 3.100 INTENT AND PURPOSE

These districts are intended to provide for and encourage the development of single-family living at designated population densities. The provisions of these zones are intended to ensure that the residential character of such areas will be stabilized and maintained. They are further intended to provide a basis for planning of related amenities such as parks, schools, public utilities, streets and highways and other community facilities.

#### 3.200 GENERAL PROVISION

In Single-Family Residential Districts, every single-family dwelling hereafter erected or structurally altered shall be located on one (1) lot, and there shall be not more than one (1) principal building on one (1) lot or parcel. In the event a duplex is permitted by Conditional Use Permit, the density shall not exceed one (1) unit per minimum designated lot area.

<b>PERMITTED USES:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
Single-family detached dwellings	X	X	X	X	X
Home occupations as regulated in Section 24.000	X	X	X	X	X
Parks and public playgrounds-publicly owned and operated	X	X	X	X	X
Residential group homes for persons with disabilities, in accord with Federal and State Fair Housing Laws. a. Any licensed group home in single-family residentially zoned areas must not be less than six-hundred-sixty (660) feet from another licensed home. b. In accord with ADHS licensing guidelines, up to ten (10) persons may reside in such homes.	X	X	X	X	X
Schools, Private School, Charter School or Community college (not providing housing, dormitories or sleeping overnight)	X	X	X	X	X
Keeping of horses in connection with the residential use of the property, subject to the provisions of Chapter 3 of the Code of Ordinances of the City of Kingman	X	X	X	X	X
Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities, thirty-five (35) feet. (See also Subsection 26.100 WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)	X	X	X	X	X

<b>ACCESSORY USES TO THE ABOVE PERMITTED USES:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
Unregulated Day Care Facility	X	X	X	X	X

<b>USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
Commercial off-street parking in conjunction with an adjacent permitted commercial use	X	X	X	X	X
Convents, monasteries and seminaries	X	X	X	X	X
Duplexes	X	X	X	X	X
Golf course, tennis clubs, swimming clubs, and other similar recreational facilities including restaurants, cocktail lounges, and other related facilities only when associated with and incidental to a golf course, tennis club, or other recreational facility. Such uses shall be permitted only when they are for the exclusive use of club membership. In granting a permit for such activities, the Planning Commission shall ensure, through the imposition of appropriate conditions that no interference with the conduct of nearby residential uses occurs.	X	X	X	X	X
Historical sites and museums.	X	X	X	X	X
Municipal or non-profit privately owned recreational buildings and community centers.	X	X	X	X	X
Parks and playgrounds, privately owned and operated but not for profit.	X	X	X	X	X
Pre-schools, tutorial schools, Regulated Day Care/Group Facility	X	X	X	X	X
Public Assembly –Indoor, General	X	X	X	X	X
Public libraries.	X	X	X	X	X
Shelter (for Victims of ) Domestic Violence: 1. This activity shall be required to obtain or show evidence of eligibility for a license from the appropriate agencies. 2. This activity must meet specified spacing and density requirements and all other development standards found in Section 3.000, RESIDENTIAL: SINGLE-FAMILY and Section 12.000, OFF-STREET PARKING AND LOADING REQUIREMENTS. 3. The agent managing the shelter must submit a statement of the exact standards of operation for the planned home. 4. Conform to the extent possible to the type and outward appearance of the residences in the area.	X	X	X	X	X
Utility and public service uses including: Electric substations Fire stations Police stations Telephone exchanges, and telephone transmission equipment buildings Water filtration plants, pumping stations and reservoirs	X	X	X	X	X
Cemeteries				X	X
Public riding stables and academy					X
Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities, thirty-five (35) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)	X	X	X	X	X

<b>DISTANCES BETWEEN BUILDINGS:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
The minimum space between buildings or structures on the same lot	6-ft	6-ft	6-ft	6-ft	6-ft

<b>OFF STREET PARKING:</b>	<b>R-1-6</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-20</b>	<b>R-1-40</b>
No required front or side yard shall be used for parking, except on established and improved driveways	X	X	X	X	
See Section 22.000: OFF-STREET PARKING, of this Ordinance	X	X	X	X	X

<b>SETBACKS</b>				
	<b>FRONT</b>	<b>FRONT-SIDE</b>	<b>REAR</b>	<b>SIDE</b>
<b>R-1-6</b>	20	10	15	5
<b>R-1-8</b>	20	15	15	5
<b>R-1-10</b>	20	15	15	5
<b>R-1-20</b>	20	20	20	10
<b>R-1-40</b>	30	30	20	20

**Accessory building setbacks (All Zoning Districts):**

Accessory buildings and uses shall be located to the rear of the front yard setback and shall not be closer than four (4) feet to any alley line or rear lot line, and shall not be closer to any side lot line than the required side yard. Accessory buildings in the aggregate may not occupy over ten percent (10%) of the lot area.

<b>LOT &amp; BUILDING DIMENSIONS</b>					
	<b>MINIMUM LOT WIDTH</b>	<b>MINIMUM LOT AREA</b>	<b>MAXIMUM PRINCIPAL BLDG, HEIGHT*</b>	<b>MAXIMUM ACCESSORY BLDG, HEIGHT</b>	<b>FLOOR AREA RATIO</b>
<b>R-1-6</b>	50	6,000*	30	15	0.6
<b>R-1-8</b>	65	8,000	30	15	0.6
<b>R-1-10</b>	80	10,000	30	15	0.6
<b>R-1-20</b>	100	20,000	30	20	0.5
<b>R-1-40</b>	150	40,000	30	25	0.45

\* All other structures shall not exceed thirty-five (35) feet in height.

**3.300 PROPERTY DEVELOPMENT STANDARDS (R-1-6 ZONING DISTRICT ONLY):**

1. All newly created lots shall be not less than six-thousand (6,000) square feet or less than fifty (50) feet in width.
2. The City of Kingman, however, recognizes that a large number of subdivisions were platted in sizes that do not meet modern subdivision standards. Many of these subdivisions in the Kingman area were recorded prior to January 1, 1945 and are now within the City limits of the City of Kingman. Further, the City recognizes that it is in the interest of the City and in accord with the Kingman General Plan to infill, develop these old subdivisions, and thus contribute to the strategy of minimizing sprawl development. To assist in implementing these objectives the following regulations shall apply in R-1-6 districts in which all original lots were platted prior to January 1, 1945.
3. For lots platted in subdivisions originally recorded prior to January 1, 1945, located in R-1-6 Zoning Districts, and platted in lot sizes of primarily twenty-five feet by one-hundred feet (25'x100') or fifty feet by one-hundred feet (50'x100'), building sites may be used in any configuration for a single family detached home. The building site must have a minimum of five-thousand (5,000) square feet and the site width must be a minimum of fifty (50) feet.

4. For lots platted in subdivisions originally recorded prior to January 1, 1945, located in R-1-6 zoning districts, and originally platted in lot sizes of forty feet by one-hundred feet (40'x100'), the minimum building site area for a single family detached home continues to be six-thousand (6,000) square feet, with lot width a minimum of fifty (50) feet. However, if modern resurvey of the area has shown that errors in the original survey occurred such that the original building site dimensions were in error, then the Zoning Administrator is authorized to approve single-family detached home permits provided the building site area is not less than fifty-nine-hundred (5,900) square feet. The Zoning Administrator must be satisfied that the problem is a survey correction matter and was not self-imposed by the owner or developer.

Revised 2/05/03 per Ord. No. 1363

Revised 1/04/11 per Ord. No. 1688

## **31.000 AMENDMENTS AND ZONE CHANGES**

### **31.100 AMENDING THE ORDINANCE**

Whenever the public necessity, convenience, and/or the general welfare of good zoning practices justifies such action, this Ordinance may be amended by changing the boundaries of zone districts, (hereinafter referred to as zone changes or changes of zone) or by amending any provision of the Ordinance. Zone changes or amendments may be initiated by the City Council or by the Planning and Zoning Commission or by an application of the owner of any property within the area proposed to be changed, or a request can be made by a citizen for an amendment.

### **31.110 GENERAL PLAN CONFORMANCE**

All amendments which change the boundaries of any zoning district or change the text of the Zoning Ordinance must conform to the adopted General Plan of the City of Kingman. Any ordinance amending this ordinance shall further the implementation of, and not be contrary to the goals, policies, and applicable elements of the Plan. A zoning map amendment conforms to the land use element of the General Plan if it proposes land uses, densities, or intensities within the range for the subject property as stated in the General Plan or any amendments thereto.

### **31.120 APPLICATION**

Application for a change of zone shall be made on a form provided by the City of Kingman. Fees shall be paid for such application according to the adopted schedule for such requests.

### **31.130 ACCOMPANYING MAPS AND DATA**

Application for a change of zone shall be made accompanied by maps showing the subject property as well as the surrounding area, and a list of names and addresses of abutting property owners. All maps, applications and data will be available for public inspection upon submittal to the Planning Agency.

### **31.200 PUBLIC HEARING**

The legislative body of the City, (the Mayor and Common Council), has adopted the following citizen review and participation process that applies to all rezoning cases. By law and policy the rezoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding participation, more, not less public participation shall be the standard.

The purpose of the citizen participation process is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
2. Ensure that the citizens and property owners of Kingman have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
3. Facilitate ongoing communications between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

1. Two public hearings will be held on all rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. The second hearing will be before the Mayor and Common Council.
2. A written notice on any proposed rezoning will be sent by first-class United States Postal Service mail to all property owners of record according to the most recent Mohave County Assessors rolls, within a minimum of 300 feet of any point of the property being proposed for rezoning. The notice will describe the proposed action, will include a map, and will state that public comment is encouraged before or during the public hearing. Other notices may be sent beyond the above described radii, if a person places his or her name on the notification list and pays \$5.00 a year.
3. A public notice poster, giving the time, date and location of the Planning and Zoning Commission and the Common Council public hearings, will be posted on the property in question in at least one location, if the property is less than one acre, at least 15 days before the Planning and Zoning Commission public hearing. If the property which is the subject of the rezoning request is greater than one acre, a minimum of two notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for rezoning. The posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing and state a location and phone number from which additional information can be received.

A public notice, display advertisement of not less than one-eighth page in size shall be published at least once in the newspaper of general circulation in the City of Kingman and surrounding area. The notice will be published not less than 15 days before the Planning and Zoning Commission public hearing and will provide information about the date, time and place of the proposed Common Council hearing, which will be held at least 10 days after the Commission hearing.

4. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed rezoning prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission or Common Council.
5. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notices of the public hearing shall be transmitted to the Planning Agency of such governmental unit such land.
6. In addition to notice by publication, mailed notices and property postings, the City of Kingman, and its Planning and Zoning Commission reserve the right to give notice of the hearing in such other manner as it may be deemed necessary in the public interest. The Commission always encourages any person proposing a rezoning to contact surrounding property owners or neighbors to ascertain and possibly address issues and concerns before the public hearings. Such contacts could include neighborhood meetings or other methods of address citizen comments.

### **31.300 RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION**

After the public hearing, the Planning and Zoning Commission shall make a report and recommendation to the Common Council. This report shall be made by forwarding the applications for amendment to the City Council with the appropriate recommendations, unless the applicant shall request that the application be withdrawn. The Commission recommendation shall be reviewed at the Council public hearing. If the Planning and Zoning Commission cannot make a recommendation comments on both sides of the issue shall be presented to the Common Council.

### **31.400 CONSIDERATION BY COMMISSION**

In considering any request for a change of the Official Zoning Map or text of this ordinance, the Planning and Zoning Commission shall find that the following conditions prevail before recommending approval of the change be granted:

1. If the request is for an Official Zoning Map Amendment:
  - A. That there is a real need in the community or area for the types of uses permitted in the proposed zoning district requested and if there are parcels in the area that already designated with the proposed zoning district that more area is needed for the uses allowed in the proposed zoning district.
  - B. That the property involved in the proposed change of zoning district designation is more suitable for the purposes permitted in the proposed change of zone than is permitted in the present zone classification.
  - C. That the proposed change of zoning district designation would not be detrimental in any way to persons or property in the surrounding area, nor to the community in general.
  - D. That the proposed change of zone is in conformance with the General Plan of the City of Kingman, not merely consistent with the General Plan.
2. If the request is a text amendment, the Planning and Zoning Commission shall find that the proposed text amendment is in conformance with and will better achieve the goals and objectives of the adopted general plan.

### **31.410 PLANNING AND ZONING COMMISSION OPTIONS**

The Planning and Zoning Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may recommend approval or denial of a requested amendment or may recommend that only a portion of the request for a change of zone be granted.

The Planning and Zoning Commission may also recommend a lesser intensity zoning of the same type requested. However, the Planning and Zoning Commission may not increase the intensity of the noticed request without a new public hearing with proper notice given in accord with this Section.

### **31.420 PLANNING AND ZONING COMMISSION'S RECOMMENDATION**

The Commission in its consideration of any request for a change of zone may recommend to the City Council that if certain conditions concerning the development of the subject property and adjoining streets are first met, that said property would then be suitable for a change of zone.

The Common Council may approve a change of zone conditioned upon a schedule for development of the specified use or uses for which rezoning is requested. If at the expiration of the period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

### **31.500 COMMON COUNCIL PUBLIC HEARING AND ACTION**

The Common Council shall hold a second, separate public hearing from the Planning and Zoning Commission's public hearing to consider the recommendation of the Planning and Zoning Commission. The Common Council may take testimony and may consider matters not necessarily heard by the Planning and Zoning Commission. The Common Council may accept, modify, or reject the Planning and Zoning Commission recommendation based on information it received at the public hearing and knowledge the Common Council has of the matter. The Common Council may also return the request to the Planning and Zoning Commission for further consideration of issues as directed by the Common Council. Any Common Council modification to the requested official zoning map or zoning ordinance text amendment may include: reducing the area on the Official Zoning Map to be amended, modifying conditions of the rezoning request, or reducing the zoning district amendment to a less intense zoning district; or in the case of a zoning text amendment, reduce the intensity of the amendment.

The Common Council may sustain a Planning and Zoning Commission denial of a zoning case. If the Common Council wishes to approve a zoning case that the Planning and Zoning Commission recommended denial, the Common Council shall direct the preparation of an Ordinance for consideration at the next Council meeting.

The Common Council shall not change any property from the requested zoning district classification requested in the application to another zoning district classification that imposes any regulations not imposed by the zoning district requested or that removes or modifies any such regulations previously imposed on the property without following the procedure specified in Section 31.200 of this ordinance.

No rezoning or conditional use permit case that is the same or substantially the same (in site size or intensity or text) as a request which has been denied by the Common Council or was overturned by referendum shall be filed within one (1) year of the date of the Common Council's decision or referendum vote, whichever is greater.

### **31.600 PROTEST PROVISION**

In the event that a written protest against a proposed amendment is filed with the City of Kingman Development Services Department or the City Clerk, no later than the close of business of the day preceding the date set for any Council hearing on the application for amendment, by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or if those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all members of the City Council, If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

### **31.700 CLASSIFICATION OF NEW ADDITIONS**

All new additions and annexations of land to the City of Kingman shall be zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made as specified in this Chapter for the rezoning of land.

### **31.800 ADMINISTRATIVELY IMPOSED DEDICATIONS OR EXACTIONS**

It is the policy of the City of Kingman that exactions and/or dedications requirements are made only when there is a direct, rational relationship (rough proportionality) between the increase in density and/or intensity of a development and their exaction and dedication.

Exactions and dedications are required by the City of Kingman only through the final actions of the Common Council action on rezoning cases or conditional use cases. Dedications and/or exactions will be clearly outlined in either an ordinance for a rezoning case or resolution for a conditional use case and will be in rough proportionality to the project impacts. These will not be calculated with mathematical precision but will be shown to be direct and rational relationships.

The Planning and Zoning Commission may recommend to the Common Council a necessary dedication and/or exaction that is rationally related to the increase in intensity or density or as may be reasonably required for public, health, safety and welfare. Property owners will not be asked to bear a burden far beyond that which the development impacts the community.

Administrative agencies of the City of Kingman, including but not limited to the Planning, Engineering, Building Safety, or Public Works Departments are not authorized to require a dedication or exaction as a condition of obtaining a building permit without an express authorization in ordinance or resolution as appropriate.



CITY OF KINGMAN  
PLANNING & ZONING

OCT 16 2015

RCY'D: S. Sullivan  
TIME: 1:24 PM

**CITY OF KINGMAN  
REZONING APPLICATION FORM  
CASE # RZ- 15-005**

Application Date: OCTOBER 16, 2015

I (we) the undersigned property owner(s) request that the area described below be ~~rezoned~~ (PROVIDE COMPLETE LEGAL DESCRIPTION):

T2IN, R16W, SEC 20, SOUTHERN VISTA III, TRACT 6002, LOT 2, B1K 4

Property Address: 2406 STEAMBOAT DRIVE, KINGMAN, AZ. 86401

Proposed Rezoning Request to allow: modification of existing ordinance #1189 by removing Condition B. The existing zoning designation of R-1-20 remains the same.

Zoning From: EXISTING ZONING R-1-20 Zoning To: R-1-20

Mohave County Tax Parcel Number(s): 321-45-065 Size of Parcel: 1.09 AC

**OWNER'S NAME:**

PIONEER TITLE TR 9099 - MICHAEL HILL

Mailing Address: 2213 N. STOCKTON HILL ROAD

City/State/Zip: KINGMAN AZ 86401

Phone Number: 928-530-6600 E-mail: Hill DW @ FURTHERNET. NET

Signature: [Signature]

**APPLICANT NAME: (OR AGENT/REPRESENTATIVE); IF THE OWNER DOES NOT SIGN THIS APPLICATION A WRITTEN LETTER OF CONSENT MUST ACCOMPANY THIS APPLICATION.)**

KTH CONSULTING - KATHLEEN TACKETT-HICKS

Mailing Address: 3751 MARTINGALE DRIVE

City/State/Zip: KINGMAN, AZ 86409

Phone Number: 928-279-4586 E-mail: K\_thicks@yahoo.com

Signature: [Signature]

ITEMS FROM THE "REZONING CHECKLIST" SHALL BE SUBMITTED WITH THIS REZONING APPLICATION.

**CITY OF KINGMAN  
ORDINANCE NO. 1189**

**AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, REZONING CERTAIN PROPERTY, DESCRIBED BELOW, FROM R-R: RURAL RESIDENTIAL TO R-1-20: RESIDENTIAL SINGLE FAMILY, 20,000 SQUARE FOOT LOT MINIMUM.**

**WHEREAS**, The Pattillo Family Trust, applicants and property owners, have requested the rezoning of certain property from R-R: Rural Residential to R-1-20: Residential Single Family, 20,000 square foot lot minimum, and

**WHEREAS**, the subject property is 30.1750 acres in size and is described as a portion of Parcels 1 through 4 of Whitehead Tract 1923, as shown in the attached maps and described further in Exhibit "A", attached, and

**WHEREAS**, the requested rezoning would allow for the future development of single family homes on the subject property, and

**WHEREAS**, the requested rezoning would be in conformance with the land use projections of the Kingman General Plan, and

**WHEREAS**, this request was reviewed by the Kingman Planning and Zoning Commission at the meeting of September 15, 1998, and was recommended for approval by an 5-0-1 vote, with certain conditions, and

**WHEREAS**, the Kingman Common Council has the authority to approve this request pursuant to the City of Kingman Zoning Ordinance, Sections 3.000, and 31.000.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Kingman, Arizona that the subject property, described in Exhibit "A", is hereby rezoned from R-R: Rural Residential to R-1-10: Residential Single Family, 20,000 sq. ft. lot minimum with the following conditions:

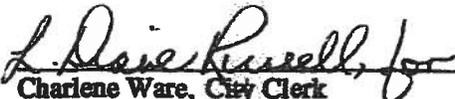
- A. The maximum number of lots in this zoning district shall not exceed 30 lots.
- B. The minimum lot size in this zoning district shall not be less than 30,000 square feet for any lots that are adjacent to the eastern property boundary of this site.**
- C. Require that no lots front directly onto N. Central Street.
- D. Require N. Central Street to be improved to ½ collector street standards, between Southern Avenue and the Karen Avenue alignment when the first subdivision phase for this development is recorded anywhere on Parcels 1, 2, 3, or 4, Whitehead Tract, 1923. Require N. Central Street to be improved to ½ collector street standards, between the Karen Avenue alignment and Whitehead Avenue when any development occurs south of the Karen Avenue alignment or when 25% of the proposed 491 lots of the entire development are recorded, whichever occurs first.

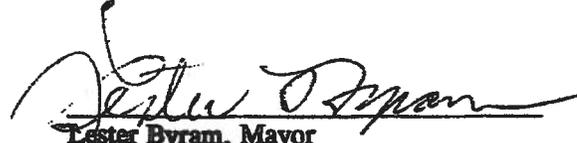
- E. Require Southern Avenue to be improved to ½ collector street standards, when any phase located within this zoning district is recorded.
- F. Require that any future development of this property include extending the alignment of Karen Avenue from the proposed intersection with N. Central Street eastward to N. Yavapai Drive, such that Karen Avenue lines up on both sides of N. Central, thus eliminating any jog at this intersection.
- G. Require the extension of sewer to serve the subject property in accord with MUC regulations.
- H. Provide underground utilities to serve the subject property.
- I. Provide open space within any future development to accommodate drainage, utility, and recreational uses. Also, provide open space a minimum of 50 feet in width along the south side of Southern Avenue, and a minimum of 40 feet along the eastern property boundary of this site for buffering purposes.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona, this 21st day of September, 1998.

**ATTEST:**

**APPROVED:**

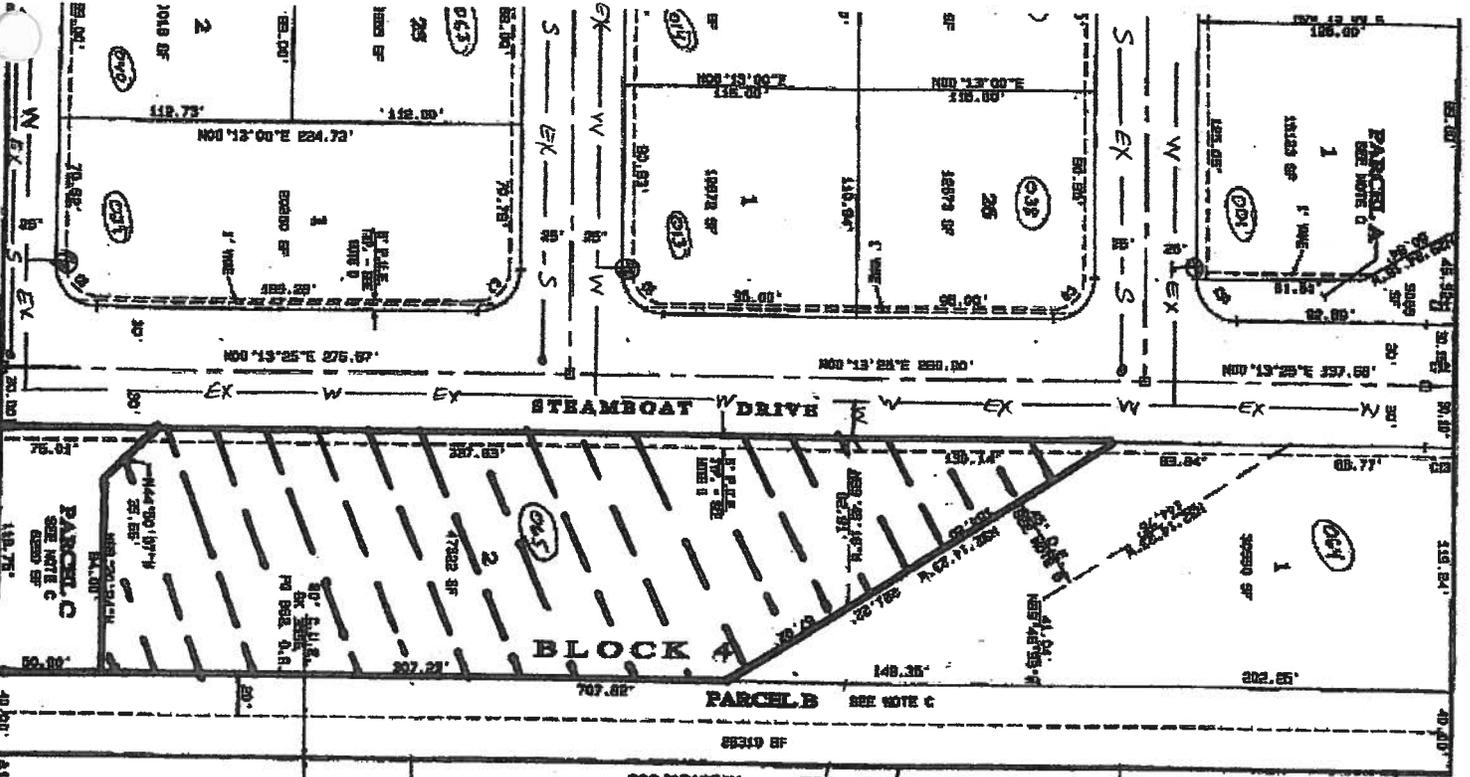
  
Charlene Ware, City Clerk

  
Lester Byram, Mayor

**APPROVED AS TO FORM:**

  
Charlotte Wells, City Attorney

N.T.S.



HUALAPAI FOOTHILLS ESTATES UNIT 2, TRACT 3008-B  
RECORDED MAY 9, 1989 AT THE No. 89-01371

# SITE PLAN

October 15, 2015

322-22-055

322-22-056

322-22-057

322-22-058

## PROPOSED STRUCTURE

Single Family Residence

## LEGAL DESCRIPTION

T21n, R16W, Sec 20

Southern Vista III, Tract 6002, Lot 2, B1K 4.

## APN

321-45-065

## LOT AREA

1.09 Acres.

47,322 Sq. Ft.

## EXISTING ZONING

R-1-20

## PROPERTY OWNER

Pioneer Title TR 9099

2213 N. Stockton Hill Road

Kingman, AZ 86401

Michael Hill, 928-530-6600

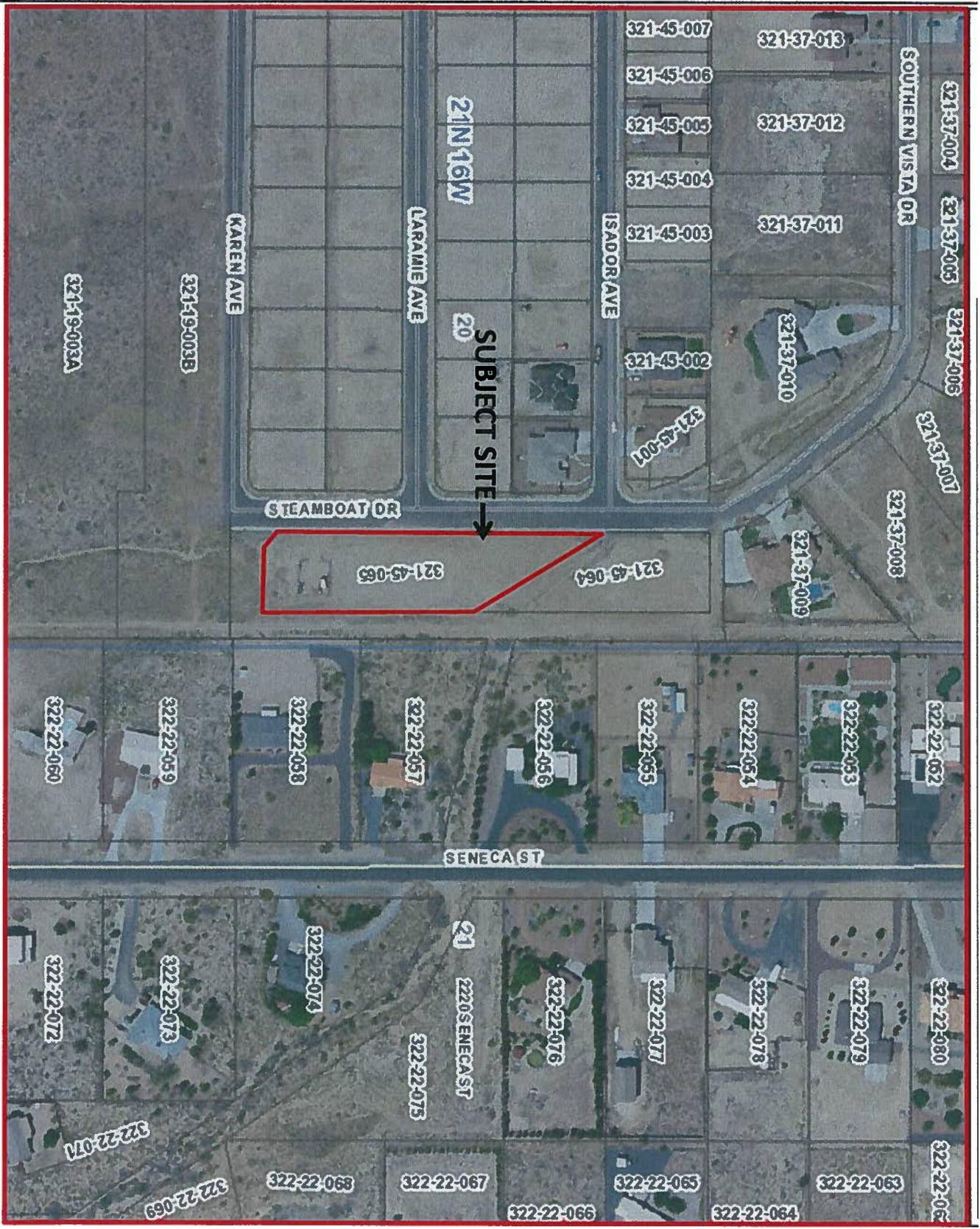
## APPLICANT

KTH Consulting

3751 Martingale Drive

Kingman, AZ 86409

Kathleen Tackett-Hicks, 921-9-4586



321-37-004 321-37-005 321-37-006

SOUTHERN VISTA DR

321-37-013

321-37-012

321-37-011

321-45-007

321-45-006

321-45-005

321-45-004

321-45-003

ISADOR AVE

321-45-002

321-45-001

21N16W

LARAMIE AVE

20  
SUBJECT SITE →

KAREN AVE

321-19-003B

321-19-003A

STEAMBOAT DR

321-45-065

321-45-064

321-37-001

321-37-008

321-37-009

322-22-062

322-22-063

322-22-064

322-22-065

322-22-066

322-22-067

322-22-068

322-22-069

322-22-060

SENECA ST

322-22-080

322-22-079

322-22-078

322-22-077

322-22-076

21  
2220 SENECA ST

322-22-075

322-22-074

322-22-073

322-22-072

322-22-062

322-22-063

322-22-064

322-22-065

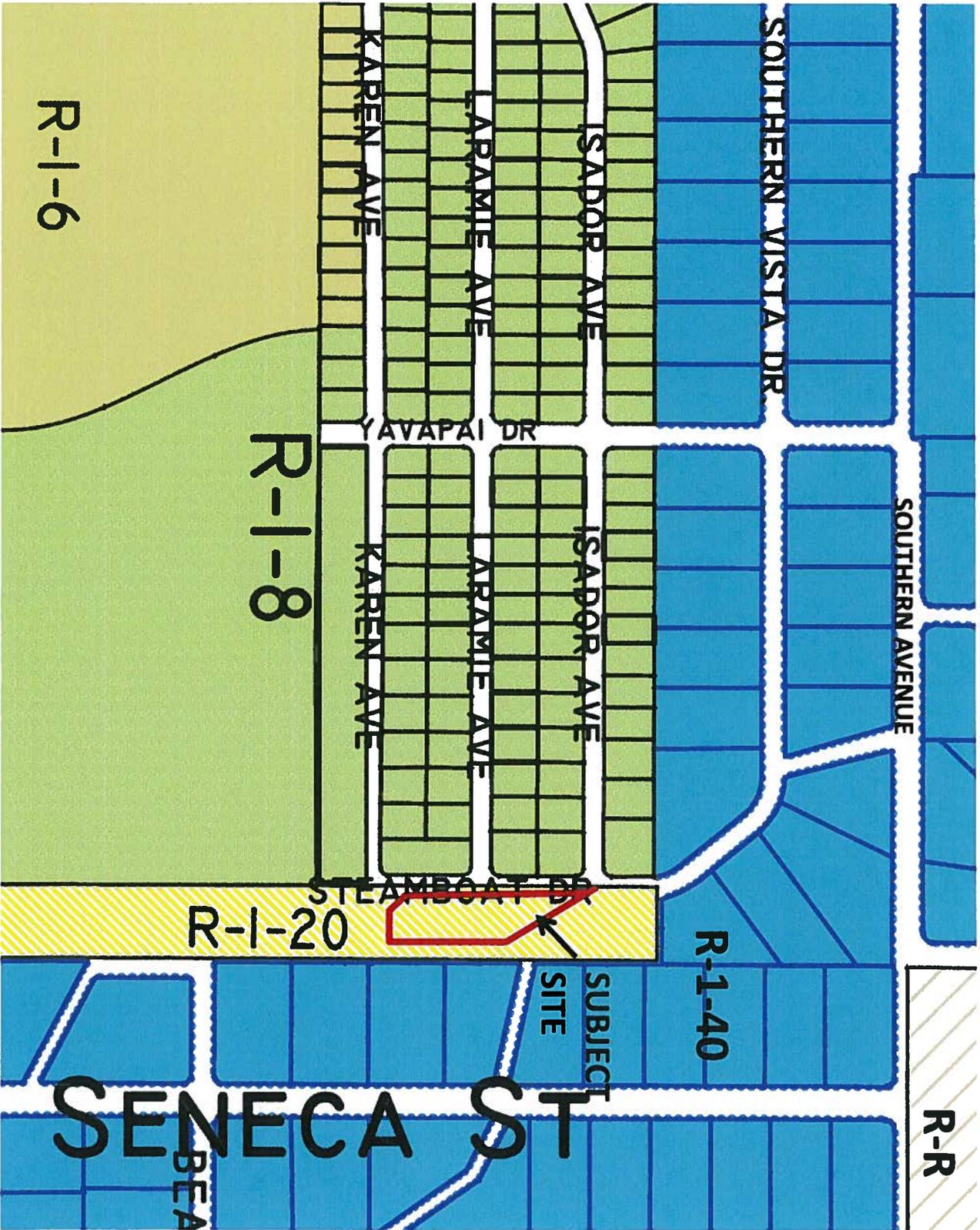
322-22-066

322-22-067

322-22-068

322-22-069

# ZONING MAP



R-1-6

R-1-8

R-1-20

R-1-40

R-R

SENECA ST

SUBJECT SITE

SOUTHERN VISTA DR

SOUTHERN AVENUE

ISADOR AVE

LARAMIE AVE

KAREN AVE

KAREN AVE

ISADOR AVE

LARAMIE AVE

YAVAPAI DR

STEAMBOAT DR

BEA

# Memo



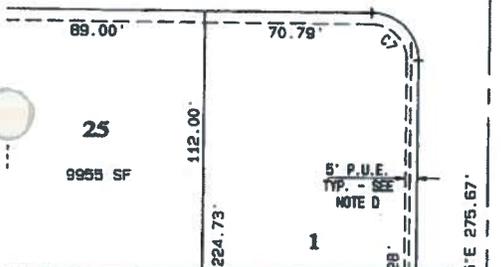
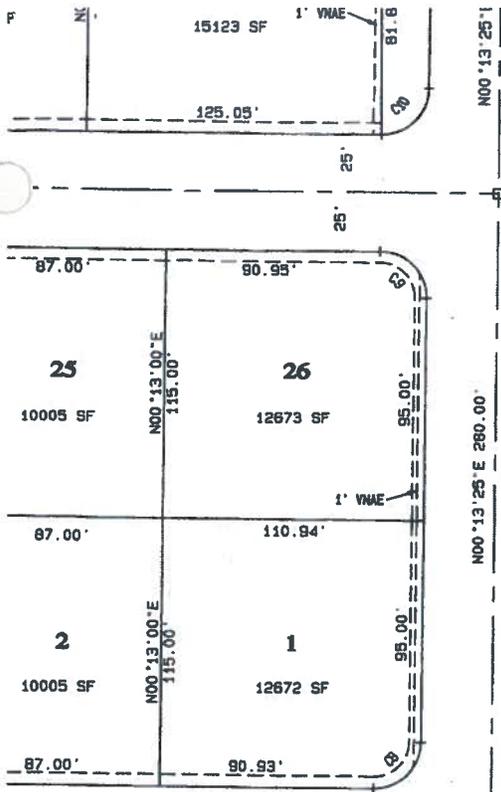
Engineering Department

**To:** Rich Ruggles  
**From:** Greg Henry  
**CC:** File  
**Date:** October 29, 2015  
**Re:** So. Vista III, Tract 6002, Lot 2  
File RZ15-005

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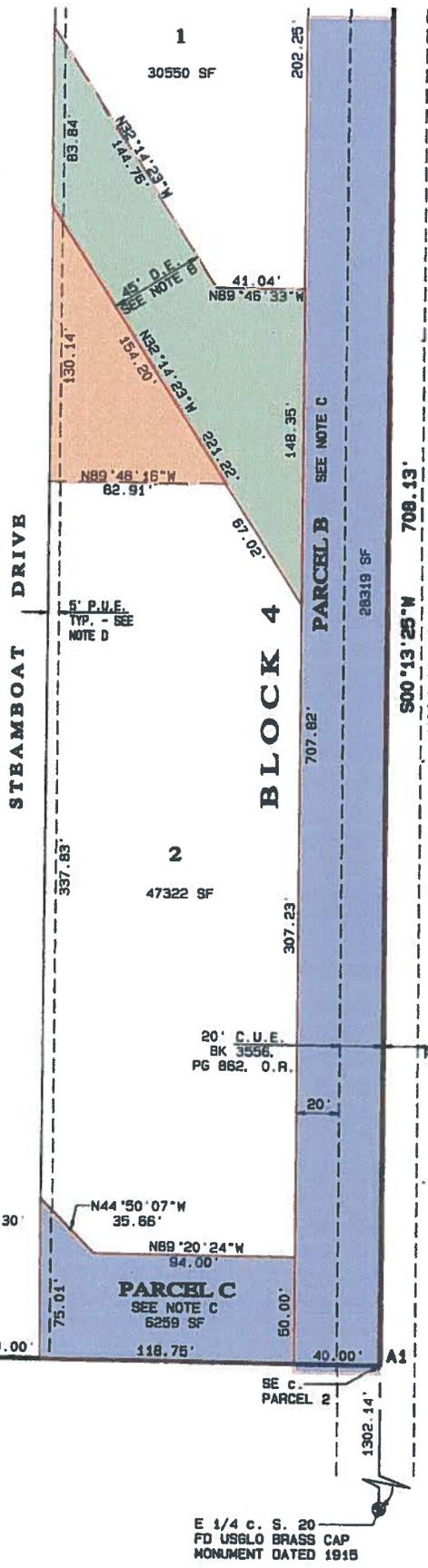
We have reviewed the subject Rezone application and offer the following comments:

1. The subject lot is surrounded on three sides by Drainage easements and parcels. The City has been called out on numerous drainage related complaints to this particular area of the subdivision. We recommend that an updated drainage report be submitted showing building pad elevations and locations of any proposed block walls adjacent to the drainage easements.
2. A portion of Lot 2 is subject to a drainage easement that affects the amount of developable land. A map is attached for clarification. The drainage report should address any impacts that this (and the other adjacent drainage parcels and easements) may have on zoning implications and any other development considerations.



**LEGEND**

- Drainage Easement Per Drainage Report
- Drainage Easement Per Subdivision Plat
- Drainage Parcel Per Subdivision Plat



**BLOCK 4**

**PARCEL B** SEE NOTE C

**PARCEL C** SEE NOTE C

**PARCEL D** SEE NOTE D

**PARCEL A** SEE NOTE A

**LOT 1** 47322 SF

**LOT 2** 47322 SF

**STEAMBOAT DRIVE**

**HUALAPAI FOOTHILLS ESTATES UNIT 2, TRACT 3003-B**

**RECORDED MAY 9, 1989 AT FEE No. 89-21371**

- ATTACHED UNLESS OTHERWISE NOTED
- A1** INDICATES SUBDIVISION CORNER, FOUND 1 INCH O.D.I.P. W/BRASS TAG, RLS 6452
  - A2** INDICATES SUBDIVISION CORNER, FOUND 1 INCH O.D.I.P. W/BRASS TAG, RLS 6452. RESET 5/8" REBAR W/1 1/2" ALUM. CAP AFTER CONSTRUCTION COMPLETED
  - FOUND 2 INCH ALUM. CAP IN CONC., RLS 24514
  - FOUND 1" O.D.I.P. W/BRASS TAG, RLS 6452
  - SET 5/8 INCH REBAR WITH 2" ALUM. CAP, RLS 24514 WITH CONCRETE SURFACE COLLAR.
  - ALL LOT CORNER, PC'S AND PT'S OF LOT LINES WILL BE MONUMENTED WITH A 5/8 INCH REBAR AND YPC, RLS 24514. THE BACK LOT CORNERS FOR THE NORTH LOTS WILL BE MONUMENTED WITH 5/8" REBAR AND YPC, RLS 24514 WHERE POSSIBLE. A CONCRETE NAIL W/TAG, RLS 24514 IN TOP OF WALL OR A PK NAIL W/WASHER, RLS 24514 IN CONC. WALL FOOTER WILL BE THE MONUMENTATION WHERE NECESSARY.
  - INDICATES SQUARE FOOTAGE OF LOTS
  - INDICATES PUBLIC UTILITY EASEMENT
  - INDICATES CITIZENS UTILITY EASEMENT
  - INDICATES DRAINAGE EASEMENT
  - INDICATES VEHICLE NON-ACCESS EASEMENT
  - INDICATES LINE BEING NON-RADIAL TO CURVE
  - INDICATES RECORD DATA PER RECORD OF SURVEY 4/2
  - INDICATES RECORD DATA PER FEE No. 89-34893
  - INDICATES MEASURED DATA PER THIS SURVEY

- NOTES**
- NOTE A: THE 10.00 FOOT WIDE DRAINAGE EASEMENT (D.E.) IS GRANTED TO THE PUBLIC FOR DRAINAGE PURPOSES BY THE RECORDING OF THIS PLAT.
- NOTE B: THE DRAINAGE EASEMENT AS SHOWN HEREON IS GRANTED TO THE PUBLIC FOR DRAINAGE PURPOSES BY THE RECORDING OF THIS PLAT.
- NOTE C: PARCELS A, B, C AND D ARE TO BE DEDICATED TO THE PUBLIC FOR USE AS DRAINAGE AND OPEN SPACE.
- NOTE D: THE 5.00 FOOT WIDE P.U.E. IS GRANTED TO THE PUBLIC UTILITY COMPANIES FOR PUBLIC UTILITY PURPOSES BY THE RECORDING OF THIS PLAT.
- NOTE E: THE 25.00 FOOT WIDE I.E. AND P.U.E. IS GRANTED TO THE PUBLIC AND PUBLIC UTILITY COMPANIES FOR ROADWAY AND PUBLIC UTILITY PURPOSES PER BOOK 6653 OF OFFICIAL RECORDS, PAGE 783.
- BASIS OF BEARINGS: THE EAST 1/2 OF THE NORTH LINE OF SECTION 20, AS SHOWN ON THE SURVEY RECORDED IN BOOK 4, PAGE 2 OF RECORDS OF SURVEY AT FEE No. 85-33035, IN THE RECORDS OF MOHAVE COUNTY, ARIZONA, BEING S 89°47'00" E. CITY OF KINGMAN PROJECT DATUM.
- ALL STREETS SHOWN HEREON ARE TO BE DEDICATED TO THE CITY OF KINGMAN AND THE PUBLIC FOR PUBLIC USE BY THE RECORDING OF THIS PLAT.
- A REVIEW OF FEMA F.I.R.M. PANEL No. 040058 2390 C, DATED MARCH 1, 1983, INDICATES THAT THE AREA AS SHOWN HEREON TO BE WITHIN ZONE C. ZONE C AS DEFINED AS AREAS OF MINIMAL FLOODING.



2202 STOCKTON HILL RD, STE A  
 KINGMAN, ARIZONA 86401  
 PHONE: (928) 753-2827  
 FAX: (928) 753-9118

**MOHAVE ENGINEERING ASSOCIATES, INC.**

## Rich Ruggles

---

**From:** MGibelyou@uesaz.com  
**Sent:** Tuesday, October 27, 2015 10:01 AM  
**To:** Rich Ruggles  
**Subject:** RE: City of Kingman Rezoning Case RZ15-005

Rich, UNS Electric has reviewed the proposed rezone case RZ15-005. We have no objections to the continued processing of this request. Thanks.

Michael L. Gibelyou, SR/WA  
Senior Right of Way Agent  
UNS Electric, Inc.  
(928) 681-8923 desk  
(928) 681-8920 fax

---

**From:** Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]  
**Sent:** Monday, October 19, 2015 3:29 PM  
**To:** Gibelyou, Mike; [Jay.Rodriguez@suddenlink.com](mailto:Jay.Rodriguez@suddenlink.com); Pebley, Stephen ([Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)); Fjeld, Jeff  
**Subject:** [EXTERNAL E-Mail] City of Kingman Rezoning Case RZ15-005

Good afternoon:

I have attached a memo and two maps related to City of Kingman Rezoning Case RZ15-005. Please review and send any comments to me by Friday, October 30<sup>th</sup>. Thanks.

**Rich Ruggles**  
Principal Planner  
City of Kingman Development Services Dept.  
Office: (928) 753-8130 Direct: (928) 753-8160  
E-mail: [rruggles@cityofkingman.gov](mailto:rruggles@cityofkingman.gov)

## Rich Ruggles

---

**From:** Rodriguez, Jay <Jay.Rodriguez@Suddenlink.com>  
**Sent:** Friday, October 23, 2015 9:09 AM  
**To:** Rich Ruggles  
**Cc:** Brunk, Jeremy  
**Subject:** RE: City of Kingman Rezoning Case RZ15-005

Rich,

Currently we have conduit in the PUE. System print included with highlighted areas. A lot line relocate will possibly require us to relocate some of our facilities, along with power and phone. The relocation cost of existing facilities would need to be covered by property/subdivision owner.

Thank you.

**Jeremy J. Rodriguez (Jay)**  
**Construction Coordinator**  
**Bullhead City/Kingman AZ**  
C 928-201- 7227  
O 928-219-4965 Ex 94965  
[Jeremy.rodriguez2@suddenlink.com](mailto:Jeremy.rodriguez2@suddenlink.com)



---

**From:** Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]  
**Sent:** Monday, October 19, 2015 3:29 PM  
**To:** [mgibelyou@uesaz.com](mailto:mgibelyou@uesaz.com); Rodriguez, Jay; Pebley, Stephen ([Stephen.Pebley@FTR.com](mailto:Stephen.Pebley@FTR.com)); [jfeld@uesaz.com](mailto:jfeld@uesaz.com)  
**Subject:** City of Kingman Rezoning Case RZ15-005

Good afternoon:

I have attached a memo and two maps related to City of Kingman Rezoning Case RZ15-005. Please review and send any comments to me by Friday, October 30<sup>th</sup>. Thanks.

**Rich Ruggles**  
Principal Planner  
City of Kingman Development Services Dept.  
Office: (928) 753-8130 Direct: (928) 753-8160  
E-mail: [rruggles@cityofkingman.gov](mailto:rruggles@cityofkingman.gov)

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**COUNTY OF MOHAVE** *arizona*

Global Search for...

Getting Around | Maps & Data Sources | Tasks | Analysis | Location

Home | Pan | Zoom In | Zoom Out | Initial Extent | Previous Extent | Next Extent | Map Scale: 1: 3,200 | Jump to a map bookmark... | Point Identify | Parcels by PROPERTY ID | Parcels by OWNER | Parcels by ADDRESS | Roads by NAME | View Results | View Selected | Point | Freehand | Line

**Results (1)**

<< View History | View Selected >>

Refine Results | Table View | Select All | Select None

**APN: 321-45-065**  
 PIONEER TITLE TR 9099 , own(s) property at  
 2406 STEAMBOAT DR KINGMAN 000000000

Recorder's Fee Number: [2011034316](#)

Treasurer's Tax Account: [32145065](#)

[Assessor Parcel Information](#)

Map Scale: 1: 3,200

Map Labels: 321-37-003, 321-37-004, 321-37-005, 321-37-007, 321-37-008, 321-37-009, 321-37-010, 321-37-011, 321-37-012, 321-37-013, 321-37-014, 321-37-015, 321-45-001, 321-45-002, 321-45-003, 321-45-004, 321-45-005, 321-45-006, 321-45-007, 321-45-008, 321-45-009, 321-45-010, 321-45-011, 321-45-064, 321-45-065, 321-19-003A, 321-19-003B, 322-22-053, 322-22-054, 322-22-055, 322-22-056, 322-22-057, 322-22-058, 322-22-059, 322-22-060, 322-22-072, 322-22-073, 322-22-074, 322-22-076, 322-22-077, 322-22-078, 322-22-079

Map Scale: 250ft / 100m

Lat: < > / Lon: < >

## **Rich Ruggles**

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**From:** Daniel Lordahl <dlordahl@hotmail.com>  
**Sent:** Wednesday, November 04, 2015 1:30 PM  
**To:** Rich Ruggles  
**Subject:** Case RZ15-005

Rich Ruggles, AICP  
Principal Planner  
Planning and Zoning Division  
City of Kingman Development Services Department

re: Rezoning Case RZ15-005

Dear Mr Ruggles;

My wife and I own and reside at 2215 Seneca St. I will present the following arguments at the hearing of your Commission on Tuesday, November 10, 2015, against the rezoning in question.

Showboat St. and Seneca form a single block in terms of the distances using local norms. Showboat is the natural division of a transition from more dense lot size to the Haulapai Foothill Estates acre-plus lots. Also, no homes on the west side of Showboat face that street, i.e., they do not have showboat addresses.

It can be argued that the issue of zoning density has already been determined for this area. The first rezoning plans were challenged by the citizens back in the 90's and placed on the ballot. The rezoning of higher density without reasonable transition to Haulapai Foothill Estates was rejected by the voters. The current zoning was a negotiated plan with the owners of the large area west of Seneca. The crux of the settlement a 40 foot wide green area just west of the Seneca properties and 3/4 acre lots bordering that zone. In addition, at least seven of the bordering home have horse privileges. The entire settlement of the current zoning plan was based on this transition. To make the requested change would be a violation of the spirit of the vote taken back then.

The possible reduction of property values of our existing Seneca St. homes is not warranted just to give a builder more profit. Moreover, the actual increase in builder profits may not be great. Larger lots and larger houses bring a higher price. Also, the city tax revenue from these larger lots is not far from that obtained with the increased number of smaller units.

The request in this case is not specific to the lot mention but would apply to the whole of Ordinance No. 1189. This is clearly not what the voters and negotiating home owners planned in the late 90's.

Finally, it might be noted that a petition against this rezoning, if mounted, could significantly delay the completion of the subdivision involved.

Sincerely,

Dr. Daniel S. Lordahl  
2215 Seneca St.  
Kingman, AZ 86401  
928-753-6744

## Rich Ruggles

---

**From:** benmharper@gmail.com  
**Sent:** Sunday, November 08, 2015 5:20 PM  
**To:** Rich Ruggles  
**Subject:** Ordinance 1189, Condition B

We oppose removing Condition B from Ordinance 1189.

All lots abutting Hualapai Foothill Estates should be One Acre Minimum as is the the Existing Tract West of our property.

Thank You,

Ben and Jo Harper

2085 Seneca Street

86401

Phone: 805-264-4594

Sent from my iPad

## Rich Ruggles

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**From:** James Rubey <jamesrubey@gmail.com>  
**Sent:** Tuesday, November 10, 2015 2:13 PM  
**To:** Rich Ruggles; James Rubey  
**Subject:** Against Rezoning Request from KTH Consulting Case # RZ15-005 being heard Nov 10 6:00 pm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning and Zoning Division,

Regarding request from KTH Consulting Case # RZ15-005 being heard tonight Nov 10 6:00 pm.

We encourage you to deny the rezoning request.

Gwendolyn Paget and James Rubey both own the home on a property directly behind the property being considered. At 2239 Seneca Street in Kingman. Well closer than 300 feet which is why we got your notice.

A similar request the board denied was made 2 years ago by George Ripps on 6 lots nearby on Southern Ave. That request the board rejected. One of the main reasons given the board rejected this request, was a referendum the public voted on 15 years ago not supporting denser development.

One of the main reasons we purchased the house on a one acre lot, a couple years ago, was because of the lack of dense development near our property. We are also concerned this could create a precedent for other land owners near Seneca, or nearby areas, to have similar requests approved.

This is a link to an Kingman Daily Miner article 2 years ago where the board denied Mr. Ripps request.

<http://kdminer.com/main.asp?SectionID=1&subsectionID=1&articleID=56814>

Sincerely,

James Rubey and Gwendolyn Paget

Please feel free to call us or E-Mail us with any questions  
Phone number 801 503-2898

# Allen & Deborah Burgett

2223 Seneca Street | 928-753-5329 | aburgett@aol.com

**November 10, 2016**

Planning and Zoning Commissioners

City of Kingman

**Subject: REZONE CASE RZ15-005**

## **Honorable Chairman and P & Z Commissioners:**

My name is Allen Burgett, I live at 2223 Seneca Street, Kingman, AZ. I will be speaking in opposition of the request to remove Condition B of City Ordinance 1189 approved by the City Council in order to allow a rezone of Lot 2, Block 4 of Southern Vista Estates III, Tract 6002.

Eight years ago my wife and I made one of the biggest financial decision of our lives (we've been married 44 years) to purchase our home at 2223 Seneca Street. While doing due diligence prior to making our final offer we inquired about the development taking place to the west of the property. I was given the Final Plat (not the Preliminary Plat) of Tract 6002, approved and recorded in Book 325, Map 45 of Mohave County, AZ records. We assumed at the time that the lot lines drawn on Tract 6002 showing larger lots west of the property we were buying were the final configuration as this was the final approved and recorded plat map and we made our decision to purchase based on this information.

In addition we were told that prior to the development of the property west of us, referendums were voted on and the higher density lots proposed at the time were rejected by the voters. As a compromise, the City Council approved Ordinance 1197 with conditions for any development of lots directly adjacent to west boundary of Hualapai Foothill Estates. Condition B of Ordinance 1197 specifically states that any lot adjacent to Hualapai Foothill Estates shall not be less than 30,000 square feet. The rezone request proposes to remove Condition B approved by the City Council and lower the square footage to 20,000.

In reading the P&Z Commission staff report prepared by the planning staff regarding the Rezoning Case RZ15-005 it appears to recommend a slam dunk for approval. However, in our opinion the report left out the most important part, comments from the property owners directly affected by this request. It's disingenuous to state on page 4 of the report that no comments from the public have been received as we simply didn't have adequate time to respond. We also disagree with the statement on page 5 that *"There doesn't appear to be any compelling reason to maintain this particular condition on this lot."* There is a compelling reason for this condition to remain as nothing has changed since Tract 6002 was recorded.

We received our Notice to Property Owners about the rezone in the mail only days before the staff report to the Commission was written on November 2, 2015 and the very small notice sign posted on Lot 2 hasn't been up even thirty (30) days. It appears to us that the City is rushing through this request without hearing or taking in the concerns of affected property owners. The Commission has not taken any action on REZONING CASE RZ15-005 and yet according to the Notice to Property Owners a public hearing is already scheduled on the City Council agenda for final consideration in three (3) weeks on December 1, 2015.

While attempting to prepare for my comments to the Commission, I submitted a Request for Public Records to the City Clerk's office to gather more information. To date I have not received any of the documents I requested.

In conclusion, we ask the P&Z Commission to be fair, do the right thing and honor the intent of Ordinance 1189 originally passed by the City Council and keep in place the conditions on Lot 2, Block 4 of Tract 6002, specifically Condition B and choose Decision Option 2. Recommend denial of the request for a modification of Ordinance 1189 and the rezone of Lot 2.

The developer knew the final lot line configuration and the conditions placed on Tract 6002 as did we when we made the decision to purchase our property.

Respectfully,

A handwritten signature in black ink, appearing to read "Allen Burgett", with a long horizontal flourish extending to the right.

Allen Burgett



# Rezoning Case RZ15-005

## Modification of Ordinance No. 1189

City Council Meeting  
December 1, 2015

# General Information

- **Applicant: KTH Consulting, Inc.**
- **Property Owner: Pioneer Title Trust No. 9099. Hill Development, Trustee.**
- **Requested Action: Modification of Ordinance No. 1189 by removing Condition “B” as it applies to Lot 2, Block 4, Southern Vista III, Tract 6002. The subject property location is at 2406 Steamboat Drive.**

# Standards for Review

- **Kingman General Plan 2030:**
  - Chapter 4: Land Use Element
  - Chapter 5: Growth Area Element
- **City of Kingman Zoning Ordinance:**
  - **3.000:** Residential, Single-Family
  - **31.000:** Amendments and Zone Changes
- **Other Applicable Regulations:**
  - Ordinance No. 1189

# Aerial View of Site



# View of Site Looking North



10/23/2015

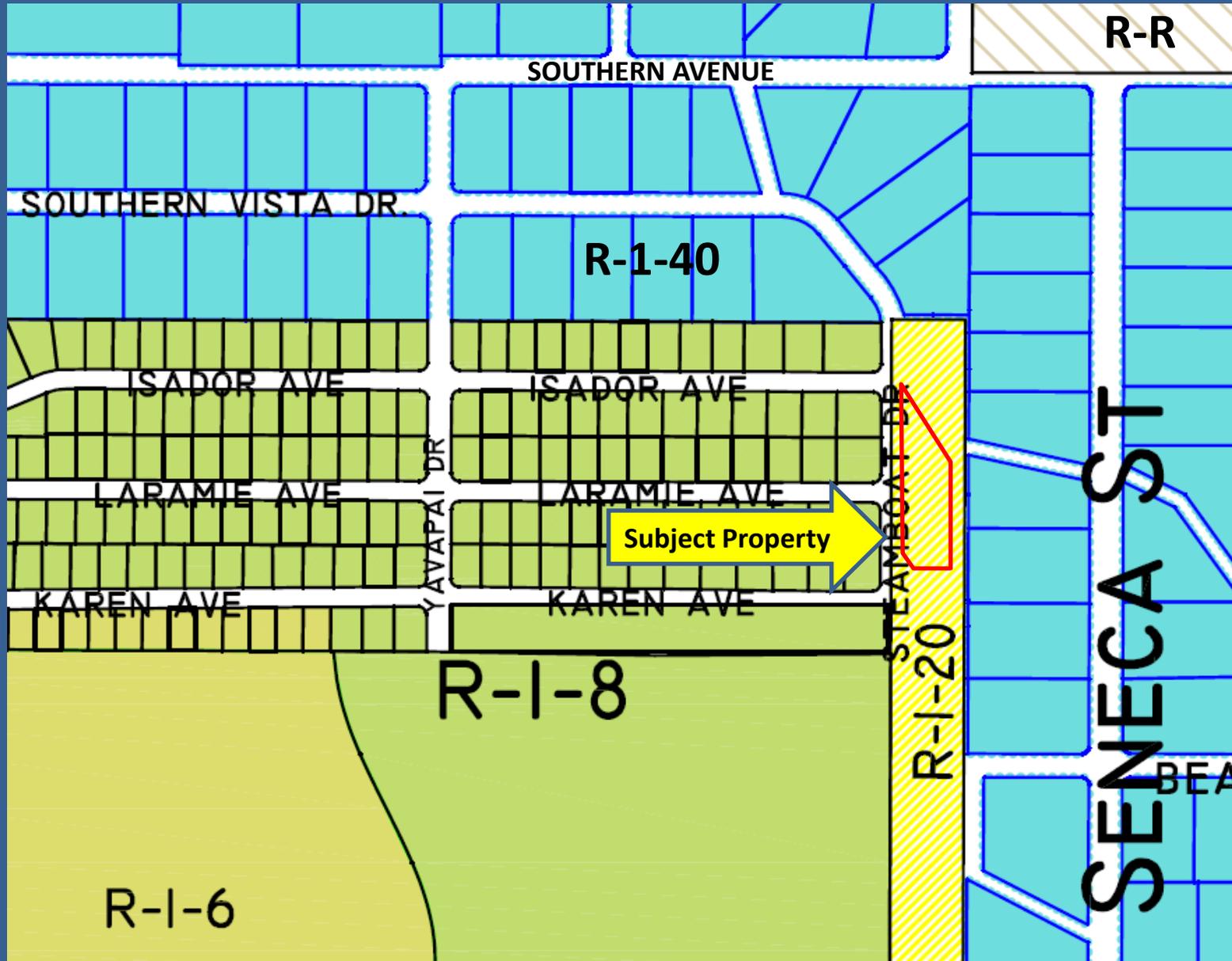
# Southern Portion of Site



# Findings of Fact

- **Location and Size:** 47,322 square feet (1.09 acres), located at 2406 Steamboat Drive.
- **Existing Zoning and Land Use:** R-1-20 zoning, however, Ordinance No. 1189 includes additional development standards and conditions unique to the property.
- **Projected Land Use:** Low Density Residential 1-2 dwelling units per acre.
- **Surrounding Land Use and Zoning:**
  - **North:** Vacant zoned R-1-20, beyond is land zoned R-1-40 with single family homes on 1-acre lots.
  - **East:** HFE zoned R-1-40 with homes on 1-acre lots.
  - **South:** Vacant land zoned R-1-20.
  - **West:** Across Steamboat Drive is vacant land and homes on property zoned R-1-8.

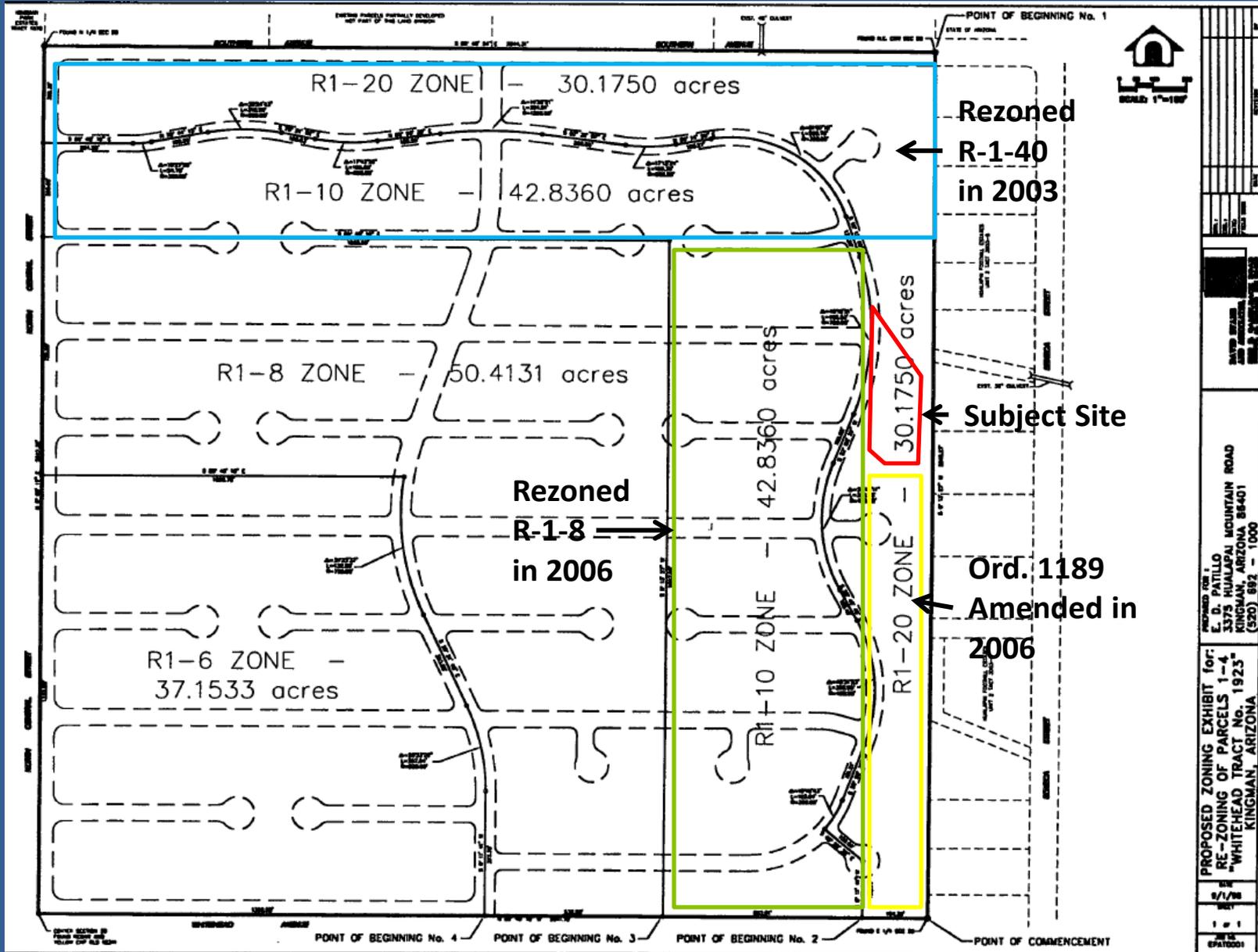
# Current Zoning Map



# Zoning and Development History

- **1982- Section 20 annexed, R-R: Rural Residential zoning applied.**
- **1996- Proposed Desert Shadows subdivision, 534 lots on 160-acres, rezoned to R-1-6-PDD. Overturned by referendum of voters in 1997.**
- **1998 - 160-acre Whitehead Tract, Parcels 1-4, rezoned by several related zoning ordinances to R-1-6, R-1-8, R-1-10 and R-1-20. Ordinance No. 1189 applied the R-1-20 zoning with specific conditions and development standards to portions of Parcels 1, 2 and 3.**
- **2005 – North ½ of Parcels 1 and 2 rezoned to R-1-40 and subdivided as Southern Vista I, Tract 1980. South ½ of Parcels 1 and 2 subdivided as Southern Vista II, Tract 1999 and Southern Vista III, Tract 6002.**
- **Feb. 2006 – All of Southern Vista II and III west of Steamboat Drive rezoned to R-1-8.**
- **Mar. 2006 – Conditions of Ord. 1189 amended south of Karen Avenue to allow 20,000 sq. ft. lots and removed open space buffer requirement.**

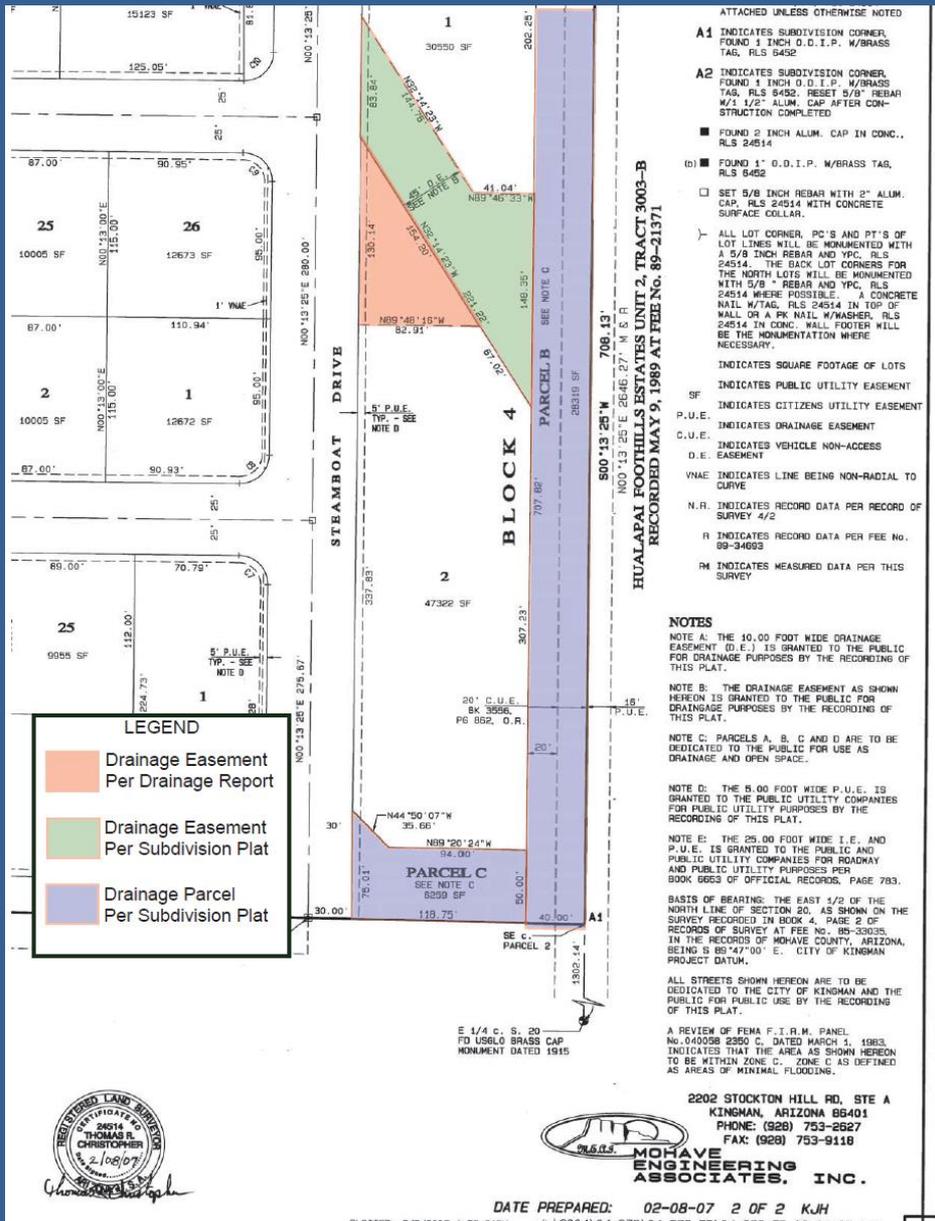
# Zoning Exhibit from Ord. 1189



# **Physical Characteristics, Public Utilities and Transportation**

- Slopes generally southeast to northwest. Located in Zone X which is not considered a flood plain. However the site is surrounded on three sides by drainage parcels and easements.**
- Existing water lines in Steamboat Drive. Sewer lines terminate with manholes in Steamboat Drive. The lines run westward in the surrounding streets. Also five-foot wide public utility easement located along property frontage on Steamboat Drive.**
- Steamboat Drive provides access. 50-foot wide right-of-way, paved street with curbs, gutter, and sidewalk. Cash assurance for the completion of sidewalks in elsewhere in Southern Vista III. Sidewalks completed in conjunction with the completion of homes.**

# Area Drainage Map



# Department and Agency Comments

## City Engineering Department :

- Site is surrounded on three sides by drainage easements and parcels.
- Numerous drainage complaints received in area.
- Updated drainage report should be submitted showing building pad elevations and locations of proposed block walls adjacent to easements.
- Drainage report should also address any impacts of the drainage easement on north side of property.

## Suddenlink:

- Conduit located in 5-foot wide PUE along Steamboat. Cost of relocating any existing facilities needs to be covered by property/subdivision owner.

## City Building Official, UniSource Electric:

- No objections to request.

# Analysis of Request

- The request is to modify Ordinance No. 1189 by removing Condition “B” as applied to Lot 2, Block 4, Southern Vista III, Tract 6002.
- Condition “B” requires the minimum lot size of lots adjacent to the eastern property boundary to be not less than 30,000 sf. Normally 20,000 sf is the minimum lot size in the R-1-20 zoning district.
- Removal of Condition “B” would allow the lot which is 47,322 sf to be split by parcel plat into two parcels for two single family homes.
- Condition “B” no longer applicable to other properties, except Lot 1 immediately north due to rezonings surrounding the site in 2003-2006.
- A minimum lot size of 20,000 sf would be consistent with R-1-20 standards and would also conform to the General Plan.
- The drainage easement encumbers about 5,395 s.f. of north portion. Future split should retain at least 20,000 sf of developable property .

# Recommendation

**The Planning and Zoning Commission recommends denial of the rezoning application. The staff recommends approval of Ordinance #1809, which would remove Condition “B” of Ordinance No. 1189 on Lot 2, Block 4 Southern Vista III, Tract 6002.**



## CITY OF KINGMAN COMMUNICATION TO COUNCIL

**TO:** Honorable Mayor and Common Council

**FROM:** Sylvia Shaffer

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** Public Hearing and Consideration of Resolution 4980 for Conditional Use Permit (CUP) at 4798 North Stockton Hill Road - CUP15-002

---

### **SUMMARY:**

Kingdom of God Church, applicants and Baltic Enterprises, the property owners, have requested approval of a CUP to allow for a "Public Assembly Indoor-General" use at 4798 North Stockton Hill Road, Kingman, to operate a church in a C-2 Zoning District.

The subject property is zoned C-2: Commercial, Community Business. Under Section 12.220 of the Kingman Zoning Ordinance, a church may be permitted with a CUP in the C-2 zoning district. It appears the request will meet all existing regulations including bulk regulations.

A parking plan was submitted and reviewed by staff and new landscaping is not required according to Section 10.000 of the Zoning Ordinance as over 95% of the site is developed with buildings and hardscape.

The Planning and Zoning Commission met on November 10, 2015 and held a public hearing on this request. The Commission voted 6-0 to recommend approval of the request for the Conditional Use Permit with a condition that the applicant obtain a letter from Mohave County that the existing septic system is sufficient for the proposed use. Comments were received from Mohave County Environmental Quality on 11-17-15 that the existing septic systems are adequate for the proposed use. There was only one objection from a neighboring property owner which was submitted to the City of Kingman by email prior to the meeting.

### **FISCAL IMPACT:**

None expected at this time.

### **STAFF RECOMMENDATION:**

P&Z Commission voted 6-0 recommends approval of the conditional use permit with the condition that the applicant secure approval septic sewerage system from the Mohave County. Staff recommended approval of the Conditional Use Permit.

### **ATTACHMENTS:**

Description

Septic Information

PZC Report

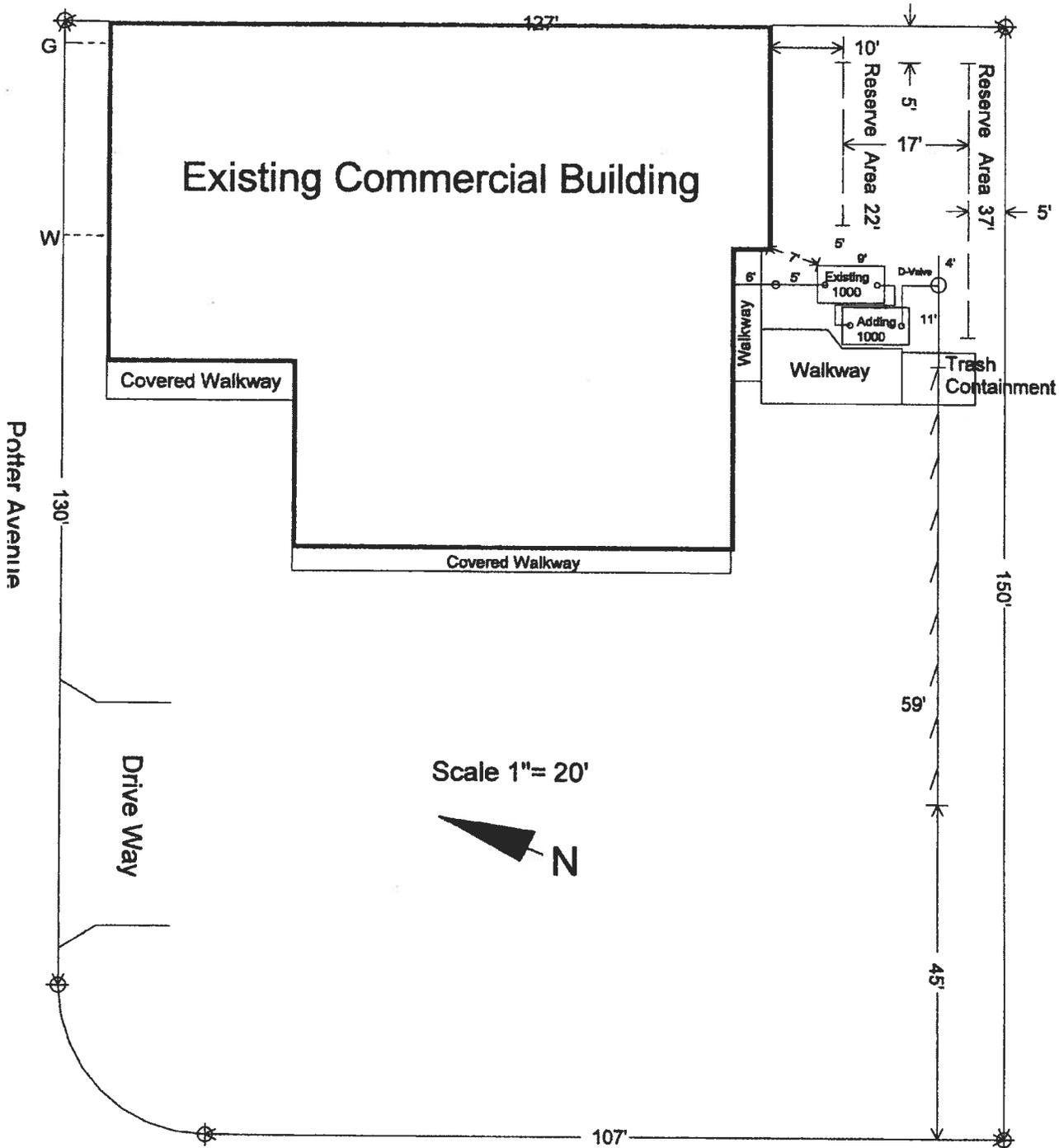
Letter of Objection  
Resolution No. 4980  
PowerPoint Presentation

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	11/24/2015 - 12:38 PM
City Attorney	Cooper, Carl	Approved	11/24/2015 - 1:20 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 2:27 PM



Prop: Plot Plan Adding 1000 Gallon Septic Tank To An Existing 1000 To Meet Staff Of 4 @ 20 Gallons Per Day  
& 47 Elementary Children @ 15 Gallons A Day Per Person, With No Gym & Showers, Cafeteria Or Boarding.



Scale 1" = 20'



4798 Stockton Hill Road

*Revised Plan  
Bentley Hopkins  
8-10-05*

**FINAL AS BUILT APPROVED**

*8-10-05*

**MOHAVE COUNTY ENVIRONMENTAL HEALTH**

*ADDITION of 1000 G  
TANK*

**PERMIT TO CONSTRUCT AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM**

Bullhead City (602) 758-0704 • Kingman (602) 757-0901 • Lake Havasu City (602) 453-0712

Planning/Zoning Permit No. F.P.C. *Repair to system, exist permit # 18319*  
 Applicant McCALL CONSTRUCTION Date of Issue 9-9-91  
 Address 3152 FT. BEALE Phone \_\_\_\_\_  
 System Location: Subdivision College Heights Unit 1 Tract \_\_\_\_\_  
 Block 1 Lot 1 Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_  
 And/or Address 4798 STOCKTON HILL Rd  
 Owner D. SKLIAS Address 4798 STOCKTON HILL Rd  
 Installer/Builder S.A.A. Address S.A.A.

TYPE OF ESTABLISHMENT: Residential \_\_\_\_\_ NUMBER OF BEDROOMS \_\_\_\_\_  
 Commercial: X TOTAL SEWAGE FLOW \_\_\_\_\_ GAL/DAY

1000 EXISTING Proposed Septic Capacity *Repair? see permit # 18319* FINAL AS BUILT DRAWING

NO Soil Percolation Needed?  
7 Soil Percolation Rate  
1000 Required Leaching Area  
NO Dual Line System?  
NO Water Table (Approx.)

Tank Constructed By:

NOT RECORDED

COMMENTS: (If necessary)

NO PERMANENT STRUCTURE TO BE PLACED OVER RESERVE AREA OR DISPOSAL SYSTEM AT ANYTIME.

See Attached INFO

PROP.	ACTUAL	
21	2	Width
91	9	Depth*
60	59	Length
1000	1062	Sq. Ft.

Preliminary Inspection Date

APPROVAL TO CONSTRUCT

Application Reviewed

*[Signature]*

Title *[Signature]*

Construction Approved: according to Mohave County minimum standards:

Date 9-16-91

By Edward J. Mosher Jr.

Title Sanitary Inspector

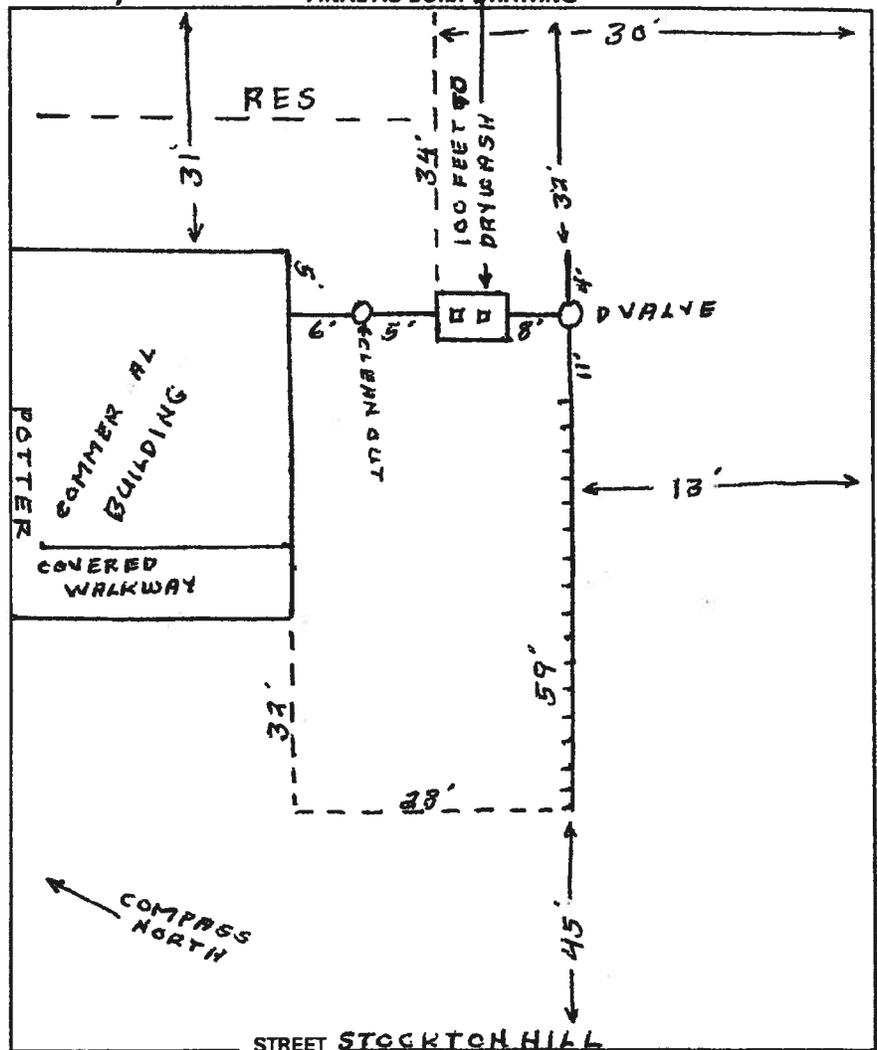
This Permit expires twelve (12) months after date of issue if not installed.

Signature of Applicant [Signature]

\*Depth means effective depth from bottom of leach line to bottom of leach area. **PERMIT FEE NOT REFUNDABLE NOR TRANSFERABLE**  
 SEPTIC TANKS MORE THAN 6 INCHES BELOW GROUND LEVEL REQUIRE RISER TO ENABLE EASY ACCESS TO TANK INTERIOR.

Approval of this PERMIT does not imply approval of the design and construction of the system. This approval will be made at the time of the final inspection by the local County Health Department.

Receipt No. 203 Check No. 2790 Fee Amount \$ 80.00 Commercial



Owner \_\_\_\_\_  
 Installer/Builder \_\_\_\_\_ Address \_\_\_\_\_

(COMPLETE EITHER SECTION A OR B. PLUS SECTION C AND PLOT PLAN AND CROSS SECTION)

SECTION A. Single Family Dwelling or Mobile Home

Total Number of Bedrooms (Include Rooms Convertible to Bedrooms) \_\_\_\_\_

SECTION B. ~~Non-Residential~~ or Multiple Family Only

Type of Establishment Health Food Store 2 Employees Total Sewage Flow \_\_\_\_\_ Gal./Day

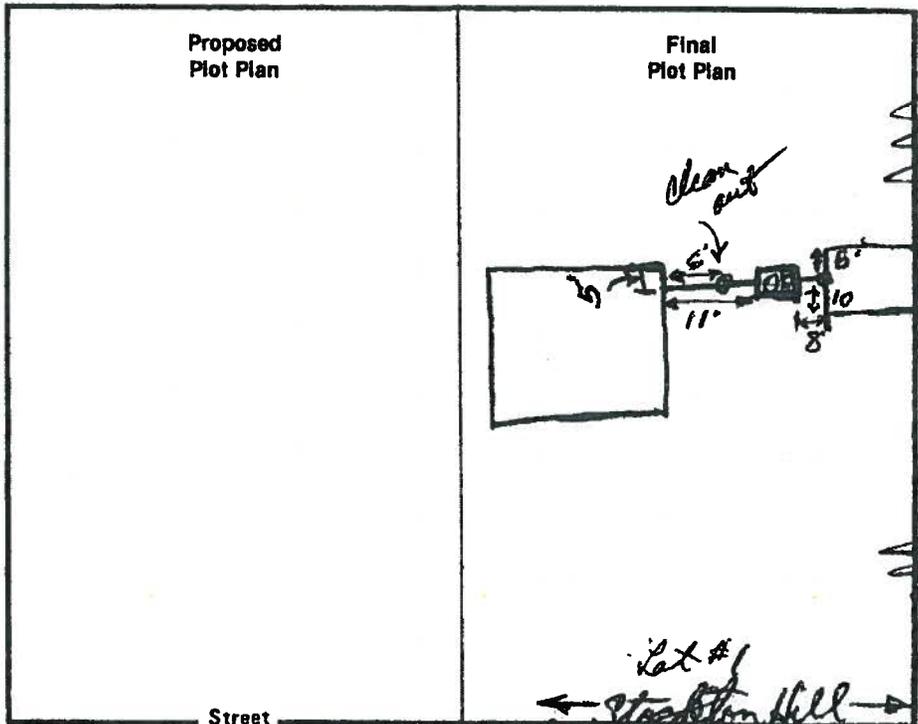
SECTION C. TO BE COMPLETED BY ALL APPLICANTS

Proposed Septic Capacity ..... 1000 Gallons  
 Soil Percolation Data Available ..... Yes \_\_\_\_\_ No S/B Rate 15 7 Min./In.  
 Required Leaching Area ..... 540 Sq. Ft.  
 Public Sewer Available ..... Yes \_\_\_\_\_ No X Water Table Proximity 300+ Ft.

BULLETIN 12 SYSTEM REQUIRED

PLOT PLAN: Show all existing and proposed structures in relation to disposal system, including distances of septic tank and leaching area from foundations; property lines; swimming pools; driveways and parking areas. System must be 50' from private well and 100' from public well.

Prop Final  
 2' 2 Width  
 8' 5 Depth\*  
 5x2 x2(27) Length  
 Actual 540 Sq. Ft.  
 Preliminary Inspection Date \_\_\_\_\_



APPROVAL TO CONSTRUCT  
 Application Reviewed  
 By M. Andes  
 Title San. Trne.  
 Construction Approved: ~~according to ADHS Bull, 12~~  
 Date 7-1-86  
 By M. Andes  
 Title San Trne (by CAD)

This application expires twelve (12) months after date of issue.  
 Signature of Applicant [Signature]

\*DEPTH means effective depth from bottom of leach line to bottom of leach area APPLICATION FEE NOT REFUNDABLE  
 SEPTIC TANKS MORE THAN 3 FEET BELOW GROUND LEVEL REQUIRE RISER TO ENABLE EASY ACCESS TO TANK INTERIOR.  
 Approval of this Application does not imply approval of the design and construction of the system. This approval will be made at the time of the final inspection by the District Sanitarian.  
 Receipt No. 5245 Check No. 009 Fee Amount \$ 30.00



**CITY OF KINGMAN**  
**Development Services Department**  
**Conditional Use Permit Case: CUP15-002**  
**Kingdom of God Church**  
**Planning and Zoning Commission Report**

**November 10, 2015**

**Property Owner:** Baltic Enterprises  
3349 S Stallion Drive  
Kingman, AZ 86401  
(928) 757-3660

**Applicant:** Kingman of God Church  
2701 Andy Devine Ave Suite #100  
Kingman, AZ 86409  
(928) 279-7098

**Summary of Request:** A request for a conditional use permit to allow a "Public Assembly Indoor – General" use at 4798 North Stockton Hill Road, Kingman, to operate a church. The property is zoned C-2.

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**RECOMMENDATION**

The Planning and Zoning Commission voted 6-0 to recommend **Approval** of the conditional use permit as requested under CUP15-002, based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Findings of a Conditional Use Permit and Analysis contained in this report.

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**STANDARDS FOR REVIEW**

**KINGMAN GENERAL PLAN 2030 UPDATE:**

- The site is designated as Community Commercial.

# CITY OF KINGMAN ZONING ORDINANCE:

## 12.000 COMMERCIAL: COMMUNITY BUSINESS (C-2)

### 12.100 INTENT AND PURPOSE

This district is intended to provide for and encourage the development of business and service uses designed to serve community needs. The district is intended to provide a wide variety of goods and services to the entire city, with provisions designed to ensure that such commerce will be efficient, functionally related, and compatible with adjacent non-commercial development.

### 12.200 GENERAL PROVISIONS

#### 12.210 PERMITTED USES

Land shall be used and buildings and structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following permitted uses:

All uses enumerated as *permitted uses* in the **C-1** district, *also*,

- Ambulance services
- Antique shops
- Art and school supply stores
- Art galleries – but not including auction rooms
- Astrology
- Auto accessories and parts store
- Automobile repairs, but not including body repair
- Automobile service stations
- Automobile upholstery shops
- Bakery
- Barbershop/beauty parlor
- Banks and financial institutions
- Bicycle stores – sales, rental and repair
- Blueprinting establishments
- Book and stationery stores
- Boarding and rooming houses
- Camera and photographic supply stores
- Candy and ice cream stores
- Carpet and rug stores
- China and glassware stores
- Clothing and costume rental establishments
- Clubs and lodges – private, fraternal or religious
- Coin and philatelic stores
- Computer and electronic component sales
- Convalescent or nursing home
- Custom dressmaking
- Delicatessen
- Department store
- Dry goods stores
- Dwelling units and lodging rooms so constructed to conform to the density requirements of the R-2 zone
- Electrical and household appliance stores – including radio, sales, accessory repair, and service
- Employment offices
- Flower shops and conservatories
- Food stores, grocery stores, meat markets, delicatessens and frozen food stores

Fortune telling  
Funeral parlors and accessory uses not including outside monument storage  
Furniture stores  
Furrier shops – including the incidental storage and conditioning of furs  
Garden supply and seed stores  
Gift shops  
Haberdasheries and millinery shop or hat repair  
Hardware stores  
Health centers  
Hobby shops – for retailing of items to be assembled or used away from the premises  
Hotels – including dining and meeting rooms  
Instructional Schools (not providing housing, dormitories or sleeping overnight)  
Interior decorating shops  
Jewelry stores – including watch repair  
Job printing and related retail sales  
Laboratories – medical and dental with accessory research and testing  
Lapidary  
Laundries  
Leather goods and luggage stores  
Liquor stores  
Loan offices  
Locksmith shops  
Mail order service stores  
Medical and dental clinics  
Medium density multiple-family  
Meeting halls  
Mind reading or other similar calling  
Motels  
Musical instrument sales and repair  
Newspaper offices – including printing  
Offices – business, professional or public  
Office supply stores  
Opticians, optometrists and ophthalmologists  
Orthopedic and medical appliance stores – but not including assembly or manufacture of such articles  
Paint and wallpaper stores  
Palmistry  
Pawn shops  
Pet shops – not to include kennel  
Photography studios – including developing and printing of photographs when conducted on the premises as part of the retail business  
Phrenology  
Picture framing – when conducted on the premises for retail trade  
Plant nurseries, providing that all areas devoted to outdoor storage of other than live plant material shall be completely screened from view abutting streets and highways and from abutting properties. No bulk storage of sand, gravel, fertilizer or other chemical or organic materials is permitted. Does not include medical marijuana cultivation facilities  
Poodle salon – grooming of dogs only; not to include the boarding or breeding of dogs  
Post offices  
Printing establishments  
Public libraries  
Radio and television broadcasting studios provided that no broadcast antenna exceed the height of fifty (50) feet and no dish style antenna exceed one-point-five (1.5) meters in diameter.  
Restaurants – not including entertainment and dancing

Restricted production and repair limited to the following: art needlework, clothing and custom manufacturing and alterations of jewelry from precious metals and watches, retail sales only.

Rummage shops

Secondhand stores

Self-service gasoline and automobile lubricant sales

Sewing machines – sales and services – household machines

Shoe stores – sales or repair

Sporting goods stores

Tailor shops

Tattoo parlors

Tavern or cocktail lounge

Telephone answering service

Telegraph answering service

Telegraph offices

Tobacco shops

Theaters – not including drive-in theaters

Travel bureaus and transportation ticket office

Tuxedo/costume rental

Typewriter and calculating machines, sales and services

Toy shops

Upholstery shops

Variety stores

Vending machine sales and service

Wearing apparel shops

Wholesale establishments with storage of merchandise limited samples only

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is fifty (50) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Accessory uses to the above permitted uses. Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

#### **12.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted subject to approval of a Conditional Use Permit as provided in Section 29.000: CONDITIONAL USE PERMITS:

Automobile body repair, conducted entirely in an enclosed building

Bus terminals, depots and similar transit facilities

Convents, monasteries, theological schools, rectories and parish houses

Drive-in, walk-up and other outdoor restaurants

General commercial amusements

Hospitals and sanitariums

Instructional Schools (providing housing, dormitories or sleeping overnight)

Mini-storage - also, by Conditional Use Permit in C-3

Parks

Public Assembly-Indoor, Entertainment

Public Assembly-Indoor, General

Public utility and public service uses including:

Electric substations

Fire stations

Police stations

Reconditioned and remanufactured merchandise sales

Railroad right-of-way and passenger stations

Telephone exchanges and telephone transmission  
Transit and transportation facilities including shelters, terminals parking areas and service buildings  
Water filtration plants, pumping stations and reservoirs  
Other similar uses  
Recreational vehicle parks  
Schools, Private School, Charter School, Trade School, or Community College (providing housing, dormitories or sleeping overnight)  
Veterinary clinics, provided there are no outside runs or boarding areas and that said use shall be at least two-hundred (200) feet from any residential district, overnight boarding shall be limited to animals under medical care/observation, and that the portion of the building used for overnight boarding shall be enclosed by sound proof walls.  
Recreational buildings and community centers  
Restaurants and bars, including live entertainment and dancing  
Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is one-hundred (100) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

## **12.300 PROPERTY DEVELOPMENT STANDARDS**

### **12.310 LOT AREA**

All lots hereafter created in this district shall contain a minimum of seventy-five-hundred (7,500) square feet. The specified lot area size is not intended to prohibit two (2) or more separate uses on a lot where the lot is in undivided ownership.

### **12.320 LOT WIDTH**

Not less than seventy-five (75) feet

### **12.330 YARDS**

Yard abutting street: no minimum

Side yard and rear yard: There shall be no requirements, except where a side or rear lot line coincides with a lot line in an adjacent residential district. Such yard shall not be less than ten (10) feet in depth and such yard may be used for parking.

### **12.340 BUILDING HEIGHT**

Not to exceed fifty (50) feet

### **12.350 DISTANCE BETWEEN BUILDINGS**

Buildings not actually adjoining shall be provided with a minimum six (6) foot separation.

### **12.360 OFF-STREET PARKING AND OFF-STREET LOADING**

See Section 22.000: OFF-STREET PARKING AND LOADING REQUIREMENTS

## **12.370 CONDUCT OF USES**

All business, service, storage, and merchandise display shall be conducted wholly within an enclosed building, including porches, except for off-street automobile parking, off street loading, and the usual pumping operations of gasoline sales, or as provided herein in an overlay district.

Because of the unique fabric and historic character of the area characterized by a large number of National Register of Historic Places buildings, a Historic Commercial Overlay District, for all lots facing onto both the north and south sides of Beale Street from First Street to Eighth Streets is hereby created.

The following regulations apply only in the Historic Commercial Overlay District created above:

1. For the converted commercial uses that have traditional residential style setbacks (typically ten (10) feet to twenty (20) feet setbacks from the street line), "displays" would be allowed in fifty percent (50%) of any yard area visible from a street. Within this fifty percent (50%) yard area, displays are allowed provided the items are displayed not higher than six (6) feet in height and displays are setback five (5) feet from side property lines.
2. For "O" front lot line commercial buildings, up to three (3) items could be displayed, but not for sale, on the sidewalk (no motor vehicles), provided normal and safe pedestrian movement is not compromised.

When a lot is used for commercial purposes and abuts a lot within any developed residential district, a masonry wall of not less than six (6) feet or more than eight (8) feet in height shall be erected and maintained along the abutting side and/or rear yard line prior to occupancy of the building.

Said wall shall be reduced to thirty-six (36) inches in height within a required front yard of the adjacent residential property. In the case where the developed commercial lot abuts an undeveloped residential district, which has been identified as having commercial potential by an approved land use plan, the masonry wall requirement may be deferred until such time as the abutting lot is developed in a residential manner. At this point in time, the owner of the abutting commercial property shall have six (6) months, from the date of Certificate of Occupancy for the residence is issued, to construct the required masonry wall. If there is a dedicated alley or public roadway separating the commercial property from the residential property, the alley or public roadway shall serve as the buffer and the masonry wall shall not be required unless so specified by ordinance relating to the rezoning of the subject property.

## **29.000 CONDITIONAL USE PERMITS**

### **29.100 PURPOSE AND INTENT**

Pursuant to Arizona Revised Statutes (A.R.S) Article 6.1, Section 9-462.01, within individual zones, there may be uses permitted on a conditional basis under which additional requirements for development must be met. The purpose of the Conditional Use Permit is to allow integration of uses into the community, which may only be suitable in specific locations, or because of unusual operational or physical characteristics that require special consideration, or only if such uses are designed, or developed to assure maximum compatibility with adjoining uses.

Conditions may be applied to the issuance of the permit such that the proposed land use would not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. Under no circumstances shall any of the conditions of development be reduced below the minimum standards that are imposed upon any permitted land use within a given zoning district. A Conditional Use Permit may be granted only for those land uses expressly listed as such, and only after the Planning Commission has made a recommendation and the Common Council has authorized such use as evidenced by resolution.

### **29.200 AUTHORITY**

The City of Kingman Common Council as the City's governing body retains final authority to approve, deny, approve with conditions or modified conditions, all applications for a Conditional Use Permit.

### **29.300 PROCEDURE**

1. **Application:** Prior to making a formal application for a Conditional Use Permit, the applicant or agent is encouraged to review their proposal with a member of the Planning Staff. Application for a Conditional Use Permit shall be made by the property owner, or their authorized agent, on a form, available from the City Planning Department. Application shall include: a site plan, a list of the names and addresses of all property owners within one-hundred-fifty (150) feet of the proposed conditional use and a non-refundable application fee.
2. **Public Hearing Required:** Two (2) public hearings shall be held on all Conditional Use Permit cases. The first hearing will be held before the Planning and Zoning Commission. The second hearing shall be held before the Mayor and the Common Council. Notice of the time and place of the hearing, including a general explanation and the general location of the matter to be considered, shall be given at least fifteen (15) days before the hearing in the following manner:
  - a. The public notice display advertisement of not less than two inches by three inches (2" x 3") in size shall be published at least once in a newspaper of general circulation in the City of Kingman and surrounding area. The public notice will provide information about the date, time and place of the proposed Planning and Zoning Commission and City Council hearings. A public notice poster shall be posted on the property in question in at least one (1) location. If the property is less than one (1) acre. If the subject property is greater than one (1) acre, a minimum of two (2) notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for a conditional use. The notice shall include the present zoning classification, the proposed use and the date and time of the Planning and Zoning Commission and Common Council public hearings, as well as a location and phone number from which additional information can be received.
  - b. In proceedings involving Conditional Use Permit applications which abut other municipalities or unincorporated areas, or combinations thereof, copies

of the notice of public hearing shall be transmitted to the planning agency of such governmental unit. Additionally, the City shall send a written notice by United States Postal Service mail, notifying those property owners of record according to the most recent Mohave County Assessors rolls within one-hundred-fifty (150) feet of any point of the property on which the proposed conditional use might occur. The notice will describe the proposed conditional use, will include a map, and will state that public comment is encouraged during the public hearing.

- c. In the case of Conditional Use Permits that are not initiated by the property owner, notice by first class mail shall be sent to each property owner of record in the manner described above, within three-hundred (300) feet of any point of the property on which the proposed conditional use might occur.
  - d. Notwithstanding the notice requirements set forth herein, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which notice was given.
3. **Planning Commission Public Hearing and Action:** The Planning Commission shall review a written report presented by staff concerning the conditional use request. The applicant, or designated representative, should be present to explain the conditional use request. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed conditional use prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission. The Planning Commission will discuss the conditional use proposal and, based on the evidence submitted and its own study and knowledge of the circumstances involved may recommend approval of the conditional use request with specified conditions or may recommend denial. After the hearing, the Planning Commission shall present a written recommendation to the Common Council. The Commission's written recommendation to approve or deny shall contain the reasons or findings upon which its decision is based.
  4. **Council Public Hearing and Action:** The Common Council shall hold a second, separate public hearing from the Planning Commission. The Council may take testimony and may consider matters not necessarily heard by the Commission. The Common Council may adopt, modify, or reject the Commission recommendation based upon the information they receive at the public hearing. The Council may also return the request to the Planning Commission for further consideration of issues as directed by the Council. The Common Council may sustain a Planning Commission recommendation of denial of a conditional use request. If the Council wishes to approve a conditional use request recommended for denial by the Commission, the Council may direct the preparation of a Resolution for consideration at the next Council meeting. The Council shall not change the requested conditional use to another conditional use without public notice and another hearing in accord with the procedures in this section. The Council may not increase the area of the conditional use request without additional public notice.
  5. **Council Decision:** The decision of the City Council on the Conditional Use Permit shall be final and shall become effective by resolution immediately.

Notice of the decision shall be mailed to the property owner and/or applicant at the address shown on the application. No conditional use case that is the same or substantially the same (in site size, intensity or text) as a request that has been denied shall be filed within one (1) year of the date of the Planning Commission decision.

### **29.310 REQUIRED FINDINGS**

In order to make recommendations on a Conditional Use Permit, the Planning Commission should make findings based on the following elements as applies to that particular case:

1. **Applicable Regulations:** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, City of Kingman General Plan, other statutes, and any ordinance or policies that may be applicable.
2. **Bulk Regulations:** The site is adequate in size and topography to accommodate proposed use, density, building height, lot coverage, setbacks, spaces, landscaping, fences, parking and loading. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.
3. **Performance:** That the location, design and operation characteristics of the proposed use are such that, it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
4. **Traffic Patterns:** The provisions for ingress and egress, public streets and traffic circulation are adequate or can be upgraded through street improvements as a condition of approval.
5. **Landscaping Buffer:** Landscaping and/or fencing of the proposed development assure that the site development will be compatible with adjoining areas.
6. **Nuisance:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration or illumination.

### **29.320 REQUIRED CONDITIONS FOR A USE PERMITTED BY CONDITIONAL USE PERMIT**

In the event that the conditional use requires that the applicant and/or developer obtain a building permit, all buildings, and any development of the property for which a Conditional Use Permit was sought, shall meet minimum requirements of all ordinances, restrictions, regulations, and policies of the City of Kingman that are in effect at the time of issuance of the Conditional Use Permit. Compliance with same is a condition of the use permit, including but are *not* limited to:

1. Water service improvements;
2. Sanitary sewer service improvements;
3. Street and/or sidewalk improvements;
4. Fire protection measures;
5. Utility service improvements;
6. Amount, type and location of outdoor lighting;
7. Parking area, aisles and access drives shall be designed and constructed so as to provide a durable, dustless surface of:
  - a. Asphaltic concrete,
  - b. Cement concrete,
  - c. A penetration treatment of bituminous material and a seal coat of bituminous binder and mineral aggregate,
  - d. The equivalent of the above as may be approved by the City Engineer;
8. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the City Engineer;
9. Consistency with the General Plan.

#### **29.330 CONDITIONS WHICH MAY BE IMPOSED UPON AN APPROVAL OF A CONDITIONAL USE PERMIT**

The Commission and/or Council *may*, in addition to the above listed conditions, *impose the following* general conditions upon any Conditional Use Permit granted:

1. Increasing the number of off-street parking spaces;
2. Additional landscaping, screening and buffering;
3. Controlling location, size and number of vehicular access points;
4. The right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the Conditional Use Permit procedure;
5. Street and/or sidewalk improvements;
6. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the City Engineer.

#### **29.400 TERM AND REVOCATION OF A CONDITIONAL USE PERMIT**

##### **29.410 TERM OF A CONDITIONAL USE PERMIT**

It is the intent of this section that a Conditional Use Permit, once it is granted, and meets all of the conditions and restrictions imposed as a condition of approval shall constitute restrictions running with the land and shall be adhered to by the owner of the land, and

all successors or assigns. The use permit can be considered automatically void without City Council action unless one or more of the following actions have occurred:

1. If a building permit is necessary to implement the use permit, a building permit shall have been issued within one (1) year of the effective date of the use permit, and substantial construction occurred.
2. If a building permit is not necessary to implement the use permit, then the actual use shall commence within six (6) months of the effective date of the use permit.
3. Any use permit issued by the Common Council shall be considered null and void if construction does not conform to the originally approved site plan. (See MODIFICATION OF A CONDITIONAL USE PERMIT.)

#### **29.420 REVOCATION OF A CONDITIONAL USE PERMIT**

Use permits granted in accordance with the provision of this Ordinance may be revoked if the conditions of operation imposed in the approval and issuance of the use permit have not, or are not being complied with. The Planning Director/Zoning Administrator or designee shall notify the permittee of any violation of a use permit, in accordance with the procedures outlined within Subsection 29.300(2). If no attempt is made by the permittee to correct the violation within fifteen (15) days after notification, the permit shall be considered for revocation by the Planning Commission at the next regularly scheduled public hearing.

If the City Planning Commission finds, following the public hearing, that the original conditions of operation imposed in the approval and issuance of the permit are not being complied with, the permit can be revoked and further operation of the use for which the Conditional Use Permit was approved shall constitute a violation of this code.

In the event that the City Planning Commission recommends that the Conditional Use Permit be revoked, the applicant may file an appeal of the Common Council within fifteen (15) days from the date of the City Planning Commission's public hearing on the matter. The Common Council shall hold at least one (1) public hearing on the matter. At the public hearing before the Council, the Council may affirm the decision of the Commission or upon a finding that the revocation was arbitrary and without just cause, reverse the decision of the Commission.

#### **29.500 RENEWAL OF A CONDITIONAL USE PERMIT**

In the event that the use for which a Conditional Use Permit was sought is not achieved within the aforementioned time frames, the permit may be renewed for an additional one (1) year period. In the case of a Conditional Use Permit that does not require a building permit, the permit may be renewed for an additional six (6) months. Application for renewal of any Conditional Use Permit will be contingent upon the following actions occurring:

1. Before the expiration date, a letter from the property owner, or designee, requesting a renewal of the Conditional Use Permit is submitted to the Planning Director/Zoning Administrator for consideration by the Planning Commission and Common Council in accordance with the procedures outlined within Section 29.300 2(a-d) of this section.

2. A new application fee has been paid.
3. One (1) extension for no more than one (1) year (365 days) may be granted by the Common Council. In the case of a Conditional Use Permit that does not require a building permit one (1) extension for no more than six (6) months may be granted by the Common Council.

**29.600 ABANDONMENT, EXPANSIONS AND MODIFICATIONS OF A USE  
PERMITTED BY CONDITIONAL USE PERMIT**

**29.610 ABANDONMENT OF A CONDITIONAL USE PERMIT**

The occurrence of certain events; i.e., a one-hundred-eighty (180) day period of vacancy of the property, cessation of activity for which the Conditional Use Permit was sought, and an action by the City of Kingman as voluntary discontinuance of the Conditional Use Permit. The Conditional Use Permit shall be considered null and void without Council action.

**29.620 MODIFICATION OR EXPANSION OF A CONDITIONAL USE PERMIT**

Minor deviations of the site plan may be approved by the Planning Director/Zoning Administrator or designee. Major deviations, from the originally approved site plan, shall be subject to reapplication for a Conditional Use Permit.

1. Minor changes in the site plan may be approved by the Planning Director/Zoning Administrator as long as such changes will not cause any of the following circumstances to occur:
  - a. A change in the character of the development;
  - b. An increase in the number of dwelling units;
  - c. A change that creates an increase in vehicular traffic;
  - d. A change of the vehicular ingress or egress patterns;
  - e. Proposed reduction to any of the required setbacks;
  - f. Proposed increases in percent (%) ground coverage as authorized by the zoning district;
  - g. Any proposed increase or reduction of the required off-street parking and loading spaces;
  - h. Proposed change necessitates public dedication of rights-of-way either as; streets, alley, public ways, drainage or utility easements.

# FINDINGS OF FACT

## Property Location and Size:

- The subject property is approximately .44-acres and is located at 4798 North Stockton Hill Road, which is on the northeast corner of North Stockton Hill Road and East Potter Avenue.
- The applicant will use the existing 4147 square foot building for the church.

## Legal Description:

The subject property is further described as COLLEGE HEIGHTS, UNIT 1, BLOCK 1, LOTS 1-2. A portion of Section 25, T22N, R17W, G&SRM. Mohave County, Arizona. APN 330-21-002A

## Existing Land Use and Zoning:

- The proposed site is a vacant commercial office building.
- The property is zoned C-2.

## Surrounding Land Uses and Zoning:

- **Northwest:** Across East Potter Avenue is vacant land zoned C-2.
- **Northwest:** Across the intersection with North Stockton Hill Road and East Potter Avenue are single family residences. Zoned R-1-20
- **Northeast:** Single family residences located beyond the City of Kingman city limits.
- **Southwest:** Across the intersection with North Stockton Hill Road and East Potter Avenue are single family residences. Zoned R-1-20
- **Southeast:** Office building. Zoned C-2.

## Zoning and Development History:

- The subject property annexed by the City of Kingman in 1991.
- Prior to annexation, the property was zoned commercial by Mohave County.
- Upon annexation, the City of Kingman designated the property with an equivalent commercial zoning of C-2.

## Physical Characteristics:

- The subject site slopes gradually from the northeast down to the southwest. No hillsides or other significant geology exist on the site.
- The property lies within Flood Zone "X", according to the FEMA panel map dated February 18, 2015. Zone "X" are areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile' and areas protected by levees from 1% annual chance flood.

**Public Utilities:**

- There are existing water lines in Stockton Hill Road and E. Potter Avenue.
- There are no sewer lines in N. Stockton Hill Road and E. Potter Avenue. The site is more than 500-feet away from the nearest sewer line and so a sewer extension will not be a required for future development of the site.
- Electricity is available onsite.

**Transportation:**

- The subject site is accessible from E. Potter Avenue which has a 70-foot wide right-of-way. This street is paved with no curb, gutter, or sidewalk.

**Public Notification and Expected Comment:**

- The site was posted with a zoning notice on October 23, 2015.
- An initial public notice was published in the Kingman Daily Miner on October 25, 2015.
- Ten surrounding property owners within 150 feet were sent a notice of the public hearing via first class mail on October 26, 2015. The list of property owners was generated using information provided by the Mohave County Assessor's Office.

**Staff Comments:**

- City Engineering Department: Unless the subject property has a previously approved street deferral for Stockton Hill Road, street improvements should be considered with this request. It appears that street improvements have already been completed in Potter Avenue.

Upon research, it looks like there was a street deferral that was granted for this property in 1995. The deferral was for six months on Potter Avenue and until there was a street design in place for Stockton Hill Road.

- City Fire Department: The permit holder shall comply with all regulations set forth by this department.
  - City Building Department: No objection to further processing of this proposal.
  - Mohave County Flood Control District: : No comments received
  - UniSource Energy Services: We have no objections to the further processing of the proposal.
-

# ANALYSIS

## REQUIRED FINDINGS OF THE PLANNING AND ZONING COMMISSION

In order to make recommendations on a Conditional Use Permit, the Planning and Zoning Commission should make findings based on the following elements as applies to that particular case:

### ANALYSIS

This is a request for the approval of a conditional use permit to allow for a Public Assembly-Indoor, General use, a church, in an existing commercial office building located on property zoned C-2 at 4798 N. Stockton Hill Road. Public Assembly-Indoor, General use is permitted in C-2 Zoning with an approved Conditional Use Permit.

The site contains a commercial office building which was constructed prior to the property being annexed into the City of Kingman in 1991. C-2 zoning was applied to this property at the time of annexation. There is a paved parking area on site.

A conceptual site plan submitted with the application shows the proposed floor and parking layout. The applicant will need to meet all commercial building requirements as a condition of the Conditional Use Permit.

The following is an analysis of the required findings for this conditional use permit request:

### SECTION 29.310: REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT

In order to make recommendations on a Conditional Use Permit (CUP), the Planning and Zoning Commission should make findings on the following elements as applies to this particular case:

**Applicable Regulations:** *Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, the City of Kingman General Plan, other statutes, and any ordinance or policies that may be applicable.*

- The Kingman General Plan 2030 identifies the property as being designated for Community Commercial land uses. This land use designation is in conformance with several zoning districts including C-2. The property is zoned C-2 and therefore is compatible with the General Plan.
- Under the Kingman Zoning Ordinance, a Public Assembly-Indoor, General use, a church, may be permitted by conditional use permit (CUP) within the C-2 zoning districts. Therefore, the CUP request will be compatible with the Zoning Ordinance 30 days after the date of the passage of this ordinance.

**Bulk Regulations:** *The site is adequate in size and topography to accommodate: proposed use, density, building height, lot coverage, setbacks, spaces, landscaping, fences, parking and loading. That these elements are compatible with the general*

*character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.*

- The site is approximately .44 acres and has an existing commercial office building with a paved parking lot. It appears that the proposed church could be accommodated on the site based on the conceptual site plan.

**Performance:** *That the location, design and operation characteristics of the proposed use are such that, it will have minimal adverse impact on: the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.*

- It doesn't appear that the location, design or operation of the church will have an adverse impact on the area.

**Traffic Patterns:** *The provisions for ingress and egress, public streets and traffic circulation are adequate, or can be upgraded through street improvements as a condition for approval.*

- The proposed church is accessible from East Potter Avenue which has an existing driveway. No access is proposed from North Stockton Hill Road.

**Parking:** *The provisions which required the applicant to have an adequate number of parking spaces for the proposed use of the building.*

- Staff has reviewed the proposed parking sketch plan. The plan indicates approximately 22 parking spaces on site. Approximately 782 square feet of seating area is proposed within the church sanctuary where there are no fixed seats proposed. The parking ratio for indoor public assembly uses where there are no fixed seats is one parking space for every 35 square feet of floor area. Based on that calculation a minimum of 22 parking spaces are needed on site. It appears the applicant has a sufficient number of parking spaces for the proposed use. It should be noted that any parking associated with this use must be contained on site and shall not be permitted to back into the adjoining streets. It appears this may have occurred along the property frontage on Potter Avenue in the past.

**Landscaping Buffer:** *Landscaping and/or fencing of the proposed development assures that the site development will be compatible with adjoining areas.*

- The site is over 95% developed with buildings and hardscape and so additional landscaping is not required for the applicant according to Section 10.000, Landscaping, of the Zoning Ordinance.

**Nuisance:** *That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to: noise, smoke, odors, dust, vibration, or illumination.*

- The proposed use should not cause a nuisance to the surrounding owners.

# RECOMMENDATION

Based on the findings that the application conforms to the Goals and Objectives of the Kingman General Plan 2030 and the Standards for Review, Findings of Fact, Required Findings of a Conditional Use Permit and Analysis contained in this report, The Planning and Zoning Commission voted 6-0 to recommend approval of the Conditional Use Permit as requested under CUP15-002 for Kingdom of God Christian Church at 4798 North Stockton Hill Road with the following condition:

- 1. The applicant must obtain confirmation from Mohave County Environmental Quality Division that the existing septic tanks are adequate for the proposed use of the church. Please note: A Confirmation has been received and attached to this report.**

## ATTACHMENTS

1. Application
2. Site plan
3. Aerial photo
4. Confirmation



CITY OF KINGMAN  
PLANNING & ZONING

OCT 14 2015

**CITY OF KINGMAN**  
**CONDITIONAL USE PERMIT APPLICATION FORM**  
**CASE # CUP15-002**

RCY'D *Stallion*  
*9:55 AM*

Application Date: *10-14-2015*

I (we) the undersigned property owner(s) request that the area described below receive a conditional use permit (PROVIDE COMPLETE LEGAL DESCRIPTION):

Property Address: *4798 N Stockton Hill RD*

Proposed Conditional Use Permit Request to allow:

Property Zoning: *C-2*

Mohave County Tax Parcel Number(s): *330-21-002A* Size of Parcel: *.44*

OWNER'S NAME: *Baltic enterterises LLC.*

Mailing Address: *3349 S STALLION DR*

City/State/Zip: *KINGMAN, AZ 86401*

Phone Number: *928-757-3660* Email:

Signature: *Frank L. Hillman - Manager/Member*

APPLICANT NAME: (OR AGENT/REPRESENTATIVE); IF THE OWNER DOES NOT SIGN THIS APPLICATION A WRITTEN LETTER OF CONSENT MUST ACCOMPANY THIS APPLICATION.)  
*KINGDOM OF GOD*

Mailing Address: *2701 ANDY DEUINE SUIT 100 b*

City/State/Zip: *KINGMAN AZ 86409*

Phone Number: *928-779-7098* Email: *KINGDOM OF GOD@Frontier.com*

Signature: *[Signature]*

ITEMS FROM THE "CONDITIONAL USE PERMIT CHECKLIST" SHALL BE SUBMITTED WITH THIS APPLICATION.

**AGREEMENT FOR THE WAIVER OF CLAIMS FOR DIMINUTION IN VALUE OF PROPERTY  
UNDER A.R.S. §12-1134**

This agreement is entered into this 14 day of Oct., 2015, by and between BALTIC ENTERPRISES LLC (Owner) and the CITY OF KINGMAN, an Arizona Municipal Corporation, (City).

**RECITALS**

- A. The Owner owns certain real property located with in the City or is with in the City's service area. This real property is depicted and legally described in the attached Exhibit A, incorporated into this agreement by this reference; and
- B. The Owner has requested that the City enact a certain land use change directly applicable to the Owner's property and agrees that this change will increase the value and use of the land; and
- C. The Owner is aware that, as a condition of receiving approvals under the City's land use laws, the City may impose various requirements, conditions, and stipulations upon the property that will govern development of the property; and
- D. The Owner agrees and consents to all the conditions imposed by the City regarding the land use action in:
  - a. \_\_\_\_\_ Rezoning/Zoning Change
  - b.  Conditional Use Permit
  - c. \_\_\_\_\_ General Plan Amendment
  - d. \_\_\_\_\_ Variance
  - e. \_\_\_\_\_ Site Plan
  - f. \_\_\_\_\_ Subdivision
  - g. \_\_\_\_\_ Ordinance
  - h. \_\_\_\_\_ Development Agreement
  - i. \_\_\_\_\_ Water/Wastewater Service
  - j. \_\_\_\_\_ other \_\_\_\_\_ (please specify)
- E. By signing this agreement, the Owner acknowledges that Owner waives any right to claim diminution in value or claim for just compensation for diminution in value under A.R.S. §12-1134 related to the land use action as a result of the City's approval of the action in regards to the above referenced property. This waiver constitutes a complete release of any and all claims and causes of action that may arise or may be asserted under A.R.S. §12-1134 as it exists or may be enacted in the future or that may be amended from time to time with regard to the subject property.
- F. This agreement in no way acquiesces to or obligates the City to perform any legislative or administrative act.
- G. This agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and the City regarding the above referenced property in accordance with A.R.S. §12-1134. This agreement may not be modified or amended except by written agreement by the Owner and the City.
- H. This agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona.

- I. If any legal action is brought by either party to enforce any provisions of this agreement, the prevailing party shall be entitled to recover from the other party reasonable attorneys' fees and court costs in such amounts as shall be allowed by the court.
- J. Within ten (10) days after the execution of this agreement, the City Clerk shall file the agreement in the Official Records of the Recorder's Office, Mohave County, Arizona.
- K. This agreement runs with the land and is binding upon all present and future owners of the above referenced property.
- L. This agreement is subject to the cancellation provisions of A.R.S. §38-511
- M. The Owner warrants and represents that Owner holds fee title to the above referenced property, and that no other person has ownership interest in the property; and agrees to hold harmless and indemnify the City in any action regarding ownership. Owner is responsible to notify the City if change in ownership of the above listed property takes place prior to approval of the land use action. Any and all Owners must sign this agreement. Additional Owner signatures must be notarized and attached to this agreement.
- N. Any Agent that signs on behalf of the Owner, personally warrants and guarantees to the City that they have the full legal power to bind Owner to this agreement. Furthermore, Agent agrees to indemnify and hold harmless the City in any action regarding ownership of the above listed property. Agent is responsible to notify the City if any change in ownership of the above listed property takes place prior to the full approval of the requested action.

**CITY OF KINGMAN  
A MUNICIPAL CORPORATION**

By: [Signature]  
Printed Name: CHANEL TURNER

I, the undersigned, hereby agree to the terms and acknowledge this document and sign below.

**PROPERTY OWNER/AGENT**

By: FRANK L. HILLENMEYER Frank L. Hillenmeyer  
Print Name FRANK L. HILLENMEYER

State of Arizona )  
County of Mohave )

SUBSCRIBED AND SWORN to before me this 14 day of October, 2015

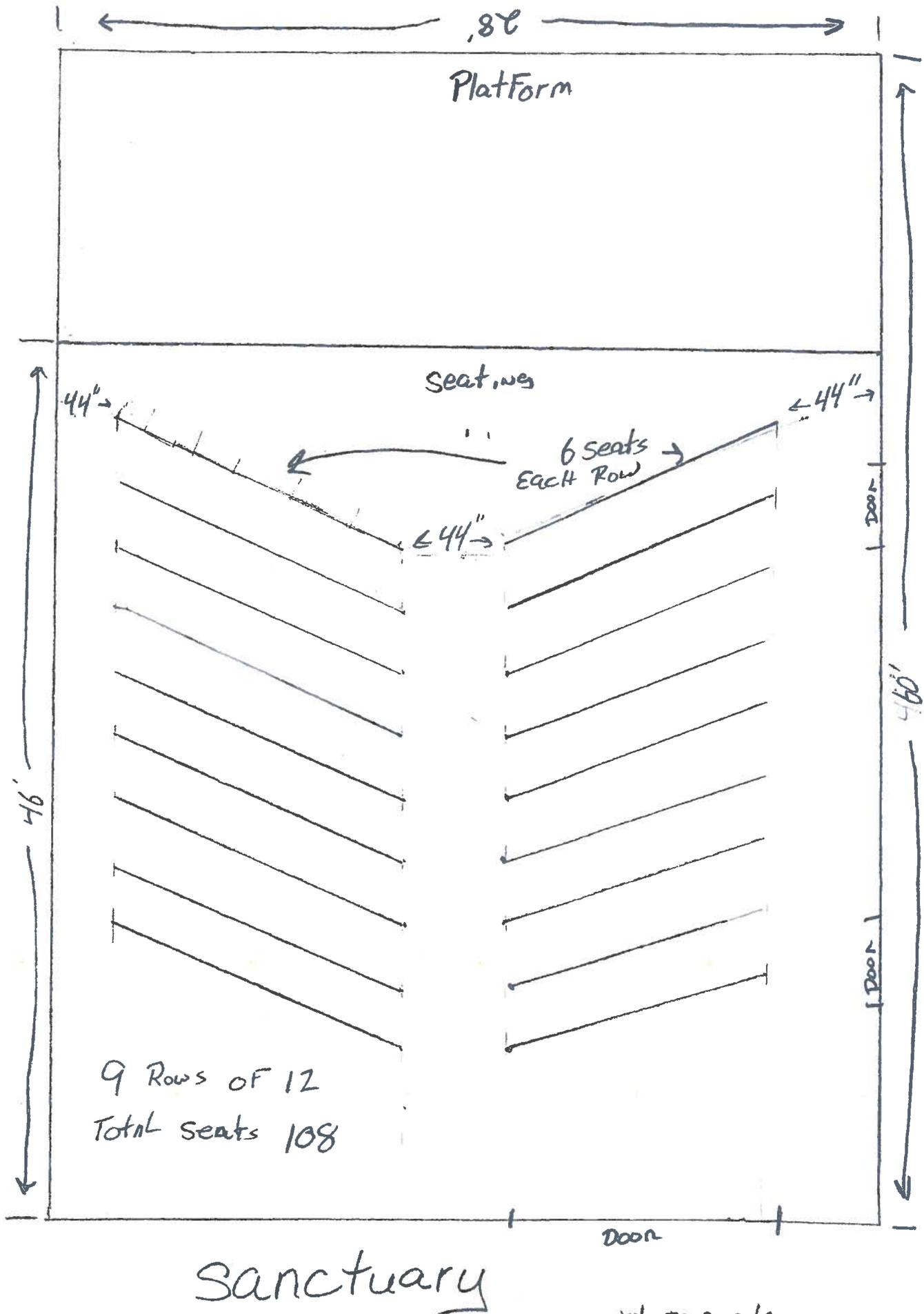


[Signature]  
Notary Public

Kingdom of God Church

4798 North Stockton Hill Road





SIDEWALK

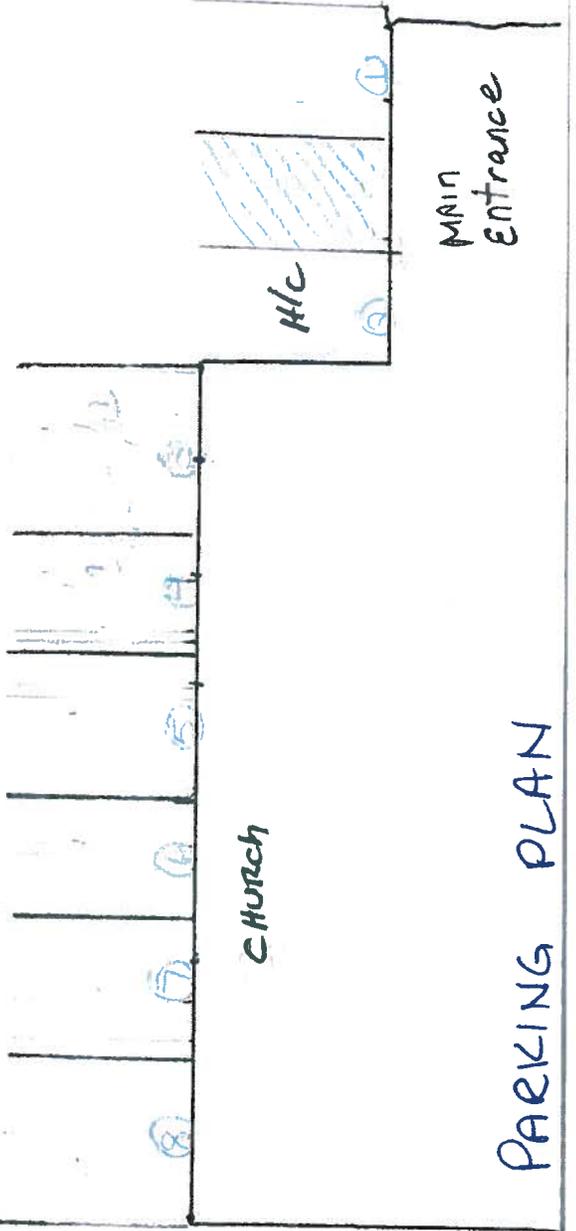
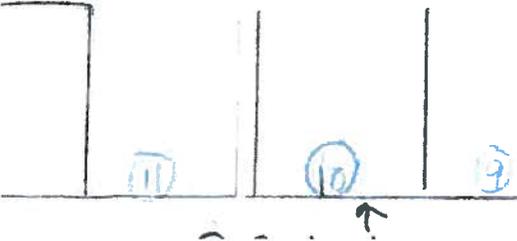
NO PARKING HERE  
← 191

NO PARKING HERE

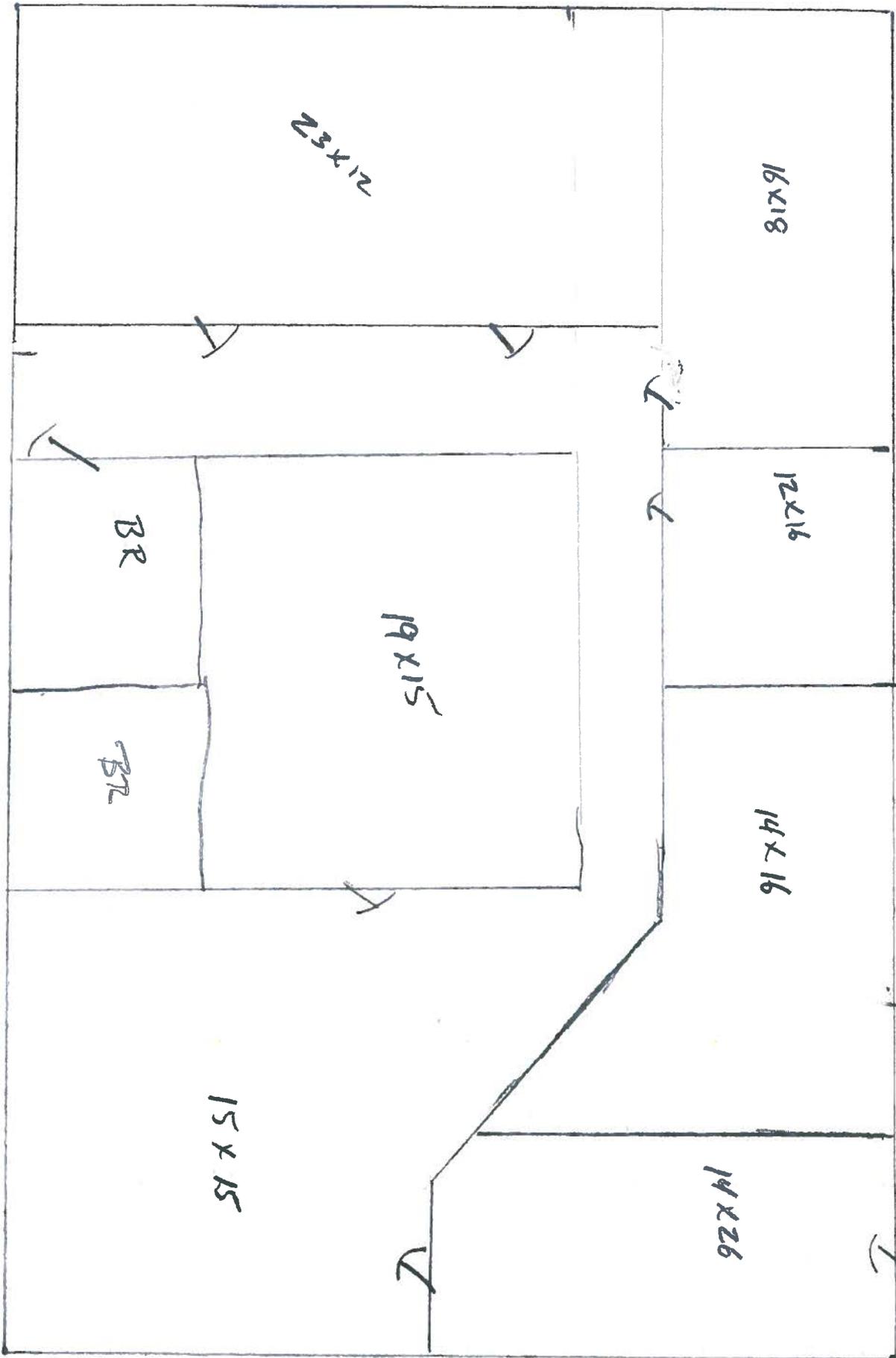


22 Parking spaces  
Not to scale

Fence



PARKING PLAN



Office space

## Sylvia Shaffer

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**From:** mastertekbl@aol.com  
**Sent:** Saturday, November 07, 2015 8:50 AM  
**To:** Sylvia Shaffer  
**Subject:** Public Assembly Indoor-church

Sylvia Shaffer  
Planner  
Planning And Zoning Division  
City of Kingman Development Services Department

Ms Shaffer,

Regarding to the request from Kingdom of God applicant for a church to the adjacent property of our property, we completely opposed the permit because it will limit the business potential of our properties. My wife and I will reconsider our rights provided if Kingdom of God will LEASE both of our properties for the length Public Assembly use. We own the properties parcel No.330-21-018 and 330-21-019.

Sincerely,

Ben and Kandi Lopez

WHEN RECORDED HOLD FOR  
KINGMAN CITY CLERK  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona 86401

## **CITY OF KINGMAN RESOLUTION NO. 4980**

### **A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: AUTHORIZING A CONDITIONAL USE PERMIT FOR A PUBLIC ASSEMBLY INDOOR GENERAL USE TO OPERATE A CHURCH AT 4798 STOCKTON HILL ROAD**

**WHEREAS**, Kingdom of God Church, applicant and Baltic Enterprises, property owner, have requested approval of a conditional use permit (CUP) to allow for a “Public Assembly Indoor General” use at 4798 Stockton Hill Road, Kingman, to operate a church in a C-2 Zoning District, and

**WHEREAS**, the property is further described as College Heights, Unit 1, Block 1, Lots 1-2, and

**WHEREAS**, the subject property is zoned C-2: Commercial, Community Business, and

**WHEREAS**, Section 12.220 of the City of Kingman Zoning Ordinance, allows a church in the C-2 zoning district by Conditional Use Permit, and

**WHEREAS**, this CUP request was reviewed by the Kingman Planning and Zoning Commission on November 10, 2015 and was recommended conditional approval by a vote of 6-0, and

**WHEREAS**, the recommended condition was that the applicant obtain a confirmation from Mohave County that the existing septic tanks are adequate to serve the proposed use and this information has been obtained; the existing septic tanks are adequate, and

**WHEREAS**, the Kingman Common Council has the authority to approve a Conditional Use Permit, pursuant to Section 29.000: Conditional Use Permits of the City of Kingman Zoning Ordinance, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Common Council of the City of Kingman, Arizona: That a Conditional Use Permit (CUP) is granted to allow the applicant to a “Public Assembly Indoor General” use at 4798 Stockton Hill Road, Kingman, to operate a church in a C-2 Zoning District, with the following condition:

1. The applicant shall obtain a confirmation from Mohave County that the existing septic tanks are adequate to serve the proposed use and this information has been obtained; the applicant obtained confirmation that the existing septic tanks are adequate

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 1st day of December, 2015.

**ATTEST:**

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Sydney Muhle, City Clerk

**APPROVED AS TO FORM:**

---

Carl Cooper, City Attorney

**APPROVED:**

---

Richard Anderson, Mayor



# **KINGDOM OF GOD CHURCH**

**CONDITIONAL USE CASE: CUP15-002  
CITY COUNCIL MEETING  
DECEMBER 1, 2015**

# General Information

- ❖ Applicant: Kingman of God Church
- ❖ Property Owner: Baltic Enterprises

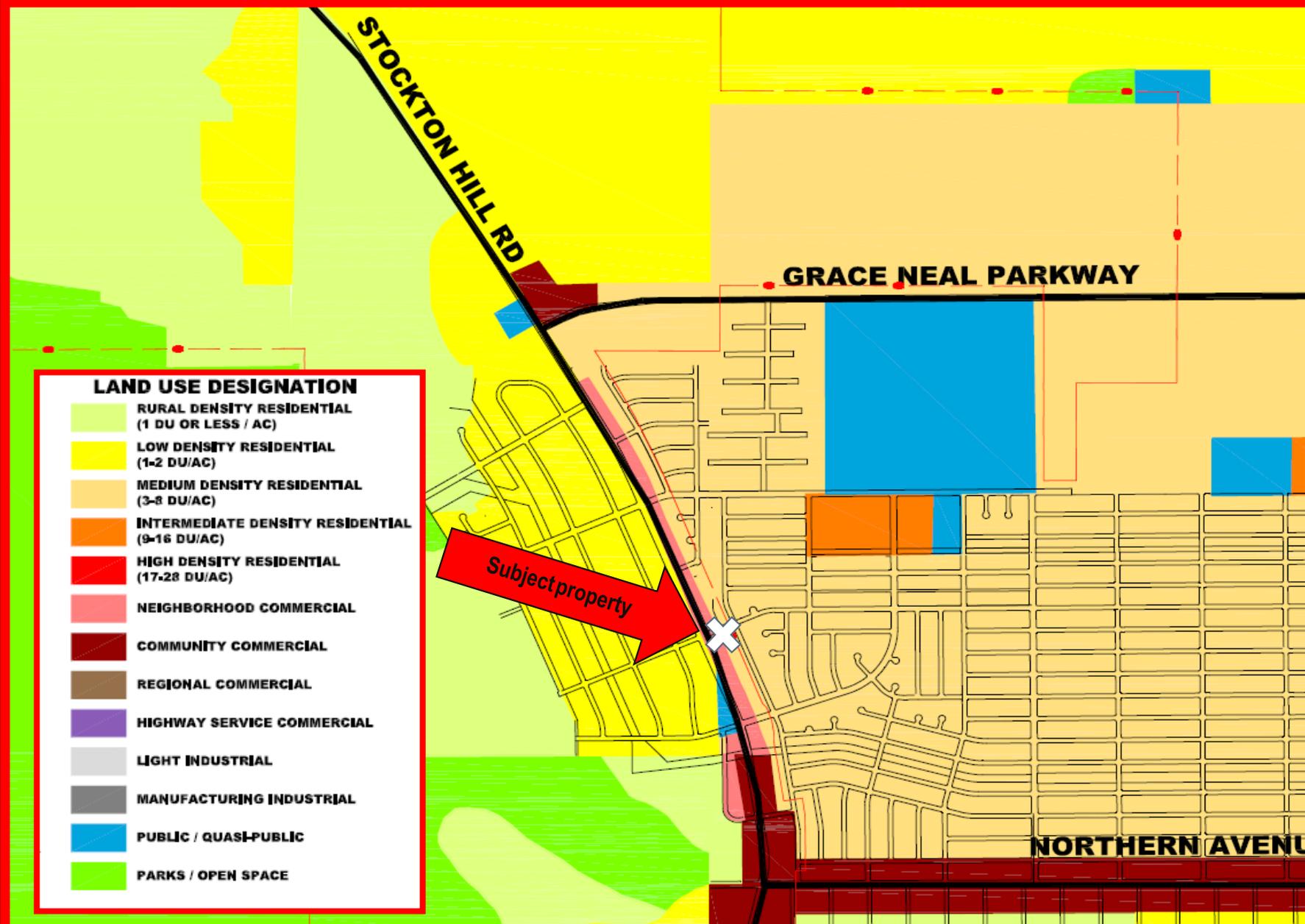
## Requested Action and Purpose

A request for a conditional use permit to allow a “Public Assembly Indoor General” use at 4798 North Stockton Hill Road, Kingman, to operate a church. The property is zoned C-2, Community Commercial.

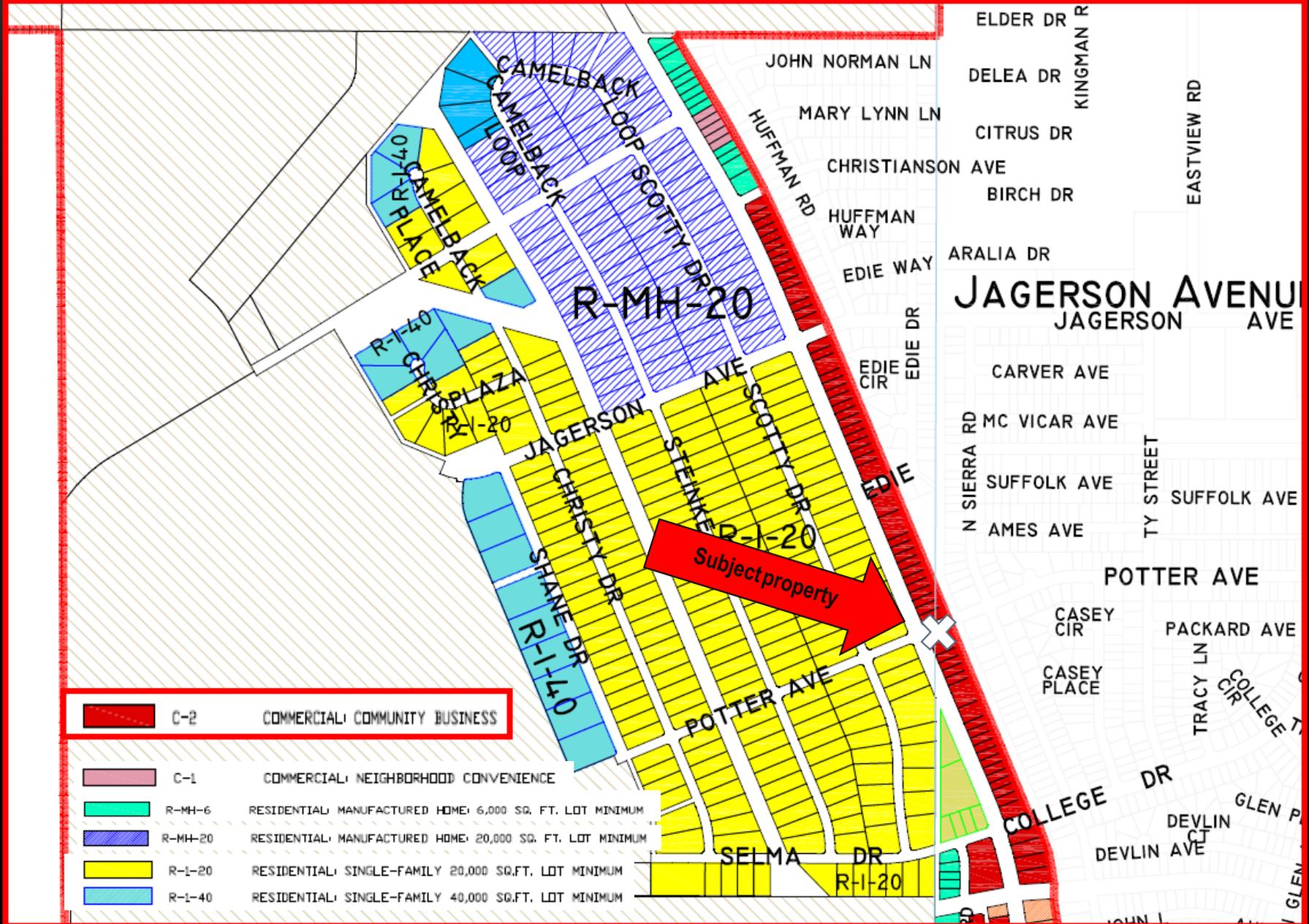
## Recommendation

The Planning and Zoning Commission and staff recommend Approval of the CUP request based on the findings that the application conforms to the Goals and Objectives of the Kingman General Plan, the Standards for Review, Findings of Fact, and Required Findings of a CUP.

# General Plan Map-Community Commercial



# ZONING MAP: C-2 Neighborhood Commercial

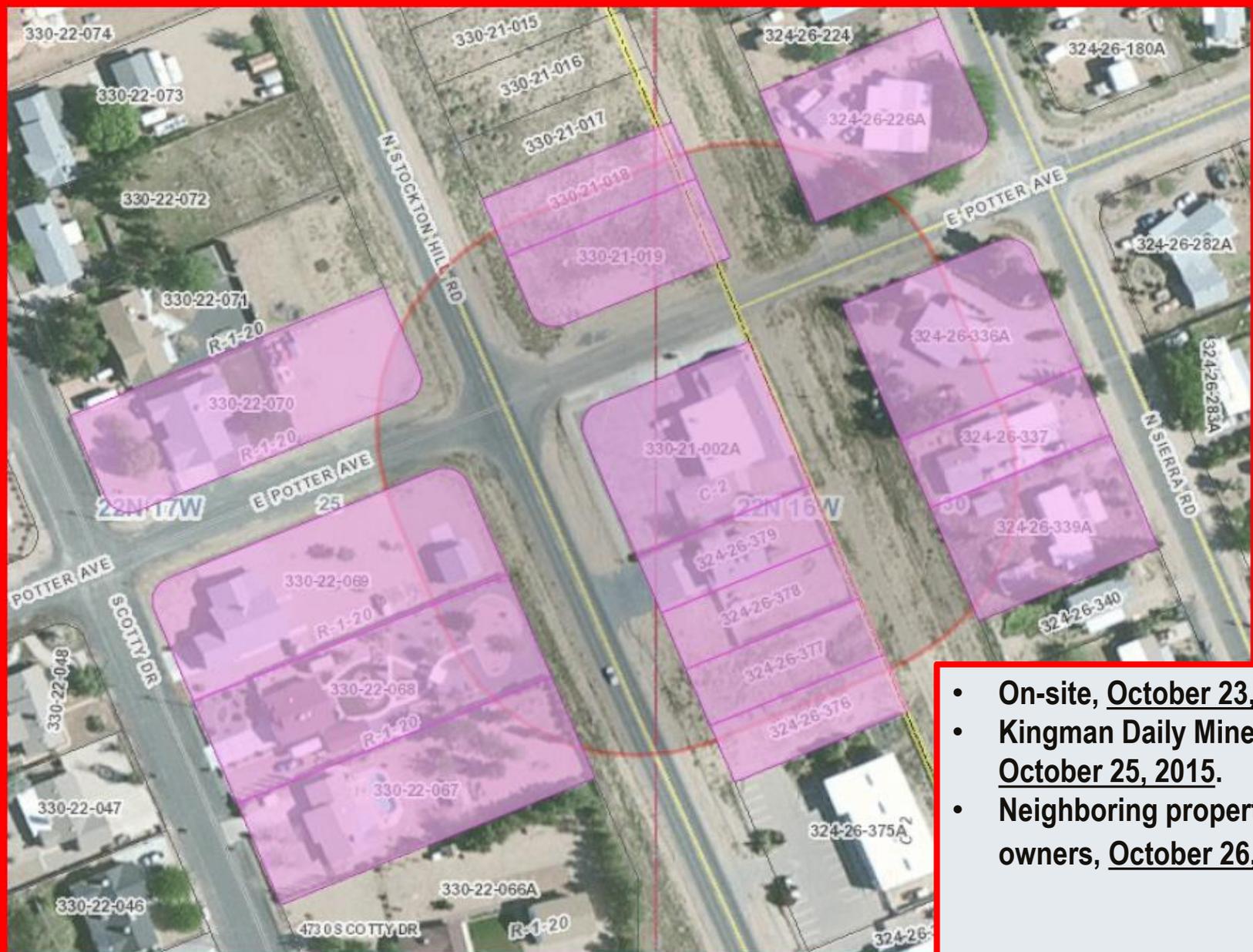


	C-2	COMMERCIAL COMMUNITY BUSINESS
	C-1	COMMERCIAL NEIGHBORHOOD CONVENIENCE
	R-MH-6	RESIDENTIAL MANUFACTURED HOME 6,000 SQ. FT. LOT MINIMUM
	R-MH-20	RESIDENTIAL MANUFACTURED HOME 20,000 SQ. FT. LOT MINIMUM
	R-1-20	RESIDENTIAL SINGLE-FAMILY 20,000 SQ.FT. LOT MINIMUM
	R-1-40	RESIDENTIAL SINGLE-FAMILY 40,000 SQ.FT. LOT MINIMUM

# AERIAL MAP- 4798 N. Stockton Hill Road



# PUBLIC NOTIFICATION AND POSTING



- On-site, October 23, 2015.
- Kingman Daily Miner, October 25, 2015.
- Neighboring property owners, October 26, 2015.

# Findings of Fact

## Existing Zoning and Land Use:

- ❖ Zoned C-2, vacant commercial office building.

## Zoning and Development History:

- ❖ The subject property annexed by the City of Kingman in 1991.
- ❖ Prior to annexation, the property was zoned commercial by Mohave County.
- ❖ Upon annexation, the City of Kingman designated the property with an equivalent commercial zoning of C-2

## Physical Characteristics:

- ❖ No unusual characteristics. Located in Flood Zone “X” which are determined to be outside the 0.2% annual chance of flooding.

# Public Utilities

- ❖ Electric service is available on-site.
- ❖ Water lines exist in Stockton Hill Road and E. Potter Avenue
- ❖ No sewer service is available to the site.

## Comments of Concern

- ❖ **Fire Department:** The permit holder shall comply with all regulations set forth by this department.
- ❖ **Engineering Department:** Inquired with Development Services as to whether or not a street deferral for N. Stockton Hill was in place. There is a street deferral currently in effect.

## Community Comments

- ❖ Regarding to the request from Kingdom of God applicant for a church to the adjacent property of our property, we completely opposed the permit because it will limit the business potential of our properties. My wife and I will reconsider our rights provided if Kingdom of God will LEASE both of our properties for the length Public Assembly use. We own the properties parcel No.330-21-018 and 330-21-019

# Analysis and Required Findings

## The proposal meets the following regulations:

- ❖ The Kingman General Plan 2030, Community Commercial
- ❖ The Kingman Zoning Ordinance, C-2 w/CUP

## The proposal meets the following Bulk Regulations:

### Performance

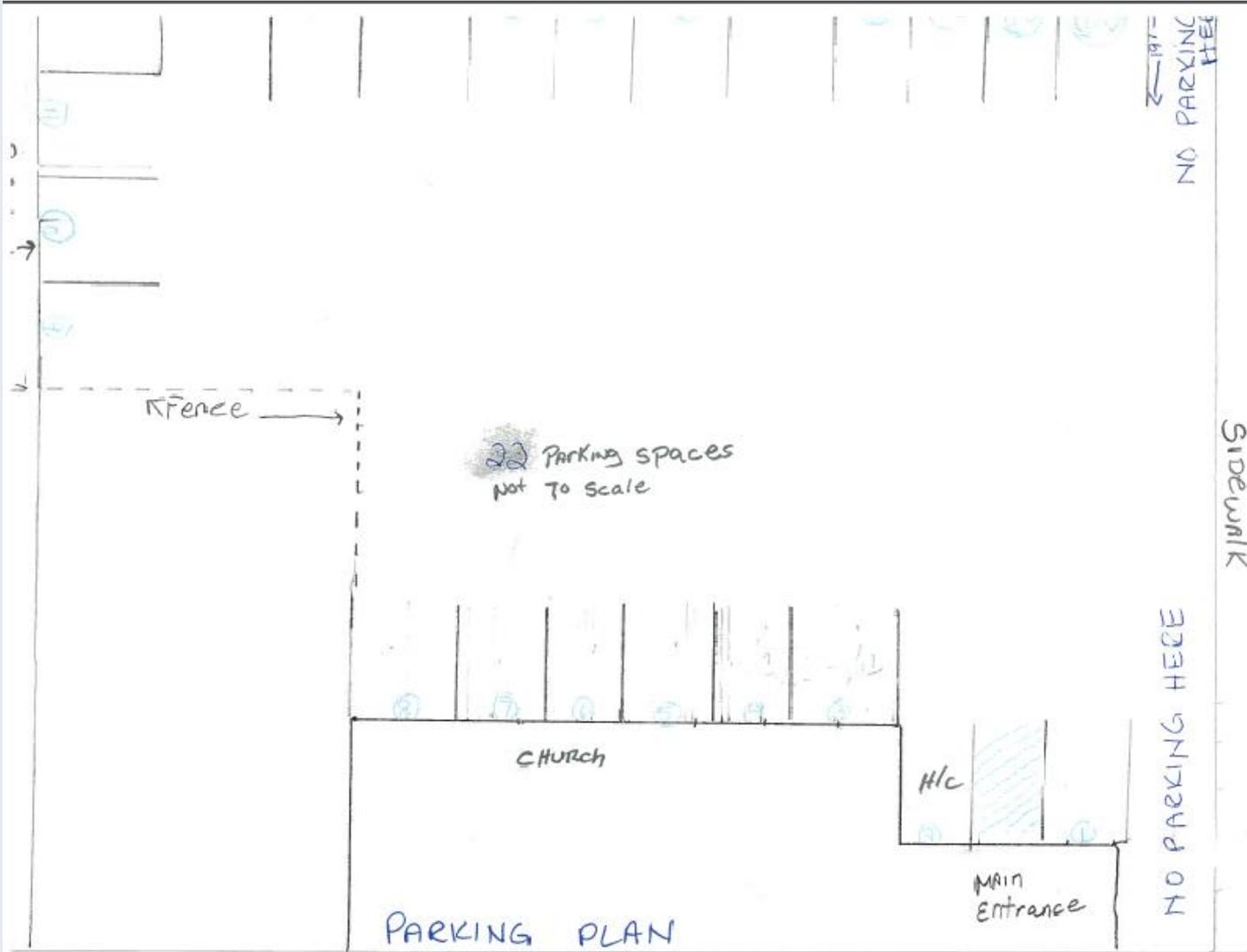
- ❖ There should be little effect on the surrounding property and neighborhood in terms of any adverse impacts.

### Traffic Patterns

- ❖ All access will be from the existing driveway on E. Potter Ave. No changes in access is proposed.
- ❖ A parking plan was submitted by the applicant, reviewed and approved by staff.

❖ Approved parking plan (22 spaces)

❖ 1 space is required per 35 sq. ft. of the 782 sq. ft. of seating area.



## Landscaping Buffer

- ❖ The site is not landscaped.
- ❖ The site is over 95% developed with buildings and hardscape and so additional landscaping is not required for the applicant according to Section 10.000, Landscaping, of the Zoning Ordinance.

## Nuisance

- ❖ There should be little effect on the surrounding property and neighborhood in terms of any adverse impacts.

## RECOMMENDATION

- ❖ Based on the findings that the application conforms to the Standards for Review, Findings of Fact, Required Findings of a Conditional Use Permit and Analysis contained in this report, the Planning and Zoning Commission and staff recommend **Approval** of the request by Kingdom of God Christian Church at 4798 North Stockton Hill Road with the condition that the applicant secure approval that its septic system is approved by the Mohave County Environmental Health Department.
- ❖ Resolution #4980 contains this condition.



**CITY OF KINGMAN  
COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Tina D. Moline, Financial Services Director

**MEETING DATE:** December 1, 2015

**AGENDA SUBJECT:** FY15 financial audit update

---

**SUMMARY:**

Staff would like to provide Council with an update to the City's FY15 financial audit. This is an informational item only.

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

None. This is an information item only.

**REVIEWERS:**

Department	Reviewer	Action	Date
Finance	Moline, Tina	Approved	11/24/2015 - 2:27 PM
City Attorney	Hocking, Lee	Approved	11/24/2015 - 5:48 PM
City Manager	Moline, Tina	Approved	11/24/2015 - 2:28 PM