

ADOT/JPA File No.: 07-154-I
AG Contract No.: P001-2007-003942
Project: Photo Enforcement System
Section: Star Valley
TRACS No.: N/A
Budget Source Item No.: N/A

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
TOWN OF STAR VALLEY

THIS AGREEMENT is entered into this date December 12th 2007, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "ADOT") and the TOWN OF STAR VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. ADOT is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes § 9-240 & 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.

3. Star Valley is proposing and implementing a Photo Enforcement System along State Routes within the boundaries of the Town of Star Valley. The type of photo enforcement systems being considered is *Fixed Enforcement Speed Enforcement with roadside cameras*. ADOT will assist the Town with encroachment permits for vehicular or stationary equipment within ADOT's right-of-way. The Town is responsible for all phases of the implementation and deployment of the Photo Enforcement System; ADOT's Prescott District and Traffic Engineering Office will assist the Town in regard to permit application, approval processing and technical review of submittals. The responsibilities of the parties are outlined on the following pages in Section II. of this Agreement.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 29489
Filed with the Secretary of State
Date Filed: 12/12/07

Secretary of State
By:

II. SCOPE OF WORK

1. ADOT:

a. Traffic Engineering Group will review current operational speed studies, crash history reports, design of the system hardware components and other detailed reports that verify the necessity of the proposed photo enforcement system submitted by the Town.

b. ADOT's Prescott District will review the Encroachment Permits application (for stationary equipment) for photo enforcement on the State highway system after the Town meets all application requirements. Each permit will have specific location, duration date, type of enforcement system, etc. Permits will be granted for a period of one year, with the possibility of a one-year renewal.

c. Will be responsible for the establishment and maintenance of posted speed limits.

d. ADOT will review design of the system hardware including type of equipment, loops, power, and connection to signal indication, camera locations, and will approve the system hardware prior to installation.

2. The Town:

a. As part of the encroachment permit process, provide the proper documentation to the Prescott District for justification of photo enforcement based on an adverse crash history and other necessary information at the location or corridor.

b. Will maintain an Operational Agreement with DPS to include routine traffic enforcement and investigations of all traffic accidents on the section of State highways subject to photo enforcement hereunder. (Enforcement will be performed by the Payson Police Department).

c. Will be responsible for public involvement process prior to the decision to deploy photo enforcement. Once a program is planned, the Town will consider media coverage. A one-month warning period will be considered prior to any system actually ticketing motorists.

d. Will be responsible for resources for enforcement and the court system to handle increased citations.

e. Must apply with ADOT's' Prescott District Office for an Encroachment Permit. ADOT's Prescott District Office will issue Encroachments Permits for mobile enforcement and each specific location for fixed cameras and/or sensors and red light running cameras. Each permit will have specific requirements with a duration date. The permit will be for a period of one year, with the possibility of a one-year renewal.

f. Will be responsible for the installation of Photo Enforcement System and the type of equipment used for the design of the system hardware including loops, power, and connections to signal indications and camera locations including all utility conflicts and any needed relocations.

g. Will be responsible for all maintenance and operation of the Photo Enforcement System including electrical energy costs.

h. Will provide emergency provisions for system shutdown.

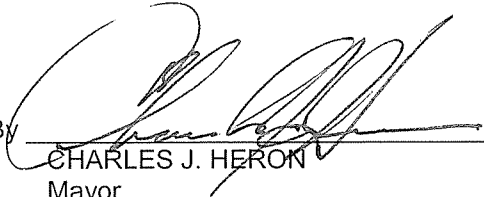
III. MISCELLANEOUS PROVISIONS

1. This Agreement may be cancelled by either party with a 30 day written notice to the other party.
2. The Town assumes all financial responsibility and liability of any nature whatsoever arising from or out of this Agreement and the encroachment activity. The Town will indemnify, defend, and hold harmless ADOT and the State of Arizona and any of its agents, directors, officers, employees from and against any and all claims, actions, losses, liabilities, costs, damages, or expenses, including court costs, reasonable attorney's fees, and costs of claim processing and investigation, arising out of bodily injury or death of any person, or tangible or intangible property damage, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts, or omissions of the Town, any of its directors, officers, agents, employees, or volunteers, or its contractor or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the Town's failure to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. The Town and/or contractors and subcontractors will be required to procure insurance with specified limits naming the State of Arizona and ADOT as additional insureds.
3. It is understood and agreed that this Agreement may be amended in writing when deemed necessary by both parties.
4. This Agreement will become effective upon filing with the Secretary of State.
5. This Agreement may be cancelled in accordance with Arizona Revised Statute Section §38-511.
6. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by binding arbitration under the construction arbitration rules of the American Arbitration Association existing at the time of arbitration pursuant to Arizona Revised Statute Section §12-1518.
7. All notices or demands upon any party to this Agreement will be in writing and will be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation Joint Project Administration 205 S. 17 th Avenue, Mail Drop 616E Phoenix, Arizona 85007 (602) 712-7525 (602) 712-7424 Fax	Town of Star Valley HC 5 Box 49-90 Star Valley, Arizona 85541 Attn: Town Manager Phone # (928) 472-7752 Fax # (928) 472-7795
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8. In accordance with Arizona Revised Statutes §11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.
9. The provisions of Arizona Revised Statutes §35-214 are applicable to this Agreement.
10. This Agreement is subject to all applicable provisions of the Americans with Disability Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28CFR Parts 35 and 36. The parties to this Agreement will comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".
11. Non-Availability of Funds: Every payment obligation of ADOT under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by ADOT at the end of the period for which the funds are available. No liability will accrue to ADOT in the event this provision is exercised, and ADOT will not be obligated or liable for any future payments as a result of termination under this paragraph.

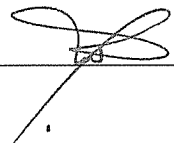
IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

TOWN OF PRESCOTT VALLEY

By 

CHARLES J. HERON
Mayor

**ARIZONA DEPARTMENT OF
TRANSPORTATION**

By Sam Elters 

SAM ELTERS, P.E.
State Engineer

ATTEST:

By Sarah Luckie

SARAH LUCKIE
Town Clerk

G: 07-154 Star Valley
Photo Enforcement Agreement
November 2007-ly

COMMON COUNCIL OF THE TOWN OF STAR VALLEY
MINUTES OF THE REGULAR MEETING OF
Tuesday, August 7, 2007

- CALL TO ORDER@ 6:30 pm
- Prayer offered by Simone Lake, Minister of Prayer, Education and Administration at Pine's Church on Randall Place.
- PLEDGE OF ALLEGIANCE

- ROLL CALL: Mayor Heron X , Vice Mayor White X , Council Member Heath X , Council Member Kotelnicki X , Council Member Lloyd X , Council Member Newland X , Council Member Rappaport X .

Staff Present:

Timothy Grier, Town Attorney; Vito Tedeschi, Town Manager;
Sarah Luckie, Town Clerk

Others present: Wade Bettisworth, a representative from Redflex Traffic Systems and Craig McMullen from the AZ Department of Game and Fish.

- CONSENT AGENDA:

- A. Approval of the minutes for the Work Study and Regular Meeting held on July 3, 2007 and the Special Meeting of July 24, 2007.
- B. Approval of Claims Payable from July 01, 2007 through August 03, 2007.

A motion to pass all consent agenda items was made by Council Member Rappaport and seconded by Council Member Newland.

A roll call vote was taken: Council Member Rappaport Yes, Council Member Newland Yes, Council Member Lloyd Yes, Council Member Kotelnicki Yes, Council Member Heath Yes, Vice Mayor White Yes, Mayor Heron Yes.
The consent agenda items passed. 7 Yes, 0 No, 0 Abstains, 0 Absentees.

- DISCUSSION AND POSSIBLE ACTION ITEMS:

1. Discussion and possible action to approve the Photo Radar proposal from Redflex Traffic Systems. Mr. Bettisworth spoke about the capabilities of Redflex and the requirements from the State of Arizona. The State of Arizona requires front and rear imaging of vehicles (the driver as well as the license plate). Redflex is based in Scottsdale, AZ with staff in excess of 230 individuals. Redflex is fully integrated and handles almost every aspect of the photo radar process, except for construction. Redflex has previous experience with highways and freeways. Infractions are handled civilly, unless a violation involving excessive speed was to occur. The Town Magistrate has been consulted and is satisfied with the program. On the Loop 101 in Phoenix, AZ, crash frequencies were reduced by 52% and total injuries by 40%. Redflex performed a traffic survey for 3 hours in the morning and afternoon on both

the eastbound and westbound lanes of Highway 260 within the Town limits. Violations that were 11 miles over the speed limit were counted. 31 offenses were registered in the eastbound lane and 18 offenses were registered for the westbound lane. The Mayor opened the floor for public comments. Larry Corey believes that safety is a priority for Star Valley but is concerned about photo enforcement being a big brother approach. He suggested talking to ADOT about reducing the speed limit and acquiring more signage. He feels the congestion issue needs to be addressed. Bernadette Heath read the first sentence of the Mission statement for the Town, which reads "The Mission of the Town of Star Valley is to promote the health, safety and welfare of its citizens." She comments that working with ADOT is a lengthy and complicated process. Mrs. Heath counted 43 driveways from the Knolls down to Phil White Ford. She feels that photo radar is a very responsible answer to a safer Town. Pamela last name unknown is concerned about Star Valley becoming a speed trap that people avoid. She feels that a dummy van would work just as well. She feels the Town can not afford the expense of photo radar. Mr. Bettisworth from Redflex made a few comments. He addressed the revenue concerns. Initially, there is no cost for the program to the Town. A typical violation costs the violator \$150. The Town typically receives \$75 of that. Redflex will only receive payment of \$35.50 for each violation that the Town is paid. The Town will share in the revenue. Photo radar is a deterrent for speeders. There will be a 30 day warning period. George Binney had a question regarding the involvement of the police in determining whether a violator can be cited. Mr. Bettisworth responded that the preference is for a law enforcement officer to make the decision regarding prosecution and not the vendor. Redflex will perform initial screenings to rule out those that are not violators and the police officer will make the final determination to accept or reject the violation. Mr. Binney expressed discontent with the photo radar. Larry Corey had questions regarding the process of the citation. Karen Benjamin spoke of the increases in population and traffic that she has seen since 1980. She states that the Town needs help in reducing the speed and states that Star Valley is a "free zone." Mrs. Benjamin would like to have a probationary period for the photo enforcement. Patty Wisner expresses her discontent with the photo radar system and suggests using human police officers and increased signage. She feels that negative backlash will occur if photo radar is enforced. Tim Bradley states that anyone against photo radar is for speeding. He feels that the speed limit needs to be reduced to 35, and that tickets should be issued at 50 mph. the agenda item was opened for Council comments. Council Member Lloyd questioned the speed limit factor. Council Member Lloyd expressed concern with the ability of the camera to take "pictures" of the traffic flow. Mr. Bettisworth showed the Council examples of traffic pictures that have been taken at other locations. Citations can be issued within all 50 states, so out-of-town violators can be cited. Vice Mayor White questioned the time involved in reviewing 1 citation. Mr. Bettisworth responded by saying that it takes 15-45 seconds to review a citation. Vice Mayor White expressed concern with the cost associated with the police department reviewing the citations. Member Heath questioned the trigger speed of 56 mph. Council Member Heath would like to see the speed limit trigger reduced if at all possible. He stated that the Town currently does not have speed enforcement, and the photo radar would accomplish that. Council Member Rappaport states, "I don't want to see anybody die

and this would stop it. We need this and it is a start. As long as we save one life, it is worth it."

A motion to authorize the Mayor to sign a photo speed enforcement program agreement with Redflex Traffic Systems, Inc. was made by Council Member Rappaport and seconded by Council Member Heath. A roll call vote was taken: Council Member Rappaport Yes, Council Member Lloyd No, Council Member Newland Yes, Council Member Kotelnicki No, Council Member Heath Yes, Vice-Mayor White No, Mayor Heron Yes.
The motion passed 4-3.

2. Discussion and possible action to adopt the statement for amending the previous locations for posting notices and to direct the clerk to publish in the paper the statement as per ARS § 38-431.02(A). No comments from the Town Council.
A motion to approve the directive to the Town Clerk to file and publish a revised notice for posting notices pursuant to A.R.S. § 38-431.02(A) was made by Council Member Rappaport and seconded by Council Member Heath.
The motion was voted on and passed 7-0.

3. Discussion and possible action to authorize staff to make a grant application for LTAF II funding for senior transportation program. The Town Manager explained that each year the lottery funds must be requested in order to be received. The funds are used for the senior transportation program. Last year more money was available, this year the allocation is \$3,628.19.
A motion to authorize staff to make application for LTAF II Grant Funds for the senior transportation program was made by Council Member Newland and seconded by Council Member Rappaport.
The motion was voted on and passed 7-0.

4. Discussion and possible action to authorize Sacks Tierney PA to engage Harold Morgan to appraise the Payson Water Co, Star Valley. No comments from the Town Council.
A motion to authorize Sacks Tierney PA to engage Harold Morgan to appraise the Payson Water Co, Star Valley not to exceed \$15,000 plus travel expenses was made by Council Member Rappaport and seconded by Council Member Newland.
The motion was voted on and passed 7-0.

5. Discussion and possible action to authorize an Intergovernmental Law Enforcement Agreement with Arizona Game and Fish. The Mayor explains that due to the amount of forest land within the Town limits, an agreement for enforcement was needed. The Town Manager introduced the representative from AZ Game and Fish. Mr. McMullen addressed the Council and explained the agreement. The agreement designates hunting areas within the Town and allows licensed hunters to pursue wildlife within those areas. Arizona Revised Statutes allows for this type of agreement. Council Member Lloyd questioned whether the agreement will affect target practice or hunting for small game. Mr. McMullen states that small game hunting would be authorized but the agreement does not address target shooting. Council Member Heath questioned whether AZ Game and Fish will continue the

enforcement of hunting regulations and Mr. McMullen answered, "Yes, the jurisdiction is not affected by the agreement."

A motion to authorize an Intergovernmental Law Enforcement Agreement with Arizona Game and Fish was made by Council Member Lloyd and seconded by Vice-Mayor White.

The motion was voted on and passed 7-0.

6. Discussion and possible action to authorize the contract extension with Parker Excavating under the same terms and conditions until July 31, 2008. The estimated fiscal impact is \$10,000 to \$20,000 per annum. The Town Manager was questioned regarding their response time and the Town Manager expressed his satisfaction with Parker Excavating.

A motion to authorize the contract extension with Parker Excavating under the same terms and conditions until July 31, 2008 was made by Council Member Rappaport and seconded by Council Member Heath.

The motion was voted on and passed 7-0.

7. Public Hearing and First Reading of Ordinance No. 007-12 amending chapter 2 Section 4 of the Town of Star Valley Town Code (Architectural Design Review Commission). The Town Manager explained the code amendment. The Architectural Design Review Commission would like to review all commercial buildings with the Town limits, instead of only focusing on commercial buildings within 1,000 ft of Highway 260 as previously written. The public hearing was opened. Tim Bradley, a member of the Architectural Design Review Commission, explained the reason for the proposed change was to make the commercial sector consistent.

A motion to read the Ordinance by Number and Title only was made by Council Member Rappaport and seconded by Council Member Heath.

The motion was voted on and passed 7-0.

8. Discussion and possible action to authorize the Town Manager to solicit a new proposal from LFR, Inc for on-going services and payment of Invoice dated 07/24/2007. The Mayor described the services that LFR provides, which includes data analysis, attending meetings and reviewing data for the Safe Yield study.

A motion to authorize the Town Manager to solicit a new proposal from LFR, Inc for on-going services and payment of Invoice dated 07/24/2007 was made by Council Member Rappaport and seconded by Vice-Mayor White.

The motion was voted on and passed 7-0.

Staff Reports:

a. Town Manager's Report— The Manager reports that the striping of Moonlight Dr. has been completed. The Double Chip seal program phase II is progressing, with expectations of completion by the end of August, if weather permits. A handicap ramp has been installed at the Town Hall building. The WIFA funding will go before the WIFA board in September, for funding action in November.

b. Town Clerk's Report— 17 dog licenses have been issued in July for a total of 245. The Clerk attending elections training and packets for the Spring election will be

forthcoming. The General Plan Public Meeting will be held on August 9, 2007 at 6pm. The General Plan Committee meeting will be held on August 23 at the Star Vale Community Center. The last week in August will be the League of Cities and Towns Conference in Scottsdale.

- c. Building Official's Report - None
- d. Code Enforcement/ Public Works Tech's Report – included in packet.
- e. Executive Assistant's Report – included in packet.

• COUNCIL SUMMARY OF CURRENT EVENTS

The Mayor discussed a few items, such as the Leagues of Cities and Towns conference.

• COMMENTS FROM THE PUBLIC:

Larry on 32 Orion Dr. stated that his residence has been flooded out twice. He states the bridge upstream needs to be cleaned out. Shirley Dawson spoke about the Gila County Floodplain process to solve the floodplain problems.

ADJOURNMENT

A motion to adjourn the meeting was made by Council Member Rappaport and seconded by Vice Mayor White.

The motion was voted on and passed 7-0.

APPROVED:

Date:

8/21/07

Charles J. Heron, Mayor

ATTEST:

Sarah Luckie, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Star Valley held on this day, the 7th of August, 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 13th day of August, 2007

Stephanie Jones, Executive Assistant

DETERMINATION APPROVAL FORM

FOR THE TOWN OF STAR VALLEY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and The TOWN OF STAR VALLEY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned TOWN Attorney who has determined that it is in proper form and within the powers and authority granted to The TOWN under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties to enter into said Agreement.

Dated 11 / 27, 2007

Attorney