

RESOLUTION NO. 05-2025

**A RESOLUTION OF THE COUNCIL OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF PARKER, ARIZONA, ENACTING A MORATORIUM ON
CONSTRUCTION OR LAND DEVELOPMENT IN THE TOWN OF PARKER,
PROVIDING WRITTEN FINDINGS, AND DECLARING AN EMERGENCY.**

WHEREAS, on December 23, 1969, the Town of Parker, Arizona (the "Town") and the Colorado River Indian Tribe ("CRIT") entered into an agreement to form a joint venture to construct, operate and maintain an area-wide sewage system known as the Colorado River Sewage System (the "System"); and

WHEREAS, the System is managed by the Colorado River Sewage System Joint Venture ("Joint Venture"), which is a separate legal entity comprised of members of the Town, CRIT, and a disinterested member selected by the other four members and approved by the Secretary of Interior (or designee); and

WHEREAS, in November 2024, the Town was notified by Joint Venture that the System was at capacity due to significant repairs and replacements required to the aging system, and any new connections may jeopardize the System for all users; and

WHEREAS, on April 2, 2025, the Town issued a public notice accompanied by written findings to support a moratorium on construction or land development pursuant to A.R.S. § 9-463.063(A)(1) and (2), which was published as required by A.R.S. § 9-463.063(A)(3); and

WHEREAS, the Town Council held a public hearing prior to issuing the moratorium on May 20, 2025, pursuant to A.R.S. § 9-463.063(A)(3); and

WHEREAS, in light of the findings contained herein as Exhibit A, which are incorporated herein by reference, the Town Council finds that a moratorium will protect the integrity of the System to allow Joint Venture sufficient time to implement repairs while protecting the health, safety, environment, quality of life and general welfare of its residents; and

WHEREAS, the Town Council finds that the System, as an essential public facility serving the Town's residents, is unable to sustain connections to adequately serve new development until the System is repaired; and

WHEREAS, the Town Council recognizes the importance of permits for the continued economic growth of the Town and the Town continues to cooperatively work with Joint Venture to actively identify funding sources to repair the System and restore full capacity for all users; and

WHEREAS, the Town will actively monitor any repairs to the System and promptly repeal the moratorium when evaluations or assessments of the System demonstrate that new connections can be maintained and sustained without jeopardizing the System for all users; and

WHEREAS, the Town Council of the Town of Parker, Arizona (the "Town"), as a duly elected body, finds that it is in the best interest of the Town and its residents to enact a moratorium to protect the integrity of the System for continued use by all its users; and

WHEREAS, the Town Council finds that the enactment of this Resolution implementing a moratorium is necessary for the preservation of the peace, health, and safety of the Town of Parker, Arizona, that an emergency is declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARKER, ARIZONA, as follows:

Section 1. WRITTEN FINDINGS JUSTIFYING MORATORIUM. That the Town Council does hereby adopt as part of this Resolution the findings as set out in Exhibit A to this Resolution and incorporates these findings by reference into this Resolution.

Section 2. APPLICABILITY. The Town hereby enacts this Resolution in order to enact the moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to construction and land development activities that require a new connection to the System. This moratorium applies to all Town zoning district uses within the Town limits.

Section 3. PURPOSE. This moratorium is being enacted to (a) prevent a shutdown of the System, which is an essential public facility, as defined by A.R.S. § 9-463.06(l) and is currently operating at capacity; and (b) for the protection of the health, safety and welfare of the residents of the Town to prevent overwhelming the System, which would result in a lack of sewer services for all users.

Section 4. DURATION. The duration of this temporary moratorium is indefinite since it is dependent on Joint Venture's repairs to the System, but will be promptly repealed when the Town receives evaluations or assessments that demonstrate new connections will not jeopardize the System's ability to provide continuous and dependable services to all users.

Section 5. EXCEPTIONS. The Town will abide by the statutory exceptions relating to any development agreements, a protected development right, or any vested right as prescribed by A.R.S. § 9-463.06.

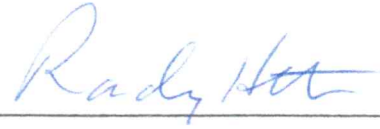
Section 6. REPEAL. In the case of any conflict between the other provisions of this Resolution and any existing resolution or ordinance of the Town, the provisions of this Resolution will control.

Section 7. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Resolution that can be given effect without the invalid provision.

Section 8. ENFORCEMENT. The Town shall have the power to administer and enforce the provisions of this Resolution as may be required by law.

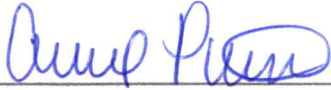
Section 9. EFFECTIVE DATE/EMERGENCY. This Resolution No. 05 – 2025 shall be effective immediately upon passage as an emergency measure based upon the health and safety issues involved, as further detailed above and in the adopted written findings justifying the moratorium.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Parker,
Arizona, May 20, 2025.



Randy Hartless, Mayor

ATTEST



Amy Putnam, Town Clerk

APPROVED AS TO FORM:



Christina Estes-Werther, Town Attorney
Pierce Coleman PLLC

Colorado River Sewage System Joint Venture

12501 West End Agency Road
Parker, Arizona 85344

Office (928) 669-9821
Fax (928) 669-6534

November 25, 2024

Notice of Moratorium

Colorado River Sewage Systems Joint Venture regrets to inform your entities that we have declared a state of emergency due to failure of our clarifier tank at the plant. We are currently down to 1 tank requiring round the clock monitoring. In order to prevent further damage and capacity restrictions, we have requested that any and all new permits to tie-in will be halted until further notice.

Joint Venture strives to maintain a functioning wastewater facility while meeting the standards of compliance for permitting and EPA and most importantly the health and safety of our community.

Please bear with us while we make the necessary repairs to hold our system over until installation of a new wastewater treatment facility. We appreciate your patience and understanding.

If you have any questions or concerns, please feel free to reach out to Aaron Whitaker (JV General Manager) at 928-669-0621.

Colorado River Sewage System Joint Venture

12501 West End Agency Road
Parker, Arizona 85344

Office (928) 669 9821
Fax (928) 669 6534

Attn: Town of Parker Permits Technician

On behalf of Colorado River Sewage System Joint Venture, I am writing to inform you to convey our urgent situation. Recently, one of the two tanks that comprise our wastewater treatment system suffered a catastrophic failure, with a wall separating the clarifier and digester completely collapsing. This has rendered the tank entirely nonfunctional, leaving the system operating with only one remaining tank. Unfortunately, the second tank (which is a twin tank and was identically built at the same time) is also severely compromised, with its rotted-out wall showing clear signs of imminent failure. Based on the current conditions, it is expected to fail in the coming weeks or months.

In addition to the failing tanks, the Headworks system is not operational and requires a bypass. Critical components of the UV disinfection system, including the racks, are also out of service. This combination of failures has significantly undersized our system for the community's current needs and placed it on the brink of a logistical and environmental crisis. Should the second tank fail-which seems inevitable in the very near term-substantial untreated effluent will flow onto tribal territory lands and into the Colorado River. Such an outcome would result in severe environmental consequences, legal ramifications, and irreparable harm to this critical waterway that serves as a lifeline for much of the Southwest.

While we are working around the clock to maintain the health of our existing system and waiting on infrastructure funding to build a new system, we kindly ask that new building permits are halted until further notice. Should the property owner express the need to build, they can stub out their laterals but will not be permitted to tie into our system.

Joint Venture strives to maintain a functioning wastewater facility while meeting the standards of compliance for permitting and EPA and most importantly the health and safety of our community. We sincerely apologize for any inconvenience this causes and ask you to please be patient while we work through these sensitive times.

If you have any further questions, feel free to contact either myself or our General Manager, Aaron Whitaker at 928-669-9821.



Sara Landero
Executive Administrator

Aaron Whitaker, Manager
Colorado River Joint Venture
1316 Joshua Avenue
Parker, Arizona 85344

December 10, 2024

Aaron Whitaker,
Manager

Colorado River Sewage
Systems Joint Venture
Consulting & Design
Services

Re: Structural Steel Corrosion and Collapse at WWTP

Dear Aaron,

You recently experienced a catastrophic failure of your 50-year-old structural steel components within your wastewater treatment plant concrete aeration basins. I remember the dangerous condition of these steel members when I first visited your wastewater treatment plant over two years ago and recall that, at that time, I commented about the rapidly deteriorating condition of those steel members.

With my recent involvement with planning for improvements at the plant, it is even more evident now about just how dreadful things have become.

When your recent failure occurred, a portion of your steel catwalk, that is used by staff every day, also collapsed, let me set an example of what could have happened if that failure occurred when staff members were present on the structure:

If a member of your team were to fall off the catwalk into one of the aeration basins, death by drowning would eminently occur. The reason for this is that in highly aerated basins (like these) objects sink instead of float, therefore, an employee would surely drown before they could be rescued.

Additionally, on a process note, the collapse of your internal members causes two distinct treatment zones to comeingle, thereby creating wastewater effluent quality which no longer meets your discharge permit standards and flows to the Colorado River.

The attached photographs illustrate the current condition of the internal steel members.

I cannot stress enough how dangerous field conditions have become due to structural steel corrosion. I truly hope that soon you can obtain the funding needed to rectify and improve plant operating conditions for the safety of staff and the security of wastewater treatment.



Sincerely,
David S. Prinzhorn, P.E.
Arizona Registration Number 42414
ADC Wastewater Engineering, Mesa, Arizona



Date Signed: 12/10/2024

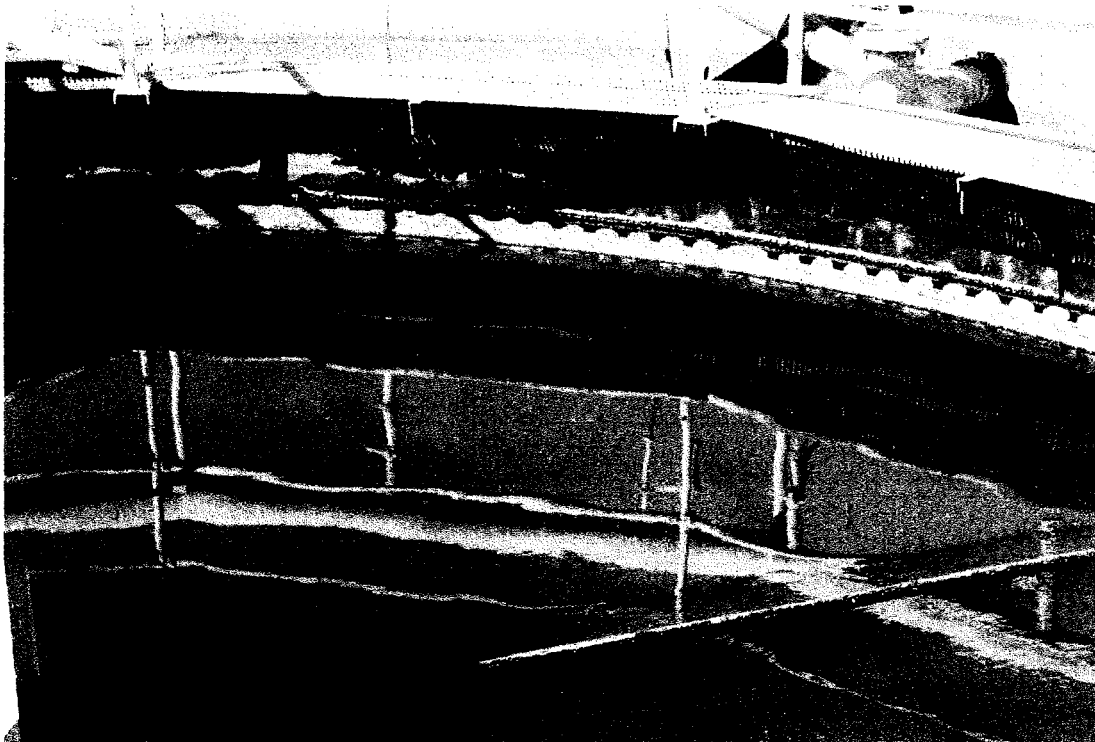
Mesa, AZ
480 454 1799

Tacoma, WA
253 203 1200

adcwater.com



Facility Photographs



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Colorado River Sewage
Systems Joint Venture

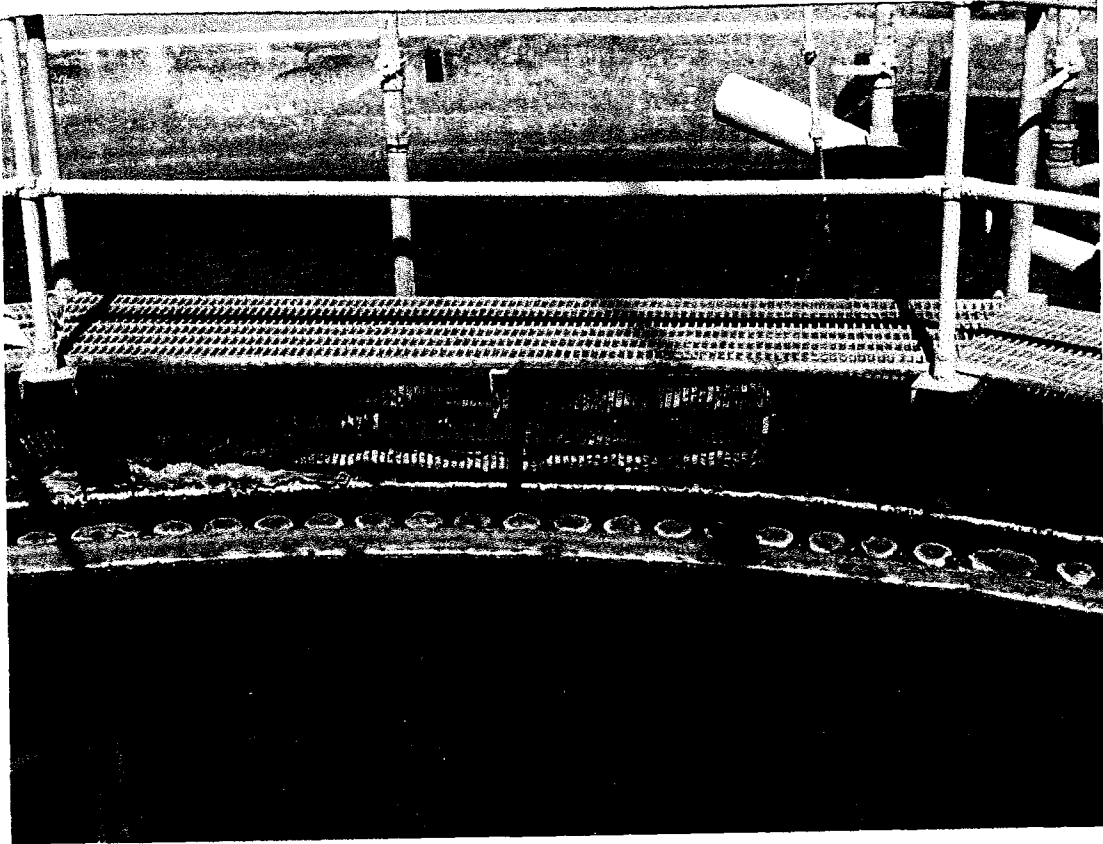


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