

ADDITIONAL INFORMATION

COUNCIL HEARS PLANNING & ZONING MATTERS

FEBRUARY 22, 2012

6:30 P.M.

**ADDITIONAL INFORMATION FROM BRUCE GEORGE FOR ITEM
#8**

**ADDITIONAL INFORMATION REGARDING LEGISLATIVE
UPDATES
ITEM #9**

"Green sheet" #8

Virginia Jones

From: Bruce George
Sent: Tuesday, February 21, 2012 1:37 PM
To: Clerk
Subject: FW: Noxious weeds - Yellow Star Thistle
Attachments: Weeds.pdf

Hi, can one of you place this in each council members book for tomorrow's meeting.
Thanks,
Bruce

From: Chris Moran [Chris.Moran@co.yavapai.az.us]
Sent: Thursday, February 16, 2012 3:20 PM
To: Andy Groseta (wdartranch@qwestoffice.net) (wdartranch@qwestoffice.net); 'verdeweeds@commspeed.net'; Tom O'Halleran (obarco@esedona.net)
Cc: Bruce George
Subject: Noxious weeds - Yellow Star Thistle

Happy New Year to All,

First of all, I hope you all don't mind the "group" message. I just thought it was more efficient than sending the same info 3 different times ☺

Chip recently visited with Camp Verde Council Member Bruce George. He brought forward to us his concerns about the noxious weed known as Yellow Star Thistle. I am attaching a scanned letter from him with some other information about the weed.

I am contacting you hoping you might take an interest in supporting some type of measure regarding this weed to control its spread and dangers to horses. If horses eat this plant they, as a rule, die.

This item is going to be on the Camp Verde Council agenda on February 22, 2012. We were wondering if you could contact Mr. George and discuss how you or your organization might be able to support his efforts. His phone number is 567-6631 (Townhall); 928-301-3378 (cell) or email: bruce.george@campverde.az.gov.

Thank you for any support you can lend.

Chris Moran on behalf of Supervisor A.G. "Chip" Davis
Board of Supervisors, District 3
928-639-8110
Chris.moran@co.yavapai.az.us

Effective January 10, 2010, Town offices are closed on Friday. Hours of operations are Monday - Thursday 7 am to 6 pm.

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Please consider our environment before printing this email. 

Hard copied for council from Bruce George 02-21-2012

Dear Mayor and fellow Council members;

I'm sorry to say that I won't be able to attend the December 7th council meeting, especially since you will have an agenda item that I have been working on for some time.

The background on this is that in July I received a call from a very concerned resident concerning a noxious weed that was growing and rapidly spreading in some nearby pastures. The weed is yellow star thistle and besides being an invasive plant to this area and in fact the western United States it will kill horses that eat it. The resident had done a lot of research on this and then later I verified and did my own research. I will attach copies of the descriptions on this plant for you to read. I contacted the U S Forest Service, checked with the county, and looked up Arizona statutes but could find no help for eradicating this weed. So I looked up what other towns had done about this and found several that had ordinances that dealt with noxious weeds. We cannot eliminate all invasive weeds since there are too many to mention and there are other groups that are educating the public and trying to stop the spread of them. But the ordinances that I found are specific in that if the plant harms livestock then it must be stopped. Cows can digest yellow star thistle with no harmful effects but then the seeds are spread in the manure. Horses however do die after eating this plant over a period of time and Camp Verde as a western rural town has many residents that have horses. I personally don't want to be on the side of not caring about the health of our horses.

The ordinance will be an addition to the section on weeds that are overgrown and similarly we the town would send a letter to the owner of any lot that has yellow star thistle or other dangerous weeds growing on it and request that they remove it. If after two weeks they have not been able to do so we would use town resources to remove the weed and then bill the owner for the cost of the eradication. The time frame between notifying and removing must be kept short because during the growing season the weeds grow very fast and spread rapidly.

The addition of this ordinance will give us the Town a tool to use when our residents have a problem with this or other harmful weeds. As I said the first step should be a friendly notice to educate the landowner of the problem that they may not have been aware of and then later to help protect neighboring fields if the weeds remain and continue growing.

Thank you for your attention in this matter,

Bruce M George

Camp Verde Council Member

PCA Plant Conservation Alliance's Alien Plant Working Group
LEAST WANTED

Yellow Starthistle

Centaurea solstitialis L.

Sunflower family (Asteraceae)

 [Download PDF version formatted for print \(106 KB\)](#)

FACT SHEET LINKS

- [Photographic List](#)
- [Complete List](#)
- [Aquatics](#)
- [Herbaceous Plants](#)
- [Shrubs](#)
- [Trees](#)
- [Vines](#)



NATIVE RANGE

Africa, temperate Asia and Eurasia (Balkan-Asia Minor, the Middle East and south-central Europe) Mediterranean region of southern Europe and northern Africa, especially Turkey

DESCRIPTION

Yellow starthistle is an annual herbaceous plant. Plants are gray-green to blue-green, grow from 6 in. to 5 ft. (15 cm to 15 dm) in height, and have deep taproots. Flowers are bright yellow with sharp spines surrounding the base, giving the plant a particularly menacing appearance and a painful response if touched. Stems and leaves are covered with cottony wool. Basal leaves are 2 to 3 in. (6 – 7 cm.) long and deeply lobed. Upper leaves are short (0.5 to 1.0 in.; 1 to 2.5 cm) and narrow, with few lobes.

ECOLOGICAL THREAT

Yellow starthistle is a strong invader that has been found in nearly every county in California and appears to be moving north and eastward. Some specialists liken its invasion to that

of leafy spurge in North Dakota and Montana. As the plant infests an area, it chokes out the native plants, reducing biodiversity and wildlife habitat and forage. Another concern associated with the plant is "chewing disease" that develops in horses that have eaten yellow starthistle. This disease affects horses' nervous system and is usually fatal. Yellow starthistle does best in areas with a summer drought. It has been present in the Mid-West and eastern US for decades but has not built up high densities and is not considered a threat to areas with summer rainfall which includes most of the area east of the Rocky Mountains.



DISTRIBUTION IN THE UNITED STATES

According to the USDA, yellow starthistle occurs throughout the United States in forty-one states, with the exception of Maine and Vermont, five southeastern states, and Alaska and Hawaii. Yellow starthistle is most concentrated in California, where the plant infests nearly 12 million acres of rangeland and wildland. It is also reported to be invasive in natural areas of Idaho, Oregon, New Jersey, Utah, and Washington, according to the Alien Plant Working Group and five western national parks - Death Valley National Park, Glen Canyon National Recreation Area, Redwood National Park, Sequoia and Kings Canyon National Parks, and Yosemite National Park.

HABITAT IN THE UNITED STATES

Yellow starthistle is found typically in full sunlight and deep, well-drained soils, where annual rainfall is between 10-60 inches, and is especially common in disturbed areas such as roadsides.

BACKGROUND

Yellow starthistle was probably introduced into the United States through contaminated alfalfa in the

mid-1800's.

BIOLOGY & SPREAD

Spread of yellow starthistle is by seed and each seedhead can produce from 35 to approximately 80 seeds. However, the seeds have no wind-dispersal mechanisms so few seeds move more than two feet from the parent plant without assistance. Therefore, animals and human influences, such as vehicles, contaminated crop seed, hay or soil, and road maintenance, contribute greatly to the plant's rapid and long-distance spread.

MANAGEMENT OPTIONS

A variety of methods are available for managing yellow starthistle, ranging from biological, chemical, and mechanical. For this reason, an integrated weed management plan, including tactics to prevent the spread of yellow starthistle outside of infested areas, is recommended. For example, when driving, walking, or moving livestock through infested areas, clothing, vehicles, and animals should be inspected and cleaned to remove any seeds before continuing on into uninfested areas.

Biological

Six biological control insects have been released in the United States for yellow starthistle control: *Bangasternus orientalis*, *Eustenopus villosus*, *Urophora jaculata*, *Urophora sirunaseva*, *Larinus curtus*, and *Chaetorellia australis*. Of these, five became established and three (*B. orientalis*, *U. sirunaseva* and *E. villosus*) are widespread. Also, the accidentally introduced fly, *Chaetorellia succinea* has a strong affinity to yellow starthistle and is found almost everywhere yellow starthistle occurs. All of these insects attack the seedhead of yellow starthistle, effectively limiting the number of seeds the plants are able to produce. Current research indicates that the insects have reduced seed yield by at least 50%. The rust fungus, *Puccinia juncea* var. *solstitialis* was released in California in 2003. It is too early to know if this rust will establish and eventually cause high mortality of yellow starthistle in the wild. Several more fungi and insects are currently being tested for introduction into the United States.

Chemical

Application of the systemic herbicides clopyralid or picloram between December and April seems to be the most effective. Application during the winter encourages the growth of other, more desirable, plants.

Mechanical

Mowing is effective during the early flowering stage or when most buds have produced spines. However, it is only successful when no leaves are present below the level of the cut.

Grazing

Sheep, goats, and cattle can graze on yellow starthistle in early spring, before the flower's spines develop. Goats will also graze plants in the spiny or flowering stages. Grazing reduces biomass and seed production.

USE PESTICIDES WISELY: ALWAYS READ THE ENTIRE PESTICIDE LABEL CAREFULLY, FOLLOW ALL MIXING AND APPLICATION INSTRUCTIONS AND WEAR ALL RECOMMENDED PERSONAL PROTECTIVE GEAR AND CLOTHING. CONTACT YOUR STATE DEPARTMENT OF AGRICULTURE FOR ANY ADDITIONAL PESTICIDE USE REQUIREMENTS, RESTRICTIONS OR RECOMMENDATIONS.

NOTICE: MENTION OF PESTICIDE PRODUCTS ON THIS WEB SITE DOES NOT CONSTITUTE ENDORSEMENT OF ANY MATERIAL.

CONTACTS

For more information on the management of yellow starthistle, please contact:

- Joe DiTomaso, University of California-Davis, ditomaso at vegmail.ucdavis.edu
- Weed Records and Information Center (WeedRIC) - Yellow Starthistle <http://wric.ucdavis.edu/yst>
- The University of California Pest Management Guides - Yellow Star-thistle <http://www.ipm.ucdavis.edu/PMG/PESTNOTES/pn7402.html>
- Encycloweedia - <http://pi.cdfa.ca.gov/weedinfo/centaurea2.htm>

OTHER LINKS

- [Photos at invasive.org](http://invasive.org)

AUTHOR

Alicia Murphy

EDITOR

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REVIEWERS

Joe DiTomaso, Michael Pitcairn, and Steve Schoenig

PHOTOGRAPH

Jerry Asher, USDI Bureau of Land Management

REFERENCES:

Bossard, Carla C., John Randall, and Marc C. Hashovsky. *Invasive Plants of California's Wildlands*. University of California Press, Berkeley. 2000.

DiTomaso, Joseph M., et al. *The UC Pest Management Guides – Yellow Star-thistle*. <http://www.ipm.ucdavis.edu/PMG/PESTNOTES/pn7402.html>. Feb 1999.

DiTomaso, Joseph M.. *WeedRIC – Yellow Star-thistle Information*. <http://wric.ucdavis.edu/ystr/>. 2001.

Royer, France and Richard Dickinson. 1999. *Weeds of the Northern U.S. and Canada*. University of Alberta Press and Lone Pine Publishing.

Swearingen, J. 2009. *WeedUS Database of Plants Invading Natural Areas in the United States: Yellow Starthistle (*Centaurea solstitialis*)*. <http://www.invasive.org/weedus/subject.html?sub=4390>.

USDA Agricultural Research Service Germplasm Resources Information Network. 2004. <http://www.ars-grin.gov>

USDA, NRCS. 2009. *The PLANTS Database* (<http://plants.usda.gov>). National Plant Data Center, Baton Rouge, LA 70874-4490 USA.

Whitson, Tom D. (et al.). 2000. *Weeds of the West*. Western Weed Science Society of America.

Plant Conservation Alliance, Alien Plant Working Group.

FACT SHEET LIST | APWG HOME PAGE

Comments, suggestions, and questions about the website should be directed to the [webmaster](#).

<http://www.nps.gov/plants/alien/fact/ceso1.htm>
Last updated: 07-Jul-2009

from Dec 7, 2011 meeting

9



Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation

Requesting Department: Council member Bruce George

Staff Resource/Contact Person: Michael Jenkins – Community Development Director

Agenda Title (be exact): Request for Council direction on the possible amendment of the Town Code, under Chapter 10, Article 10-2, Section 10-2-1.A (Declaration of Nuisance), to include an additional item as number 7 (Noxious Weeds).

List Attached Documents:

- Draft language for the proposed item number 7 addition.
- Noxious Weed list from the Arizona Department of Agriculture
- Photo of the Yellow Star Thistle
- Letter from Council Member Bruce George to fellow Council members.
- E-mail from property owners of Millwood Estates.

Estimated Presentation Time: 20 minutes

Estimated Discussion Time: 20 minutes

Reviews Completed by: The Town Attorney was not asked for a review of this issue until direction has been received from the Town Council.

Department Head: **Town Attorney Comments:**

Background Information: Over the last several years staff (Public Works & Community Development) have received complaints on MILLWOOD- ESTATES concerning weeds and the fear of a fire threat due to their uncontrolled growth. Also during this time, it was noticed by the public that a noxious weed called the Yellow Star Thistle was overtaking the area in the subdivision and the Right of Way. The Public Works Department investigated the citizen complaints and determined that the Right of Way needed to be cleared of weed overgrowth and has been controlling the weed overgrowth and noxious weed issue in the Right of Way for the last two summer seasons.

During that time frame it was observed by the Public Works Department that the paved roadways within the vacant MILLWOOD ESTATES subdivision were being used as a party area and an area for people to change their vehicle

oil. Since the Public Works Department had no authority to remove the weeds outside the Right of Way on the interior roads of MILLWOOD, the Community Development Department contacted the owners of the properties in the subdivision with a courtesy notice to remove the weed overgrowth. Shortly thereafter, a local citizen approached the Public Works Department with a proposal to place his cattle in the subdivision to graze down the weed overgrowth with all of the owner's approvals.

An additional proviso of the citizen wanting to place his cattle in the subdivision was to allow for the closure of the two entrances into the subdivision with locked gates to keep the cattle enclosed and secure. This appeared to be a perfect interim solution until some development in the vacant subdivision could be started.

This summer there were further complaints received by the Public Works & Community Development Departments about the Yellow Star Thistle. Currently there is not a noxious weed Ordinance or Code to require removal and control of the Yellow Star Thistle or any other noxious weed within Camp Verde. The noxious weed issue was brought to the Town Manager's attention who directed the Community Development Director to look into other Cities and Towns and how they addressed the noxious weed issue.

The Community Development Director discovered through provided materials that the Town of Payson had included a noxious weed provision in their Town Code. Since a noxious weed would be considered a nuisance and since nuisances are now addressed in the Town Code, language was drafted by the Community Development Director (copy attached) as a possible amendment to the Town Code under Chapter 7, Article 10-2, Section 10-2-1.A. Additionally, the Community Development Director contacted the Supervisor for the VERDE NATURAL RESOURCE CONSERVATION DISTRICT. It was described by the supervisor (Chip Norton) that the district participates in some weed eradication programs through a combination of manual, herbicide and grazing removal based on an eradication plan based on available capacity by the district and financial and/or physical assistance from the requestor.

Chapter 10, Section 10-2-3 of the Town Code, (Abatement of Nuisances by Town – Assessment of Costs), requires that the Town Manager abate a nuisance should the owner, lessee or occupant fail to remove the nuisance within a certain time frame. It can be reasonably expected that additional costs to the Town could be incurred and carried until the sale of the violating property with the Town utilizing a lien process. The code leaves no other alternatives except for the Town to incur the abatement costs.

It is suggested that all other possible measures should be looked at prior to including noxious weeds as a nuisance violation such as the VERDE NATURAL RESOURCE CONSERVATION DISTRICT resource.

Recommended Action: Please see the attached letter with recommendations from Council member Bruce George.

Instructions to the Clerk: NA

SECTION 10-2-1 DECLARATION OF NUISANCE

It is hereby declared to be a public nuisance, fire hazard, and hazard to public health and safety to allow the accumulation of rubbish, trash, filth, debris, abandoned inoperable vehicles, dilapidated buildings and structures, litter, garbage, dead animals, brush, street cleaning, industrial wastes, or other unsanitary matter of any kind on any property, buildings, lots, grounds, tracts of land and the contiguous sidewalks, streets, and alleys. Additionally declared are:

- A. Property and Hazards:** No use or structure shall be operated or maintained in such a manner as to be an explosive or fire hazard; nor cause smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other negative impact on the community to be emitted into the atmosphere at any time to such an extent as to constitute a nuisance; contribute to neighborhood deterioration; nor divert water-carried waste or pollutants into any open water course or groundwater supply. Any such condition determined by the Town to constitute imminent peril to public health, safety or welfare shall be ceased immediately
1. **Disposing of Materials:** Trash and garbage must be kept contained prior to off-site disposal so as not to be a nuisance. Additionally:
 - a. Open garbage must not be stored in any residential or commercial lot for more than seven days.
 - b. Commercial dumpsters must be kept clean, emptied regularly, kept in good repair, and continuously covered.
 - c. The Town will notify the property owner of any violations of the above and take enforcement action, if necessary.
 2. **Fire Hazard:** In order to ensure the safety of its residents and protect property, the Town will among other things, enforce fire hazard codes. Additionally:
 - a. The property owner shall be responsible for the removal of dry grasses and weeds exceeding six inches in height AND deemed to constitute a fire hazard by the Fire Marshal or the Zoning Inspector.
 - b. The dispensing, handling, or disposal of fuels, paint thinner, or similar explosive or fire-producing materials shall comply with Underwriters Laboratories, Inc. standards or better.
 3. **Graffiti:** To avoid negative impact on the community, and to prevent the spread of gang activity, this nuisance must be removed immediately.
 4. **Unclaimed Publications:** Unclaimed publications include either depositing the material, or failure to clean it up from the property by removing it.
 - a. If the publication is subscribed to, the property owner or tenant shall be responsible for the unclaimed publications.
 - b. If the material is unsolicited, the publisher shall be responsible for the unclaimed publications.
 5. **Unsafe Structures and Equipment:** Per 7-2-108 of the Town Code,
 6. **Fences, Screen Walls and Retaining Walls:** All fences, screen walls and retaining walls on the premises shall be safe and structurally sound. They shall be maintained so that they do not constitute a blighting, or deteriorated condition.
 - b. **Noxious Weeds:** It is unlawful to cause, suffer or allow an accumulation of noxious weeds or plants detrimental to the health of animals or humans, to grow on any lot or parcel land. Noxious weeds are defined as plants which are determined by the Arizona Department of Agriculture Noxious Weed list. It is the responsibility of the property owner, lessee, occupant or an agent of such owner, lessee or occupant, having control over any occupied or unoccupied lot or any parcel of land within the Town Limits of the Town of Camp Verde to eradicate such weeds, pollen or emanations which may be carried through the air to any public place.

Arizona Department of Agriculture

Prohibited, Regulated and Restricted Noxious Weeds

PROHIBITED:

The following noxious weeds (includes, plants, stolons, rhizomes, cuttings and seed) are prohibited from entry into the state.

Acroptilon repens (L.) DC. -- Russian knapweed,
Aegilops cylindrica Host. -- Jointed goatgrass,
Alhagi pseudalhagi (Bieb.) Desv. -- Camelthorn,
Alternanthera philoxeroides (Mart.) Griseb. -- Alligator weed,
Cardaria pubescens (C.A. Mey) Jarmolenko -- Hairy whitetop,
Cardaria chalepensis (L.) Hand-Muzz -- Lens podded hoary cress,
Cardaria draba (L.) Desv. -- Globed-podded hoary cress (Whitetop),
Carduus acanthoides L. -- Plumeless thistle,
Cenchrus echinatus L. -- Southern sandbur,
Cenchrus incertus M.A. Curtis -- Field sandbur,
Centaurea calcitrapa L. -- Purple starthistle,
Centaurea iberica Trev. ex Spreng. -- Iberian starthistle,
Centaurea squarrosa Willd. -- Squarrose knapweed,
Centaurea sulphurea L. -- Sicilian starthistle,
→ *Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle),
Centaurea diffusa L. -- Diffuse knapweed,
Centaurea maculosa L. -- Spotted knapweed,
Chondrilla juncea L. -- Rush skeletonweed,
Cirsium arvense L. Scop. -- Canada thistle,
Convolvulus arvensis L. -- Field bindweed,
Coronopus squamatus (Forsk.) Ascherson -- Creeping wartcress (*Coronopus*),
Cucumis melo L. var. *Dudaim* Naudin -- Dudaim melon (Queen Anne's melon),
Cuscuta spp. -- Dodder,
Drymaria arenarioides H.B.K. -- Alfombrilla (Lightningweed),
Eichhornia crassipes (Mart.) Solms -- Floating water hyacinth,
Eichhornia azurea (SW) Kunth. -- Anchored water hyacinth,
Elytrigia repens (L.) Nevski -- Quackgrass,
Euphorbia esula L. -- Leafy spurge,
Halogeton glomeratus (M. Bieb.) C.A. Mey -- Halogeton,
Helianthus ciliaris DC. -- Texas blueweed,
Hydrilla verticillata Royale -- Hydrilla (Florida-elodea),
Ipomoea spp. -- Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory;
Ipomoea triloba, three-lobed morning glory (which is considered a restricted pest); and *Ipomoea aborescens*, morning glory tree,
Ipomoea triloba L. -- Three-lobed morning glory,
Isatis tinctoria L. -- Dyers woad,
Linaria genistifolia var. *dalmatica* -- Dalmation toadflax,
Lythrum salicaria L. -- Purple loosestrife,
Medicago polymorpha L. -- Burclover,
Nassella trichotoma (Nees.) Hack. -- Serrated tussock,
Onopordum acanthium L. -- Scotch thistle,
Orobancha ramosa L. -- Branched broomrape,
Panicum repens L. -- Torpedo grass,
Peganum harmala L. -- African rue (Syrian rue),
Pennisetum ciliare (L.) Link -- buffelgrass,
Portulaca oleracea L. -- Common purslane,
Rorippa austriaca (Crantz.) Bess. -- Austrian fieldcress,

Salvinia molesta – Giant salvinia
Senecio jacobaea L. -- Tansy ragwort,
Solanum carolinense L. -- Carolina horsenettle,
Sonchus arvensis L. -- Perennial sowthistle,
Solanum viarum Dunal -- Tropical Soda Apple,
Stipa brachychaeta Godr. -- Puna grass,
Striga spp. -- Witchweed,
Trapa natans L. -- Water-chestnut,
Tribulus terrestris L. -- Puncturevine.

REGULATED:

The following noxious weeds are regulated (includes plants, stolons, rhizomes, cuttings and seed) and if found within the state may be controlled or quarantined to prevent further infestation or contamination.

Cenchrus echinatus L. -- Southern sandbur,
Cenchrus incertus M.A. Curtis -- Field sandbur,
Convolvulus arvensis L. -- Field bindweed,
Eichhornia crassipes (Mart.) Solms -- Floating water hyacinth,
Medicago polymorpha L. -- Burclover,
Pennisetum ciliare (L.) Link -- buffelgrass,
Portulaca oleracea L. -- Common purslane,
Salvinia molesta– Giant Salvinia *
Tribulus terrestris L. -- Puncturevine.

* Added by Director's Administrative Order DAO 99-03 on 8/25/99

RESTRICTED:

The following noxious weeds are restricted (includes plants, stolons, rhizomes, cuttings and seed) and if found within the state shall be quarantined to prevent further infestation or contamination.

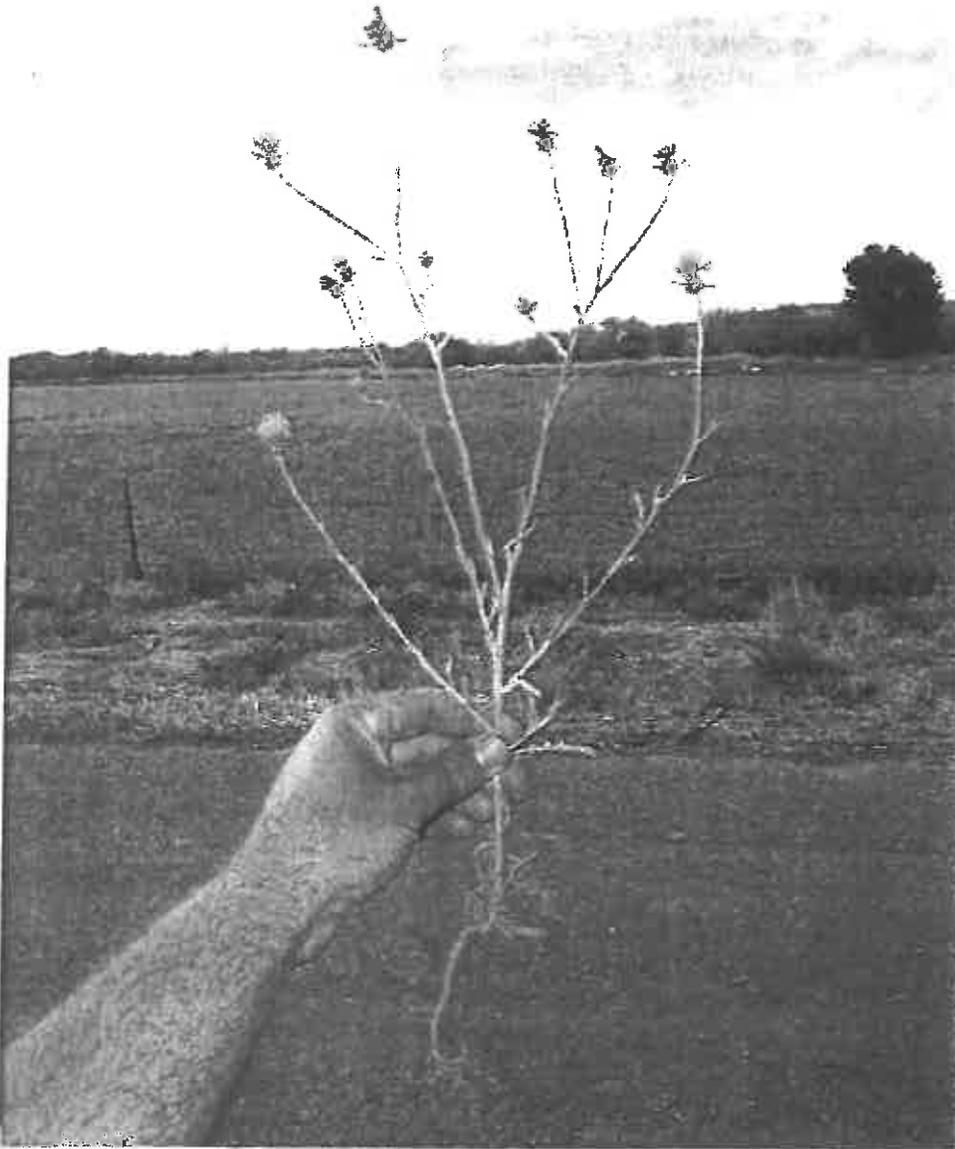
Acroptilon repens (L.) DC. -- Russian knapweed,
Aegilops cylindrica Host. -- Jointed goatgrass,
Alhagi pseudalhagi (Bieb.) Desv. -- Camelthorn,
Cardaria draba (L.) Desv. -- Globed-podded hoary cress (Whitetop),
Centaurea diffusa L. -- Diffuse knapweed,
Centaurea maculosa L. -- Spotted knapweed,
Centaurea solstitialis L. -- Yellow starthistle (St. Barnaby's thistle),
Cuscuta spp. -- Dodder,
Eichhornia crassipes (Mart.) Solms -- Floating water hyacinth
Elytrigia repens (L.) Nevski -- Quackgrass,
Euryops sunbcarnosus subsp. *vulgaris* -- Sweet resinbush,
Halogeton glomeratus (M. Bieb.) C.A. Mey -- Halogeton,
Helianthus ciliaris DC. -- Texas blueweed,
Ipomoea triloba L. -- Three-lobed morning glory,
Linaria genistifolia var. *dalmatica* -- Dalmation toadflax,
Onopordum acanthium L. -- Scotch thistle.

The following commodities are hosts or carriers of the prohibited, regulated or restricted plants:

1. All plants other than those categorized as a regulated or restricted pest;
2. Forage, straw and feed grains;
3. Live and dead flower arrangements
4. Ornamental displays; and

5. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.

Additional weed species are regulated by the federal government and may not be transported without specific permit. The federal noxious weed list may be obtained at the following web site
<http://www.aphis.usda.gov/ppq/weeds/>



Yellow Starthistle - Entire Plant



Yellow Starthistle Flower

Spec Council and Staff 21
200

To: Council Member and Ron Long
From: Property owners of Millwood Estates

We would like to propose an option to opening the road in Millwood estates. The expense for the town to maintain the right of ways as well the expense to the home owners would be an unnecessary and costly maintenance. The Homeowners are proposing a plan. We would like to an alternative.

Please consider that we spray for all the weeds with a representative of the town of Camp Verde to acknowledge the completion of the remedy. Also we would like to generate a maintenance program that would allow the town to confirm it completion.

Sincerely

Millwood Home owners

See it via e-mail Jeremy Back 11-17-2011

Legislative Update Conference Call

League of Arizona Cities and Towns
TUESDAY, February 21, 2012, 10:00 a.m.

NOTES

I. Budget update

The legislative budget was released yesterday and was passed through the Appropriations Committees in the House and Senate this morning. The budget continues the municipal fee to fund DWR and continues diversions of HURF to DPS and MVD. However, multiple members said this budget was a first-draft to be used to open discussions with the Executive Branch, and that it would be modified in many ways before final adoption. League position: continue to advocate specifically for an end to the assessment for DWR and end diversion of HURF funds for other state agencies.

II. HB 2815 (employment; incentives; regulatory tax credits)

The Regulatory Tax Credit portion of this bill is completely unacceptable. It sets up a complicated system for people and organizations to claim tax credits for anything they deem to be “excessive regulation.” Talking Points on the bill are attached. Its next stop is the House floor. League position: Oppose the regulatory tax credit section of this bill.

III. HB 2826 (consolidated election dates; political subdivisions)

This bill passed the House Judiciary Committee last week. It mandates that all cities and towns hold elections in November in even-numbered years, eliminating other election dates. We are working on a variety of possible compromises. League position: Oppose as currently written.

IV. SB 1505 (s/e: municipal government; rulemaking)

A strike-everything amendment to this bill imposes the state agency rulemaking process on local ordinances, even though we have a different governmental system than the state. A similar bill did not succeed in the House. This bill is impractical for cities and towns and would add cost and delay to government. League position: Oppose.

V. SCR 1029 (photo radar prohibition)

Headed for the Senate floor, this bill would ban all forms of photo enforcement in the state and all cities and towns—including speed, school zones and red lights. A similar bill died on the Senate floor last year; we are working on having the same occur this year. League position: Oppose.

VI. Water service mandate bills

HB 2416, SB 1319

SB1319 would have placed municipal water systems under the authority of the ACC. It was defeated in committee. HB2416 is still alive, however, and mandates that cities and towns with municipal water systems must provide service to customers outside their boundaries.

League position: Oppose

VII. Firearms legislation

SB 1087

One of three bills we are following relating to municipalities and firearms. This bill is a state preemption on firearms’ ordinances, i.e., local governments can not have any ordinances more restrictive than state law. HB2729 would require to either let firearms in your

establishments, or if you restrict, to have armed officers and metal detection equipment. SB1304 gets rid of the quarter mile restriction on firing a weapon by an occupied structure. League position: Unnecessary legislation; oppose.

ACTION REQUESTED

- Contact House members about HB2815 and the unacceptable provision regarding the Regulatory Tax Credit.
- Contact members of your delegation to insist that the state budget eliminate the fee on municipalities to fund DWR and stop the sweeps of HURF funds.



ISSUE 6 - February 17, 2012

Legislative Update

Today is the 40th day of the second regular session of Arizona's 50th Legislature. It is also the deadline for bills to be heard in committee in their house of origin. Next week, legislative action will largely move to the floors of the House and Senate, and committees will begin to consider bills that have been passed by the other body.

During the past week, amid celebrations of Arizona's Centennial, the Governor unveiled her state employee personnel reform package. The initiative, introduced in the House of Representatives as a 275-page strike-everything amendment to HB 2571, represents one of the Governor's highest legislative priorities. Among other things, the plan will: require most new state employees to be "at-will" (i.e., uncovered by civil service protections); eliminate personnel policies based on seniority; consolidate nine state personnel systems; and reduce the State Personnel Board's authority to modify disciplinary actions against state employees.

While the Senate is operating at full strength, there are currently two vacancies in the House. A House seat in District 4 has remained unoccupied since Senator Judy Burges vacated it upon her appointment to the Senate to complete the term of Senator Scott Bundgaard. The Maricopa County Board of Supervisors is expected to appoint a new Representative next week.

Also, Representative Richard Miranda, a state legislator since 1999, resigned suddenly on February 16. His successor to represent District 13 in the House will also be appointed by the Maricopa County Board of Supervisors.

Regulatory Tax Credit

On Wednesday, February 15, the House Commerce Committee considered and passed HB 2815 (employment; incentives; regulatory tax credit) by a 5-3 vote. The bill, regarded as the House leadership's "jobs package," includes a number of provisions intended to stimulate the economy. One section of the bill, however, represents one of the most strident anti-government provisions to be considered by the Legislature this session. It introduces a brand new concept of a "regulatory tax credit," which can be claimed by any person or organization purportedly aggrieved by an "excessive regulation."

Other provisions of the bill promote community college job training and provide for a phase-out of the state tax on capital gains. The capital gains provision carries a fiscal note estimating a loss to the state general fund of \$62 million in FY 14 and a loss of \$399 million by FY 20 when the tax cut is fully implemented. Fifteen percent of the loss would represent the reduction to Urban Revenue Sharing in any given year.

Regardless, it is the tax credit section that raises the greatest concern for cities and towns. Because the definitions

of "regulation" and "excessive regulation" are so broad, virtually any city or town regulation could be the subject of a claim. For example, any regulation that deals with aesthetics - such as sign ordinances, neighborhood code standards, or visual blight - could be subject to a claim of excessive regulation. So would standards that address barking dogs, noise, home businesses, and virtually any other regulation that either prohibits or requires certain actions.

The amount of the tax credit against cities and towns is limited to \$100,000 per year statewide, but there is no limit on the number of claims that could be filed. Also, the bill authorizes the State Treasurer to withhold the amount of a tax credit from the shared revenue payments due to the city. It includes a complicated process in which staff from the Department of Revenue would determine whether a regulation is "excessive," notwithstanding its enactment by an elected mayor and council. Furthermore, the provision provides for no judicial review of a departmental decision.

The regulatory tax credit scheme, an untested and unworkable brainchild of the Goldwater Institute, reinforces an anti-government stereotype that all regulation is harmful, rather than protective of property values, the community and its quality of life. Despite the committee vote, several Representatives expressed concerns with the tax credit provision of the bill. Please watch for updates from the League on this measure.

Consolidated Elections

On Thursday, February 16, the Senate Judiciary Committee passed HB 2826 (consolidated election dates; political subdivisions) by a very close vote of 5-4. This bill would consolidate all city and town elections to August and November of even-numbered years. The League opposes this measure, because it: reduces local control; will delay special elections (such as recalls, referenda and initiatives) for up to two years; and is dismissive of charter authority. The League will pursue opportunities to positively impact the legislation as it moves closer to floor action in the House.

Licensing and permitting

A strike-everything amendment to HB 2585 (s/e: government; time frames; appeal) was heard by the House Commerce Committee on Wednesday, February 15. The amendment revived legislation from last year that would require municipalities to act on license and permit applications within 45 days. Failure to do so would, in most cases, result in automatic approval of subject applications. The proposal was overtaken last year by deliberations on SB 1598 (cities; counties; regulatory review), a complex regulatory reform measure that was signed into law.

The League testified against HB 2585 during the committee hearing. Subsequent to the testimony, Rep. Bob Robson (R-Chandler) expressed serious concerns about the viability of issuing permits for large manufacturing facilities within such a short timeframe. The sponsor of the bill, Rep. Jim Weiers (R-Phoenix) then asked for the bill to be held.

Municipal Proceedings

The House Government Committee considered HB 2570 (political subdivisions; proceedings; governing bodies) on Tuesday, February 14. The bill provides that a municipal ordinance may not take effect until it has passed three public readings by a city council on three separate days. The League opposes the measure because it inappropriately grafts a state legislative process onto a dissimilar city council process. Unlike the Legislature, councils (which have much greater transparency and opportunity for public input than the Legislature) do not meet daily. The measure would slow down approval of zoning requests, special use permits and other municipal enactments.

Despite the League's opposition, the measure passed by a vote of 6-2. Nevertheless, the sponsor of the legislation, Rep. Justin Olson (R-Mesa), has agreed to consider more appropriate methods for ensuring proper notice of municipal actions.

Regulatory Reform

On Thursday, February 16, the Senate Committee on Border Security, Federalism and States' Sovereignty considered a strike-everything amendment to SB 1505 (s/e: municipal governments; rulemaking). The amendment would impose upon municipalities a regulatory process similar to that of the Administrative Procedures Act, which is utilized by the Federal Government for rulemaking. The League strongly opposes the measure due to its complexity and onerous bureaucratic requirements. Despite the League's testimony in opposition, the committee passed the measure by a vote of 6-1.

Permit Self-Certification

HB 2168 (building permits; self-certification process) provides that, "on receipt of any completed permit application, a municipality shall give the applicant the option of obtaining the issuance of the requested permit through a municipally directed permitting process or through self-certification." The bill further outlines standards for the establishment of the mandated self-certification program.

The League has worked extensively with the bill sponsor, Rep. Jeff Dial (R-Chandler), to mitigate its effects on cities and towns. Working with affected parties, the League developed an amendment, acceptable to the sponsor, which would limit the bill's application to large cities and require implementation of self-certification pilot projects.

After being held in the House Committee on Government last Tuesday, February 7, the bill was not included on any committee agenda this past week. Because this is the last week to formally hear bills in their house of origin, the bill is unlikely to move forward.

Firearms

SB 1304 (firearms regulation; political subdivisions), sponsored by Senator Frank Antenori (R-Tucson), passed the Senate Judiciary Committee on Monday by a 5-2 vote. This bill repeals statutory language permitting a political subdivision to adopt an ordinance or rule restricting the discharge of firearms within one-fourth of a mile of an occupied structure. The League, an opponent of the measure, requested a stakeholders' meeting to discuss its concerns with the sponsor. The sponsor committed to convene such a meeting. In the meantime, the bill moves on to the Rules Committee.

A related measure, HB 2729 (state regulation of firearms), requires governmental entities to either allow guns into public establishments, or have armed certified officers and metal detection equipment at entrances. The measure, sponsored by Rep. David Gowan (R-Sierra Vista) applies to the State and its political subdivisions and preempts municipalities from having any firearms ordinance stricter than state law. The measure passed the House Committee on Military Affairs and Public Safety by a vote of 6-2 and proceeds to the Rules Committee.

Fireworks

On Wednesday, February 15, the House Committee on Military Affairs and Public Safety considered an amended version of HB 2361 (consumer fireworks; regulation). As amended, the bill: establishes a maximum penalty for the use of certain consumer fireworks; allows the imposition of fees on fireworks sellers; addresses signage issues; and restricts the sale and use of consumer fireworks in Coconino and Yavapai Counties. The measure, sponsored by Rep. Karen Fann (R-Prescott), passed by a vote of 8-0 and proceeds to the House Rules Committee.

Photo Radar

On Monday, February 13, the Senate Judiciary Committee considered a number of measures sponsored by Senator Frank Antenori (R-Tucson) designed to inhibit or discourage the use of photo radar across the state. One such bill, SB

1315 (photo enforcement; tickets; service), would change the service options for photo radar tickets to include personal service or certified mail. The bill failed by a vote of 2-5.

Another measure, SB 1316 (red light violations; photo radar), was held. The bill would require that a red light be illuminated for one full second before a photo enforcement system can activate.

The final photo radar measure considered by the committee was SCR 1029 (photo radar prohibition), which passed by a 4-1 vote. This is a ballot proposition that would eliminate all photo radar enforcement in the state. The League opposes the measure based on the diminution of local authority it would effect. SCR 1029, which does not require gubernatorial approval, proceeds to the Senate Rules Committee.

Political Signs

SB 1200 (political signs; hazardous locations) stipulates that a government agency must notify the owner of a political sign in writing if a particular sign is deemed to create a hazardous condition. It further provides that, for purposes of calculating the time frame for permissible sign installation, a primary election begins on the day that early ballots are first mailed out to voters. The League worked closely with the bill's sponsor, Senator Sylvia Allen (R-Snowflake), who agreed to permit electronic notification to satisfy the "in writing" requirement of the bill. SB 1200 passed its third reading in the Senate by a vote of 21-9 and now proceeds to the House for further consideration.

Online Tax Remittance

After being held on the past three agendas of the House Committee on Ways and Means, HB 2466 (local sales tax; payments; DOR) was heard on Monday, February 13. The committee considered and unanimously passed a strike-everything amendment that provides for the creation of an online portal for taxpayers to pay municipal sales tax for all self-collecting cities. The amendment also authorizes the Arizona Department of Administration to solicit competitive bids for a public-private partnership for portal development. The League expresses its gratitude to Rep. Jeff Dial (R-Chandler) and Rep. Rick Gray (R-Sun City), the bill's sponsor, for their considerable work on this issue and their willingness to work closely and productively with the League.

Business Incentives

On Thursday, February 16, the Senate Finance Committee passed SB 1442 (prime contracting; manufacturing facilities; infrastructure) by a vote of 6-1. The measure allows municipalities and counties to recapture state transaction privilege taxes paid by qualified manufacturing facilities for public infrastructure necessary for those facilities. The League supports the measure as a tool for attracting manufacturing jobs to Arizona. The bill was amended in committee to make clarifying changes and to reduce the threshold for qualifying facilities in rural counties.

Pension Reform

On Tuesday, February 14, the House Employment and Regulatory Affairs Committee considered a strike-everything amendment to HB 2745 (defined contribution retirement systems) to make a change to the Alternate Contribution Rate (ACR) requirements of the Public Safety Personnel Retirement System (PSPRS). The change would preclude employers from paying the PSPRS ACR on a PSPRS-eligible position if the retired person was hired before the effective date of last year's pension reform bill, SB 1609 (retirement systems; plans; plan design) and the individual is enrolled in another state retirement system. This change will result in cost savings for some of Arizona's small cities and towns. The League thanks Rep. Justin Pierce (R-Mesa) for spearheading this effort and Rep. Bob Robson (R-Chandler) for sponsoring the amendment. The measure passed unanimously and now moves on to the Rules Committee.

Highway Users Revenue Fund (HURF)

On Thursday, February 16, the House Transportation Committee considered HCR 2058 (HURF; monies; allowable uses). The bill would constitutionally protect HURF and Vehicle License Tax dollars from future sweeps and restrict their use to traditional highway and roadway purposes. The League has worked extensively with the bill sponsor, Rep. Vic Williams (R-Tucson), and provided testimony in favor of the bill. Additionally, more than 20 cities and towns formally registered their support. The bill passed committee with a unanimous vote of 7-0.

The bill is secondarily assigned to the House Appropriations Committee. The League thanks Chairman Williams for his leadership on this issue and supports his efforts to protect against the diversion of HURF funds away from municipalities, counties and the State Highway Fund.

Water Utilities

On Monday, February 13, the House Government Committee considered a strike-everything amendment to HB 2416 (s/e: water and wastewater; denial prohibited) that requires municipal water providers to grant services outside of their corporate boundaries if certain conditions are met. The League opposes the measure, sponsored by Rep. David Stevens (R-Sierra Vista), because of its negative impacts on local control, as well as its lack of protections for current customers and assured water supplies. The bill passed the House Government Committee by a vote of 5-4 and proceeds next to the House Rules Committee.

On Wednesday, the Senate Committee on Water, Land Use and Rural Development considered SB 1319 (corporation commission; municipal water; jurisdiction), sponsored by Senator Frank Antenori. The bill would invest the Corporation Commission with the authority to regulate municipal water providers. The measure, opposed by the League, failed by a vote of 1-4.

Legislator Profile - Representative Peggy Judd

State Representative Peggy Judd is a small town girl with big city energy. Having spent her entire life applying that energy to the care of her family and the improvement of her community, she has brought her animated spirit and grinding horsepower to the Arizona Capitol, where she can make a difference on a larger scale.

A native of Willcox, Arizona (population 4,294), Representative Judd has resided in Cochise County since birth. To hear her speak of her beloved home and its rich surroundings, there is little reason to think that she'll ever leave.

"I love my world," the freshman representative enthuses. "I love the desert and the nighttime sky. I love the earth and trees and mountains. I love the cactus, the trains, the mines, the small hill towns, the smelters. I love everything about it."



Raised on a Willcox farm, Representative Judd is a true daughter of Arizona. Her ancestral roots, encoded with a colorful state history, wind through early Mormon settlements, include indomitable repatriates from Mexico and even connect with Winnie Ruth Judd, the infamous "trunk murderess" (convicted of murder in 1932 after fleeing Phoenix on a train to Los Angeles with two shipping trunks containing the remains of her victims).

The oldest of six children, Representative Judd has fond memories of her childhood on the farm. It was during her formative years that she developed a zealous work ethic, became actively involved in her church, and began a lifetime of service to others.

She was in high school when she met her future husband and boon companion, Kit. More interested in Kit's kid brother Alan, the teenaged Peggy would loiter around the auto shop where the two brothers worked. Annoyed by the frequent and distracting presence of Peggy, Alan told Kit, "She can't keep hanging around here. You've got to do something."

So Kit did something. He took Peggy out on a date (picking her up in his 1975 Mustang to see Disney's *The Black Hole*), married her and fathered her five children. He remains her best friend, closest confidante and trusted adviser.

Representative Judd's passion for her world is reflected in the energy she has expended in making it a better place. Ambitious, curious, and interested in everything, she has a habit of signing up for causes and projects that will positively impact her fellows and her tribe. She has cut salt cedar in Aravaipa Canyon. She bakes pies by the score during the holidays. She has even served as president of Rex Allen Days, Inc., organizer of the iconic four-day western festival celebrating the life and times of the singing "Arizona Cowboy," who was born outside of Willcox at Mud Springs Canyon.

Representative Judd is particularly effective when she sinks her teeth into a big project that involves lots of people and requires both leadership and attention to organizational detail. Providing inspiration and infusing other volunteers with courage, she will not rest until an undertaking in which she is involved is completed. With a profound sense of responsibility, she fears that everything will fall apart if she takes a break or looks the other way. So it was that she was a veritable force of nature in the reconstruction of her city's major park. She employed her architectural training to perform design work. She worked feverishly with the Parks and Recreation Commission to organize about twenty stakeholder meetings, collecting donations and acquiring important community input. She made presentations and met with multiple clubs and businesses. She attended to every possible detail. The legacy of her commitment is a multi-use facility that will serve her community for generations to come.

Representative Judd's movement toward the Legislature was a natural byproduct of her native empathy, community activism and get-it-done attitude. Her interest in politics flared when she was serving as a sounding board for a dear friend who, discouraged by the country's direction, was venting despairingly about the state of the union and the nation's increasing tilt toward socialism. Knowing that dejected chatter was an insufficient response to her friend's concerns, Rep. Judd volunteered, "Well, let's do something about it."

What she did was organize a tea party of disaffected yet patriotic citizens in Cochise County. The response was overwhelming, and people came from miles around to participate. Representative Judd found herself summarily immersed in a conservative political movement. She befriended a new universe of politically involved individuals and helped organize their civic activities. Recognizing her leadership abilities, these denizens of rural Arizona encouraged her to run for office. Attracted to the prospect, Representative Judd pondered a potential run for the Legislature in 2012, figuring that she would be sufficiently experienced and knowledgeable by then to make a credible bid for public office.

Representative Judd's timetable, however, was accelerated on Mother's Day weekend, 2010. Her adult son picked her up and drove her to California for a spell of rest and relaxation. ("It was the best Mother's Day ever," she fondly recalls.) She was sitting on the beach when, interrupting her reverie, former Representative Gail Griffin (who was planning her own campaign for Senate), called with an important news flash. One of the two Republican candidates for the House from District 25 had dropped out of the race. "We need you to run," implored Griffin.

"Everything looks and sounds better when you're on the beach," muses Representative Judd. Consequently, the vacationing firebrand answered, "Why not?" and her political career was launched. Cake-walking through the uncontested primary, the future representative knew within two weeks of the general election that she would win. She had thrown herself completely into the race, "traveling everywhere and meeting everybody," and she felt the political wind at her back. In the end, she was the top vote-getter in the District 25 House race.

District 25 includes an unusual number of incorporated communities (a dozen in all), including Tombstone, Bisbee, Nogales and Sierra Vista. As a freshman lawmaker, Representative Judd feels that the Legislature has gotten "way off the track" by interfering with municipal prerogatives. "City and town councils know their communities better than we do, and we should leave as much up to them as possible," Representative Judd wisely opines.

Representative Judd's political ambition is to do the best job she can on behalf of her constituents and to do everything within her power to make the state a better place. With a growing cohort of grandchildren - eight and counting - it has become her mission to ensure that they inherit a world that they can love as much as she does. That's a tall order. But if it's a matter of energy, organization and faith, then Representative Judd is the right person for the job.

Legislative Bulletin is published by the League of Arizona Cities and Towns.
Forward your comments or suggestions to league@azleague.org.



Legislative Issue Report

Issue: HB 2815; Employment; Incentives; Regulatory Tax Credit

Position: Oppose Section of the bill that establishes Regulatory Tax Credit

- This bill authorizes any citizen or organization to challenge any regulation they deem to be “excessive” and receive a tax credit for being burdened by the regulation. It applies to all levels of government in the state. Promoted as a “jobs creation” bill, this section does nothing to promote jobs or economic development.
- The bill is a trial lawyer’s field day. It defines “excessive regulations” as any regulation that has to do with esthetics or culture, or that restricts someone’s ability to do something that is otherwise legal, among other provisions. It is so vague that the concept of “excessive” is completely in the eye of the beholder. “Excessive” regulations would include sign ordinances that require certain standards for businesses, ordinances prohibiting cars on blocks in front yards, barking dog, nuisance and noise ordinances. The list of potential claims is endless and there is no limit on the number of claims that can be filed.
- It would be an administrative nightmare to process. It requires the Department of Revenue to set up a whole new system to track tax credits. It empowers DOR employees to determine whether a lawful ordinance passed by elected city officials is “excessive” or not, with no judicial review permitted.
- It overturns the concept that government regulations protect property values by enacting community standards and enforcing nuisance codes. This bill upends the principle of majority rule and empowers any one individual to interpret the law as they see fit without regard to the impact on neighboring properties.
- This concept has never been enacted, tested or proven to work anywhere in the real world. It is simply a theoretical exercise, fraught with inconsistencies and potential unintended consequences. In committee testimony, Nick Dranias of the Goldwater Institute said the concept of a regulatory tax credit was “my idea.”
- It is a major unfunded mandate on all levels of government. Regulations that protect quality of life have been lawfully enacted by elected representatives of the people. For cities and towns, the bill requires the State Treasurer to withhold shared revenue in the amount of the tax credit granted to individuals (up to \$100,000 aggregate total statewide) and also authorizes the Treasurer to seize municipal assets deposited with the Local Government Investment Pool (LGIP).