

**NOTICE OF SPECIAL SESSION OF  
THE COTTONWOODS  
MAINTENANCE DISTRICT BOARD**

**WHEN: TUESDAY, JUNE 19, 2018**

**TIME: IMMEDIATELY FOLLOWING ADJOURNMENT OF THE EAGLE MOUNTAIN COMMUNITY FACILITIES DISTRICT BOARD SPECIAL SESSION, WHICH BEGINS AT 5:25 PM; AND PRIOR TO THE REGULAR MEETING OF THE TOWN OF FOUNTAIN HILLS TOWN COUNCIL**

**WHERE: TOWN OF FOUNTAIN HILLS - COUNCIL CHAMBERS  
16705 EAST AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the Directors of the District Board of the Cottonwoods Maintenance District and to the general public that the District Board of the Cottonwoods Maintenance District will hold a special session open to the public, which will begin immediately after the adjournment of the 5:25 PM Eagle Mountain Facilities District Board Special Session and **prior** to the June 19, 2018, Fountain Hills Town Council meeting.


Members of the Cottonwoods Maintenance District Board will attend either in person or by telephone conference call; a quorum of the Town’s various Commissions or Boards may be in attendance at the Board meeting.

“Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the District Board are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the District Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the District Board will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.”

**AGENDA**

- **CALL TO ORDER AND ROLL CALL.** – District Board Chair Linda M. Kavanagh **5:33 PM**
- **CALL TO THE PUBLIC.**  
Pursuant to A.R.S. §38-431-01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Directors is subject to reasonable time, place and manner restrictions. The Directors will not discuss or take legal action on matters raised during “Call to the Public” unless the matters are properly noticed for discussion and legal action. At the conclusion of the “Call to the Public”, individual Directors may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future agenda.
- 1. **CONSIDERATION** of approving the Cottonwoods Maintenance District Board MEETING MINUTES of June 5, 2018. **APPROVED**
- 2. **CONSIDERATION** of RESOLUTION CMD 2018-03, assessing upon the individual lots and parcels within the District, a certain sum sufficient to raise the amount estimated to be required in the annual budget, to provide funds for maintenance of certain pedestrian areas, parking and parkways, all for Fiscal Year July 1, 2018, and ending on June 30, 2019. **APPROVED**
- 3. **ADJOURNMENT 5:35 PM**

DATED this 7<sup>th</sup> day of June, 2018.

  
Bevelyn J. Bender, District Clerk

The Cottonwoods Maintenance District, in cooperation with the Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 voice or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting. Supporting documentation and staff reports furnished with this agenda are available for review in the Clerk’s office and on the Town’s website [www.fh.az.gov].

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THE COTTONWOODS  
MAINTENANCE DISTRICT BOARD**

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**AGENDA**

• **CALL TO ORDER AND ROLL CALL.** – District Board Chair Linda M. Kavanagh

• **CALL TO THE PUBLIC.**

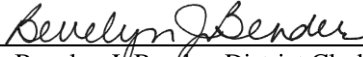
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1. **CONSIDERATION** of approving the Cottonwoods Maintenance District Board MEETING MINUTES of June 5, 2018.

2. **CONSIDERATION** of RESOLUTION CMD 2018-03, assessing upon the individual lots and parcels within the District, a certain sum sufficient to raise the amount estimated to be required in the annual budget, to provide funds for maintenance of certain pedestrian areas, parking and parkways, all for Fiscal Year July 1, 2018, and ending on June 30, 2019.

3. **ADJOURNMENT**

DATED this 7<sup>th</sup> day of June, 2018.

  
Bevelyn J. Bender, District Clerk

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**TOWN OF FOUNTAIN HILLS  
Cottonwoods Maintenance District (CMD)**

**AGENDA ACTION FORM**

**Meeting Date:** 6/19/2018

**Meeting Type:** Special Session

**Agenda Type:** Regular

**Submitting Department:** Administration

**Staff Contact Information:** Bevelyn J. Bender, District Clerk, 480-816-5115, bbender@fh.az.gov

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**REQUEST TO COUNCIL** (Agenda Language): CONSIDERATION of approving the Cottonwoods Maintenance District board meeting MINUTES from June 5, 2018.

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**Applicant:** NA

**Applicant Contact Information:** NA

**Owner:** NA

**Owner Contact Information:** NA

**Property Location:** NA

**Related Ordinance, Policy or Guiding Principle:** A.R.S. §38-431.01

**Staff Summary** (background):

The intent of approving meeting minutes is to ensure an accurate account of the discussion and action taken at that meeting for archival purposes. Approved minutes are placed on the Town's web site in compliance with state law.

**Risk Analysis** (options or alternatives with implications): NA

**Fiscal Impact** (initial and ongoing costs; budget status): NA

**Budget Reference** (page number): NA

**Funding Source:** NA

If Multiple Funds utilized, list here:

**Budgeted; if No, attach Budget Adjustment Form:** NA

**Recommendation(s) by Board(s) or Commission(s):** NA

**Staff Recommendation(s):** Approve

**List Attachment(s):** None

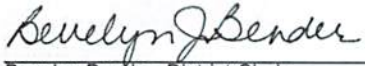
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**SUGGESTED MOTION** (for Council use):

Move to approve the June 5, 2018 meeting minutes

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Prepared by:



Bevelyn Bender, District Clerk

6/7/2018

Director's Approval:



Grady E. Miller, District Manager

6/11/2018

Approved:



Grady E. Miller, District Manager

6/11/2018



**TOWN OF FOUNTAIN HILLS**  
**Cottonwoods Maintenance District**

**AGENDA ACTION FORM**

**Meeting Date:** 6/19/2018

**Meeting Type:** Special Session

**Agenda Type:** Regular

**Submitting Department:** Administration

**Staff Contact Information:** Craig Rudolphy, District Finance Director, 480-816-5162, crudolphy@fh.az.gov

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**REQUEST TO DISTRICT BOARD** (Agenda Language): CONSIDERATION of RESOLUTION CMD 2018-03 ASSESSING upon the individual lots and parcels within the District a certain sum sufficient to raise the amount estimated to be required in the annual budget, to provide funds for maintenance of certain pedestrian areas, parking and parkways, all for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

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**Applicant:**

**Applicant Contact Information:**

**Property Location:**

**Related Ordinance, Policy or Guiding Principle:**

**Staff Summary** (background): The Cottonwoods Maintenance District was formed by the Town Council in June 1999 for the purpose of maintaining or improving the common areas of the Cottonwoods subdivision. The Town Council serves as the governing Board for the District. The Maintenance District provides for the maintenance of the common area, which is performed by the Town of Fountain Hills. The annual cost is repaid through an annual property tax assessment of \$114.52 per property owner levied by the Town and collected by Maricopa County. The estimated levy includes the annual contract cost for landscaping as well as establishing a reserve amount for future exterior wall maintenance and an additional reserve for unplanned maintenance.

**Risk Analysis** (options or alternatives with implications):

**Fiscal Impact** (initial and ongoing costs; budget status): \$6,642

**Budget Reference** (page number): p 323

**Funding Source:** NA

If Multiple Funds utilized, list here:

**Budgeted; if No, attach Budget Adjustment Form:** Y  N

**Staff Recommendation(s):** Approve

**List Attachment(s):** Resolution CMD 2018-03

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**SUGGESTED MOTION** (for District Board use): Move to approve Resolution CMD 2018-03.

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Prepared by:

NA  
enter a date.

[Click here to](#)

Director's Approval:

  
Craig Rudolph, District Finance Director 6/5/2018

Approved:

  
Grady E. Miller, District Manager 6/5/2018

## **RESOLUTION CMD 2018-03**

A RESOLUTION OF THE BOARD OF THE COTTONWOODS MAINTENANCE DISTRICT, MARICOPA COUNTY, ARIZONA, ASSESSING UPON THE INDIVIDUAL LOTS AND PARCELS WITHIN THE DISTRICT A CERTAIN SUM SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, TO PROVIDE FUNDS FOR MAINTENANCE OF CERTAIN PEDESTRIAN AREAS, PARKING AND PARKWAYS, ALL FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019.

**WHEREAS**, in accordance with ARIZ. REV. STAT. §§ 48-574 and 48-575, and following published notice, public hearings were conducted on May 1, 2018, and June 5, 2018, at which hearings any taxpayer was permitted to appear and be heard regarding the 2018-19 annual budget for the Cottonwoods Maintenance District, Maricopa County, Arizona (the "District");

**WHEREAS**, on June 5, 2018 the District Board adopted Resolution CMD 2018-02, approving the District's annual budget; and

**WHEREAS**, pursuant to ARIZ. REV. STAT. §§ 48-574 and 48-575, the District Board desires to levy such amounts as necessary for the District's 2018-19 annual budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT**, as follows:

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

**SECTION 2.** There is hereby levied on each lot and tax parcel within the limits of the District the amount listed on Exhibit A, which is incorporated herein by this reference, and which amount is sufficient to raise the aggregate amount of \$6,642 for the purpose of providing maintenance for certain pedestrian areas, parking and parkways for the fiscal year ending June 30, 2019.

**SECTION 3.** Failure by the officials of Maricopa County, Arizona, to properly return the delinquent list, any irregularity in the assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax or foreclosure deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him or to them, shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessment and levy of taxes or of the judgment or sale by which the collection of the same may be enforced or in any manner affect the lien of the District upon such property for the delinquent taxes unpaid thereon, and no overcharge as to part of the taxes or of costs shall invalidate any proceedings for collecting of taxes or the foreclosure, and all acts of officers de facto shall be valid as if performed by officers de jure.

**SECTION 4.** All resolutions and parts of resolutions in conflict herewith are hereby repealed.

**SECTION 5.** The District Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Maricopa County Board of Supervisors and to the Maricopa County Assessor.

**SECTION 6.** If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

**SECTION 7.** The District Chairperson, the District Clerk, and the District Counsel are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Cottonwoods Maintenance District, Maricopa County, Arizona, June 19, 2018.

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Linda M. Kavanagh, District Chairperson

**ATTEST:**

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Bevelyn J. Bender, District Clerk

**APPROVED AS TO FORM:**

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Mitesh V. Patel, Interim District Counsel  
Dickinson Wright PLLC



**CERTIFICATION**

I, Bevelyn J. Bender, the duly appointed Clerk of the Cottonwoods Maintenance District, do hereby certify that the above and foregoing Resolution No. 2018-03 was duly passed by the Chairperson and District Board of the Cottonwoods Maintenance District, at a regular meeting held on June 19, 2018, and the roll call of the vote thereon was \_\_\_\_ Ayes, \_\_\_\_ Nays, and that the Chairperson and \_\_\_\_ board members were present thereat.

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Bevelyn J. Bender, District Clerk  
Cottonwoods Maintenance District

**EXHIBIT A  
TO  
RESOLUTION CMD 2018-03**

**[Lot/Tax Parcel List; Levy Amount]**

**See following page.**

Lot No.	Tax Parcel No.	Amount to be Levied*	Lot No.	Tax Parcel No.	Amount to be Levied*
1	176-03-923	\$114.52	42	176-03-964	\$114.52
2	176-03-924	\$114.52	43	176-03-965	\$114.52
3	176-03-925	\$114.52	44	176-03-966	\$114.52
4	176-03-926	\$114.52	45	176-03-967	\$114.52
5	176-03-927	\$114.52	46	176-03-968	\$114.52
6	176-03-928	\$114.52	47	176-03-969	\$114.52
7	176-03-929	\$114.52	48	176-03-970	\$114.52
8	176-03-930	\$114.52	49	176-03-971	\$114.52
9	176-03-931	\$114.52	50	176-03-972	\$114.52
10	176-03-932	\$114.52	51	176-03-973	\$114.52
11	176-03-933	\$114.52	52	176-03-974	\$114.52
12	176-03-934	\$114.52	53	176-03-975	\$114.52
13	176-03-935	\$114.52	54	176-03-976	\$114.52
14	176-03-936	\$114.52	55	176-03-977	\$114.52
15	176-03-937	\$114.52	56	176-03-978	\$114.52
16	176-03-938	\$114.52	57	176-03-979	\$114.52
17	176-03-939	\$114.52	58	176-03-980	\$114.52
18	176-03-940	\$114.52			
19	176-03-941	\$114.52			
20	176-03-942	\$114.52			
21	176-03-943	\$114.52			
22	176-03-944	\$114.52			
23	176-03-945	\$114.52			
24	176-03-946	\$114.52			
25	176-03-947	\$114.52			
26	176-03-948	\$114.52			
27	176-03-949	\$114.52			
28	176-03-950	\$114.52			
29	176-03-951	\$114.52			
30	176-03-952	\$114.52			
31	176-03-953	\$114.52			
32	176-03-954	\$114.52			
33	176-03-955	\$114.52			
34	176-03-956	\$114.52			
35	176-03-957	\$114.52			
36	176-03-958	\$114.52			
37	176-03-959	\$114.52			
38	176-03-960	\$114.52			
39	176-03-961	\$114.52			
40	176-03-962	\$114.52			
41	176-03-963	\$114.52			

\* such sum may be paid in two installments, along with such parcel's other taxes